

# As Reported by the House Criminal Justice Committee

**127th General Assembly**

**Regular Session**

**2007-2008**

**Sub. S. B. No. 10**

**Senator Austria**

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

**Representatives Jones, Bubp, Hughes, Widowfield, Barrett, Latta, Yuko,  
Dyer**

**—**

## **A B I L L**

To amend sections 109.42, 109.57, 311.171, 1923.01,	1
1923.02, 2151.23, 2151.357, 2152.02, 2152.19,	2
2152.191, 2152.22, 2152.82, 2152.83, 2152.84,	3
2152.85, 2152.851, 2743.191, 2901.07, 2903.211,	4
2905.01, 2905.02, 2905.03, 2905.05, 2907.01,	5
2907.02, 2907.05, 2921.34, 2929.01, 2929.02,	6
2929.022, 2929.03, 2929.06, 2929.13, 2929.14,	7
2929.19, 2929.23, 2930.16, 2941.148, 2950.01,	8
2950.02, 2950.03, 2950.031, 2950.04, 2950.041,	9
2950.05, 2950.06, 2950.07, 2950.08, 2950.081,	10
2950.10, 2950.11, 2950.12, 2950.13, 2950.14,	11
2953.32, 2967.12, 2967.121, 2971.01, 2971.03,	12
2971.04, 2971.05, 2971.06, 2971.07, 5120.49,	13
5120.61, 5120.66, 5139.13, 5149.10, 5321.01,	14
5321.03, and 5321.051; to amend, for the purpose	15
of adopting new section numbers as indicated in	16
parentheses, sections 2152.821 (2152.811) and	17
2950.031 (2950.034); to enact new section 2950.031	18

and sections 2152.831, 2152.86, 2950.011, 19  
2950.032, 2950.033, 2950.042, 2950.043, 2950.131, 20  
2950.15, and 2950.16; and to repeal sections 21  
2152.811, 2950.021, 2950.09, and 2950.091 of the 22  
Revised Code to revise Ohio's Sex Offender 23  
Registration and Notification Law and conform it 24  
to recently enacted requirements of federal law 25  
contained in the Adam Walsh Child Protection and 26  
Safety Act of 2006, to increase the penalties for 27  
certain violations of kidnapping, aggravated 28  
murder when a sentence of death or life without 29  
parole is not imposed, and murder when the victim 30  
of any of those offenses is less than 13 years of 31  
age and the offense was committed with a sexual 32  
motivation and require that those sentences be 33  
served under the Sexually Violent Predator 34  
Sentencing Law, to make an appropriation, and to 35  
declare an emergency. 36

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

**Section 1.** That sections 109.42, 109.57, 311.171, 1923.01, 37  
1923.02, 2151.23, 2151.357, 2152.02, 2152.19, 2152.191, 2152.22, 38  
2152.82, 2152.83, 2152.84, 2152.85, 2152.851, 2743.191, 2901.07, 39  
2903.211, 2905.01, 2905.02, 2905.03, 2905.05, 2907.01, 2907.02, 40  
2907.05, 2921.34, 2929.01, 2929.02, 2929.022, 2929.03, 2929.06, 41  
2929.13, 2929.14, 2929.19, 2929.23, 2930.16, 2941.148, 2950.01, 42  
2950.02, 2950.03, 2950.031, 2950.04, 2950.041, 2950.05, 2950.06, 43  
2950.07, 2950.08, 2950.081, 2950.10, 2950.11, 2950.12, 2950.13, 44  
2950.14, 2953.32, 2967.12, 2967.121, 2971.01, 2971.03, 2971.04, 45  
2971.05, 2971.06, 2971.07, 5120.49, 5120.61, 5120.66, 5139.13, 46  
5149.10, 5321.01, 5321.03, and 5321.051 be amended, that sections 47  
2152.821 (2152.811) and 2950.031 (2950.034) be amended for the 48

purpose of adopting new section numbers as indicated in 49  
parentheses, and that new section 2950.031 and sections 2152.831, 50  
2152.86, 2950.011, 2950.032, 2950.033, 2950.042, 2950.043, 51  
2950.131, 2950.15, and 2950.16 of the Revised Code be enacted to 52  
read as follows: 53

**Sec. 109.42.** (A) The attorney general shall prepare and have 54  
printed a pamphlet that contains a compilation of all statutes 55  
relative to victim's rights in which the attorney general lists 56  
and explains the statutes in the form of a victim's bill of 57  
rights. The attorney general shall distribute the pamphlet to all 58  
sheriffs, marshals, municipal corporation and township police 59  
departments, constables, and other law enforcement agencies, to 60  
all prosecuting attorneys, city directors of law, village 61  
solicitors, and other similar chief legal officers of municipal 62  
corporations, and to organizations that represent or provide 63  
services for victims of crime. The victim's bill of rights set 64  
forth in the pamphlet shall contain a description of all of the 65  
rights of victims that are provided for in Chapter 2930. or in any 66  
other section of the Revised Code and shall include, but not be 67  
limited to, all of the following: 68

(1) The right of a victim or a victim's representative to 69  
attend a proceeding before a grand jury, in a juvenile case, or in 70  
a criminal case pursuant to a subpoena without being discharged 71  
from the victim's or representative's employment, having the 72  
victim's or representative's employment terminated, having the 73  
victim's or representative's pay decreased or withheld, or 74  
otherwise being punished, penalized, or threatened as a result of 75  
time lost from regular employment because of the victim's or 76  
representative's attendance at the proceeding pursuant to the 77  
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 78  
2945.451 of the Revised Code; 79

(2) The potential availability pursuant to section 2151.359 80  
or 2152.61 of the Revised Code of a forfeited recognizance to pay 81  
damages caused by a child when the delinquency of the child or 82  
child's violation of probation or community control is found to be 83  
proximately caused by the failure of the child's parent or 84  
guardian to subject the child to reasonable parental authority or 85  
to faithfully discharge the conditions of probation or community 86  
control; 87

(3) The availability of awards of reparations pursuant to 88  
sections 2743.51 to 2743.72 of the Revised Code for injuries 89  
caused by criminal offenses; 90

(4) The right of the victim in certain criminal or juvenile 91  
cases or a victim's representative to receive, pursuant to section 92  
2930.06 of the Revised Code, notice of the date, time, and place 93  
of the trial or delinquency proceeding in the case or, if there 94  
will not be a trial or delinquency proceeding, information from 95  
the prosecutor, as defined in section 2930.01 of the Revised Code, 96  
regarding the disposition of the case; 97

(5) The right of the victim in certain criminal or juvenile 98  
cases or a victim's representative to receive, pursuant to section 99  
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 100  
name of the person charged with the violation, the case or docket 101  
number assigned to the charge, and a telephone number or numbers 102  
that can be called to obtain information about the disposition of 103  
the case; 104

(6) The right of the victim in certain criminal or juvenile 105  
cases or of the victim's representative pursuant to section 106  
2930.13 or 2930.14 of the Revised Code, subject to any reasonable 107  
terms set by the court as authorized under section 2930.14 of the 108  
Revised Code, to make a statement about the victimization and, if 109  
applicable, a statement relative to the sentencing or disposition 110  
of the offender; 111

(7) The opportunity to obtain a court order, pursuant to 112  
section 2945.04 of the Revised Code, to prevent or stop the 113  
commission of the offense of intimidation of a crime victim or 114  
witness or an offense against the person or property of the 115  
complainant, or of the complainant's ward or child; 116

(8) The right of the victim in certain criminal or juvenile 117  
cases or a victim's representative pursuant to sections 2151.38, 118  
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 119  
receive notice of a pending motion for judicial release or early 120  
release of the person who committed the offense against the 121  
victim, to make an oral or written statement at the court hearing 122  
on the motion, and to be notified of the court's decision on the 123  
motion; 124

(9) The right of the victim in certain criminal or juvenile 125  
cases or a victim's representative pursuant to section 2930.16, 126  
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 127  
of any pending commutation, pardon, parole, transitional control, 128  
discharge, other form of authorized release, post-release control, 129  
or supervised release for the person who committed the offense 130  
against the victim or any application for release of that person 131  
and to send a written statement relative to the victimization and 132  
the pending action to the adult parole authority or the release 133  
authority of the department of youth services; 134

(10) The right of the victim to bring a civil action pursuant 135  
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 136  
from the offender's profit fund; 137

(11) The right, pursuant to section 3109.09 of the Revised 138  
Code, to maintain a civil action to recover compensatory damages 139  
not exceeding ten thousand dollars and costs from the parent of a 140  
minor who willfully damages property through the commission of an 141  
act that would be a theft offense, as defined in section 2913.01 142  
of the Revised Code, if committed by an adult; 143

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

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

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

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

(16) The right of a victim of a sexually oriented offense ~~that is not a registration exempt sexually oriented offense~~ or of a child-victim oriented offense that is committed by a person who is convicted of ~~or~~ <sup>and</sup> pleads guilty to an ~~aggravated sexually~~

~~oriented offense, by a person who is adjudicated a sexual predator~~ 176  
~~or child victim predator, or, in certain cases, by a person who is~~ 177  
~~determined to be a habitual sex offender or habitual child victim~~ 178  
~~offender, or is adjudicated a delinquent child for committing the~~ 179  
offense and who is in a category specified in division (B) of 180  
section 2950.10 of the Revised Code to receive, pursuant to that 181  
~~section 2950.10 of the Revised Code~~, notice that the person has 182  
registered with a sheriff under section 2950.04, 2950.041, or 183  
2950.05 of the Revised Code and notice of the person's name, the 184  
person's residence that is registered, and the offender's school, 185  
institution of higher education, or place of employment address or 186  
addresses that are registered, the person's photograph, and a 187  
summary of the manner in which the victim must make a request to 188  
receive the notice. As used in this division, "sexually oriented 189  
offense," ~~"adjudicated a sexual predator," "habitual sex~~ 190  
~~offender," "registration exempt sexually oriented offense,"~~ 191  
~~"aggravated sexually oriented offense,"~~ and "child-victim oriented 192  
offense," ~~"adjudicated a child victim predator," and "habitual~~ 193  
~~child victim offender"~~ have the same meanings as in section 194  
2950.01 of the Revised Code. 195

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

2941.1419, or 2941.1420 of the Revised Code and is sentenced for 209  
the violation pursuant to division (B)(2)(a), (b), or (c) of 210  
section 2971.03 of the Revised Code, and of a victim of an offense 211  
that is described in division (B)(3)(a), (b), (c), or (d) of 212  
section 2971.03 of the Revised Code and is committed by an 213  
offender who is sentenced pursuant to one of those divisions to 214  
receive, pursuant to section 2930.16 of the Revised Code, notice 215  
of a hearing to determine whether to modify the requirement that 216  
the offender serve the entire prison term in a state correctional 217  
facility, whether to continue, revise, or revoke any existing 218  
modification of that requirement, or whether to terminate the 219  
prison term. As used in this division, "sexually violent offense" 220  
and "sexually violent predator specification" have the same 221  
meanings as in section 2971.01 of the Revised Code. 222

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 223  
prosecuting attorney, assistant prosecuting attorney, city 224  
director of law, assistant city director of law, village 225  
solicitor, assistant village solicitor, or similar chief legal 226  
officer of a municipal corporation or an assistant of any of those 227  
officers who prosecutes an offense committed in this state, upon 228  
first contact with the victim of the offense, the victim's family, 229  
or the victim's dependents, shall give the victim, the victim's 230  
family, or the victim's dependents a copy of the pamphlet prepared 231  
pursuant to division (A) of this section and explain, upon 232  
request, the information in the pamphlet to the victim, the 233  
victim's family, or the victim's dependents. 234

(b) Subject to division (B)(1)(c) of this section, a law 235  
enforcement agency that investigates an offense or delinquent act 236  
committed in this state shall give the victim of the offense or 237  
delinquent act, the victim's family, or the victim's dependents a 238  
copy of the pamphlet prepared pursuant to division (A) of this 239  
section at one of the following times: 240



(i) Upon first contact with the victim, the victim's family, 241  
or the victim's dependents; 242

(ii) If the offense or delinquent act is an offense of 243  
violence, if the circumstances of the offense or delinquent act 244  
and the condition of the victim, the victim's family, or the 245  
victim's dependents indicate that the victim, the victim's family, 246  
or the victim's dependents will not be able to understand the 247  
significance of the pamphlet upon first contact with the agency, 248  
and if the agency anticipates that it will have an additional 249  
contact with the victim, the victim's family, or the victim's 250  
dependents, upon the agency's second contact with the victim, the 251  
victim's family, or the victim's dependents. 252

If the agency does not give the victim, the victim's family, 253  
or the victim's dependents a copy of the pamphlet upon first 254  
contact with them and does not have a second contact with the 255  
victim, the victim's family, or the victim's dependents, the 256  
agency shall mail a copy of the pamphlet to the victim, the 257  
victim's family, or the victim's dependents at their last known 258  
address. 259

(c) In complying on and after December 9, 1994, with the 260  
duties imposed by division (B)(1)(a) or (b) of this section, an 261  
official or a law enforcement agency shall use copies of the 262  
pamphlet that are in the official's or agency's possession on 263  
December 9, 1994, until the official or agency has distributed all 264  
of those copies. After the official or agency has distributed all 265  
of those copies, the official or agency shall use only copies of 266  
the pamphlet that contain at least the information described in 267  
divisions (A)(1) to (17) of this section. 268

(2) The failure of a law enforcement agency or of a 269  
prosecuting attorney, assistant prosecuting attorney, city 270  
director of law, assistant city director of law, village 271  
solicitor, assistant village solicitor, or similar chief legal 272

officer of a municipal corporation or an assistant to any of those 273  
officers to give, as required by division (B)(1) of this section, 274  
the victim of an offense or delinquent act, the victim's family, 275  
or the victim's dependents a copy of the pamphlet prepared 276  
pursuant to division (A) of this section does not give the victim, 277  
the victim's family, the victim's dependents, or a victim's 278  
representative any rights under section 2743.51 to 2743.72, 279  
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 280  
Revised Code or under any other provision of the Revised Code and 281  
does not affect any right under those sections. 282

(3) A law enforcement agency, a prosecuting attorney or 283  
assistant prosecuting attorney, or a city director of law, 284  
assistant city director of law, village solicitor, assistant 285  
village solicitor, or similar chief legal officer of a municipal 286  
corporation that distributes a copy of the pamphlet prepared 287  
pursuant to division (A) of this section shall not be required to 288  
distribute a copy of an information card or other printed material 289  
provided by the clerk of the court of claims pursuant to section 290  
2743.71 of the Revised Code. 291

(C) The cost of printing and distributing the pamphlet 292  
prepared pursuant to division (A) of this section shall be paid 293  
out of the reparations fund, created pursuant to section 2743.191 294  
of the Revised Code, in accordance with division (D) of that 295  
section. 296

(D) As used in this section: 297

(1) "Victim's representative" has the same meaning as in 298  
section 2930.01 of the Revised Code; 299

(2) "Victim advocate" has the same meaning as in section 300  
2919.26 of the Revised Code. 301

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 302

criminal identification and investigation shall procure from 303  
wherever procurable and file for record photographs, pictures, 304  
descriptions, fingerprints, measurements, and other information 305  
that may be pertinent of all persons who have been convicted of 306  
committing within this state a felony, any crime constituting a 307  
misdemeanor on the first offense and a felony on subsequent 308  
offenses, or any misdemeanor described in division (A)(1)(a) or 309  
(A)(10)(a) of section 109.572 of the Revised Code, of all children 310  
under eighteen years of age who have been adjudicated delinquent 311  
children for committing within this state an act that would be a 312  
felony or an offense of violence if committed by an adult or who 313  
have been convicted of or pleaded guilty to committing within this 314  
state a felony or an offense of violence, and of all well-known 315  
and habitual criminals. The person in charge of any county, 316  
multicounty, municipal, municipal-county, or multicounty-municipal 317  
jail or workhouse, community-based correctional facility, halfway 318  
house, alternative residential facility, or state correctional 319  
institution and the person in charge of any state institution 320  
having custody of a person suspected of having committed a felony, 321  
any crime constituting a misdemeanor on the first offense and a 322  
felony on subsequent offenses, or any misdemeanor described in 323  
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 324  
Code or having custody of a child under eighteen years of age with 325  
respect to whom there is probable cause to believe that the child 326  
may have committed an act that would be a felony or an offense of 327  
violence if committed by an adult shall furnish such material to 328  
the superintendent of the bureau. Fingerprints, photographs, or 329  
other descriptive information of a child who is under eighteen 330  
years of age, has not been arrested or otherwise taken into 331  
custody for committing an act that would be a felony or an offense 332  
of violence if committed by an adult, has not been adjudicated a 333  
delinquent child for committing an act that would be a felony or 334  
an offense of violence if committed by an adult, has not been 335

convicted of or pleaded guilty to committing a felony or an 336  
offense of violence, and is not a child with respect to whom there 337  
is probable cause to believe that the child may have committed an 338  
act that would be a felony or an offense of violence if committed 339  
by an adult shall not be procured by the superintendent or 340  
furnished by any person in charge of any county, multicounty, 341  
municipal, municipal-county, or multicounty-municipal jail or 342  
workhouse, community-based correctional facility, halfway house, 343  
alternative residential facility, or state correctional 344  
institution, except as authorized in section 2151.313 of the 345  
Revised Code. 346

(2) Every clerk of a court of record in this state, other 347  
than the supreme court or a court of appeals, shall send to the 348  
superintendent of the bureau a weekly report containing a summary 349  
of each case involving a felony, involving any crime constituting 350  
a misdemeanor on the first offense and a felony on subsequent 351  
offenses, involving a misdemeanor described in division (A)(1)(a) 352  
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 353  
an adjudication in a case in which a child under eighteen years of 354  
age was alleged to be a delinquent child for committing an act 355  
that would be a felony or an offense of violence if committed by 356  
an adult. The clerk of the court of common pleas shall include in 357  
the report and summary the clerk sends under this division all 358  
information described in divisions (A)(2)(a) to (f) of this 359  
section regarding a case before the court of appeals that is 360  
served by that clerk. The summary shall be written on the standard 361  
forms furnished by the superintendent pursuant to division (B) of 362  
this section and shall include the following information: 363

(a) The incident tracking number contained on the standard 364  
forms furnished by the superintendent pursuant to division (B) of 365  
this section; 366

(b) The style and number of the case; 367

(c) The date of arrest; 368

(d) The date that the person was convicted of or pleaded 369  
guilty to the offense, adjudicated a delinquent child for 370  
committing the act that would be a felony or an offense of 371  
violence if committed by an adult, found not guilty of the 372  
offense, or found not to be a delinquent child for committing an 373  
act that would be a felony or an offense of violence if committed 374  
by an adult, the date of an entry dismissing the charge, an entry 375  
declaring a mistrial of the offense in which the person is 376  
discharged, an entry finding that the person or child is not 377  
competent to stand trial, or an entry of a nolle prosequi, or the 378  
date of any other determination that constitutes final resolution 379  
of the case; 380

(e) A statement of the original charge with the section of 381  
the Revised Code that was alleged to be violated; 382

(f) If the person or child was convicted, pleaded guilty, or 383  
was adjudicated a delinquent child, the sentence or terms of 384  
probation imposed or any other disposition of the offender or the 385  
delinquent child. 386

If the offense involved the disarming of a law enforcement 387  
officer or an attempt to disarm a law enforcement officer, the 388  
clerk shall clearly state that fact in the summary, and the 389  
superintendent shall ensure that a clear statement of that fact is 390  
placed in the bureau's records. 391

(3) The superintendent shall cooperate with and assist 392  
sheriffs, chiefs of police, and other law enforcement officers in 393  
the establishment of a complete system of criminal identification 394  
and in obtaining fingerprints and other means of identification of 395  
all persons arrested on a charge of a felony, any crime 396  
constituting a misdemeanor on the first offense and a felony on 397  
subsequent offenses, or a misdemeanor described in division 398

(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and 399  
of all children under eighteen years of age arrested or otherwise 400  
taken into custody for committing an act that would be a felony or 401  
an offense of violence if committed by an adult. The 402  
superintendent also shall file for record the fingerprint 403  
impressions of all persons confined in a county, multicounty, 404  
municipal, municipal-county, or multicounty-municipal jail or 405  
workhouse, community-based correctional facility, halfway house, 406  
alternative residential facility, or state correctional 407  
institution for the violation of state laws and of all children 408  
under eighteen years of age who are confined in a county, 409  
multicounty, municipal, municipal-county, or multicounty-municipal 410  
jail or workhouse, community-based correctional facility, halfway 411  
house, alternative residential facility, or state correctional 412  
institution or in any facility for delinquent children for 413  
committing an act that would be a felony or an offense of violence 414  
if committed by an adult, and any other information that the 415  
superintendent may receive from law enforcement officials of the 416  
state and its political subdivisions. 417

(4) The superintendent shall carry out Chapter 2950. of the 418  
Revised Code with respect to the registration of persons who are 419  
convicted of or plead guilty to ~~either~~ a sexually oriented offense 420  
~~that is not a registration exempt sexually oriented offense~~ or a 421  
child-victim oriented offense and with respect to all other duties 422  
imposed on the bureau under that chapter. 423

(5) The bureau shall perform centralized recordkeeping 424  
functions for criminal history records and services in this state 425  
for purposes of the national crime prevention and privacy compact 426  
set forth in section 109.571 of the Revised Code and is the 427  
criminal history record repository as defined in that section for 428  
purposes of that compact. The superintendent or the 429  
superintendent's designee is the compact officer for purposes of 430

that compact and shall carry out the responsibilities of the 431  
compact officer specified in that compact. 432

(B) The superintendent shall prepare and furnish to every 433  
county, multicounty, municipal, municipal-county, or 434  
multicounty-municipal jail or workhouse, community-based 435  
correctional facility, halfway house, alternative residential 436  
facility, or state correctional institution and to every clerk of 437  
a court in this state specified in division (A)(2) of this section 438  
standard forms for reporting the information required under 439  
division (A) of this section. The standard forms that the 440  
superintendent prepares pursuant to this division may be in a 441  
tangible format, in an electronic format, or in both tangible 442  
formats and electronic formats. 443

(C)(1) The superintendent may operate a center for 444  
electronic, automated, or other data processing for the storage 445  
and retrieval of information, data, and statistics pertaining to 446  
criminals and to children under eighteen years of age who are 447  
adjudicated delinquent children for committing an act that would 448  
be a felony or an offense of violence if committed by an adult, 449  
criminal activity, crime prevention, law enforcement, and criminal 450  
justice, and may establish and operate a statewide communications 451  
network to gather and disseminate information, data, and 452  
statistics for the use of law enforcement agencies and for other 453  
uses specified in this division. The superintendent may gather, 454  
store, retrieve, and disseminate information, data, and statistics 455  
that pertain to children who are under eighteen years of age and 456  
that are gathered pursuant to sections 109.57 to 109.61 of the 457  
Revised Code together with information, data, and statistics that 458  
pertain to adults and that are gathered pursuant to those 459  
sections. ~~In~~ 460

(2) The superintendent or the superintendent's designee shall 461  
gather information of the nature described in division (C)(1) of 462

this section that pertains to the offense and delinquency history 463  
of a person who has been convicted of, pleaded guilty to, or been 464  
adjudicated a delinquent child for committing a sexually oriented 465  
offense or a child-victim oriented offense for inclusion in the 466  
state registry of sex offenders and child-victim offenders 467  
maintained pursuant to division (A)(1) of section 2950.13 of the 468  
Revised Code and in the internet database operated pursuant to 469  
division (A)(13) of that section and for possible inclusion in the 470  
internet database operated pursuant to division (A)(11) of that 471  
section. 472

(3) In addition to any other authorized use of information, 473  
data, and statistics of ~~that~~ the nature described in division 474  
(C)(1) of this section, the superintendent or the superintendent's 475  
designee may provide and exchange the information, data, and 476  
statistics pursuant to the national crime prevention and privacy 477  
compact as described in division (A)(5) of this section. 478

(D) The information and materials furnished to the 479  
superintendent pursuant to division (A) of this section and 480  
information and materials furnished to any board or person under 481  
division (F) or (G) of this section are not public records under 482  
section 149.43 of the Revised Code. The superintendent or the 483  
superintendent's designee shall gather and retain information so 484  
furnished under division (A) of this section that pertains to the 485  
offense and delinquency history of a person who has been convicted 486  
of, pleaded guilty to, or been adjudicated a delinquent child for 487  
committing a sexually oriented offense or a child-victim oriented 488  
offense for the purposes described in division (C)(2) of this 489  
section. 490

(E) The attorney general shall adopt rules, in accordance 491  
with Chapter 119. of the Revised Code, setting forth the procedure 492  
by which a person may receive or release information gathered by 493  
the superintendent pursuant to division (A) of this section. A 494



reasonable fee may be charged for this service. If a temporary 495  
employment service submits a request for a determination of 496  
whether a person the service plans to refer to an employment 497  
position has been convicted of or pleaded guilty to an offense 498  
listed in division (A)(1), (3), (4), (5), or (6) of section 499  
109.572 of the Revised Code, the request shall be treated as a 500  
single request and only one fee shall be charged. 501

(F)(1) As used in division (F)(2) of this section, "head 502  
start agency" means an entity in this state that has been approved 503  
to be an agency for purposes of subchapter II of the "Community 504  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 505  
as amended. 506

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

applied for employment in any position after October 2, 1989, or 527  
any individual wishing to apply for employment with a board of 528  
education may request, with regard to the individual, whether the 529  
bureau has any information gathered under division (A) of this 530  
section that pertains to that individual. On receipt of the 531  
request, the superintendent shall determine whether that 532  
information exists and, upon request of the person, board, or 533  
entity requesting information, also shall request from the federal 534  
bureau of investigation any criminal records it has pertaining to 535  
that individual. The superintendent or the superintendent's 536  
designee also may request criminal history records from other 537  
states or the federal government pursuant to the national crime 538  
prevention and privacy compact set forth in section 109.571 of the 539  
Revised Code. Within thirty days of the date that the 540  
superintendent receives a request, the superintendent shall send 541  
to the board, entity, or person a report of any information that 542  
the superintendent determines exists, including information 543  
contained in records that have been sealed under section 2953.32 544  
of the Revised Code, and, within thirty days of its receipt, shall 545  
send the board, entity, or person a report of any information 546  
received from the federal bureau of investigation, other than 547  
information the dissemination of which is prohibited by federal 548  
law. 549

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

copy to the individual. In a case of that nature, a district only 560  
shall accept a certified copy of records of that nature within one 561  
year after the date of their issuance by the bureau. 562

(3) The state board of education may request, with respect to 563  
any individual who has applied for employment after October 2, 564  
1989, in any position with the state board or the department of 565  
education, any information that a school district board of 566  
education is authorized to request under division (F)(2) of this 567  
section, and the superintendent of the bureau shall proceed as if 568  
the request has been received from a school district board of 569  
education under division (F)(2) of this section. 570

(4) When the superintendent of the bureau receives a request 571  
for information under section 3319.291 of the Revised Code, the 572  
superintendent shall proceed as if the request has been received 573  
from a school district board of education under division (F)(2) of 574  
this section. 575

(5) When a recipient of a classroom reading improvement grant 576  
paid under section 3301.86 of the Revised Code requests, with 577  
respect to any individual who applies to participate in providing 578  
any program or service funded in whole or in part by the grant, 579  
the information that a school district board of education is 580  
authorized to request under division (F)(2)(a) of this section, 581  
the superintendent of the bureau shall proceed as if the request 582  
has been received from a school district board of education under 583  
division (F)(2)(a) of this section. 584

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

pursuant to rules adopted under section 3721.04 of the Revised 592  
Code, or adult care facility may request that the superintendent 593  
of the bureau investigate and determine, with respect to any 594  
individual who has applied after January 27, 1997, for employment 595  
in a position that does not involve providing direct care to an 596  
older adult, whether the bureau has any information gathered under 597  
division (A) of this section that pertains to that individual. 598

In addition to or in conjunction with any request that is 599  
required to be made under section 173.27 of the Revised Code with 600  
respect to an individual who has applied for employment in a 601  
position that involves providing ombudsperson services to 602  
residents of long-term care facilities or recipients of 603  
community-based long-term care services, the state long-term care 604  
ombudsperson, ombudsperson's designee, or director of health may 605  
request that the superintendent investigate and determine, with 606  
respect to any individual who has applied for employment in a 607  
position that does not involve providing such ombudsperson 608  
services, whether the bureau has any information gathered under 609  
division (A) of this section that pertains to that applicant. 610

In addition to or in conjunction with any request that is 611  
required to be made under section 173.394 of the Revised Code with 612  
respect to an individual who has applied for employment in a 613  
position that involves providing direct care to an individual, the 614  
chief administrator of a community-based long-term care agency may 615  
request that the superintendent investigate and determine, with 616  
respect to any individual who has applied for employment in a 617  
position that does not involve providing direct care, whether the 618  
bureau has any information gathered under division (A) of this 619  
section that pertains to that applicant. 620

On receipt of a request under this division, the 621  
superintendent shall determine whether that information exists 622  
and, on request of the individual requesting information, shall 623

also request from the federal bureau of investigation any criminal 624  
records it has pertaining to the applicant. The superintendent or 625  
the superintendent's designee also may request criminal history 626  
records from other states or the federal government pursuant to 627  
the national crime prevention and privacy compact set forth in 628  
section 109.571 of the Revised Code. Within thirty days of the 629  
date a request is received, the superintendent shall send to the 630  
requester a report of any information determined to exist, 631  
including information contained in records that have been sealed 632  
under section 2953.32 of the Revised Code, and, within thirty days 633  
of its receipt, shall send the requester a report of any 634  
information received from the federal bureau of investigation, 635  
other than information the dissemination of which is prohibited by 636  
federal law. 637

(H) Information obtained by a government entity or person 638  
under this section is confidential and shall not be released or 639  
disseminated. 640

(I) The superintendent may charge a reasonable fee for 641  
providing information or criminal records under division (F)(2) or 642  
(G) of this section. 643

(J) As used in this section, "sexually oriented offense" and 644  
"child-victim oriented offense" have the same meanings as in 645  
section 2950.01 of the Revised Code. 646

**Sec. 311.171.** (A) As used in this section: 647

(1) "Federal poverty level" means the income level 648  
represented by the poverty guidelines as revised annually by the 649  
United States department of health and human services in 650  
accordance with section 673(2) of the "Omnibus Reconciliation Act 651  
of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family 652  
size equal to the size of the family of the person whose income is 653  
being determined. 654

(2) "Registration year" of an offender means one of the 655  
following: 656

(a) The twelve-month period beginning on the anniversary, 657  
occurring on or after January 1, 2004, of the date on which an 658  
offender's registration period began in accordance with section 659  
2950.07 of the Revised Code; 660

(b) The twelve-month period beginning on the date on which an 661  
offender's registration period begins, on or after January 1, 662  
2004, in accordance with section 2950.07 of the Revised Code. 663

(3) "Sexually oriented offense," "child-victim oriented 664  
offense," and "tier III sex offender/child-victim offender" have 665  
the same meanings as in section 2950.01 of the Revised Code. 666

(B) The sheriff may charge a fee each time a person does any 667  
of the following: 668

(1) Registers under section 2950.04 or 2950.041 of the 669  
Revised Code; 670

(2) Registers a new residence address under section 2950.05 671  
of the Revised Code; 672

(3) Verifies a current residence address under section 673  
2950.06 of the Revised Code. 674

(C) If the sheriff charges one or more fees provided for in 675  
division (B) of this section, all of the following apply: 676

(1) The sheriff shall not require the payment of any fee from 677  
a delinquent child until the delinquent child reaches eighteen 678  
years of age. When a delinquent child reaches eighteen years of 679  
age and the sheriff charges a fee to the delinquent child, the 680  
provisions of this section applicable to "offenders" shall be 681  
construed to apply to the delinquent child. 682

(2) For an offender who ~~has been adjudicated a sexual 683~~  
~~predator or child-victim predator or who has a duty to register as 684~~

~~a result of committing an aggravated sexually oriented offense is~~ 685  
~~a tier III sex offender/child-victim offender, the fees may not~~ 686  
exceed a total of one hundred dollars for each registration year. 687

~~(3) For an offender who has been determined to be a habitual~~ 688  
~~sexual offender or a habitual child victim offender, who is not~~ 689  
~~described in division (C)(2) of this section, and for whom the~~ 690  
~~sentencing judge has required community notification, the fees may~~ 691  
~~not exceed a total of fifty dollars for each registration year.~~ 692

~~(4)~~ For an offender who has been convicted of or pleaded 693  
guilty to a sexually oriented offense ~~that is not a~~ 694  
~~registration-exempt sexually oriented offense~~ or a child-victim 695  
offense and who is not described in division (C)(2) ~~or (3)~~ of this 696  
section, the fees may not exceed a total of twenty-five dollars 697  
for each registration year. 698

~~(5)~~(4) An offender who is required to pay a fee shall retain 699  
the receipts received under section 325.28 of the Revised Code for 700  
payments made during the offender's registration year to establish 701  
that the payment of any fee will exceed the maximum annual amount 702  
permissible under this division. 703

~~(6)~~(5) The sheriff shall not refuse to register a person, 704  
register a new residence address of a person, or verify the 705  
current residence address of a person, who does not pay a fee the 706  
sheriff requires under this section. 707

~~(7)~~(6) The sheriff shall report unpaid fees in accordance 708  
with division (C) of section 325.31 of the Revised Code, and the 709  
county may recover those fees in a civil action in the same manner 710  
as other money due the county. 711

(D) Each time a person appears before the sheriff to provide 712  
any registration or verification specified in division (B) of this 713  
section for which the sheriff charges a fee, the sheriff shall 714  
determine whether the person is able to pay the fee. In making 715

that determination, the sheriff shall determine whether the 716  
person's income is less than one hundred twenty-five per cent of 717  
the federal poverty level. A person whose income is equal to or 718  
greater than one hundred twenty-five per cent of the federal 719  
poverty level shall be considered able to pay the fee. 720

(E) If a sheriff determines a person's income is less than 721  
one hundred twenty-five per cent of the federal poverty level, the 722  
sheriff shall waive payment of the fee. If the sheriff determines 723  
a person's income is equal to or greater than one hundred 724  
twenty-five per cent of the federal poverty level, the sheriff may 725  
allow the person to pay the fee in accordance with a payment 726  
schedule the sheriff establishes based on the person's ability to 727  
pay. The sheriff shall document any waiver or alternative fee 728  
arrangement in the official registration records of the sheriff's 729  
office and shall provide the offender with a written copy of any 730  
waiver or alternative fee arrangement. 731

(F) All fees paid to a sheriff under this section shall be 732  
paid into the county treasury to the credit of the county general 733  
fund and shall be allocated to the sheriff to be used to defray 734  
the costs of registering sex offenders and child-victim offenders 735  
and providing community notification under Chapter 2950. of the 736  
Revised Code. 737

(G) If an offender has registered with a sheriff and 738  
subsequently relocates to a different county during a registration 739  
year, the annual maximum amounts set forth in division (C) of this 740  
section shall apply to the sheriff in the new county, and that 741  
sheriff shall consider any payments already made by the offender 742  
for purposes of determining when the applicable maximum has been 743  
met for the offender's registration year. 744

**Sec. 1923.01.** (A) As provided in this chapter, any judge of a 745  
county or municipal court or a court of common pleas, within the 746



judge's proper area of jurisdiction, may inquire about persons who 747  
make unlawful and forcible entry into lands or tenements and 748  
detain them, and about persons who make a lawful and peaceable 749  
entry into lands or tenements and hold them unlawfully and by 750  
force. If, upon the inquiry, it is found that an unlawful and 751  
forcible entry has been made and the lands or tenements are 752  
detained, or that, after a lawful entry, lands or tenements are 753  
held unlawfully and by force, a judge shall cause the plaintiff in 754  
an action under this chapter to have restitution of the lands or 755  
tenements. 756

(B) An action shall be brought under this chapter within two 757  
years after the cause of action accrues. 758

(C) As used in this chapter: 759

(1) "Tenant" means a person who is entitled under a rental 760  
agreement to the use or occupancy of premises, other than premises 761  
located in a manufactured home park, to the exclusion of others. 762

(2) "Landlord" means the owner, lessor, or sublessor of 763  
premises, or the agent or person the landlord authorizes to manage 764  
premises or to receive rent from a tenant under a rental 765  
agreement, except, if required by the facts of the action to which 766  
the term is applied, "landlord" means a park operator. 767

(3) "Park operator," "manufactured home," "mobile home," 768  
"manufactured home park," and "resident" have the same meanings as 769  
in section 3733.01 of the Revised Code. 770

(4) "Residential premises" has the same meaning as in section 771  
5321.01 of the Revised Code, except, if required by the facts of 772  
the action to which the term is applied, "residential premises" 773  
has the same meaning as in section 3733.01 of the Revised Code. 774

(5) "Rental agreement" means any agreement or lease, written 775  
or oral, that establishes or modifies the terms, conditions, 776  
rules, or other provisions concerning the use or occupancy of 777

premises by one of the parties to the agreement or lease, except 778  
that "rental agreement," as used in division (A)(13) of section 779  
1923.02 of the Revised Code and where the context requires as used 780  
in this chapter, means a rental agreement as defined in division 781  
(D) of section 5322.01 of the Revised Code. 782

(6) "Controlled substance" has the same meaning as in section 783  
3719.01 of the Revised Code. 784

(7) "School premises" has the same meaning as in section 785  
2925.01 of the Revised Code. 786

(8) "Sexually oriented offense" and "child-victim oriented 787  
offense" have the same meanings as in section 2950.01 of the 788  
Revised Code. 789

(9) "Recreational vehicle" has the same meaning as in section 790  
4501.01 of the Revised Code. 791

(10) "Preschool or child day-care center premises" has the 792  
same meaning as in section 2950.034 of the Revised Code. 793

**Sec. 1923.02.** (A) Proceedings under this chapter may be had 794  
as follows: 795

(1) Against tenants or manufactured home park residents 796  
holding over their terms; 797

(2) Against tenants or manufactured home park residents in 798  
possession under an oral tenancy, who are in default in the 799  
payment of rent as provided in division (B) of this section; 800

(3) In sales of real estate, on executions, orders, or other 801  
judicial process, when the judgment debtor was in possession at 802  
the time of the rendition of the judgment or decree, by virtue of 803  
which the sale was made; 804

(4) In sales by executors, administrators, or guardians, and 805  
on partition, when any of the parties to the complaint were in 806

possession at the commencement of the action, after the sales, so 807  
made on execution or otherwise, have been examined by the proper 808  
court and adjudged legal; 809

(5) When the defendant is an occupier of lands or tenements, 810  
without color of title, and the complainant has the right of 811  
possession to them; 812

(6) In any other case of the unlawful and forcible detention 813  
of lands or tenements. For purposes of this division, in addition 814  
to any other type of unlawful and forcible detention of lands or 815  
tenements, such a detention may be determined to exist when both 816  
of the following apply: 817

(a) A tenant fails to vacate residential premises within 818  
three days after both of the following occur: 819

(i) The tenant's landlord has actual knowledge of or has 820  
reasonable cause to believe that the tenant, any person in the 821  
tenant's household, or any person on the premises with the consent 822  
of the tenant previously has or presently is engaged in a 823  
violation of Chapter 2925. or 3719. of the Revised Code, or of a 824  
municipal ordinance that is substantially similar to any section 825  
in either of those chapters, which involves a controlled substance 826  
and which occurred in, is occurring in, or otherwise was or is 827  
connected with the premises, whether or not the tenant or other 828  
person has been charged with, has pleaded guilty to or been 829  
convicted of, or has been determined to be a delinquent child for 830  
an act that, if committed by an adult, would be a violation as 831  
described in this division. For purposes of this division, a 832  
landlord has "actual knowledge of or has reasonable cause to 833  
believe" that a tenant, any person in the tenant's household, or 834  
any person on the premises with the consent of the tenant 835  
previously has or presently is engaged in a violation as described 836  
in this division if a search warrant was issued pursuant to 837  
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 838

affidavit presented to obtain the warrant named or described the 839  
tenant or person as the individual to be searched and particularly 840  
described the tenant's premises as the place to be searched, named 841  
or described one or more controlled substances to be searched for 842  
and seized, stated substantially the offense under Chapter 2925. 843  
or 3719. of the Revised Code or the substantially similar 844  
municipal ordinance that occurred in, is occurring in, or 845  
otherwise was or is connected with the tenant's premises, and 846  
states the factual basis for the affiant's belief that the 847  
controlled substances are located on the tenant's premises; the 848  
warrant was properly executed by a law enforcement officer and any 849  
controlled substance described in the affidavit was found by that 850  
officer during the search and seizure; and, subsequent to the 851  
search and seizure, the landlord was informed by that or another 852  
law enforcement officer of the fact that the tenant or person has 853  
or presently is engaged in a violation as described in this 854  
division and it occurred in, is occurring in, or otherwise was or 855  
is connected with the tenant's premises. 856

(ii) The landlord gives the tenant the notice required by 857  
division (C) of section 5321.17 of the Revised Code. 858

(b) The court determines, by a preponderance of the evidence, 859  
that the tenant, any person in the tenant's household, or any 860  
person on the premises with the consent of the tenant previously 861  
has or presently is engaged in a violation as described in 862  
division (A)(6)(a)(i) of this section. 863

(7) In cases arising out of Chapter 5313. of the Revised 864  
Code. In those cases, the court has the authority to declare a 865  
forfeiture of the vendee's rights under a land installment 866  
contract and to grant any other claims arising out of the 867  
contract. 868

(8) Against tenants who have breached an obligation that is 869  
imposed by section 5321.05 of the Revised Code, other than the 870

obligation specified in division (A)(9) of that section, and that 871  
materially affects health and safety. Prior to the commencement of 872  
an action under this division, notice shall be given to the tenant 873  
and compliance secured with section 5321.11 of the Revised Code. 874

(9) Against tenants who have breached an obligation imposed 875  
upon them by a written rental agreement; 876

(10) Against manufactured home park residents who have 877  
defaulted in the payment of rent or breached the terms of a rental 878  
agreement with a manufactured home park operator. Nothing in this 879  
division precludes the commencement of an action under division 880  
(A)(12) of this section when the additional circumstances 881  
described in that division apply. 882

(11) Against manufactured home park residents who have 883  
committed two material violations of the rules of the manufactured 884  
home park, of the public health council, or of applicable state 885  
and local health and safety codes and who have been notified of 886  
the violations in compliance with section 3733.13 of the Revised 887  
Code; 888

(12) Against a manufactured home park resident, or the estate 889  
of a manufactured home park resident, who has been absent from the 890  
manufactured home park for a period of thirty consecutive days 891  
prior to the commencement of an action under this division and 892  
whose manufactured home or mobile home, or recreational vehicle 893  
that is parked in the manufactured home park, has been left 894  
unoccupied for that thirty-day period, without notice to the park 895  
operator and without payment of rent due under the rental 896  
agreement with the park operator; 897

(13) Against occupants of self-service storage facilities, as 898  
defined in division (A) of section 5322.01 of the Revised Code, 899  
who have breached the terms of a rental agreement or violated 900  
section 5322.04 of the Revised Code; 901

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

(a) The resident's or occupant'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 resident or 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.

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

(B) If a tenant or manufactured home park resident holding under an oral tenancy is in default in the payment of rent, the

tenant or resident forfeits the right of occupancy, and the 933  
landlord may, at the landlord's option, terminate the tenancy by 934  
notifying the tenant or resident, as provided in section 1923.04 935  
of the Revised Code, to leave the premises, for the restitution of 936  
which an action may then be brought under this chapter. 937

(C)(1) If a tenant or any other person with the tenant's 938  
permission resides in or occupies residential premises that are 939  
located within one thousand feet of any school premises and is a 940  
resident or occupant of the type described in division (A)(14) of 941  
this section or a person of the type described in division (A)(15) 942  
of this section, the landlord for those residential premises, upon 943  
discovery that the tenant or other person is a resident, occupant, 944  
or person of that nature, may terminate the rental agreement or 945  
tenancy for those residential premises by notifying the tenant and 946  
all other occupants, as provided in section 1923.04 of the Revised 947  
Code, to leave the premises. 948

(2) If a landlord is authorized to terminate a rental 949  
agreement or tenancy pursuant to division (C)(1) of this section 950  
but does not so terminate the rental agreement or tenancy, the 951  
landlord is not liable in a tort or other civil action in damages 952  
for any injury, death, or loss to person or property that 953  
allegedly result from that decision. 954

(D) This chapter does not apply to a student tenant as 955  
defined by division (H) of section 5321.01 of the Revised Code 956  
when the college or university proceeds to terminate a rental 957  
agreement pursuant to section 5321.031 of the Revised Code. 958

**Sec. 2151.23.** (A) The juvenile court has exclusive original 959  
jurisdiction under the Revised Code as follows: 960

(1) Concerning any child who on or about the date specified 961  
in the complaint, indictment, or information is alleged to have 962  
violated section 2151.87 of the Revised Code or an order issued 963

under that section or to be a juvenile traffic offender or a 964  
delinquent, unruly, abused, neglected, or dependent child and, 965  
based on and in relation to the allegation pertaining to the 966  
child, concerning the parent, guardian, or other person having 967  
care of a child who is alleged to be an unruly or delinquent child 968  
for being an habitual or chronic truant; 969

(2) Subject to divisions (G) and (V) of section 2301.03 of 970  
the Revised Code, to determine the custody of any child not a ward 971  
of another court of this state; 972

(3) To hear and determine any application for a writ of 973  
habeas corpus involving the custody of a child; 974

(4) To exercise the powers and jurisdiction given the probate 975  
division of the court of common pleas in Chapter 5122. of the 976  
Revised Code, if the court has probable cause to believe that a 977  
child otherwise within the jurisdiction of the court is a mentally 978  
ill person subject to hospitalization by court order, as defined 979  
in section 5122.01 of the Revised Code; 980

(5) To hear and determine all criminal cases charging adults 981  
with the violation of any section of this chapter; 982

(6) To hear and determine all criminal cases in which an 983  
adult is charged with a violation of division (C) of section 984  
2919.21, division (B)(1) of section 2919.22, section 2919.222, 985  
division (B) of section 2919.23, or section 2919.24 of the Revised 986  
Code, provided the charge is not included in an indictment that 987  
also charges the alleged adult offender with the commission of a 988  
felony arising out of the same actions that are the basis of the 989  
alleged violation of division (C) of section 2919.21, division 990  
(B)(1) of section 2919.22, section 2919.222, division (B) of 991  
section 2919.23, or section 2919.24 of the Revised Code; 992

(7) Under the interstate compact on juveniles in section 993  
2151.56 of the Revised Code; 994



(8) Concerning any child who is to be taken into custody	995
pursuant to section 2151.31 of the Revised Code, upon being	996
notified of the intent to take the child into custody and the	997
reasons for taking the child into custody;	998
(9) To hear and determine requests for the extension of	999
temporary custody agreements, and requests for court approval of	1000
permanent custody agreements, that are filed pursuant to section	1001
5103.15 of the Revised Code;	1002
(10) To hear and determine applications for consent to marry	1003
pursuant to section 3101.04 of the Revised Code;	1004
(11) Subject to divisions (G) and (V) of section 2301.03 of	1005
the Revised Code, to hear and determine a request for an order for	1006
the support of any child if the request is not ancillary to an	1007
action for divorce, dissolution of marriage, annulment, or legal	1008
separation, a criminal or civil action involving an allegation of	1009
domestic violence, or an action for support brought under Chapter	1010
3115. of the Revised Code;	1011
(12) Concerning an action commenced under section 121.38 of	1012
the Revised Code;	1013
(13) To hear and determine violations of section 3321.38 of	1014
the Revised Code;	1015
(14) To exercise jurisdiction and authority over the parent,	1016
guardian, or other person having care of a child alleged to be a	1017
delinquent child, unruly child, or juvenile traffic offender,	1018
based on and in relation to the allegation pertaining to the	1019
child;	1020
(15) To conduct the hearings, and to make the determinations,	1021
adjudications, and orders authorized or required under sections	1022
2152.82 to <del>2152.85</del> <u>2152.86</u> and Chapter 2950. of the Revised Code	1023
regarding a child who has been adjudicated a delinquent child and	1024
to refer the duties conferred upon the juvenile court judge under	1025

sections 2152.82 to ~~2152.85~~ 2152.86 and Chapter 2950. of the 1026  
Revised Code to magistrates appointed by the juvenile court judge 1027  
in accordance with Juvenile Rule 40. 1028

(B) Except as provided in divisions (G) and (I) of section 1029  
2301.03 of the Revised Code, the juvenile court has original 1030  
jurisdiction under the Revised Code: 1031

(1) To hear and determine all cases of misdemeanors charging 1032  
adults with any act or omission with respect to any child, which 1033  
act or omission is a violation of any state law or any municipal 1034  
ordinance; 1035

(2) To determine the paternity of any child alleged to have 1036  
been born out of wedlock pursuant to sections 3111.01 to 3111.18 1037  
of the Revised Code; 1038

(3) Under the uniform interstate family support act in 1039  
Chapter 3115. of the Revised Code; 1040

(4) To hear and determine an application for an order for the 1041  
support of any child, if the child is not a ward of another court 1042  
of this state; 1043

(5) To hear and determine an action commenced under section 1044  
3111.28 of the Revised Code; 1045

(6) To hear and determine a motion filed under section 1046  
3119.961 of the Revised Code; 1047

(7) To receive filings under section 3109.74 of the Revised 1048  
Code, and to hear and determine actions arising under sections 1049  
3109.51 to 3109.80 of the Revised Code. 1050

(8) To enforce an order for the return of a child made under 1051  
the Hague Convention on the Civil Aspects of International Child 1052  
Abduction pursuant to section 3127.32 of the Revised Code; 1053

(9) To grant any relief normally available under the laws of 1054  
this state to enforce a child custody determination made by a 1055

court of another state and registered in accordance with section 1056  
3127.35 of the Revised Code. 1057

(C) The juvenile court, except as to juvenile courts that are 1058  
a separate division of the court of common pleas or a separate and 1059  
independent juvenile court, has jurisdiction to hear, determine, 1060  
and make a record of any action for divorce or legal separation 1061  
that involves the custody or care of children and that is filed in 1062  
the court of common pleas and certified by the court of common 1063  
pleas with all the papers filed in the action to the juvenile 1064  
court for trial, provided that no certification of that nature 1065  
shall be made to any juvenile court unless the consent of the 1066  
juvenile judge first is obtained. After a certification of that 1067  
nature is made and consent is obtained, the juvenile court shall 1068  
proceed as if the action originally had been begun in that court, 1069  
except as to awards for spousal support or support due and unpaid 1070  
at the time of certification, over which the juvenile court has no 1071  
jurisdiction. 1072

(D) The juvenile court, except as provided in divisions (G) 1073  
and (I) of section 2301.03 of the Revised Code, has jurisdiction 1074  
to hear and determine all matters as to custody and support of 1075  
children duly certified by the court of common pleas to the 1076  
juvenile court after a divorce decree has been granted, including 1077  
jurisdiction to modify the judgment and decree of the court of 1078  
common pleas as the same relate to the custody and support of 1079  
children. 1080

(E) The juvenile court, except as provided in divisions (G) 1081  
and (I) of section 2301.03 of the Revised Code, has jurisdiction 1082  
to hear and determine the case of any child certified to the court 1083  
by any court of competent jurisdiction if the child comes within 1084  
the jurisdiction of the juvenile court as defined by this section. 1085

(F)(1) The juvenile court shall exercise its jurisdiction in 1086  
child custody matters in accordance with sections 3109.04, 3127.01 1087

to 3127.53, and 5103.20 to 5103.22 of the Revised Code. 1088

(2) The juvenile court shall exercise its jurisdiction in 1089  
child support matters in accordance with section 3109.05 of the 1090  
Revised Code. 1091

(G) Any juvenile court that makes or modifies an order for 1092  
child support shall comply with Chapters 3119., 3121., 3123., and 1093  
3125. of the Revised Code. If any person required to pay child 1094  
support under an order made by a juvenile court on or after April 1095  
15, 1985, or modified on or after December 1, 1986, is found in 1096  
contempt of court for failure to make support payments under the 1097  
order, the court that makes the finding, in addition to any other 1098  
penalty or remedy imposed, shall assess all court costs arising 1099  
out of the contempt proceeding against the person and require the 1100  
person to pay any reasonable attorney's fees of any adverse party, 1101  
as determined by the court, that arose in relation to the act of 1102  
contempt. 1103

(H) If a child who is charged with an act that would be an 1104  
offense if committed by an adult was fourteen years of age or 1105  
older and under eighteen years of age at the time of the alleged 1106  
act and if the case is transferred for criminal prosecution 1107  
pursuant to section 2152.12 of the Revised Code, the juvenile 1108  
court does not have jurisdiction to hear or determine the case 1109  
subsequent to the transfer. The court to which the case is 1110  
transferred for criminal prosecution pursuant to that section has 1111  
jurisdiction subsequent to the transfer to hear and determine the 1112  
case in the same manner as if the case originally had been 1113  
commenced in that court, including, but not limited to, 1114  
jurisdiction to accept a plea of guilty or another plea authorized 1115  
by Criminal Rule 11 or another section of the Revised Code and 1116  
jurisdiction to accept a verdict and to enter a judgment of 1117  
conviction pursuant to the Rules of Criminal Procedure against the 1118  
child for the commission of the offense that was the basis of the 1119

transfer of the case for criminal prosecution, whether the 1120  
conviction is for the same degree or a lesser degree of the 1121  
offense charged, for the commission of a lesser-included offense, 1122  
or for the commission of another offense that is different from 1123  
the offense charged. 1124

(I) If a person under eighteen years of age allegedly commits 1125  
an act that would be a felony if committed by an adult and if the 1126  
person is not taken into custody or apprehended for that act until 1127  
after the person attains twenty-one years of age, the juvenile 1128  
court does not have jurisdiction to hear or determine any portion 1129  
of the case charging the person with committing that act. In those 1130  
circumstances, divisions (A) and (B) of section 2152.12 of the 1131  
Revised Code do not apply regarding the act, and the case charging 1132  
the person with committing the act shall be a criminal prosecution 1133  
commenced and heard in the appropriate court having jurisdiction 1134  
of the offense as if the person had been eighteen years of age or 1135  
older when the person committed the act. All proceedings 1136  
pertaining to the act shall be within the jurisdiction of the 1137  
court having jurisdiction of the offense, and that court has all 1138  
the authority and duties in the case that it has in other criminal 1139  
cases in that court. 1140

**Sec. 2151.357.** (A) If the court orders the records of a 1141  
person sealed pursuant to section 2151.356 of the Revised Code, 1142  
the person who is subject of the order properly may, and the court 1143  
shall, reply that no record exists with respect to the person upon 1144  
any inquiry in the matter, and the court, except as provided in 1145  
division (D) of this section, shall do all of the following: 1146

(1) Order that the proceedings in a case described in 1147  
divisions (B) and (C) of section 2151.356 of the Revised Code be 1148  
deemed never to have occurred; 1149

(2) Except as provided in division (C) of this section, 1150

delete all index references to the case and the person so that the 1151  
references are permanently irretrievable; 1152

(3) Order that all original records of the case maintained by 1153  
any public office or agency, except fingerprints held by a law 1154  
enforcement agency, DNA specimens collected pursuant to section 1155  
2152.74 of the Revised Code, and DNA records derived from DNA 1156  
specimens pursuant to section 109.573 of the Revised Code, be 1157  
delivered to the court; 1158

(4) Order each public office or agency, upon the delivering 1159  
of records to the court under division (A)(3) of this section, to 1160  
expunge remaining records of the case that are the subject of the 1161  
sealing order that are maintained by that public office or agency, 1162  
except fingerprints, DNA specimens, and DNA records described 1163  
under division (A)(3) of this section; 1164

(5) Send notice of the order to seal to any public office or 1165  
agency that the court has reason to believe may have a record of 1166  
the sealed record; 1167

(6) Seal all of the records delivered to the court under 1168  
division (A)(3) of this section, in a separate file in which only 1169  
sealed records are maintained. 1170

(B) Except as provided in division (D) of this section, an 1171  
order to seal under section 2151.356 of the Revised Code applies 1172  
to every public office or agency that has a record relating to the 1173  
case, regardless of whether it receives notice of the hearing on 1174  
the sealing of the record or a copy of the order. Except as 1175  
provided in division (D) of this section, upon the written request 1176  
of a person whose record has been sealed and the presentation of a 1177  
copy of the order and compliance with division (A)(3) of this 1178  
section, a public office or agency shall expunge its record 1179  
relating to the case, except a record of the adjudication or 1180  
arrest or taking into custody that is maintained for compiling 1181

statistical data and that does not contain any reference to the 1182  
person who is the subject of the order. 1183

(C) The court that maintains sealed records pursuant to this 1184  
section may maintain a manual or computerized index of the sealed 1185  
records and shall make the index available only for the purposes 1186  
set forth in division (E) of this section. 1187

(1) Each entry regarding a sealed record in the index of 1188  
sealed records shall contain all of the following: 1189

(a) The name of the person who is the subject of the sealed 1190  
record; 1191

(b) An alphanumeric identifier relating to the person who is 1192  
the subject of the sealed record; 1193

(c) The word "sealed"; 1194

(d) The name of the court that has custody of the sealed 1195  
record. 1196

(2) Any entry regarding a sealed record in the index of 1197  
sealed records shall not contain either of the following: 1198

(a) The social security number of the person who is subject 1199  
of the sealed record; 1200

(b) The name or a description of the act committed. 1201

(D) Notwithstanding any provision of this section that 1202  
requires otherwise, a board of education of a city, local, 1203  
exempted village, or joint vocational school district that 1204  
maintains records of an individual who has been permanently 1205  
excluded under sections 3301.121 and 3313.662 of the Revised Code 1206  
is permitted to maintain records regarding an adjudication that 1207  
the individual is a delinquent child that was used as the basis 1208  
for the individual's permanent exclusion, regardless of a court 1209  
order to seal the record. An order issued under section 2151.356 1210  
of the Revised Code to seal the record of an adjudication that an 1211

individual is a delinquent child does not revoke the adjudication 1212  
order of the superintendent of public instruction to permanently 1213  
exclude the individual who is the subject of the sealing order. An 1214  
order to seal the record of an adjudication that an individual is 1215  
a delinquent child may be presented to a district superintendent 1216  
as evidence to support the contention that the superintendent 1217  
should recommend that the permanent exclusion of the individual 1218  
who is the subject of the sealing order be revoked. Except as 1219  
otherwise authorized by this division and sections 3301.121 and 1220  
3313.662 of the Revised Code, any school employee in possession of 1221  
or having access to the sealed adjudication records of an 1222  
individual that were the basis of a permanent exclusion of the 1223  
individual is subject to division (F) of this section. 1224

(E) Inspection of records that have been ordered sealed under 1225  
section 2151.356 of the Revised Code may be made only by the 1226  
following persons or for the following purposes: 1227

(1) By the court; 1228

(2) If the records in question pertain to an act that would 1229  
be an offense of violence that would be a felony if committed by 1230  
an adult, by any law enforcement officer or any prosecutor, or the 1231  
assistants of a law enforcement officer or prosecutor, for any 1232  
valid law enforcement or prosecutorial purpose; 1233

(3) Upon application by the person who is the subject of the 1234  
sealed records, by the person that is named in that application; 1235

(4) If the records in question pertain to an alleged 1236  
violation of division (E)(1) of section 4301.69 of the Revised 1237  
Code, by any law enforcement officer or any prosecutor, or the 1238  
assistants of a law enforcement officer or prosecutor, for the 1239  
purpose of determining whether the person is eligible for 1240  
diversion under division (E)(2) of section 4301.69 of the Revised 1241  
Code; 1242



(5) At the request of a party in a civil action that is based 1243  
on a case the records for which are the subject of a sealing order 1244  
issued under section 2151.356 of the Revised Code, as needed for 1245  
the civil action. The party also may copy the records as needed 1246  
for the civil action. The sealed records shall be used solely in 1247  
the civil action and are otherwise confidential and subject to the 1248  
provisions of this section; 1249

(6) By the attorney general or an authorized employee of the 1250  
attorney general or the court for purposes of determining whether 1251  
a child is a public registry-qualified juvenile offender 1252  
registrant, as defined in section 2950.01 of the Revised Code, for 1253  
purposes of Chapter 2950. of the Revised Code. 1254

(F) No officer or employee of the state or any of its 1255  
political subdivisions shall knowingly release, disseminate, or 1256  
make available for any purpose involving employment, bonding, 1257  
licensing, or education to any person or to any department, 1258  
agency, or other instrumentality of the state or of any of its 1259  
political subdivisions any information or other data concerning 1260  
any arrest, taking into custody, complaint, indictment, 1261  
information, trial, hearing, adjudication, or correctional 1262  
supervision, the records of which have been sealed pursuant to 1263  
section 2151.356 of the Revised Code and the release, 1264  
dissemination, or making available of which is not expressly 1265  
permitted by this section. Whoever violates this division is 1266  
guilty of divulging confidential information, a misdemeanor of the 1267  
fourth degree. 1268

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

occur, and the person shall not be subject to any adverse action 1275  
because of the arrest or taking into custody or the response. 1276

(H) The judgment rendered by the court under this chapter 1277  
shall not impose any of the civil disabilities ordinarily imposed 1278  
by conviction of a crime in that the child is not a criminal by 1279  
reason of the adjudication, and no child shall be charged with or 1280  
convicted of a crime in any court except as provided by this 1281  
chapter. The disposition of a child under the judgment rendered or 1282  
any evidence given in court shall not operate to disqualify a 1283  
child in any future civil service examination, appointment, or 1284  
application. Evidence of a judgment rendered and the disposition 1285  
of a child under the judgment is not admissible to impeach the 1286  
credibility of the child in any action or proceeding. Otherwise, 1287  
the disposition of a child under the judgment rendered or any 1288  
evidence given in court is admissible as evidence for or against 1289  
the child in any action or proceeding in any court in accordance 1290  
with the Rules of Evidence and also may be considered by any court 1291  
as to the matter of sentence or to the granting of probation, and 1292  
a court may consider the judgment rendered and the disposition of 1293  
a child under that judgment for purposes of determining whether 1294  
the child, for a future criminal conviction or guilty plea, is a 1295  
repeat violent offender, as defined in section 2929.01 of the 1296  
Revised Code. 1297

**Sec. 2152.02.** As used in this chapter: 1298

(A) "Act charged" means the act that is identified in a 1299  
complaint, indictment, or information alleging that a child is a 1300  
delinquent child. 1301

(B) "Admitted to a department of youth services facility" 1302  
includes admission to a facility operated, or contracted for, by 1303  
the department and admission to a comparable facility outside this 1304  
state by another state or the United States. 1305

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

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

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

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

(5) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in that case, and any person who is adjudicated a delinquent child for the commission of an act, who has a serious youthful offender dispositional sentence imposed for the act pursuant to section 2152.13 of the Revised Code, and whose adult portion of the dispositional sentence is invoked pursuant to section 2152.14 of the Revised Code, shall be deemed after the transfer or invocation not to be a child in any case in which a complaint is filed against the person.

(6) The juvenile court has jurisdiction over a person who is adjudicated a delinquent child or juvenile traffic offender prior

to attaining eighteen years of age until the person attains 1337  
twenty-one years of age, and, for purposes of that jurisdiction 1338  
related to that adjudication, except as otherwise provided in this 1339  
division, a person who is so adjudicated a delinquent child or 1340  
juvenile traffic offender shall be deemed a "child" until the 1341  
person attains twenty-one years of age. If a person is so 1342  
adjudicated a delinquent child or juvenile traffic offender and 1343  
the court makes a disposition of the person under this chapter, at 1344  
any time after the person attains eighteen years of age, the 1345  
places at which the person may be held under that disposition are 1346  
not limited to places authorized under this chapter solely for 1347  
confinement of children, and the person may be confined under that 1348  
disposition, in accordance with division (F)(2) of section 2152.26 1349  
of the Revised Code, in places other than those authorized under 1350  
this chapter solely for confinement of children. 1351

(D) "Chronic truant" means any child of compulsory school age 1352  
who is absent without legitimate excuse for absence from the 1353  
public school the child is supposed to attend for seven or more 1354  
consecutive school days, ten or more school days in one school 1355  
month, or fifteen or more school days in a school year. 1356

(E) "Community corrections facility," "public safety beds," 1357  
"release authority," and "supervised release" have the same 1358  
meanings as in section 5139.01 of the Revised Code. 1359

(F) "Delinquent child" includes any of the following: 1360

(1) Any child, except a juvenile traffic offender, who 1361  
violates any law of this state or the United States, or any 1362  
ordinance of a political subdivision of the state, that would be 1363  
an offense if committed by an adult; 1364

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

Code; 1368

(3) Any child who violates division (C) of section 2907.39 1369  
~~or~~ division (A) of section 2923.211, or division (C)(1) or (D) of 1370  
section 2925.55 of the Revised Code; 1371

(4) Any child who is a habitual truant and who previously has 1372  
been adjudicated an unruly child for being a habitual truant; 1373

(5) Any child who is a chronic truant. 1374

(G) "Discretionary serious youthful offender" means a person 1375  
who is eligible for a discretionary SYO and who is not transferred 1376  
to adult court under a mandatory or discretionary transfer. 1377

(H) "Discretionary SYO" means a case in which the juvenile 1378  
court, in the juvenile court's discretion, may impose a serious 1379  
youthful offender disposition under section 2152.13 of the Revised 1380  
Code. 1381

(I) "Discretionary transfer" means that the juvenile court 1382  
has discretion to transfer a case for criminal prosecution under 1383  
division (B) of section 2152.12 of the Revised Code. 1384

(J) "Drug abuse offense," "felony drug abuse offense," and 1385  
"minor drug possession offense" have the same meanings as in 1386  
section 2925.01 of the Revised Code. 1387

(K) "Electronic monitoring" and "electronic monitoring 1388  
device" have the same meanings as in section 2929.01 of the 1389  
Revised Code. 1390

(L) "Economic loss" means any economic detriment suffered by 1391  
a victim of a delinquent act or juvenile traffic offense as a 1392  
direct and proximate result of the delinquent act or juvenile 1393  
traffic offense and includes any loss of income due to lost time 1394  
at work because of any injury caused to the victim and any 1395  
property loss, medical cost, or funeral expense incurred as a 1396  
result of the delinquent act or juvenile traffic offense. 1397

"Economic loss" does not include non-economic loss or any punitive or exemplary damages. 1398  
1399

(M) "Firearm" has the same meaning as in section 2923.11 of the Revised Code. 1400  
1401

(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. 1402  
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(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. 1410  
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1412

(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. 1413  
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1415

(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. 1416  
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1418

(R) "Mandatory transfer" means that a case is required to be transferred for criminal prosecution under division (A) of section 2152.12 of the Revised Code. 1419  
1420  
1421

(S) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code. 1422  
1423

(T) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 1424  
1425

(U) "Monitored time" and "repeat violent offender" have the same meanings as in section 2929.01 of the Revised Code. 1426  
1427

(V) "Of compulsory school age" has the same meaning as in 1428  
section 3321.01 of the Revised Code. 1429

(W) "Public record" has the same meaning as in section 149.43 1430  
of the Revised Code. 1431

(X) "Serious youthful offender" means a person who is 1432  
eligible for a mandatory SYO or discretionary SYO but who is not 1433  
transferred to adult court under a mandatory or discretionary 1434  
transfer. 1435

(Y) "Sexually oriented offense," ~~"habitual sex offender,"~~ 1436  
"juvenile offender registrant," ~~"sexual predator," "presumptive~~ 1437  
~~registration-exempt sexually oriented offense,"~~ 1438  
~~"registration-exempt sexually oriented offense,"~~ "child-victim 1439  
oriented offense," ~~"habitual child victim offender," and~~ 1440  
~~"child-victim predator"~~ "tier I sex offender/child-victim 1441  
offender," "tier II sex offender/child-victim offender," "tier III 1442  
sex offender/child-victim offender," and "public 1443  
registry-qualified juvenile offender registrant" have the same 1444  
meanings as in section 2950.01 of the Revised Code. 1445

(Z) "Traditional juvenile" means a case that is not 1446  
transferred to adult court under a mandatory or discretionary 1447  
transfer, that is eligible for a disposition under sections 1448  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1449  
that is not eligible for a disposition under section 2152.13 of 1450  
the Revised Code. 1451

(AA) "Transfer" means the transfer for criminal prosecution 1452  
of a case involving the alleged commission by a child of an act 1453  
that would be an offense if committed by an adult from the 1454  
juvenile court to the appropriate court that has jurisdiction of 1455  
the offense. 1456

(BB) "Category one offense" means any of the following: 1457

(1) A violation of section 2903.01 or 2903.02 of the Revised 1458

Code; 1459

(2) A violation of section 2923.02 of the Revised Code 1460  
involving an attempt to commit aggravated murder or murder. 1461

(CC) "Category two offense" means any of the following: 1462

(1) A violation of section 2903.03, 2905.01, 2907.02, 1463  
2909.02, 2911.01, or 2911.11 of the Revised Code; 1464

(2) A violation of section 2903.04 of the Revised Code that 1465  
is a felony of the first degree; 1466

(3) A violation of section 2907.12 of the Revised Code as it 1467  
existed prior to September 3, 1996. 1468

(DD) "Non-economic loss" means nonpecuniary harm suffered by 1469  
a victim of a delinquent act or juvenile traffic offense as a 1470  
result of or related to the delinquent act or juvenile traffic 1471  
offense, including, but not limited to, pain and suffering; loss 1472  
of society, consortium, companionship, care, assistance, 1473  
attention, protection, advice, guidance, counsel, instruction, 1474  
training, or education; mental anguish; and any other intangible 1475  
loss. 1476

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 1477  
child, the court may make any of the following orders of 1478  
disposition, in addition to any other disposition authorized or 1479  
required by this chapter: 1480

(1) Any order that is authorized by section 2151.353 of the 1481  
Revised Code for the care and protection of an abused, neglected, 1482  
or dependent child; 1483

(2) Commit the child to the temporary custody of any school, 1484  
camp, institution, or other facility operated for the care of 1485  
delinquent children by the county, by a district organized under 1486  
section 2152.41 or 2151.65 of the Revised Code, or by a private 1487  
agency or organization, within or without the state, that is 1488



authorized and qualified to provide the care, treatment, or 1489  
placement required, including, but not limited to, a school, camp, 1490  
or facility operated under section 2151.65 of the Revised Code; 1491

(3) Place the child in a detention facility or district 1492  
detention facility operated under section 2152.41 of the Revised 1493  
Code, for up to ninety days; 1494

(4) Place the child on community control under any sanctions, 1495  
services, and conditions that the court prescribes. As a condition 1496  
of community control in every case and in addition to any other 1497  
condition that it imposes upon the child, the court shall require 1498  
the child to abide by the law during the period of community 1499  
control. As referred to in this division, community control 1500  
includes, but is not limited to, the following sanctions and 1501  
conditions: 1502

(a) A period of basic probation supervision in which the 1503  
child is required to maintain contact with a person appointed to 1504  
supervise the child in accordance with sanctions imposed by the 1505  
court; 1506

(b) A period of intensive probation supervision in which the 1507  
child is required to maintain frequent contact with a person 1508  
appointed by the court to supervise the child while the child is 1509  
seeking or maintaining employment and participating in training, 1510  
education, and treatment programs as the order of disposition; 1511

(c) A period of day reporting in which the child is required 1512  
each day to report to and leave a center or another approved 1513  
reporting location at specified times in order to participate in 1514  
work, education or training, treatment, and other approved 1515  
programs at the center or outside the center; 1516

(d) A period of community service of up to five hundred hours 1517  
for an act that would be a felony or a misdemeanor of the first 1518  
degree if committed by an adult, up to two hundred hours for an 1519

act that would be a misdemeanor of the second, third, or fourth 1520  
degree if committed by an adult, or up to thirty hours for an act 1521  
that would be a minor misdemeanor if committed by an adult; 1522

(e) A requirement that the child obtain a high school 1523  
diploma, a certificate of high school equivalence, vocational 1524  
training, or employment; 1525

(f) A period of drug and alcohol use monitoring; 1526

(g) A requirement of alcohol or drug assessment or 1527  
counseling, or a period in an alcohol or drug treatment program 1528  
with a level of security for the child as determined necessary by 1529  
the court; 1530

(h) A period in which the court orders the child to observe a 1531  
curfew that may involve daytime or evening hours; 1532

(i) A requirement that the child serve monitored time; 1533

(j) A period of house arrest without electronic monitoring or 1534  
continuous alcohol monitoring; 1535

(k) A period of electronic monitoring or continuous alcohol 1536  
monitoring without house arrest, or house arrest with electronic 1537  
monitoring or continuous alcohol monitoring or both electronic 1538  
monitoring and continuous alcohol monitoring, that does not exceed 1539  
the maximum sentence of imprisonment that could be imposed upon an 1540  
adult who commits the same act. 1541

A period of house arrest with electronic monitoring or 1542  
continuous alcohol monitoring or both electronic monitoring and 1543  
continuous alcohol monitoring, imposed under this division shall 1544  
not extend beyond the child's twenty-first birthday. If a court 1545  
imposes a period of house arrest with electronic monitoring or 1546  
continuous alcohol monitoring or both electronic monitoring and 1547  
continuous alcohol monitoring, upon a child under this division, 1548  
it shall require the child: to remain in the child's home or other 1549

specified premises for the entire period of house arrest with 1550  
electronic monitoring or continuous alcohol monitoring or both 1551  
except when the court permits the child to leave those premises to 1552  
go to school or to other specified premises. Regarding electronic 1553  
monitoring, the court also shall require the child to be monitored 1554  
by a central system that can determine the child's location at 1555  
designated times; to report periodically to a person designated by 1556  
the court; and to enter into a written contract with the court 1557  
agreeing to comply with all requirements imposed by the court, 1558  
agreeing to pay any fee imposed by the court for the costs of the 1559  
house arrest with electronic monitoring, and agreeing to waive the 1560  
right to receive credit for any time served on house arrest with 1561  
electronic monitoring toward the period of any other dispositional 1562  
order imposed upon the child if the child violates any of the 1563  
requirements of the dispositional order of house arrest with 1564  
electronic monitoring. The court also may impose other reasonable 1565  
requirements upon the child. 1566

Unless ordered by the court, a child shall not receive credit 1567  
for any time served on house arrest with electronic monitoring or 1568  
continuous alcohol monitoring or both toward any other 1569  
dispositional order imposed upon the child for the act for which 1570  
was imposed the dispositional order of house arrest with 1571  
electronic monitoring or continuous alcohol monitoring. As used in 1572  
this division and division (A)(4)(l) of this section, "continuous 1573  
alcohol monitoring" has the same meaning as in section 2929.01 of 1574  
the Revised Code. 1575

(1) A suspension of the driver's license, probationary 1576  
driver's license, or temporary instruction permit issued to the 1577  
child for a period of time prescribed by the court, or a 1578  
suspension of the registration of all motor vehicles registered in 1579  
the name of the child for a period of time prescribed by the 1580  
court. A child whose license or permit is so suspended is 1581

ineligible for issuance of a license or permit during the period 1582  
of suspension. At the end of the period of suspension, the child 1583  
shall not be reissued a license or permit until the child has paid 1584  
any applicable reinstatement fee and complied with all 1585  
requirements governing license reinstatement. 1586

(5) Commit the child to the custody of the court; 1587

(6) Require the child to not be absent without legitimate 1588  
excuse from the public school the child is supposed to attend for 1589  
five or more consecutive days, seven or more school days in one 1590  
school month, or twelve or more school days in a school year; 1591

(7)(a) If a child is adjudicated a delinquent child for being 1592  
a chronic truant or a habitual truant who previously has been 1593  
adjudicated an unruly child for being a habitual truant, do either 1594  
or both of the following: 1595

(i) Require the child to participate in a truancy prevention 1596  
mediation program; 1597

(ii) Make any order of disposition as authorized by this 1598  
section, except that the court shall not commit the child to a 1599  
facility described in division (A)(2) or (3) of this section 1600  
unless the court determines that the child violated a lawful court 1601  
order made pursuant to division (C)(1)(e) of section 2151.354 of 1602  
the Revised Code or division (A)(6) of this section. 1603

(b) If a child is adjudicated a delinquent child for being a 1604  
chronic truant or a habitual truant who previously has been 1605  
adjudicated an unruly child for being a habitual truant and the 1606  
court determines that the parent, guardian, or other person having 1607  
care of the child has failed to cause the child's attendance at 1608  
school in violation of section 3321.38 of the Revised Code, do 1609  
either or both of the following: 1610

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

program; 1613

(ii) Require the parent, guardian, or other person having 1614  
care of the child to participate in any community service program, 1615  
preferably a community service program that requires the 1616  
involvement of the parent, guardian, or other person having care 1617  
of the child in the school attended by the child. 1618

(8) Make any further disposition that the court finds proper, 1619  
except that the child shall not be placed in any of the following: 1620

(a) A state correctional institution, a county, multicounty, 1621  
or municipal jail or workhouse, or another place in which an adult 1622  
convicted of a crime, under arrest, or charged with a crime is 1623  
held; 1624

(b) A community corrections facility, if the child would be 1625  
covered by the definition of public safety beds for purposes of 1626  
sections 5139.41 to 5139.43 of the Revised Code if the court 1627  
exercised its authority to commit the child to the legal custody 1628  
of the department of youth services for institutionalization or 1629  
institutionalization in a secure facility pursuant to this 1630  
chapter. 1631

(B) If a child is adjudicated a delinquent child, in addition 1632  
to any order of disposition made under division (A) of this 1633  
section, the court, in the following situations and for the 1634  
specified periods of time, shall suspend the child's temporary 1635  
instruction permit, restricted license, probationary driver's 1636  
license, or nonresident operating privilege, or suspend the 1637  
child's ability to obtain such a permit: 1638

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

in accordance with division (F)(1) of section 2923.122 of the Revised Code.

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

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

(D)(1) If a child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and if the child caused, attempted to cause, threatened to cause, or created a risk of physical harm to the victim of the act, the court, prior to issuing an order of disposition under this section, shall order the preparation of a victim impact statement by the probation department of the county in which the victim of the act resides, by the court's own probation department, or by a victim assistance program that is operated by the state, a county, a municipal corporation, or another governmental entity. The court shall consider the victim impact statement in determining the order of disposition to issue for the child.

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

(3) A victim impact statement shall be kept confidential and is not a public record. However, the court may furnish copies of the statement to the department of youth services if the delinquent child is committed to the department or to both the adjudicated delinquent child or the adjudicated delinquent child's counsel and the prosecuting attorney. The copy of a victim impact statement furnished by the court to the department pursuant to this section shall be kept confidential and is not a public record. If an officer is preparing pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a presentence investigation report pertaining to a person, the court shall make available to the officer, for use in preparing the report, a copy of any victim impact statement regarding that person. The copies of a victim impact statement that are made available to the adjudicated delinquent child or the adjudicated delinquent child's counsel and the prosecuting attorney pursuant to this division shall be returned to the court by the person to whom they were made available immediately following the imposition of an order of disposition for the child under this chapter.

The copy of a victim impact statement that is made available pursuant to this division to an officer preparing a criminal

presentence investigation report shall be returned to the court by 1708  
the officer immediately following its use in preparing the report. 1709

(4) The department of youth services shall work with local 1710  
probation departments and victim assistance programs to develop a 1711  
standard victim impact statement. 1712

(E) If a child is adjudicated a delinquent child for being a 1713  
chronic truant or a habitual truant who previously has been 1714  
adjudicated an unruly child for being a habitual truant and the 1715  
court determines that the parent, guardian, or other person having 1716  
care of the child has failed to cause the child's attendance at 1717  
school in violation of section 3321.38 of the Revised Code, in 1718  
addition to any order of disposition it makes under this section, 1719  
the court shall warn the parent, guardian, or other person having 1720  
care of the child that any subsequent adjudication of the child as 1721  
an unruly or delinquent child for being a habitual or chronic 1722  
truant may result in a criminal charge against the parent, 1723  
guardian, or other person having care of the child for a violation 1724  
of division (C) of section 2919.21 or section 2919.24 of the 1725  
Revised Code. 1726

(F)(1) During the period of a delinquent child's community 1727  
control granted under this section, authorized probation officers 1728  
who are engaged within the scope of their supervisory duties or 1729  
responsibilities may search, with or without a warrant, the person 1730  
of the delinquent child, the place of residence of the delinquent 1731  
child, and a motor vehicle, another item of tangible or intangible 1732  
personal property, or other real property in which the delinquent 1733  
child has a right, title, or interest or for which the delinquent 1734  
child has the express or implied permission of a person with a 1735  
right, title, or interest to use, occupy, or possess if the 1736  
probation officers have reasonable grounds to believe that the 1737  
delinquent child is not abiding by the law or otherwise is not 1738  
complying with the conditions of the delinquent child's community 1739



control. The court that places a delinquent child on community 1740  
control under this section shall provide the delinquent child with 1741  
a written notice that informs the delinquent child that authorized 1742  
probation officers who are engaged within the scope of their 1743  
supervisory duties or responsibilities may conduct those types of 1744  
searches during the period of community control if they have 1745  
reasonable grounds to believe that the delinquent child is not 1746  
abiding by the law or otherwise is not complying with the 1747  
conditions of the delinquent child's community control. The court 1748  
also shall provide the written notice described in division (E)(2) 1749  
of this section to each parent, guardian, or custodian of the 1750  
delinquent child who is described in that division. 1751

(2) The court that places a child on community control under 1752  
this section shall provide the child's parent, guardian, or other 1753  
custodian with a written notice that informs them that authorized 1754  
probation officers may conduct searches pursuant to division 1755  
(E)(1) of this section. The notice shall specifically state that a 1756  
permissible search might extend to a motor vehicle, another item 1757  
of tangible or intangible personal property, or a place of 1758  
residence or other real property in which a notified parent, 1759  
guardian, or custodian has a right, title, or interest and that 1760  
the parent, guardian, or custodian expressly or impliedly permits 1761  
the child to use, occupy, or possess. 1762

(G) If a juvenile court commits a delinquent child to the 1763  
custody of any person, organization, or entity pursuant to this 1764  
section and if the delinquent act for which the child is so 1765  
committed is a sexually oriented offense ~~that is not a~~ 1766  
~~registration-exempt sexually oriented offense~~ or is a child-victim 1767  
oriented offense, the court in the order of disposition shall do 1768  
one of the following: 1769

(1) Require that the child be provided treatment as described 1770  
in division (A)(2) of section 5139.13 of the Revised Code; 1771

(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, 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 custody of the department of youth services under this chapter, the juvenile court relinquishes control with respect to the child so committed, except as provided in divisions (B), (C), and (G) of this section or in sections 2152.82 to ~~2152.85~~ 2152.86 of the Revised Code. Subject to divisions (B) and (C) of this section, sections 2151.353 and 2151.412 to 2151.421 of the Revised Code, sections 2152.82 to ~~2152.85~~ 2152.86 of the Revised Code, and any other provision of law that specifies a different duration for a dispositional order, all other dispositional orders made by the

court under this chapter shall be temporary and shall continue for 1802  
a period that is designated by the court in its order, until 1803  
terminated or modified by the court or until the child attains 1804  
twenty-one years of age. 1805

The department shall not release the child from a department 1806  
facility and as a result shall not discharge the child or order 1807  
the child's release on supervised release prior to the expiration 1808  
of the minimum period specified by the court in division (A)(1) of 1809  
section 2152.16 of the Revised Code and any term of commitment 1810  
imposed under section 2152.17 of the Revised Code or prior to the 1811  
child's attainment of twenty-one years of age, except upon the 1812  
order of a court pursuant to division (B) or (C) of this section 1813  
or in accordance with section 5139.54 of the Revised Code. 1814

(B)(1) The court that commits a delinquent child to the 1815  
department may grant judicial release of the child to court 1816  
supervision under this division during the first half of the 1817  
prescribed minimum term for which the child was committed to the 1818  
department or, if the child was committed to the department until 1819  
the child attains twenty-one years of age, during the first half 1820  
of the prescribed period of commitment that begins on the first 1821  
day of commitment and ends on the child's twenty-first birthday, 1822  
provided any commitment imposed under division (A), (B), (C), or 1823  
(D) of section 2152.17 of the Revised Code has ended. 1824

(2) If the department of youth services desires to release a 1825  
child during a period specified in division (B)(1) of this 1826  
section, it shall request the court that committed the child to 1827  
grant a judicial release of the child to court supervision. During 1828  
whichever of those periods is applicable, the child or the parents 1829  
of the child also may request that court to grant a judicial 1830  
release of the child to court supervision. Upon receipt of a 1831  
request for a judicial release to court supervision from the 1832  
department, the child, or the child's parent, or upon its own 1833

motion, the court that committed the child shall do one of the 1834  
following: approve the release by journal entry; schedule within 1835  
thirty days after the request is received a time for a hearing on 1836  
whether the child is to be released; or reject the request by 1837  
journal entry without conducting a hearing. 1838

If the court rejects an initial request for a release under 1839  
this division by the child or the child's parent, the child or the 1840  
child's parent may make one additional request for a judicial 1841  
release to court supervision within the applicable period. The 1842  
additional request may be made no earlier than thirty days after 1843  
the filing of the prior request for a judicial release to court 1844  
supervision. Upon the filing of a second request for a judicial 1845  
release to court supervision, the court shall either approve or 1846  
disapprove the release by journal entry or schedule within thirty 1847  
days after the request is received a time for a hearing on whether 1848  
the child is to be released. 1849

(3) If a court schedules a hearing under division (B)(2) of 1850  
this section, it may order the department to deliver the child to 1851  
the court on the date set for the hearing and may order the 1852  
department to present to the court a report on the child's 1853  
progress in the institution to which the child was committed and 1854  
recommendations for conditions of supervision of the child by the 1855  
court after release. The court may conduct the hearing without the 1856  
child being present. The court shall determine at the hearing 1857  
whether the child should be granted a judicial release to court 1858  
supervision. 1859

If the court approves the release, it shall order its staff 1860  
to prepare a written treatment and rehabilitation plan for the 1861  
child that may include any conditions of the child's release that 1862  
were recommended by the department and approved by the court. The 1863  
committing court shall send the juvenile court of the county in 1864  
which the child is placed a copy of the recommended plan. The 1865

court of the county in which the child is placed may adopt the 1866  
recommended conditions set by the committing court as an order of 1867  
the court and may add any additional consistent conditions it 1868  
considers appropriate. If a child is granted a judicial release to 1869  
court supervision, the release discharges the child from the 1870  
custody of the department of youth services. 1871

(C)(1) The court that commits a delinquent child to the 1872  
department may grant judicial release of the child to department 1873  
of youth services supervision under this division during the 1874  
second half of the prescribed minimum term for which the child was 1875  
committed to the department or, if the child was committed to the 1876  
department until the child attains twenty-one years of age, during 1877  
the second half of the prescribed period of commitment that begins 1878  
on the first day of commitment and ends on the child's 1879  
twenty-first birthday, provided any commitment imposed under 1880  
division (A), (B), (C), or (D) of section 2152.17 of the Revised 1881  
Code has ended. 1882

(2) If the department of youth services desires to release a 1883  
child during a period specified in division (C)(1) of this 1884  
section, it shall request the court that committed the child to 1885  
grant a judicial release to department of youth services 1886  
supervision. During whichever of those periods is applicable, the 1887  
child or the child's parent also may request the court that 1888  
committed the child to grant a judicial release to department of 1889  
youth services supervision. Upon receipt of a request for judicial 1890  
release to department of youth services supervision, the child, or 1891  
the child's parent, or upon its own motion at any time during that 1892  
period, the court shall do one of the following: approve the 1893  
release by journal entry; schedule a time within thirty days after 1894  
receipt of the request for a hearing on whether the child is to be 1895  
released; or reject the request by journal entry without 1896  
conducting a hearing. 1897

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

(3) If a court schedules a hearing under division (C)(2) of this section, it may order the department to deliver the child to the court on the date set for the hearing and shall order the department to present to the court at that time a treatment plan for the child's post-institutional care. 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 department of youth services supervision.

If the court approves the judicial release to department of youth services supervision, the department shall prepare a written treatment and rehabilitation plan for the child pursuant to division (E) of this section that shall include the conditions of the child's release. It shall send the committing court and the juvenile court of the county in which the child is placed a copy of the plan. The court of the county in which the child is placed may adopt the conditions set by the department as an order of the court and may add any additional consistent conditions it considers appropriate, provided that the court may not add any condition that decreases the level or degree of supervision specified by the department in its plan, that substantially increases the financial burden of supervision that will be

experienced by the department, or that alters the placement 1930  
specified by the department in its plan. If the court of the 1931  
county in which the child is placed adds to the department's plan 1932  
any additional conditions, it shall enter those additional 1933  
conditions in its journal and shall send to the department a copy 1934  
of the journal entry of the additional conditions. 1935

If the court approves the judicial release to department of 1936  
youth services supervision, the actual date on which the 1937  
department shall release the child is contingent upon the 1938  
department finding a suitable placement for the child. If the 1939  
child is to be returned to the child's home, the department shall 1940  
return the child on the date that the court schedules for the 1941  
child's release or shall bear the expense of any additional time 1942  
that the child remains in a department facility. If the child is 1943  
unable to return to the child's home, the department shall 1944  
exercise reasonable diligence in finding a suitable placement for 1945  
the child, and the child shall remain in a department facility 1946  
while the department finds the suitable placement. 1947

(D) If a child is released under division (B) or (C) of this 1948  
section and the court of the county in which the child is placed 1949  
has reason to believe that the child's department is not in 1950  
accordance with the conditions of the child's judicial release, 1951  
the court of the county in which the child is placed shall 1952  
schedule a time for a hearing to determine whether the child 1953  
violated any of the post-release conditions, and, if the child was 1954  
released under division (C) of this section, divisions (A) to (E) 1955  
of section 5139.52 of the Revised Code apply regarding the child. 1956

If that court determines at the hearing that the child 1957  
violated any of the post-release conditions, the court, if it 1958  
determines that the violation was a serious violation, may order 1959  
the child to be returned to the department for 1960  
institutionalization, consistent with the original order of 1961

commitment of the child, or in any case may make any other 1962  
disposition of the child authorized by law that the court 1963  
considers proper. If the court of the county in which the child is 1964  
placed orders the child to be returned to a department of youth 1965  
services institution, the time during which the child was held in 1966  
a secure department facility prior to the child's judicial release 1967  
shall be considered as time served in fulfilling the prescribed 1968  
period of institutionalization that is applicable to the child 1969  
under the child's original order of commitment. If the court 1970  
orders the child returned to a department institution, the child 1971  
shall remain in institutional care for a minimum of three months 1972  
or until the child successfully completes a revocation program of 1973  
a duration of not less than thirty days operated either by the 1974  
department or by an entity with which the department has 1975  
contracted to provide a revocation program. 1976

(E) The department of youth services, prior to the release of 1977  
a child pursuant to division (C) of this section, shall do all of 1978  
the following: 1979

(1) After reviewing the child's rehabilitative progress 1980  
history and medical and educational records, prepare a written 1981  
treatment and rehabilitation plan for the child that includes 1982  
conditions of the release; 1983

(2) Completely discuss the conditions of the plan prepared 1984  
pursuant to division (E)(1) of this section and the possible 1985  
penalties for violation of the plan with the child and the child's 1986  
parents, guardian, or legal custodian; 1987

(3) Have the plan prepared pursuant to division (E)(1) of 1988  
this section signed by the child, the child's parents, legal 1989  
guardian, or custodian, and any authority or person that is to 1990  
supervise, control, and provide supportive assistance to the child 1991  
at the time of the child's release pursuant to division (C) of 1992  
this section; 1993



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

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

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

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

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

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

(a) A mentally retarded person or developmentally disabled

person who was a victim of a violation identified in division 2024  
(B)(1) of this section or an act that would be an offense of 2025  
violence if committed by an adult; 2026

(b) A mentally retarded person or developmentally disabled 2027  
person against whom was directed any conduct that constitutes, or 2028  
that is an element of, a violation identified in division (B)(1) 2029  
of this section or an act that would be an offense of violence if 2030  
committed by an adult. 2031

(B)(1) In any proceeding in juvenile court involving a 2032  
complaint, indictment, or information in which a child is charged 2033  
with a violation of section 2903.16, 2903.34, 2903.341, 2907.02, 2034  
2907.03, 2907.05, 2907.21, 2907.23, 2907.24, 2907.32, 2907.321, 2035  
2907.322, or 2907.323 of the Revised Code or an act that would be 2036  
an offense of violence if committed by an adult and in which an 2037  
alleged victim of the violation or act was a mentally retarded 2038  
person or developmentally disabled person, the juvenile judge, 2039  
upon motion of the prosecution, shall order that the testimony of 2040  
the mentally retarded or developmentally disabled victim be taken 2041  
by deposition. The prosecution also may request that the 2042  
deposition be videotaped in accordance with division (B)(2) of 2043  
this section. The judge shall notify the mentally retarded or 2044  
developmentally disabled victim whose deposition is to be taken, 2045  
the prosecution, and the attorney for the child who is charged 2046  
with the violation or act of the date, time, and place for taking 2047  
the deposition. The notice shall identify the mentally retarded or 2048  
developmentally disabled victim who is to be examined and shall 2049  
indicate whether a request that the deposition be videotaped has 2050  
been made. The child who is charged with the violation or act 2051  
shall have the right to attend the deposition and the right to be 2052  
represented by counsel. Depositions shall be taken in the manner 2053  
provided in civil cases, except that the judge in the proceeding 2054  
shall preside at the taking of the deposition and shall rule at 2055

that time on any objections of the prosecution or the attorney for 2056  
the child charged with the violation or act. The prosecution and 2057  
the attorney for the child charged with the violation or act shall 2058  
have the right, as at an adjudication hearing, to full examination 2059  
and cross-examination of the mentally retarded or developmentally 2060  
disabled victim whose deposition is to be taken. 2061

If a deposition taken under this division is intended to be 2062  
offered as evidence in the proceeding, it shall be filed in the 2063  
juvenile court in which the action is pending and is admissible in 2064  
the manner described in division (C) of this section. If a 2065  
deposition of a mentally retarded or developmentally disabled 2066  
victim taken under this division is admitted as evidence at the 2067  
proceeding under division (C) of this section, the mentally 2068  
retarded or developmentally disabled victim shall not be required 2069  
to testify in person at the proceeding. 2070

At any time before the conclusion of the proceeding, the 2071  
attorney for the child charged with the violation or act may file 2072  
a motion with the judge requesting that another deposition of the 2073  
mentally retarded or developmentally disabled victim be taken 2074  
because new evidence material to the defense of the child charged 2075  
has been discovered that the attorney for the child charged could 2076  
not with reasonable diligence have discovered prior to the taking 2077  
of the admitted deposition. Any motion requesting another 2078  
deposition shall be accompanied by supporting affidavits. Upon the 2079  
filing of the motion and affidavits, the court may order that 2080  
additional testimony of the mentally retarded or developmentally 2081  
disabled victim relative to the new evidence be taken by another 2082  
deposition. If the court orders the taking of another deposition 2083  
under this provision, the deposition shall be taken in accordance 2084  
with this division. If the admitted deposition was a videotaped 2085  
deposition taken in accordance with division (B)(2) of this 2086  
section, the new deposition also shall be videotaped in accordance 2087

with that division. In other cases, the new deposition may be 2088  
videotaped in accordance with that division. 2089

(2) If the prosecution requests that a deposition to be taken 2090  
under division (B)(1) of this section be videotaped, the juvenile 2091  
judge shall order that the deposition be videotaped in accordance 2092  
with this division. If a juvenile judge issues an order to video 2093  
tape the deposition, the judge shall exclude from the room in 2094  
which the deposition is to be taken every person except the 2095  
mentally retarded or developmentally disabled victim giving the 2096  
testimony, the judge, one or more interpreters if needed, the 2097  
attorneys for the prosecution and the child who is charged with 2098  
the violation or act, any person needed to operate the equipment 2099  
to be used, one person chosen by the mentally retarded or 2100  
developmentally disabled victim giving the deposition, and any 2101  
person whose presence the judge determines would contribute to the 2102  
welfare and well-being of the mentally retarded or developmentally 2103  
disabled victim giving the deposition. The person chosen by the 2104  
mentally retarded or developmentally disabled victim shall not be 2105  
a witness in the proceeding and, both before and during the 2106  
deposition, shall not discuss the testimony of the victim with any 2107  
other witness in the proceeding. To the extent feasible, any 2108  
person operating the recording equipment shall be restricted to a 2109  
room adjacent to the room in which the deposition is being taken, 2110  
or to a location in the room in which the deposition is being 2111  
taken that is behind a screen or mirror so that the person 2112  
operating the recording equipment can see and hear, but cannot be 2113  
seen or heard by, the mentally retarded or developmentally 2114  
disabled victim giving the deposition during the deposition. 2115

The child who is charged with the violation or act shall be 2116  
permitted to observe and hear the testimony of the mentally 2117  
retarded or developmentally disabled victim giving the deposition 2118  
on a monitor, shall be provided with an electronic means of 2119

immediate communication with the attorney of the child who is 2120  
charged with the violation or act during the testimony, and shall 2121  
be restricted to a location from which the child who is charged 2122  
with the violation or act cannot be seen or heard by the mentally 2123  
retarded or developmentally disabled victim giving the deposition, 2124  
except on a monitor provided for that purpose. The mentally 2125  
retarded or developmentally disabled victim giving the deposition 2126  
shall be provided with a monitor on which the mentally retarded or 2127  
developmentally disabled victim can observe, while giving 2128  
testimony, the child who is charged with the violation or act. The 2129  
judge, at the judge's discretion, may preside at the deposition by 2130  
electronic means from outside the room in which the deposition is 2131  
to be taken; if the judge presides by electronic means, the judge 2132  
shall be provided with monitors on which the judge can see each 2133  
person in the room in which the deposition is to be taken and with 2134  
an electronic means of communication with each person in that 2135  
room, and each person in the room shall be provided with a monitor 2136  
on which that person can see the judge and with an electronic 2137  
means of communication with the judge. A deposition that is 2138  
videotaped under this division shall be taken and filed in the 2139  
manner described in division (B)(1) of this section and is 2140  
admissible in the manner described in this division and division 2141  
(C) of this section. If a deposition that is videotaped under this 2142  
division is admitted as evidence at the proceeding, the mentally 2143  
retarded or developmentally disabled victim shall not be required 2144  
to testify in person at the proceeding. No deposition videotaped 2145  
under this division shall be admitted as evidence at any 2146  
proceeding unless division (C) of this section is satisfied 2147  
relative to the deposition and all of the following apply relative 2148  
to the recording: 2149

(a) The recording is both aural and visual and is recorded on 2150  
film or videotape, or by other electronic means. 2151

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

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

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

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

(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 2183  
person at the proceeding, the mentally retarded or developmentally 2184  
disabled victim would experience serious emotional trauma as a 2185  
result of the mentally retarded or developmentally disabled 2186  
victim's participation at the proceeding. 2187

(2) Objections to receiving in evidence a deposition or a 2188  
part of it under division (C) of this section shall be made as 2189  
provided in civil actions. 2190

(3) The provisions of divisions (B) and (C) of this section 2191  
are in addition to any other provisions of the Revised Code, the 2192  
Rules of Juvenile Procedure, the Rules of Criminal Procedure, or 2193  
the Rules of Evidence that pertain to the taking or admission of 2194  
depositions in a juvenile court proceeding and do not limit the 2195  
admissibility under any of those other provisions of any 2196  
deposition taken under division (B) of this section or otherwise 2197  
taken. 2198

(D) In any proceeding in juvenile court involving a 2199  
complaint, indictment, or information in which a child is charged 2200  
with a violation listed in division (B)(1) of this section or an 2201  
act that would be an offense of violence if committed by an adult 2202  
and in which an alleged victim of the violation or offense was a 2203  
mentally retarded or developmentally disabled person, the 2204  
prosecution may file a motion with the juvenile judge requesting 2205  
the judge to order the testimony of the mentally retarded or 2206  
developmentally disabled victim to be taken in a room other than 2207  
the room in which the proceeding is being conducted and be 2208  
televised, by closed circuit equipment, into the room in which the 2209  
proceeding is being conducted to be viewed by the child who is 2210  
charged with the violation or act and any other persons who are 2211  
not permitted in the room in which the testimony is to be taken 2212  
but who would have been present during the testimony of the 2213  
mentally retarded or developmentally disabled victim had it been 2214

given in the room in which the proceeding is being conducted. 2215

Except for good cause shown, the prosecution shall file a motion 2216

under this division at least seven days before the date of the 2217

proceeding. The juvenile judge may issue the order upon the motion 2218

of the prosecution filed under this division, if the judge 2219

determines that the mentally retarded or developmentally disabled 2220

victim is unavailable to testify in the room in which the 2221

proceeding is being conducted in the physical presence of the 2222

child charged with the violation or act for one or more of the 2223

reasons set forth in division (F) of this section. If a juvenile 2224

judge issues an order of that nature, the judge shall exclude from 2225

the room in which the testimony is to be taken every person except 2226

a person described in division (B)(2) of this section. The judge, 2227

at the judge's discretion, may preside during the giving of the 2228

testimony by electronic means from outside the room in which it is 2229

being given, subject to the limitations set forth in division 2230

(B)(2) of this section. To the extent feasible, any person 2231

operating the televising equipment shall be hidden from the sight 2232

and hearing of the mentally retarded or developmentally disabled 2233

victim giving the testimony, in a manner similar to that described 2234

in division (B)(2) of this section. The child who is charged with 2235

the violation or act shall be permitted to observe and hear the 2236

testimony of the mentally retarded or developmentally disabled 2237

victim giving the testimony on a monitor, shall be provided with 2238

an electronic means of immediate communication with the attorney 2239

of the child who is charged with the violation or act during the 2240

testimony, and shall be restricted to a location from which the 2241

child who is charged with the violation or act cannot be seen or 2242

heard by the mentally retarded or developmentally disabled victim 2243

giving the testimony, except on a monitor provided for that 2244

purpose. The mentally retarded or developmentally disabled victim 2245

giving the testimony shall be provided with a monitor on which the 2246

mentally retarded or developmentally disabled victim can observe, 2247



while giving testimony, the child who is charged with the 2248  
violation or act. 2249

(E) In any proceeding in juvenile court involving a 2250  
complaint, indictment, or information in which a child is charged 2251  
with a violation listed in division (B)(1) of this section or an 2252  
act that would be an offense of violence if committed by an adult 2253  
and in which an alleged victim of the violation or offense was a 2254  
mentally retarded or developmentally disabled person, the 2255  
prosecution may file a motion with the juvenile judge requesting 2256  
the judge to order the testimony of the mentally retarded or 2257  
developmentally disabled victim to be taken outside of the room in 2258  
which the proceeding is being conducted and be recorded for 2259  
showing in the room in which the proceeding is being conducted 2260  
before the judge, the child who is charged with the violation or 2261  
act, and any other persons who would have been present during the 2262  
testimony of the mentally retarded or developmentally disabled 2263  
victim had it been given in the room in which the proceeding is 2264  
being conducted. Except for good cause shown, the prosecution 2265  
shall file a motion under this division at least seven days before 2266  
the date of the proceeding. The juvenile judge may issue the order 2267  
upon the motion of the prosecution filed under this division, if 2268  
the judge determines that the mentally retarded or developmentally 2269  
disabled victim is unavailable to testify in the room in which the 2270  
proceeding is being conducted in the physical presence of the 2271  
child charged with the violation or act, due to one or more of the 2272  
reasons set forth in division (F) of this section. If a juvenile 2273  
judge issues an order of that nature, the judge shall exclude from 2274  
the room in which the testimony is to be taken every person except 2275  
a person described in division (B)(2) of this section. To the 2276  
extent feasible, any person operating the recording equipment 2277  
shall be hidden from the sight and hearing of the mentally 2278  
retarded or developmentally disabled victim giving the testimony, 2279  
in a manner similar to that described in division (B)(2) of this 2280

section. The child who is charged with the violation or act shall 2281  
be permitted to observe and hear the testimony of the mentally 2282  
retarded or developmentally disabled victim giving the testimony 2283  
on a monitor, shall be provided with an electronic means of 2284  
immediate communication with the attorney of the child who is 2285  
charged with the violation or act during the testimony, and shall 2286  
be restricted to a location from which the child who is charged 2287  
with the violation or act cannot be seen or heard by the mentally 2288  
retarded or developmentally disabled victim giving the testimony, 2289  
except on a monitor provided for that purpose. The mentally 2290  
retarded or developmentally disabled victim giving the testimony 2291  
shall be provided with a monitor on which the mentally retarded or 2292  
developmentally disabled victim can observe, while giving 2293  
testimony, the child who is charged with the violation or act. No 2294  
order for the taking of testimony by recording shall be issued 2295  
under this division unless the provisions set forth in divisions 2296  
(B)(2)(a), (b), (c), and (d) of this section apply to the 2297  
recording of the testimony. 2298

(F) For purposes of divisions (D) and (E) of this section, a 2299  
juvenile judge may order the testimony of a mentally retarded or 2300  
developmentally disabled victim to be taken outside of the room in 2301  
which a proceeding is being conducted if the judge determines that 2302  
the mentally retarded or developmentally disabled victim is 2303  
unavailable to testify in the room in the physical presence of the 2304  
child charged with the violation or act due to one or more of the 2305  
following circumstances: 2306

(1) The persistent refusal of the mentally retarded or 2307  
developmentally disabled victim to testify despite judicial 2308  
requests to do so; 2309

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

similar reason; 2313

(3) The substantial likelihood that the mentally retarded or 2314  
developmentally disabled victim will suffer serious emotional 2315  
trauma from so testifying. 2316

(G)(1) If a juvenile judge issues an order pursuant to 2317  
division (D) or (E) of this section that requires the testimony of 2318  
a mentally retarded or developmentally disabled victim in a 2319  
juvenile court proceeding to be taken outside of the room in which 2320  
the proceeding is being conducted, the order shall specifically 2321  
identify the mentally retarded or developmentally disabled victim 2322  
to whose testimony it applies, the order applies only during the 2323  
testimony of the specified mentally retarded or developmentally 2324  
disabled victim, and the mentally retarded or developmentally 2325  
disabled victim giving the testimony shall not be required to 2326  
testify at the proceeding other than in accordance with the order. 2327  
The authority of a judge to close the taking of a deposition under 2328  
division (B)(2) of this section or a proceeding under division (D) 2329  
or (E) of this section is in addition to the authority of a judge 2330  
to close a hearing pursuant to section 2151.35 of the Revised 2331  
Code. 2332

(2) A juvenile judge who makes any determination regarding 2333  
the admissibility of a deposition under divisions (B) and (C) of 2334  
this section, the videotaping of a deposition under division 2335  
(B)(2) of this section, or the taking of testimony outside of the 2336  
room in which a proceeding is being conducted under division (D) 2337  
or (E) of this section shall enter the determination and findings 2338  
on the record in the proceeding. 2339

**Sec. 2152.82.** (A) The court that adjudicates a child a 2340  
delinquent child shall issue as part of the dispositional order an 2341  
order that classifies the child a juvenile offender registrant and 2342  
specifies that the child has a duty to comply with sections 2343

2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code if all 2344  
of the following apply: 2345

(1) The act for which the child is adjudicated a delinquent 2346  
child is a sexually oriented offense ~~that is not a~~ 2347  
~~registration exempt sexually oriented offense~~ or is a child-victim 2348  
oriented offense that the child committed on or after January 1, 2349  
2002. 2350

(2) The child was fourteen, fifteen, sixteen, or seventeen 2351  
years of age at the time of committing the offense. 2352

(3) The court has determined that the child previously was 2353  
~~convicted of, pleaded guilty to, or was~~ adjudicated a delinquent 2354  
child for committing any sexually oriented offense or child-victim 2355  
oriented offense, regardless of when the prior offense was 2356  
committed and regardless of the child's age at the time of 2357  
committing the offense. 2358

(4) The court is not required to classify the child as both a 2359  
juvenile offender registrant and a public registry-qualified 2360  
juvenile offender registrant under section 2152.86 of the Revised 2361  
Code. 2362

(B) An order required under division (A) of this section 2363  
shall be issued at the time the judge makes the ~~orders~~ order of 2364  
disposition for the delinquent child. Prior to issuing the order 2365  
required by division (A) of this section, the judge shall conduct 2366  
~~the hearing and make the determinations required by division (B)~~ 2367  
~~of section 2950.09 of the Revised Code regarding a sexually~~ 2368  
~~oriented offense that is not a registration exempt sexually~~ 2369  
~~oriented offense or division (B) of section 2950.091 of the~~ 2370  
~~Revised Code regarding a child victim oriented offense to~~ 2371  
~~determine if the child is to be classified a sexual predator or a~~ 2372  
~~child victim predator, shall make the determinations required by~~ 2373  
~~division (E) of section 2950.09 of the Revised Code regarding a~~ 2374

~~sexually oriented offense that is not a registration exempt~~ 2375  
~~sexually oriented offense or division (E) of section 2950.091 of~~ 2376  
~~the Revised Code regarding a child victim oriented offense to~~ 2377  
~~determine if the child is to be classified a habitual sex offender~~ 2378  
~~or a habitual child victim offender, and shall otherwise comply~~ 2379  
~~with those divisions~~ a hearing under section 2152.831 of the 2380  
Revised Code to determine whether the child is a tier I sex 2381  
offender/child-victim offender, a tier II sex 2382  
offender/child-victim offender, or a tier III sex 2383  
offender/child-victim offender. If the court determines that the 2384  
delinquent child to whom the order applies is a tier III sex 2385  
offender/child-victim offender and the child is not a public 2386  
registry-qualified juvenile offender registrant, the judge may 2387  
impose a requirement subjecting the child to the victim and 2388  
community notification provisions of sections 2950.10 and 2950.11 2389  
of the Revised Code. When a judge issues an order under division 2390  
(A) of this section, all of the following apply: 2391

(1) ~~The judge shall include in the order any determination~~ 2392  
~~that the delinquent child is, or is not, a sexual predator or~~ 2393  
~~child victim predator or is, or is not, a habitual sex offender or~~ 2394  
~~habitual child victim offender that the judge makes pursuant to~~ 2395  
~~division (B) or (E) of section 2950.09 or 2950.091 of the Revised~~ 2396  
~~Code and any related information required or authorized under the~~ 2397  
~~division under which the determination is made, including, but not~~ 2398  
~~limited to, any requirement imposed by the court subjecting a~~ 2399  
~~child who is a habitual sex offender or habitual child victim~~ 2400  
~~offender to community notification provisions as described in~~ 2401  
~~division (E) of section 2950.09 or 2950.091 of the Revised Code.~~ 2402

(2) The judge shall include in the order a statement that, 2403  
upon completion of the disposition of the delinquent child that 2404  
was made for the sexually oriented offense or child-victim 2405  
oriented offense upon which the order is based, a hearing will be 2406

conducted, and the order and any determinations included in the 2407  
order are subject to modification or termination pursuant to 2408  
sections 2152.84 and 2152.85 of the Revised Code. 2409

~~(3)~~(2) The judge shall provide to the delinquent child and to 2410  
the delinquent child's parent, guardian, or custodian the notice 2411  
required under divisions (A) and (B) of section 2950.03 of the 2412  
Revised Code and shall provide as part of that notice a copy of 2413  
the order. 2414

~~(4)~~(3) The judge shall include the order in the delinquent 2415  
child's dispositional order and shall specify in the dispositional 2416  
order that the order issued under division (A) of this section was 2417  
made pursuant to this section. 2418

(4) If the court determines that the delinquent child to whom 2419  
the order applies is a tier III sex offender/child-victim 2420  
offender, if the child is not a public registry-qualified juvenile 2421  
offender registrant, and if the judge imposes a requirement 2422  
subjecting the child to the victim and community notification 2423  
provisions of sections 2950.10 and 2950.11 of the Revised Code, 2424  
the judge shall include the requirement in the order. 2425

(5) The court shall include in the order its determination 2426  
made at the hearing held under section 2151.831 of the Revised 2427  
Code as to whether the delinquent child is a tier I sex 2428  
offender/child-victim offender, a tier II sex 2429  
offender/child-victim offender, or a tier III sex 2430  
offender/child-victim offender. 2431

(C) ~~An~~ Except as provided in division (D) of this section, an 2432  
order issued under division (A) of this section and any 2433  
determinations included in the order shall remain in effect for 2434  
the period of time specified in section 2950.07 of the Revised 2435  
Code, subject to a modification or termination of the order under 2436  
section 2152.84 or 2152.85 of the Revised Code, and section 2437

2152.851 of the Revised Code applies regarding the order and the 2438  
determinations. If an order is issued under division (A) of this 2439  
section, the child's attainment of eighteen or twenty-one years of 2440  
age does not affect or terminate the order, and the order remains 2441  
in effect for the period of time described in this division. 2442

(D) ~~A court that adjudicates a child a delinquent child for a~~ 2443  
~~sexually oriented offense that is a registration exempt sexually~~ 2444  
~~oriented offense shall not issue based on that adjudication an~~ 2445  
~~order under this section that classifies the child a juvenile~~ 2446  
~~offender registrant and specifies that the child has a duty to~~ 2447  
~~comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of~~ 2448  
~~the Revised Code. If a court issues an order under division (A) of~~ 2449  
~~this section before January 1, 2008, not later than February 1,~~ 2450  
~~2008, the court shall terminate the order and issue a new order~~ 2451  
~~that reclassifies the child as both a juvenile offender registrant~~ 2452  
~~and a public registry-qualified juvenile offender registrant~~ 2453  
~~pursuant to section 2152.86 of the Revised Code if the court~~ 2454  
~~imposed on the child a serious youthful offender dispositional~~ 2455  
~~sentence under section 2152.13 of the Revised Code and if the act~~ 2456  
~~that was the basis of the classification of the delinquent child~~ 2457  
~~as a juvenile offender registrant and is the basis of the serious~~ 2458  
~~youthful offender dispositional sentence is any of the following:~~ 2459

(1) Committing, attempting to commit, conspiring to commit, 2460  
or complicity in committing a violation of section 2907.02 of the 2461  
Revised Code, division (B) of section 2907.05 of the Revised Code, 2462  
or section 2907.03 of the Revised Code if the victim of the 2463  
violation was less than twelve years of age; 2464

(2) Committing, attempting to commit, conspiring to commit, 2465  
or complicity in committing a violation of section 2903.01, 2466  
2903.02, or 2905.01 of the Revised Code that was committed with a 2467  
purpose to gratify the sexual needs or desires of the child. 2468

**Sec. 2152.83.** (A)(1) The court that adjudicates a child a delinquent child shall issue as part of the dispositional order or, if the court commits the child for the delinquent act to the custody of a secure facility, shall issue at the time of the child's release from the secure facility, an order 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 if all of the following apply:

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

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

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

(2) Prior to issuing the order required by division (A)(2) of this section, the judge shall conduct ~~the hearing and make the determinations required by division (B) 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~~ 2500  
~~section 2950.091 of the Revised Code regarding a child victim~~ 2501  
~~oriented offense to determine if the child is to be classified a~~ 2502  
~~habitual sex offender or a habitual child victim offender, and~~ 2503  
~~shall otherwise comply with those divisions~~ a hearing under 2504  
section 2152.831 of the Revised Code, except as otherwise provided 2505  
in that section, to determine whether the child is a tier I sex 2506  
offender/child-victim offender, a tier II sex 2507  
offender/child-victim offender, or a tier III sex 2508  
offender/child-victim offender. When a judge issues an order under 2509  
division (A)(1) of this section, the judge shall include in the 2510  
order ~~all of the determinations and information~~ identified in 2511  
division (B)~~(1)~~(5) of section 2152.82 of the Revised Code ~~that are~~ 2512  
~~relevant.~~ 2513

(B)(1) The court that adjudicates a child a delinquent child, 2514  
on the judge's own motion, may conduct at the time of disposition 2515  
of the child or, if the court commits the child for the delinquent 2516  
act to the custody of a secure facility, may conduct at the time 2517  
of the child's release from the secure facility, a hearing for the 2518  
purposes described in division (B)(2) of this section if all of 2519  
the following apply: 2520

(a) The act for which the child is adjudicated a delinquent 2521  
child is a sexually oriented offense ~~that is not a~~ 2522  
~~registration exempt sexually oriented offense or is~~ a child-victim 2523  
oriented offense that the child committed on or after January 1, 2524  
2002. 2525

(b) The child was fourteen or fifteen years of age at the 2526  
time of committing the offense. 2527

(c) The court was not required to classify the child a 2528  
juvenile offender registrant under section 2152.82 of the Revised 2529  
Code or as both a juvenile offender registrant and a public 2530  
registry-qualified juvenile offender registrant under section 2531

2152.86 of the Revised Code. 2532

(2) A judge shall conduct a hearing under division (B)(1) of 2533  
this section to review the effectiveness of the disposition made 2534  
of the child and of any treatment provided for the child placed in 2535  
a secure setting and to determine whether the child should be 2536  
classified a juvenile offender registrant. The judge may conduct 2537  
the hearing on the judge's own initiative or based upon a 2538  
recommendation of an officer or employee of the department of 2539  
youth services, a probation officer, an employee of the court, or 2540  
a prosecutor or law enforcement officer. If the judge conducts the 2541  
hearing, upon completion of the hearing, the judge, in the judge's 2542  
discretion and after consideration of the factors listed in 2543  
division (E) of this section, shall do either of the following: 2544

(a) Decline to issue an order that classifies the child a 2545  
juvenile offender registrant and specifies that the child has a 2546  
duty to comply with sections 2950.04, 2950.041, 2950.05, and 2547  
2950.06 of the Revised Code; 2548

(b) Issue an order that classifies the child a juvenile 2549  
offender registrant and specifies that the child has a duty to 2550  
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 2551  
the Revised Code and, ~~if the judge conducts a hearing as described~~ 2552  
~~in division (C) of this section to determine whether the child is~~ 2553  
~~a sexual predator or child victim predator or a habitual sex~~ 2554  
~~offender or habitual child victim offender, include in the order a~~ 2555  
~~statement that the judge has determined that the child is, or is~~ 2556  
~~not, a sexual predator, child victim predator, habitual sex~~ 2557  
~~offender, or habitual child victim offender, whichever is~~ 2558  
~~applicable that states the determination that the judge makes at~~ 2559  
the hearing held pursuant to section 2152.831 of the Revised Code 2560  
as to whether the child is a tier I sex offender/child-victim 2561  
offender, a tier II sex offender/child-victim offender, or a tier 2562  
III sex offender/child-victim offender. 2563

(C) ~~A judge may issue (1) Prior to issuing an order under~~ 2564  
~~division (B)(2)(b) of this section that contains a determination~~ 2565  
~~that a delinquent child is a sexual predator or child victim~~ 2566  
~~predator only if the judge, in accordance with the procedures~~ 2567  
~~specified in division (B) of section 2950.09 of the Revised Code~~ 2568  
~~regarding sexual predators or division (B) of section 2950.091 of~~ 2569  
~~the Revised Code regarding child victim predators, determines at~~ 2570  
~~the hearing by clear and convincing evidence that the child is a~~ 2571  
~~sexual predator or a child victim predator. A judge may issue an~~ 2572  
~~order under division (B) of this section that contains a~~ 2573  
~~determination that a delinquent child is a habitual sex offender~~ 2574  
~~or a habitual child victim offender only if the judge at the~~ 2575  
~~hearing determines as described in division (E) of section 2950.09~~ 2576  
~~of the Revised Code regarding habitual sex offenders or division~~ 2577  
~~(E) of section 2950.091 of the Revised Code regarding habitual~~ 2578  
~~child victim offenders that the child is a habitual sex offender~~ 2579  
~~or a habitual child victim offender. If the judge issues an order~~ 2580  
~~under division (B) of this section that contains a determination~~ 2581  
~~that a delinquent child is a habitual sex offender or a habitual~~ 2582  
~~child victim offender, the judge may impose a requirement~~ 2583  
~~subjecting the child to community notification provisions as~~ 2584  
~~described in division (E) of section 2950.09 or 2950.091 of the~~ 2585  
~~Revised Code, whichever is applicable. If the court conducts a~~ 2586  
~~hearing as described in this division to determine whether the~~ 2587  
~~child is a sexual predator or child victim predator or a habitual~~ 2588  
~~sex offender or habitual child victim offender, the judge shall~~ 2589  
~~comply with division (B) or (E) of section 2950.09 or 2950.091 of~~ 2590  
~~the Revised Code, whichever is applicable, in all regards, the~~ 2591  
judge shall conduct a hearing under section 2152.831 of the 2592  
Revised Code to determine whether the child is a tier I sex 2593  
offender/child-victim offender, a tier II sex 2594  
offender/child-victim offender, or a tier III sex 2595  
offender/child-victim offender. The judge may hold the hearing at 2596

the same time as the hearing under division (B) of this section. 2597

(2) If a judge issues an order under division (A) or (B) of 2598  
this section and the court determines that the delinquent child to 2599  
whom the order applies is a tier III sex offender/child-victim 2600  
offender and the child is not a public registry-qualified juvenile 2601  
offender registrant, the judge may impose a requirement subjecting 2602  
the child to the victim and community notification provisions of 2603  
sections 2950.10 and 2950.11 of the Revised Code. If the judge 2604  
imposes a requirement subjecting the child to the victim and 2605  
community notification provisions of sections 2950.10 and 2950.11 2606  
of the Revised Code, the judge shall include the requirement in 2607  
the order. 2608

~~(D)~~(3) If a judge issues an order under division (A) or (B) 2609  
of this section, the judge shall provide to the delinquent child 2610  
and to the delinquent child's parent, guardian, or custodian a 2611  
copy of the order and a notice containing the information 2612  
described in divisions (A) and (B) of section 2950.03 of the 2613  
Revised Code. The judge shall provide the notice at the time of 2614  
the issuance of the order and shall comply with divisions (B) and 2615  
(C) of that section regarding that notice and the provision of it. 2616  
2617

The judge also shall include in the order a statement that, 2618  
upon completion of the disposition of the delinquent child that 2619  
was made for the sexually oriented offense or child-victim 2620  
oriented offense upon which the order is based, a hearing will be 2621  
conducted and the order is subject to modification or termination 2622  
pursuant to section 2152.84 of the Revised Code. 2623

~~(E)~~(D) In making a decision under division (B) of this 2624  
section as to whether a delinquent child should be classified a 2625  
juvenile offender registrant ~~and, if so, whether the child also is~~ 2626  
~~a sexual predator or child-victim predator or a habitual sex~~ 2627  
~~offender or habitual child-victim offender,~~ a judge shall consider 2628

all relevant factors, including, but not limited to, all of the 2629  
following: 2630

(1) The nature of the sexually oriented offense ~~that is not a~~ 2631  
~~registration-exempt sexually oriented offense~~ or the child-victim 2632  
oriented offense committed by the child; 2633

(2) Whether the child has shown any genuine remorse or 2634  
compunction for the offense; 2635

(3) The public interest and safety; 2636

(4) The factors set forth in division ~~(B)(3)~~(K) of section 2637  
~~2950.09 or 2950.091~~ 2950.11 of the Revised Code, ~~whichever is~~ 2638  
~~applicable;~~ provided that references in the factors as set forth 2639  
in that division to "the offender" shall be construed for purposes 2640  
of this division to be references to "the delinquent child;" 2641

(5) The factors set forth in divisions (B) and (C) of section 2642  
2929.12 of the Revised Code as those factors apply regarding the 2643  
delinquent child, the offense, and the victim; 2644

(6) The results of any treatment provided to the child and of 2645  
any follow-up professional assessment of the child. 2646

~~(F)~~(E) An order issued under division (A) or (B) of this 2647  
section and any determinations included in the order shall remain 2648  
in effect for the period of time specified in section 2950.07 of 2649  
the Revised Code, subject to a modification or termination of the 2650  
order under section 2152.84 of the Revised Code, and section 2651  
2152.851 of the Revised Code applies regarding the order and the 2652  
determinations. The child's attainment of eighteen or twenty-one 2653  
years of age does not affect or terminate the order, and the order 2654  
remains in effect for the period of time described in this 2655  
division. 2656

~~(G) A court that adjudicates a child a delinquent child for a~~ 2657  
~~sexually oriented offense that is a registration-exempt sexually~~ 2658

~~oriented offense shall not issue based on that adjudication an~~ 2659  
~~order under this section that classifies the child a juvenile~~ 2660  
~~offender registrant and specifies that the child has a duty to~~ 2661  
~~comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of~~ 2662  
~~the Revised Code.~~ 2663

~~(H)~~(F) If a court issues an order under division (A) or (B) 2664  
of this section before January 1, 2008, not later than February 1, 2665  
2008, the court shall terminate the order and issue a new order 2666  
that reclassifies the child as both a juvenile offender registrant 2667  
and a public registry-qualified juvenile offender registrant 2668  
pursuant to section 2152.86 of the Revised Code if the court 2669  
imposed on the child a serious youthful offender dispositional 2670  
sentence under section 2152.13 of the Revised Code and if the act 2671  
that was the basis of the classification of the delinquent child 2672  
as a juvenile offender registrant and is the basis of the serious 2673  
youthful offender dispositional sentence is any of the following: 2674

(1) Committing, attempting to commit, conspiring to commit, 2675  
or complicity in committing a violation of section 2907.02 of the 2676  
Revised Code, division (B) of section 2907.05 of the Revised Code, 2677  
or section 2907.03 of the Revised Code if the victim of the 2678  
violation was less than twelve years of age; 2679

(2) Committing, attempting to commit, conspiring to commit, 2680  
or complicity in committing a violation of section 2903.01, 2681  
2903.02, or 2905.01 of the Revised Code that was committed with a 2682  
purpose to gratify the sexual needs or desires of the child. 2683

(G) As used in ~~the~~ this section, "secure facility" has the 2684  
same meaning as in section 2950.01 of the Revised Code. 2685

**Sec. 2152.831.** (A) If, on or after January 1, 2008, a 2686  
juvenile court adjudicates a child a delinquent child and 2687  
classifies the child a juvenile offender registrant pursuant to 2688  
section 2152.82 or 2152.83 of the Revised Code, before issuing the 2689

order that classifies the child a juvenile offender registrant the 2690  
court shall conduct a hearing to determine whether to classify the 2691  
child a tier I sex offender/child-victim offender, a tier II sex 2692  
offender/child-victim offender, or a tier III sex offender/ 2693  
child-victim offender. 2694

(B) When a judge issues an order under section 2152.82 or 2695  
2152.83 of the Revised Code that classifies a delinquent child a 2696  
juvenile offender registrant, in addition to the other statements 2697  
and information required by the section under which the order is 2698  
issued, the judge shall include in the order its determination 2699  
made under division (A) of this section as to whether the child is 2700  
a tier I sex offender/child-victim offender, a tier II sex 2701  
offender/child-victim offender, or a tier III sex 2702  
offender/child-victim offender. When a judge issues an order under 2703  
section 2152.84 or 2152.85 of the Revised Code that reclassifies a 2704  
delinquent child from one tier of sex offender/child-victim 2705  
offender to a different tier of sex offender/child-victim 2706  
offender, in addition to the other statements and information 2707  
required by the section under which the order is issued, the judge 2708  
shall include in the order its determination as to the 2709  
reclassification of the child and the tier to which the child is 2710  
reclassified. 2711

(C) The provisions of this section do not apply to a 2712  
delinquent child if the court is required to classify the child as 2713  
both a juvenile offender registrant and a public 2714  
registry-qualified juvenile offender registrant pursuant to 2715  
section 2152.86 of the Revised Code. 2716

**Sec. 2152.84.** (A)(1) When a juvenile court judge issues an 2717  
order under section 2152.82 or division (A) or (B) of section 2718  
2152.83 of the Revised Code that classifies a delinquent child a 2719  
juvenile offender registrant and specifies that the child has a 2720

duty to comply with sections 2950.04, 2950.041, 2950.05, and 2721  
2950.06 of the Revised Code, upon completion of the disposition of 2722  
that child made for the sexually oriented offense ~~that is not a~~ 2723  
~~registration-exempt sexually oriented offense~~ or the child-victim 2724  
oriented offense on which the juvenile offender registrant order 2725  
was based, the judge or the judge's successor in office shall 2726  
conduct a hearing to review the effectiveness of the disposition 2727  
and of any treatment provided for the child, to determine the 2728  
risks that the child might re-offend, ~~and~~ to determine whether the 2729  
prior classification of the child as a juvenile offender 2730  
registrant ~~and, if applicable, as a sexual predator or~~ 2731  
~~child-victim predator or as a habitual sex offender or habitual~~ 2732  
~~child-victim offender~~ should be continued, ~~modified,~~ or terminated 2733  
as provided under division (A)(2) of this section, and to 2734  
determine whether its prior determination made at the hearing held 2735  
pursuant to section 2152.831 of the Revised Code as to whether the 2736  
child is a tier I sex offender/child-victim offender, a tier II 2737  
sex offender/child-victim offender, or a tier III sex 2738  
offender/child-victim offender should be continued or modified as 2739  
provided under division (A)(2) of this section. 2740

(2) Upon completion of a hearing under division (A)(1) of 2741  
this section, the judge, in the judge's discretion and after 2742  
consideration of all relevant factors, including but not limited 2743  
to, the factors listed in division ~~(E)~~(D) of section 2152.83 of 2744  
the Revised Code, shall do one of the following, as applicable: 2745

(a) Enter an order that continues the classification of the 2746  
delinquent child as a juvenile offender registrant made in the 2747  
prior order issued under section 2152.82 or division (A) or (B) of 2748  
section 2152.83 of the Revised Code, ~~and any sexual predator,~~ 2749  
~~child-victim predator, habitual sex offender, or habitual~~ 2750  
~~child-victim offender~~ the prior determination included in the 2751  
order that the child is a tier I sex offender/child-victim 2752



offender, a tier II sex offender/child-victim offender, or a tier 2753  
III sex offender/child-victim offender, whichever is applicable; 2754

~~(b) If the prior order was issued under section 2152.82 or~~ 2755  
~~division (A) of section 2152.83 of the Revised Code and includes a~~ 2756  
~~determination by the judge that the delinquent child is a sexual~~ 2757  
~~predator or child victim predator, enter, as applicable, an order~~ 2758  
~~that contains a determination that the child no longer is a sexual~~ 2759  
~~predator, the reason or reasons for that determination, and either~~ 2760  
~~a determination that the child is a habitual sex offender or a~~ 2761  
~~determination that the child remains a juvenile offender~~ 2762  
~~registrant but is not a sexual predator or habitual sex offender,~~ 2763  
~~or an order that contains a determination that the child no longer~~ 2764  
~~is a child victim predator, the reason or reasons for that~~ 2765  
~~determination, and either a determination that the child is a~~ 2766  
~~habitual child victim offender or a determination that the child~~ 2767  
~~remains a juvenile offender registrant but is not a child victim~~ 2768  
~~predator or habitual child victim offender;~~ 2769

~~(c) If the prior order was issued under section 2152.82 or~~ 2770  
~~division (A) of section 2152.83 of the Revised Code and does not~~ 2771  
~~include a sexual predator or child victim predator determination~~ 2772  
~~as described in division (A)(2)(b) of this section but includes a~~ 2773  
~~determination by the judge that the delinquent child is a habitual~~ 2774  
~~sex offender or a habitual child victim offender, enter, as~~ 2775  
~~applicable, an order that contains a determination that the child~~ 2776  
~~no longer is a habitual sex offender and a determination that the~~ 2777  
~~child remains a juvenile sex offender registrant but is not a~~ 2778  
~~habitual offender, or an order that contains a determination that~~ 2779  
~~the child no longer is a habitual child victim offender and a~~ 2780  
~~determination that the child remains a juvenile offender~~ 2781  
~~registrant but is not a habitual child victim offender;~~ 2782

~~(d) If the prior order was issued under division (B) of~~ 2783  
~~section 2152.83 of the Revised Code and includes a determination~~ 2784

by the judge that the delinquent child is a sexual predator or 2785  
child victim predator, enter, as applicable, an order that 2786  
contains a determination that the child no longer is a sexual 2787  
predator, the reason or reasons for that determination, and either 2788  
a determination that the child is a habitual sex offender, a 2789  
determination that the child remains a juvenile offender 2790  
registrant but is not a sexual predator or habitual sex offender, 2791  
or a determination that the child no longer is a juvenile offender 2792  
registrant and no longer has a duty to comply with sections 2793  
2950.04, 2950.05, and 2950.06 of the Revised Code, or an order 2794  
that contains a determination that the child no longer is a 2795  
child victim predator, the reason or reasons for that 2796  
determination, and either a determination that the child is a 2797  
habitual child victim offender, a determination that the child 2798  
remains a juvenile offender registrant but is not a child victim 2799  
predator or habitual child victim offender, or a determination 2800  
that the child no longer is a juvenile offender registrant and no 2801  
longer has a duty to comply with sections 2950.041, 2950.05, and 2802  
2950.06 of the Revised Code; 2803

(e) If the prior order was issued under division (B) of 2804  
section 2152.83 of the Revised Code and does not include a sexual 2805  
predator or child victim predator determination as described in 2806  
division (A)(2)(d) of this section but includes a determination by 2807  
the judge that the delinquent child is a habitual sex offender or 2808  
habitual child victim offender, enter, as applicable, an order 2809  
that contains a determination that the child no longer is a 2810  
habitual sex offender and either a determination that the child 2811  
remains a juvenile offender registrant but is not a sexual 2812  
predator or habitual sex offender or a determination that the 2813  
child no longer is a juvenile offender registrant and no longer 2814  
has a duty to comply with sections 2950.04, 2950.05, and 2950.06 2815  
of the Revised Code, or an order that contains a determination 2816  
that the child no longer is a habitual child victim offender and 2817

~~either a determination that the child remains a juvenile offender  
registrant but is not a child victim predator or habitual  
child victim offender or a determination that the child no longer  
is a juvenile offender registrant and no longer has a duty to  
comply with sections 2950.041, 2950.05, and 2950.06 of the Revised  
Code;~~

~~(f) If the prior order was issued under division (B) of  
section 2152.83 of the Revised Code and does not include a sexual  
predator or child victim predator determination or a habitual sex  
offender or habitual child victim offender determination as  
described in divisions (A)(2)(d) and (e) of this section, enter,  
as applicable, enter an order that contains a determination that  
the delinquent child no longer is a juvenile offender registrant  
and no longer has a duty to comply with sections 2950.04,  
2950.041, 2950.05, and 2950.06 of the Revised Code, ~~or an order  
that contains a determination that the delinquent child no longer  
is a juvenile offender registrant and no longer has a duty to  
comply with sections 2950.041, 2950.05, and 2950.06 of the Revised  
Code.~~ An order issued under division (A)(2)(b) of this section  
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. Division  
(A)(2)(b) of this section does not apply to a prior order issued  
under section 2152.82 or division (A) of section 2152.83 of the  
Revised Code.~~

(c) If the prior order was issued under section 2152.82 or  
division (A) or (B) of section 2152.83 of the Revised Code, 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 that modifies the prior determination made

at the hearing held pursuant to section 2152.831 of the Revised 2850  
Code that the child is a tier I sex offender/child-victim 2851  
offender, a tier II sex offender/child-victim offender, or a tier 2852  
III sex offender/child-victim offender, whichever is applicable. 2853  
An order issued under division (A)(2)(c) of this section shall not 2854  
include a determination that increases to a higher tier the tier 2855  
classification of the delinquent child. An order issued under 2856  
division (A)(2)(c) of this section shall specify the new 2857  
determination made by the court at a hearing held pursuant to 2858  
division (A)(1) of this section as to whether the child is a tier 2859  
I sex offender/child-victim offender, a tier II sex 2860  
offender/child-victim offender, or a tier III sex 2861  
offender/child-victim offender, whichever is applicable. 2862

(B)(1) If a judge issues an order under division (A)(2)(a) of 2863  
this section that continues the prior classification of the 2864  
delinquent child as a juvenile offender registrant and ~~any sexual~~ 2865  
~~predator or habitual sex offender~~ the prior determination included 2866  
in the order, ~~or that continues the prior classification of the~~ 2867  
~~delinquent child as a juvenile offender registrant and any~~ 2868  
~~child victim predator or habitual child victim offender~~ 2869  
~~determination included in the order~~ that the child is a tier I sex 2870  
offender/child-victim offender, a tier II sex 2871  
offender/child-victim offender, or a tier III sex 2872  
offender/child-victim offender, whichever is applicable, the prior 2873  
classification and the prior determination, ~~if applicable,~~ shall 2874  
remain in effect. 2875

(2) A judge may issue an order under division (A)(2)(c) of 2876  
this section that contains a determination that reclassifies a 2877  
child ~~no longer is a sexual predator or no longer is a~~ 2878  
~~child victim predator only if the judge, in accordance with the~~ 2879  
~~procedures specified in division (D)(1) of section 2950.09 of the~~ 2880  
~~Revised Code regarding a sexual predator, determines at the~~ 2881

~~hearing by clear and convincing evidence that the delinquent child~~ 2882  
~~is unlikely to commit a sexually oriented offense in the future,~~ 2883  
~~or the judge, in accordance with the procedures specified in~~ 2884  
~~division (D)(1) of section 2950.091 of the Revised Code regarding~~ 2885  
~~a child victim predator, determines at the hearing by clear and~~ 2886  
~~convincing evidence that the delinquent child is unlikely to~~ 2887  
~~commit a child victim oriented offense in the future. If the judge~~ 2888  
~~issues an order of that type, the judge shall provide the~~ 2889  
~~notifications described in division (D)(1) of section 2950.09 or~~ 2890  
~~2950.091 of the Revised Code, whichever is applicable, and the~~ 2891  
~~recipient of the notification shall comply with the provisions of~~ 2892  
~~that division~~ from a tier III sex offender/child-victim offender 2893  
classification to a tier II sex offender/child-victim offender 2894  
classification or to a tier I sex offender/child-victim offender 2895  
classification. 2896

A judge may issue an order under division (A)(2)(c) of this 2897  
section that contains a determination that reclassifies a child 2898  
from a tier II sex offender/child-victim offender classification. 2899  
A judge may not issue an order under that division that contains a 2900  
determination that reclassifies a child from a tier II sex 2901  
offender/child-victim offender classification to a tier III sex 2902  
offender/child-victim offender classification. 2903

A judge may not issue an order under division (A)(2)(c) of 2904  
this section that contains a determination that reclassifies a 2905  
child from a tier I sex offender/child-victim offender 2906  
classification to a tier II sex offender/child-victim offender 2907  
classification or to a tier III sex offender/child-victim offender 2908  
classification. 2909

If a judge issues an order under this division that contains 2910  
a determination that reclassifies a child, the judge shall provide 2911  
a copy of the order to the delinquent child and the bureau of 2912  
criminal identification and investigation, and the bureau, upon 2913

receipt of the copy of the order, promptly shall notify the 2914  
sheriff with whom the child most recently registered under section 2915  
2950.04 or 2950.041 of the Revised Code of the determination and 2916  
reclassification. 2917

(3) If a judge issues an order under division (A)(2)(b) of 2918  
this section that ~~otherwise reclassifies~~ declassifies the 2919  
delinquent child as a juvenile offender registrant, the judge 2920  
shall provide a copy of the order to the bureau of criminal 2921  
identification and investigation, and the bureau, upon receipt of 2922  
the copy of the order, promptly shall notify the sheriff with whom 2923  
the child most recently registered under section 2950.04 or 2924  
2950.041 of the Revised Code of the ~~reclassification~~ 2925  
declassification. 2926

(C) If a judge issues an order under ~~any provision of~~ 2927  
division (A)(2)(a), (b), or (c) of this section, the judge shall 2928  
provide to the delinquent child and to the delinquent child's 2929  
parent, guardian, or custodian a copy of the order and, if 2930  
applicable, a notice containing the information described in 2931  
divisions (A) and (B) of section 2950.03 of the Revised Code. The 2932  
judge shall provide the notice at the time of the issuance of the 2933  
order and shall comply with divisions (B) and (C) of that section 2934  
regarding that notice and the provision of it. 2935

(D) ~~In making a decision under division (A) of this section,~~ 2936  
~~a judge shall consider all relevant factors, including, but not~~ 2937  
~~limited to, the factors listed in division (E) of section 2152.83~~ 2938  
~~of the Revised Code.~~ 2939

~~(E)~~ An order issued under division (A)(2)(a) or (c) of this 2940  
section and any determinations included in the order shall remain 2941  
in effect for the period of time specified in section 2950.07 of 2942  
the Revised Code, subject to a modification or termination of the 2943  
order under section 2152.85 of the Revised Code, and section 2944  
2152.851 of the Revised Code applies regarding the order and the 2945

determinations. If an order is issued under division (A)(2)(a) or 2946  
(c) of this section, the child's attainment of eighteen or 2947  
twenty-one years of age does not affect or terminate the order, 2948  
and the order remains in effect for the period of time described 2949  
in this division. 2950

(E) The provisions of this section do not apply to a 2951  
delinquent child who is classified as both a juvenile offender 2952  
registrant and a public registry-qualified juvenile offender 2953  
registrant pursuant to section 2152.86 of the Revised Code. 2954

**Sec. 2152.85.** (A) ~~Upon~~ Regardless of when the delinquent 2955  
child was classified a juvenile offender registrant, upon the 2956  
expiration of the applicable period of time specified in division 2957  
(B)(1) ~~or~~, (2), or (3) of this section, a delinquent child who has 2958  
been classified pursuant to this section or section 2152.82 or 2959  
2152.83 of the Revised Code a juvenile offender registrant may 2960  
petition the judge who made the classification, or that judge's 2961  
successor in office, to do one of the following: 2962

(1) If the order containing the juvenile offender registrant 2963  
classification also includes a determination by the juvenile court 2964  
judge that the delinquent child is a ~~sexual predator or 2965~~  
~~child victim predator in the manner described in section 2152.82 2966~~  
~~or 2152.83 of the Revised Code and that determination remains in 2967~~  
~~effect, to enter, as applicable, an order that contains a 2968~~  
~~determination that the child no longer is a sexual predator, the 2969~~  
~~reason or reasons for that determination, and either a 2970~~  
~~determination that the child is a habitual sex offender or a 2971~~  
~~determination that the child remains a juvenile offender 2972~~  
~~registrant but is not a sexual predator or habitual sex offender, 2973~~  
~~or an order that contains a determination that the child no longer 2974~~  
~~is a child victim predator, the reason or reasons for that 2975~~  
~~determination, and either a determination that the child is a 2976~~

~~habitual child victim offender or a determination that the child~~ 2977  
~~remains a juvenile offender registrant but is not a child victim~~ 2978  
~~predator or habitual child victim offender tier III sex~~ 2979  
offender/child-victim offender, to enter, as applicable, an order 2980  
that contains a determination that reclassifies the child as 2981  
either a tier II sex offender/child-victim offender or a tier I 2982  
sex offender/child-victim offender, the reason or reasons for that 2983  
reclassification, and a determination that the child remains a 2984  
juvenile offender registrant, or an order that contains a 2985  
determination that the child no longer is a juvenile offender 2986  
registrant and no longer has a duty to comply with sections 2987  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code; 2988

(2) If the order containing the juvenile offender registrant 2989  
~~classification under section 2152.82 or 2152.83 of the Revised~~ 2990  
~~Code or under division (C)(2) of this section pursuant to a~~ 2991  
~~petition filed under division (A) of this section does not include~~ 2992  
~~a sexual predator or child victim predator determination as~~ 2993  
~~described in division (A)(1) of this section but includes a~~ 2994  
~~determination by the juvenile court judge that the delinquent~~ 2995  
~~child is a habitual sex offender or a habitual child victim~~ 2996  
~~offender in the manner described in section 2152.82 or 2152.83 of~~ 2997  
~~the Revised Code, or in this section, and that determination~~ 2998  
~~remains in effect, to enter, as applicable, an order that contains~~ 2999  
~~a determination that the child no longer is a habitual sex~~ 3000  
~~offender and either a determination that the child remains a~~ 3001  
~~juvenile offender registrant or a determination that the child no~~ 3002  
~~longer is a juvenile offender registrant and no longer has a duty~~ 3003  
~~to comply with sections 2950.04, 2950.05, and 2950.06 of the~~ 3004  
~~Revised Code, or an order that contains a determination that the~~ 3005  
~~child no longer is a habitual child victim offender and either a~~ 3006  
~~determination that the child remains a juvenile offender~~ 3007  
~~registrant or also includes a determination by the juvenile court~~ 3008  
judge that the delinquent child is a tier II sex 3009



offender/child-victim offender, to enter, as applicable, an order 3010  
that contains a determination that reclassifies the child as a 3011  
tier I sex offender/child-victim offender, the reason or reasons 3012  
for that reclassification, and a determination that the child 3013  
remains a juvenile offender registrant, or an order that contains 3014  
a determination that the child no longer is a juvenile offender 3015  
registrant and no longer has a duty to comply with sections 3016  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code; 3017

(3) If the order containing the juvenile offender registrant 3018  
classification ~~under section 2152.82 or 2152.83 of the Revised~~ 3019  
~~Code or under division (C)(2) of this section pursuant to a~~ 3020  
~~petition filed under division (A) of this section does not include~~ 3021  
~~a sexual predator or child victim predator determination or a~~ 3022  
~~habitual sex offender or habitual child victim offender~~ 3023  
~~determination as described in division (A)(1) or (2) of this~~ 3024  
~~section also includes a determination by the juvenile court judge~~ 3025  
that the delinquent child is a tier I sex offender/child-victim 3026  
offender, to enter, as applicable, an order that contains a 3027  
determination that the child no longer is a juvenile offender 3028  
registrant and no longer has a duty to comply with sections 3029  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, ~~or an~~ 3030  
~~order that contains a determination that the child no longer is a~~ 3031  
~~juvenile offender registrant and no longer has a duty to comply~~ 3032  
~~with sections 2950.041, 2950.05, and 2950.06 of the Revised Code.~~ 3033

(B) A delinquent child who has been adjudicated a delinquent 3034  
child for committing on or after January 1, 2002, a sexually 3035  
oriented offense ~~that is not a registration exempt sexually or a~~ 3036  
child-victim oriented offense and who has been classified a 3037  
juvenile offender registrant relative to that offense ~~or who has~~ 3038  
~~been adjudicated a delinquent child for committing on or after~~ 3039  
~~that date a child victim oriented offense and who has been~~ 3040  
~~classified a juvenile offender registrant relative to that offense~~ 3041

may file a petition under division (A) of this section requesting 3042  
reclassification or declassification as described in that division 3043  
after the expiration of one of the following periods of time: 3044

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(1) The delinquent child initially may file a petition not 3046  
earlier than three years after the entry of the juvenile court 3047  
judge's order after the mandatory hearing conducted under section 3048  
2152.84 of the Revised Code. 3049

(2) After the delinquent child's initial filing of a petition 3050  
under division (B)(1) of this section, the child may file a second 3051  
petition not earlier than three years after the judge has entered 3052  
an order deciding the petition under division (B)(1) of this 3053  
section. 3054

(3) After the delinquent child's filing of a petition under 3055  
division (B)(2) of this section, thereafter, the delinquent child 3056  
may file a petition under this division upon the expiration of 3057  
five years after the judge has entered an order deciding the 3058  
petition under division (B)(2) of this section or the most recent 3059  
petition the delinquent child has filed under this division. 3060

(C) Upon the filing of a petition under ~~divisions~~ division 3061  
(A) ~~and (B)~~ of this section, the judge may review the prior 3062  
classification or determination in question and, upon 3063  
consideration of all relevant factors and information, including, 3064  
but not limited to the factors listed in division ~~(E)~~ (D) of 3065  
section 2152.83 of the Revised Code, the judge, in the judge's 3066  
discretion, shall do one of the following: 3067

(1) Enter an order denying the petition; 3068

(2) Issue an order that reclassifies or declassifies the 3069  
delinquent child, in the requested manner ~~specified in division~~ 3070  
~~(A)(1), (2), or (3) of this section.~~ 3071

(D) If a judge issues an order under division (C) (1) of this 3072

section that denies a petition, the prior classification of the 3073  
delinquent child as a juvenile offender registrant, and the prior 3074  
determination that the child is a ~~sexual predator, child victim~~ 3075  
~~predator, habitual sex offender, or habitual child victim~~ 3076  
~~offender, if tier I sex offender/child-victim offender, a tier II~~ 3077  
~~sex offender/child-victim offender, or a tier III sex~~ 3078  
~~offender/child-victim offender, whichever is~~ applicable, shall 3079  
remain in effect. 3080

A judge may issue an order under division (C)(2) of this 3081  
section that contains a determination that ~~a child no longer is a~~ 3082  
~~sexual predator or no longer is a child victim predator only if~~ 3083  
~~the judge conducts a hearing and, in accordance with the~~ 3084  
~~procedures specified in division (D)(1) of section 2950.09 of the~~ 3085  
~~Revised Code regarding a sexual predator, determines at the~~ 3086  
~~hearing by clear and convincing evidence that the delinquent child~~ 3087  
~~is unlikely to commit a sexually oriented offense in the future,~~ 3088  
~~or, in accordance with the procedures specified in division (D)(1)~~ 3089  
~~of section 2950.091 of the Revised Code regarding a child victim~~ 3090  
~~predator, determines at the hearing by clear and convincing~~ 3091  
~~evidence that the delinquent child is unlikely to commit a~~ 3092  
~~child victim oriented offense in the future. If the judge issues~~ 3093  
~~an order of that type, the judge shall provide the notifications~~ 3094  
~~described in division (D)(1) of section 2950.09 or 2950.091 of the~~ 3095  
~~Revised Code, whichever is applicable, and the recipient of the~~ 3096  
~~notification shall comply with the provisions of that division~~ 3097  
reclassifies a child from a tier III sex offender/child-victim 3098  
offender classification to a tier II sex offender/child-victim 3099  
offender classification or to a tier I sex offender/child-victim 3100  
offender classification. 3101

A judge may issue an order under division (C)(2) of this 3102  
section that contains a determination that reclassifies a child 3103  
from a tier II sex offender/child-victim offender classification 3104

to a tier I sex offender/child-victim offender classification. 3105

If a judge issues an order under this division that contains 3106  
a determination that reclassifies a child, the judge shall provide 3107  
a copy of the order to the delinquent child and the bureau of 3108  
criminal identification and investigation, and the bureau, upon 3109  
receipt of the copy of the order, promptly shall notify the 3110  
sheriff with whom the child most recently registered under section 3111  
2950.04 or 2950.041 of the Revised Code of the determination and 3112  
reclassification. 3113

~~A judge may issue an order under division (C) of this section~~ 3114  
~~that contains a determination that a delinquent child is a~~ 3115  
~~habitual sex offender or a habitual child-victim offender only if~~ 3116  
~~the judge conducts a hearing and determines at the hearing as~~ 3117  
~~described in division (E) of section 2950.09 of the Revised Code~~ 3118  
~~regarding habitual sex offenders or division (E) of section~~ 3119  
~~2950.091 of the Revised Code regarding habitual child-victim~~ 3120  
~~offenders that the child is a habitual sex offender or a habitual~~ 3121  
~~child-victim offender. If the judge issues an order that contains~~ 3122  
~~a determination that a delinquent child is a habitual sex offender~~ 3123  
~~or a habitual child-victim offender, the judge may impose a~~ 3124  
~~requirement subjecting the child to community notification~~ 3125  
~~provisions as described in that division.~~ 3126

If a judge issues an order under division (C)(2) of this 3127  
section that declassifies the delinquent child, the order also 3128  
terminates all prior determinations that the child is a tier I sex 3129  
offender/child-victim offender, a tier II sex 3130  
offender/child-victim offender, or a tier III sex 3131  
offender/child-victim offender, whichever is applicable. If a 3132  
judge issues an order under division (C)(2) of this section that 3133  
declassifies the delinquent child, the judge shall provide a copy 3134  
of the order to the bureau of criminal identification and 3135  
investigation, and the bureau, upon receipt of a copy of the 3136

order, promptly shall notify the sheriff with whom the child most 3137  
recently registered under section 2950.04 or 2950.041 of the 3138  
Revised Code of the declassification. 3139

(E) If a judge issues an order under division (C) (1) or (2) 3140  
of this section, the judge shall provide to the delinquent child 3141  
and to the delinquent child's parent, guardian, or custodian a 3142  
copy of the order and, if applicable, a notice containing the 3143  
information described in divisions (A) and (B) of section 2950.03 3144  
of the Revised Code. The judge shall provide the notice at the 3145  
time of the issuance of the order and shall comply with divisions 3146  
(B) and (C) of that section regarding that notice and the 3147  
provision of it. 3148

(F) An order issued under division (C) of this section shall 3149  
remain in effect for the period of time specified in section 3150  
2950.07 of the Revised Code, subject to a further modification or 3151  
a future termination of the order under this section, ~~and section~~ 3152  
~~2152.851 of the Revised Code applies regarding the order and the~~ 3153  
~~determinations.~~ If an order is issued under division (C) of this 3154  
section, the child's attainment of eighteen or twenty-one years of 3155  
age does not affect or terminate the order, and the order remains 3156  
in effect for the period of time described in this division. 3157

(G) The provisions of this section do not apply to a 3158  
delinquent child who is classified as both a juvenile offender 3159  
registrant and a public registry-qualified juvenile offender 3160  
registrant pursuant to section 2152.86 of the Revised Code. 3161

**Sec. 2152.851.** ~~(A) If, prior to the effective date of this~~ 3162  
~~section~~ January 1, 2008, a judge issues an order under section 3163  
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that 3164  
classifies a delinquent child a juvenile offender registrant based 3165  
on an adjudication for a sexually oriented offense or a 3166  
child-victim oriented offense as those terms were defined in 3167

section 2950.01 of the Revised Code prior to January 1, 2008, and 3168  
if, on and after the effective date of this section January 1, 3169  
2008, the ~~sexually oriented~~ offense upon which the order was based 3170  
~~no longer is considered~~ a sexually oriented offense ~~but instead is~~ 3171  
or a child-victim oriented offense as those terms are defined in 3172  
section 2950.01 of the Revised Code on and after January 1, 2008, 3173  
notwithstanding the ~~redesignation of the offense~~ changes to 3174  
sections 2152.82, 2152.83, 2152.84, and 2152.85 of the Revised 3175  
Code made on January 1, 2008, on and after that date, the order 3176  
shall remain in effect for the period described in the section 3177  
under which it was issued, ~~the order shall be considered for all~~ 3178  
~~purposes to be an order that classifies the child a juvenile~~ 3179  
~~offender registrant, division (A)(2)(b) of section 2950.041 of the~~ 3180  
~~Revised Code applies regarding the child~~ as that section exists on 3181  
and after January 1, 2008, subject to subsequent modification or 3182  
termination under section 2152.84, 2152.85, or 2950.15 of the 3183  
Revised Code, or, if division (A)(3) of section 2152.86 of the 3184  
Revised Code applies regarding the child, for the period described 3185  
in division (C) of that section subject to modification or 3186  
termination under section 2152.84, 2152.85, or 2950.15 of the 3187  
Revised Code, whichever is applicable, and the duty to ~~register~~ 3188  
~~imposed pursuant to that division~~ comply with sections 2950.04, 3189  
2950.041, 2950.05, and 2950.06 of the Revised Code on and after 3190  
January 1, 2008, shall be considered, for purposes of section 3191  
2950.07 of the Revised Code and for all other purposes, to be a 3192  
continuation of the duty imposed upon the child prior to ~~the~~ 3193  
~~effective date of this section~~ January 1, 2008, under the order 3194  
issued under section 2152.82, 2152.83, 2152.84, or 2152.85 and 3195  
Chapter 2950. of the Revised Code. 3196

~~(B) If an order of the type described in division (A) of this~~ 3197  
~~section included a classification or determination that the~~ 3198  
~~delinquent child was a sexual predator or habitual sex offender,~~ 3199  
~~notwithstanding the redesignation of the offense upon which the~~ 3200

determination was based, all of the following apply:

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~~(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;~~

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~~(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;~~

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~~(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.~~

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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, the court imposed on the child a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code, 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:

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(a) A violation of section 2907.02 of the Revised Code, 3232  
division (B) of section 2907.05 of the Revised Code, or section 3233  
2907.03 of the Revised Code if the victim of the violation was 3234  
less than twelve years of age; 3235

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 3236  
the Revised Code that was committed with a purpose to gratify the 3237  
sexual needs or desires of the child. 3238

(2) Upon a child's release, on or after January 1, 2008, from 3239  
the department of youth services, the court shall issue an order 3240  
that classifies the child a juvenile offender registrant, 3241  
specifies that the child has a duty to comply with sections 3242  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 3243  
additionally classifies the child a public registry-qualified 3244  
juvenile offender registrant if all of the following apply: 3245

(a) The child was adjudicated a delinquent child, and a 3246  
juvenile court imposed on the child a serious youthful offender 3247  
dispositional sentence under section 2152.13 of the Revised Code 3248  
for committing one of the acts described in division (A)(1)(a) or 3249  
(b) of this section. 3250

(b) The child was fourteen, fifteen, sixteen, or seventeen 3251  
years of age at the time of committing the act. 3252

(c) The court did not issue an order classifying the child as 3253  
both a juvenile offender registrant and a public 3254  
registry-qualified juvenile offender registrant pursuant to 3255  
division (A)(1) of this section. 3256

(3) If a court issued an order classifying a child a juvenile 3257  
offender registrant pursuant to section 2152.82 or 2152.83 of the 3258  
Revised Code prior to January 1, 2008, not later than February 1, 3259  
2008, the court shall issue a new order that reclassifies the 3260  
child as a juvenile offender registrant, specifies that the child 3261  
has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 3262



2950.06 of the Revised Code, and additionally classifies the child 3263  
a public registry-qualified juvenile offender registrant if all of 3264  
the following apply: 3265

(a) The sexually oriented offense that was the basis of the 3266  
previous order that classified the child a juvenile offender 3267  
registrant was an act described in division (A)(1)(a) or (b) of 3268  
this section. 3269

(b) The child was fourteen, fifteen, sixteen, or seventeen 3270  
years of age at the time of committing the act. 3271

(c) The court imposed on the child a serious youthful 3272  
offender dispositional sentence under section 2152.13 of the 3273  
Revised Code for the act described in division (A)(1)(a) or (b) of 3274  
this section. 3275

(B)(1) If an order is issued under division (A)(1), (2), or 3276  
(3) of this section, the classification of tier III sex 3277  
offender/child-victim offender automatically applies to the 3278  
delinquent child based on the sexually oriented offense the child 3279  
committed, subject to a possible reclassification pursuant to 3280  
division (D) of this section for a child whose delinquent act was 3281  
committed prior to January 1, 2008. If an order is issued under 3282  
division (A)(2) of this section regarding a child whose delinquent 3283  
act described in division (A)(1)(a) or (b) of this section was 3284  
committed prior to January 1, 2008, or if an order is issued under 3285  
division (A)(3) of this section regarding a delinquent child, the 3286  
order shall inform the child and the child's parent, guardian, or 3287  
custodian, that the child has a right to a hearing as described in 3288  
division (D) of this section and inform the child and the child's 3289  
parent, guardian, or custodian of the procedures for requesting 3290  
the hearing and the period of time within which the request for 3291  
the hearing must be made. Section 2152.831 of the Revised Code 3292  
does not apply regarding an order issued under division (A)(1), 3293  
(2), or (3) of this section. 3294

(2) The judge that issues an order under division (A)(1), 3295  
(2), or (3) of this section shall provide to the delinquent child 3296  
who is the subject of the order and to the delinquent child's 3297  
parent, guardian, or custodian the notice required under divisions 3298  
(A) and (B) of section 2950.03 of the Revised Code and shall 3299  
provide as part of that notice a copy of the order required under 3300  
division (A)(1), (2), or (3) of this section. The judge shall 3301  
include the order in the delinquent child's dispositional order 3302  
and shall specify in the dispositional order that the order issued 3303  
under division (A)(1), (2), or (3) of this section was made 3304  
pursuant to this section. 3305

(C) An order issued under division (A)(1), (2), or (3) of 3306  
this section shall remain in effect for the period of time 3307  
specified in section 2950.07 of the Revised Code as it exists on 3308  
and after January 1, 2008, subject to a judicial termination of 3309  
that period of time as provided in section 2950.15 of the Revised 3310  
Code, subject to a possible reclassification of the child pursuant 3311  
to division (D) of this section if the child's delinquent act was 3312  
committed prior to January 1, 2008. If an order is issued under 3313  
division (A)(1), (2), or (3) of this section, the child's 3314  
attainment of eighteen or twenty-one years of age does not affect 3315  
or terminate the order, and the order remains in effect for the 3316  
period of time described in this division. If an order is issued 3317  
under division (A)(3) of this section, the duty to comply with 3318  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3319  
Code based upon that order shall be considered, for purposes of 3320  
section 2950.07 of the Revised Code and for all other purposes, to 3321  
be a continuation of the duty to comply with those sections 3322  
imposed upon the child prior to January 1, 2008, under the order 3323  
issued under section 2152.82, 2152.83, 2152.84, or 2152.85 and 3324  
Chapter 2950. of the Revised Code. 3325

(D)(1) If an order is issued under division (A)(2) of this 3326

section regarding a delinquent child whose delinquent act 3327  
described in division (A)(1)(a) or (b) of this section was 3328  
committed prior to January 1, 2008, or if an order is issued under 3329  
division (A)(3) of this section regarding a delinquent child, 3330  
except as otherwise provided in this division, the child may 3331  
request as a matter of right a court hearing to contest the 3332  
court's classification in the order of the child as a public 3333  
registry-qualified juvenile offender registrant. To request the 3334  
hearing, not later than the date that is sixty days after the 3335  
delinquent child is provided with the copy of the order, the 3336  
delinquent child shall file a petition with the juvenile court 3337  
that issued the order. 3338

If the delinquent child requests a hearing by timely filing a 3339  
petition with the juvenile court, the delinquent child shall serve 3340  
a copy of the petition on the prosecutor who handled the case in 3341  
which the delinquent child was adjudicated a delinquent child for 3342  
committing the sexually oriented offense or child-victim oriented 3343  
offense that resulted in the delinquent child's registration duty 3344  
under section 2950.04 or 2950.041 of the Revised Code. The 3345  
prosecutor shall represent the interest of the state in the 3346  
hearing. In any hearing under this division, the Rules of Juvenile 3347  
Procedure apply except to the extent that those Rules would by 3348  
their nature be clearly inapplicable. The court shall schedule a 3349  
hearing and shall provide notice to the delinquent child and the 3350  
delinquent child's parent, guardian, or custodian and to the 3351  
prosecutor of the date, time, and place of the hearing. 3352

If the delinquent child requests a hearing in accordance with 3353  
this division, until the court issues its decision at or 3354  
subsequent to the hearing, the delinquent child shall comply with 3355  
Chapter 2950. of the Revised Code as it exists on and after 3356  
January 1, 2008. If a delinquent child requests a hearing in 3357  
accordance with this division, at the hearing, all parties are 3358

entitled to be heard, and the court shall consider all relevant 3359  
information and testimony presented relative to the issue of 3360  
whether the child should be classified a public registry-qualified 3361  
juvenile offender registrant. Notwithstanding the court's 3362  
classification of the delinquent child as a public 3363  
registry-qualified juvenile offender registrant, the court may 3364  
terminate that classification if it determines by clear and 3365  
convincing evidence that the classification is in error. 3366

If the court decides to terminate the court's classification 3367  
of the delinquent child as a public registry-qualified juvenile 3368  
offender registrant, the court shall issue an order that specifies 3369  
that it has determined that the child is not a public 3370  
registry-qualified juvenile offender registrant and that it has 3371  
terminated the court's classification of the delinquent child as a 3372  
public registry-qualified juvenile offender registrant. The court 3373  
promptly shall serve a copy of the order upon the sheriff with 3374  
whom the delinquent child most recently registered under section 3375  
2950.04 or 2950.041 of the Revised Code and upon the bureau of 3376  
criminal identification and investigation. The delinquent child 3377  
and the prosecutor have the right to appeal the decision of the 3378  
court issued under this division. 3379

If the delinquent child fails to request a hearing in 3380  
accordance with this division within the applicable sixty-day 3381  
period specified in this division, the failure constitutes a 3382  
waiver by the delinquent child of the delinquent child's right to 3383  
a hearing under this division, and the delinquent child is bound 3384  
by the court's classification of the delinquent child as a public 3385  
registry-qualified juvenile offender registrant. 3386

(2) An order issued under division (D)(1) of this section is 3387  
independent of any order of a type described in division (F) of 3388  
section 2950.031 of the Revised Code or division (E) of section 3389  
2950.032 of the Revised Code, and the court may issue an order 3390

under both division (D)(1) of this section and an order of a type 3391  
described in division (F) of section 2950.031 of the Revised Code 3392  
or division (E) of section 2950.032 of the Revised Code. A court 3393  
that conducts a hearing under division (D)(1) of this section may 3394  
consolidate that hearing with a hearing conducted for the same 3395  
delinquent child under division (F) of section 2950.031 of the 3396  
Revised Code or division (E) of section 2950.032 of the Revised 3397  
Code. 3398

**Sec. 2743.191.** (A)(1) There is hereby created in the state 3399  
treasury the reparations fund, which shall be used only for the 3400  
following purposes: 3401

(a) The payment of awards of reparations that are granted by 3402  
the attorney general; 3403

(b) The compensation of any personnel needed by the attorney 3404  
general to administer sections 2743.51 to 2743.72 of the Revised 3405  
Code; 3406

(c) The compensation of witnesses as provided in division (J) 3407  
of section 2743.65 of the Revised Code; 3408

(d) Other administrative costs of hearing and determining 3409  
claims for an award of reparations by the attorney general; 3410

(e) The costs of administering sections 2907.28 and 2969.01 3411  
to 2969.06 of the Revised Code; 3412

(f) The costs of investigation and decision-making as 3413  
certified by the attorney general; 3414

(g) The provision of state financial assistance to victim 3415  
assistance programs in accordance with sections 109.91 and 109.92 3416  
of the Revised Code; 3417

(h) The costs of paying the expenses of sex offense-related 3418  
examinations and antibiotics pursuant to section 2907.28 of the 3419  
Revised Code; 3420

(i) The cost of printing and distributing the pamphlet 3421  
prepared by the attorney general pursuant to section 109.42 of the 3422  
Revised Code; 3423

(j) Subject to division (D) of section 2743.71 of the Revised 3424  
Code, the costs associated with the printing and providing of 3425  
information cards or other printed materials to law enforcement 3426  
agencies and prosecuting authorities and with publicizing the 3427  
availability of awards of reparations pursuant to section 2743.71 3428  
of the Revised Code; 3429

(k) The payment of costs of administering a DNA specimen 3430  
collection procedure pursuant to sections 2152.74 and 2901.07 of 3431  
the Revised Code, of performing DNA analysis of those DNA 3432  
specimens, and of entering the resulting DNA records regarding 3433  
those analyses into the DNA database pursuant to section 109.573 3434  
of the Revised Code; 3435

(l) The payment of actual costs associated with initiatives 3436  
by the attorney general for the apprehension, prosecution, and 3437  
accountability of offenders, and the enhancing of services to 3438  
crime victims. The amount of payments made pursuant to division 3439  
(A)(1)(l) of this section during any given fiscal year shall not 3440  
exceed five per cent of the balance of the reparations fund at the 3441  
close of the immediately previous fiscal year; 3442

(m) The costs of administering the adult parole authority's 3443  
supervision pursuant to division (E) of section 2971.05 of the 3444  
Revised Code of sexually violent predators who are sentenced to a 3445  
prison term pursuant to division (A)(3) of section 2971.03 of the 3446  
Revised Code, and of offenders who are sentenced to a prison term 3447  
pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 3448  
(c), or (B)(3)(a), (b), (c), or (d) of that section ~~for a~~ 3449  
~~violation of division (A)(1)(b) of section 2907.02 of the Revised~~ 3450  
~~Code, and of offenders who are sentenced to a prison term pursuant~~ 3451  
~~to division (B)(2)(a), (b), or (c) of section 2971.03 of the~~ 3452

~~Revised Code for attempted rape and a specification of the type~~ 3453  
~~described in section 2941.1418, 2941.1419, 2941.1420 of the~~ 3454  
~~Revised Code.~~ 3455

(2) All costs paid pursuant to section 2743.70 of the Revised 3456  
Code, the portions of license reinstatement fees mandated by 3457  
division (F)(2)(b) of section 4511.191 of the Revised Code to be 3458  
credited to the fund, the portions of the proceeds of the sale of 3459  
a forfeited vehicle specified in division (C)(2) of section 3460  
4503.234 of the Revised Code, payments collected by the department 3461  
of rehabilitation and correction from prisoners who voluntarily 3462  
participate in an approved work and training program pursuant to 3463  
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 3464  
all moneys collected by the state pursuant to its right of 3465  
subrogation provided in section 2743.72 of the Revised Code shall 3466  
be deposited in the fund. 3467

(B) In making an award of reparations, the attorney general 3468  
shall render the award against the state. The award shall be 3469  
accomplished only through the following procedure, and the 3470  
following procedure may be enforced by writ of mandamus directed 3471  
to the appropriate official: 3472

(1) The attorney general shall provide for payment of the 3473  
claimant or providers in the amount of the award only if the 3474  
amount of the award is fifty dollars or more. 3475

(2) The expense shall be charged against all available 3476  
unencumbered moneys in the fund. 3477

(3) If sufficient unencumbered moneys do not exist in the 3478  
fund, the attorney general shall make application for payment of 3479  
the award out of the emergency purposes account or any other 3480  
appropriation for emergencies or contingencies, and payment out of 3481  
this account or other appropriation shall be authorized if there 3482  
are sufficient moneys greater than the sum total of then pending 3483

emergency purposes account requests or requests for releases from 3484  
the other appropriations. 3485

(4) If sufficient moneys do not exist in the account or any 3486  
other appropriation for emergencies or contingencies to pay the 3487  
award, the attorney general shall request the general assembly to 3488  
make an appropriation sufficient to pay the award, and no payment 3489  
shall be made until the appropriation has been made. The attorney 3490  
general shall make this appropriation request during the current 3491  
biennium and during each succeeding biennium until a sufficient 3492  
appropriation is made. If, prior to the time that an appropriation 3493  
is made by the general assembly pursuant to this division, the 3494  
fund has sufficient unencumbered funds to pay the award or part of 3495  
the award, the available funds shall be used to pay the award or 3496  
part of the award, and the appropriation request shall be amended 3497  
to request only sufficient funds to pay that part of the award 3498  
that is unpaid. 3499

(C) The attorney general shall not make payment on a decision 3500  
or order granting an award until all appeals have been determined 3501  
and all rights to appeal exhausted, except as otherwise provided 3502  
in this section. If any party to a claim for an award of 3503  
reparations appeals from only a portion of an award, and a 3504  
remaining portion provides for the payment of money by the state, 3505  
that part of the award calling for the payment of money by the 3506  
state and not a subject of the appeal shall be processed for 3507  
payment as described in this section. 3508

(D) The attorney general shall prepare itemized bills for the 3509  
costs of printing and distributing the pamphlet the attorney 3510  
general prepares pursuant to section 109.42 of the Revised Code. 3511  
The itemized bills shall set forth the name and address of the 3512  
persons owed the amounts set forth in them. 3513

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



Revised Code. 3516

**Sec. 2901.07.** (A) As used in this section: 3517

(1) "DNA analysis" and "DNA specimen" have the same meanings 3518  
as in section 109.573 of the Revised Code. 3519

(2) "Jail" and "community-based correctional facility" have 3520  
the same meanings as in section 2929.01 of the Revised Code. 3521

(3) "Post-release control" has the same meaning as in section 3522  
2967.01 of the Revised Code. 3523

(B)(1) Regardless of when the conviction occurred or the 3524  
guilty plea was entered, a person who has been convicted of, is 3525  
convicted of, has pleaded guilty to, or pleads guilty to a felony 3526  
offense and who is sentenced to a prison term or to a community 3527  
residential sanction in a jail or community-based correctional 3528  
facility for that offense pursuant to section 2929.16 of the 3529  
Revised Code, and a person who has been convicted of, is convicted 3530  
of, has pleaded guilty to, or pleads guilty to a misdemeanor 3531  
offense listed in division (D) of this section and who is 3532  
sentenced to a term of imprisonment for that offense shall submit 3533  
to a DNA specimen collection procedure administered by the 3534  
director of rehabilitation and correction or the chief 3535  
administrative officer of the jail or other detention facility in 3536  
which the person is serving the term of imprisonment. If the 3537  
person serves the prison term in a state correctional institution, 3538  
the director of rehabilitation and correction shall cause the DNA 3539  
specimen to be collected from the person during the intake process 3540  
at the reception facility designated by the director. If the 3541  
person serves the community residential sanction or term of 3542  
imprisonment in a jail, a community-based correctional facility, 3543  
or another county, multicounty, municipal, municipal-county, or 3544  
multicounty-municipal detention facility, the chief administrative 3545  
officer of the jail, community-based correctional facility, or 3546

detention facility shall cause the DNA specimen to be collected 3547  
from the person during the intake process at the jail, 3548  
community-based correctional facility, or detention facility. The 3549  
DNA specimen shall be collected in accordance with division (C) of 3550  
this section. 3551

(2) Regardless of when the conviction occurred or the guilty 3552  
plea was entered, if a person has been convicted of, is convicted 3553  
of, has pleaded guilty to, or pleads guilty to a felony offense or 3554  
a misdemeanor offense listed in division (D) of this section, is 3555  
serving a prison term, community residential sanction, or term of 3556  
imprisonment for that offense, and does not provide a DNA specimen 3557  
pursuant to division (B)(1) of this section, prior to the person's 3558  
release from the prison term, community residential sanction, or 3559  
imprisonment, the person shall submit to, and the director of 3560  
rehabilitation and correction or the chief administrative officer 3561  
of the jail, community-based correctional facility, or detention 3562  
facility in which the person is serving the prison term, community 3563  
residential sanction, or term of imprisonment shall administer, a 3564  
DNA specimen collection procedure at the state correctional 3565  
institution, jail, community-based correctional facility, or 3566  
detention facility in which the person is serving the prison term, 3567  
community residential sanction, or term of imprisonment. The DNA 3568  
specimen shall be collected in accordance with division (C) of 3569  
this section. 3570

(3)(a) Regardless of when the conviction occurred or the 3571  
guilty plea was entered, if a person has been convicted of, is 3572  
convicted of, has pleaded guilty to, or pleads guilty to a felony 3573  
offense or a misdemeanor offense listed in division (D) of this 3574  
section and the person is on probation, released on parole, under 3575  
transitional control, on community control, on post-release 3576  
control, or under any other type of supervised release under the 3577  
supervision of a probation department or the adult parole 3578

authority for that offense, the person shall submit to a DNA 3579  
specimen collection procedure administered by the chief 3580  
administrative officer of the probation department or the adult 3581  
parole authority. The DNA specimen shall be collected in 3582  
accordance with division (C) of this section. If the person 3583  
refuses to submit to a DNA specimen collection procedure as 3584  
provided in this division, the person may be subject to the 3585  
provisions of section 2967.15 of the Revised Code. 3586

(b) If a person to whom division (B)(3)(a) of this section 3587  
applies is sent to jail or is returned to a jail, community-based 3588  
correctional facility, or state correctional institution for a 3589  
violation of the terms and conditions of the probation, parole, 3590  
transitional control, other release, or post-release control, if 3591  
the person was or will be serving a term of imprisonment, prison 3592  
term, or community residential sanction for committing a felony 3593  
offense or for committing a misdemeanor offense listed in division 3594  
(D) of this section, and if the person did not provide a DNA 3595  
specimen pursuant to division (B)(1), (2) or (3)(a) of this 3596  
section, the person shall submit to, and the director of 3597  
rehabilitation and correction or the chief administrative officer 3598  
of the jail or community-based correctional facility shall 3599  
administer, a DNA specimen collection procedure at the jail, 3600  
community-based correctional facility, or state correctional 3601  
institution in which the person is serving the term of 3602  
imprisonment, prison term, or community residential sanction. The 3603  
DNA specimen shall be collected from the person in accordance with 3604  
division (C) of this section. 3605

(4) Regardless of when the conviction occurred or the guilty 3606  
plea was entered, if a person has been convicted of, is convicted 3607  
of, has pleaded guilty to, or pleads guilty to a felony offense or 3608  
a misdemeanor offense listed in division (D) of this section, the 3609  
person is not sentenced to a prison term, a community residential 3610

sanction in a jail or community-based correctional facility, a 3611  
term of imprisonment, or any type of supervised release under the 3612  
supervision of a probation department or the adult parole 3613  
authority, and the person does not provide a DNA specimen pursuant 3614  
to division (B)(1), (2), (3)(a), or (3)(b) of this section, the 3615  
sentencing court shall order the person to report to the county 3616  
probation department immediately after sentencing to submit to a 3617  
DNA specimen collection procedure administered by the chief 3618  
administrative officer of the county probation office. If the 3619  
person is incarcerated at the time of sentencing, the person shall 3620  
submit to a DNA specimen collection procedure administered by the 3621  
director of rehabilitation and correction or the chief 3622  
administrative officer of the jail or other detention facility in 3623  
which the person is incarcerated. The DNA specimen shall be 3624  
collected in accordance with division (C) of this section. 3625

(C) If the DNA specimen is collected by withdrawing blood 3626  
from the person or a similarly invasive procedure, a physician, 3627  
registered nurse, licensed practical nurse, duly licensed clinical 3628  
laboratory technician, or other qualified medical practitioner 3629  
shall collect in a medically approved manner the DNA specimen 3630  
required to be collected pursuant to division (B) of this section. 3631  
If the DNA specimen is collected by swabbing for buccal cells or a 3632  
similarly noninvasive procedure, this section does not require 3633  
that the DNA specimen be collected by a qualified medical 3634  
practitioner of that nature. No later than fifteen days after the 3635  
date of the collection of the DNA specimen, the director of 3636  
rehabilitation and correction or the chief administrative officer 3637  
of the jail, community-based correctional facility, or other 3638  
county, multicounty, municipal, municipal-county, or 3639  
multicounty-municipal detention facility, in which the person is 3640  
serving the prison term, community residential sanction, or term 3641  
of imprisonment shall cause the DNA specimen to be forwarded to 3642  
the bureau of criminal identification and investigation in 3643

accordance with procedures established by the superintendent of 3644  
the bureau under division (H) of section 109.573 of the Revised 3645  
Code. The bureau shall provide the specimen vials, mailing tubes, 3646  
labels, postage, and instructions needed for the collection and 3647  
forwarding of the DNA specimen to the bureau. 3648

(D) The director of rehabilitation and correction, the chief 3649  
administrative officer of the jail, community-based correctional 3650  
facility, or other county, multicounty, municipal, 3651  
municipal-county, or multicounty-municipal detention facility, or 3652  
the chief administrative officer of a county probation department 3653  
or the adult parole authority shall cause a DNA specimen to be 3654  
collected in accordance with divisions (B) and (C) of this section 3655  
from a person in its custody or under its supervision who has been 3656  
convicted of, is convicted of, has pleaded guilty to, or pleads 3657  
guilty to any felony offense or any of the following misdemeanor 3658  
offenses: 3659

(1) A misdemeanor violation, an attempt to commit a 3660  
misdemeanor violation, or complicity in committing a misdemeanor 3661  
violation of section 2907.04 of the Revised Code; 3662

(2) A misdemeanor violation of any law that arose out of the 3663  
same facts and circumstances and same act as did a charge against 3664  
the person of a violation of section 2903.01, 2903.02, 2905.01, 3665  
2907.02, 2907.03, 2907.04, 2907.05, or 2911.11 of the Revised Code 3666  
that previously was dismissed or amended or as did a charge 3667  
against the person of a violation of section 2907.12 of the 3668  
Revised Code as it existed prior to September 3, 1996, that 3669  
previously was dismissed or amended; 3670

(3) A misdemeanor violation of section 2919.23 of the Revised 3671  
Code that would have been a violation of section 2905.04 of the 3672  
Revised Code as it existed prior to July 1, 1996, had it been 3673  
committed prior to that date; 3674

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

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

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

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

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

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

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

(2) Menacing by stalking is a felony of the fourth degree if 3705  
any of the following applies: 3706

(a) The offender previously has been convicted of or pleaded 3707  
guilty to a violation of this section or a violation of section 3708  
2911.211 of the Revised Code. 3709

(b) In committing the offense under division (A)(1) ~~or~~ (2), 3710  
or (3) of this section, the offender made a threat of physical 3711  
harm to or against the victim, or as a result of an offense 3712  
committed under division (A)(2) or (3) of this section, a third 3713  
person induced by the offender's posted message made a threat of 3714  
physical harm to or against the victim. 3715

(c) In committing the offense under division (A)(1) ~~or~~ (2), 3716  
or (3) of this section, the offender trespassed on the land or 3717  
premises where the victim lives, is employed, or attends school, 3718  
or as a result of an offense committed under division (A)(2) or 3719  
(3) of this section, a third person induced by the offender's 3720  
posted message trespassed on the land or premises where the victim 3721  
lives, is employed, or attends school. 3722

(d) The victim of the offense is a minor. 3723

(e) The offender has a history of violence toward the victim 3724  
or any other person or a history of other violent acts toward the 3725  
victim or any other person. 3726

(f) While committing the offense under division (A)(1) of 3727  
this section or a violation of division (A)(3) of this section 3728  
based on conduct in violation of division (A)(1) of this section, 3729  
the offender had a deadly weapon on or about the offender's person 3730  
or under the offender's control. Division (B)(2)(f) of this 3731  
section does not apply in determining the penalty for a violation 3732  
of division (A)(2) of this section or a violation of division 3733  
(A)(3) of this section based on conduct in violation of division 3734  
(A)(2) of this section. 3735

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

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

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

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



performance or anticipated performance of official 3768  
responsibilities or duties, a felony of the fourth degree. 3769

(C) Section 2919.271 of the Revised Code applies in relation 3770  
to a defendant charged with a violation of this section. 3771

(D) As used in this section: 3772

(1) "Pattern of conduct" means two or more actions or 3773  
incidents closely related in time, whether or not there has been a 3774  
prior conviction based on any of those actions or incidents. 3775  
Actions or incidents that prevent, obstruct, or delay the 3776  
performance by a public official, firefighter, rescuer, emergency 3777  
medical services person, or emergency facility person of any 3778  
authorized act within the public official's, firefighter's, 3779  
rescuer's, emergency medical services person's, or emergency 3780  
facility person's official capacity, or the posting of messages or 3781  
receipt of information or data through the use of an electronic 3782  
method of remotely transferring information, including, but not 3783  
limited to, a computer, computer network, computer program, 3784  
computer system, or telecommunications device, may constitute a 3785  
"pattern of conduct." 3786

(2) "Mental distress" means any of the following: 3787

(a) Any mental illness or condition that involves some 3788  
temporary substantial incapacity; 3789

(b) Any mental illness or condition that would normally 3790  
require psychiatric treatment, psychological treatment, or other 3791  
mental health services, whether or not any person requested or 3792  
received psychiatric treatment, psychological treatment, or other 3793  
mental health services. 3794

(3) "Emergency medical services person" is the singular of 3795  
"emergency medical services personnel" as defined in section 3796  
2133.21 of the Revised Code. 3797

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

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

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

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

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

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

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

(F)(1) This section does not apply to a person solely because  
the person provided access or connection to or from an electronic  
method of remotely transferring information not under that  
person's control, including having provided capabilities that are  
incidental to providing access or connection to or from the  
electronic method of remotely transferring the information, and

that do not include the creation of the content of the material 3829  
that is the subject of the access or connection. In addition, any 3830  
person providing access or connection to or from an electronic 3831  
method of remotely transferring information not under that 3832  
person's control shall not be liable for any action voluntarily 3833  
taken in good faith to block the receipt or transmission through 3834  
its service of any information that it believes is, or will be 3835  
sent, in violation of this section. 3836

(2) Division (F)(1) of this section does not create an 3837  
affirmative duty for any person providing access or connection to 3838  
or from an electronic method of remotely transferring information 3839  
not under that person's control to block the receipt or 3840  
transmission through its service of any information that it 3841  
believes is, or will be sent, in violation of this section except 3842  
as otherwise provided by law. 3843

(3) Division (F)(1) of this section does not apply to a 3844  
person who conspires with a person actively involved in the 3845  
creation or knowing distribution of material in violation of this 3846  
section or who knowingly advertises the availability of material 3847  
of that nature. 3848

**Sec. 2905.01.** (A) No person, by force, threat, or deception, 3849  
or, in the case of a victim under the age of thirteen or mentally 3850  
incompetent, by any means, shall remove another from the place 3851  
where the other person is found or restrain the liberty of the 3852  
other person, for any of the following purposes: 3853

(1) To hold for ransom, or as a shield or hostage; 3854

(2) To facilitate the commission of any felony or flight 3855  
thereafter; 3856

(3) To terrorize, or to inflict serious physical harm on the 3857  
victim or another; 3858

(4) To engage in sexual activity, as defined in section 3859  
2907.01 of the Revised Code, with the victim against the victim's 3860  
will; 3861

(5) To hinder, impede, or obstruct a function of government, 3862  
or to force any action or concession on the part of governmental 3863  
authority. 3864

(B) No person, by force, threat, or deception, or, in the 3865  
case of a victim under the age of thirteen or mentally 3866  
incompetent, by any means, shall knowingly do any of the 3867  
following, under circumstances that create a substantial risk of 3868  
serious physical harm to the victim or, in the case of a minor 3869  
victim, under circumstances that either create a substantial risk 3870  
of serious physical harm to the victim or cause physical harm to 3871  
the victim: 3872

(1) Remove another from the place where the other person is 3873  
found; 3874

(2) Restrain another of ~~his~~ the other person's liberty; 3875

(3) Hold another in a condition of involuntary servitude. 3876

(C) Whoever violates this section is guilty of kidnapping. 3877  
Except as otherwise provided in this division, kidnapping is a 3878  
felony of the first degree. If Except as otherwise provided in 3879  
this division, if the offender releases the victim in a safe place 3880  
unharmed, kidnapping is a felony of the second degree. If the 3881  
victim of the offense is less than thirteen years of age and if 3882  
the offender also is convicted of or pleads guilty to a sexual 3883  
motivation specification that was included in the indictment, 3884  
count in the indictment, or information charging the offense, 3885  
kidnapping is a felony of the first degree, and, notwithstanding 3886  
the definite sentence provided for a felony of the first degree in 3887  
section 2929.14 of the Revised Code, the offender shall be 3888  
sentenced pursuant to section 2971.03 of the Revised Code as 3889

follows: 3890

(1) Except as otherwise provided in division (C)(2) of this 3891  
section, the offender shall be sentenced pursuant to that section 3892  
to an indefinite prison term consisting of a minimum term of 3893  
fifteen years and a maximum term of life imprisonment. 3894

(2) If the offender releases the victim in a safe place 3895  
unharmed, the offender shall be sentenced pursuant to that section 3896  
to an indefinite term consisting of a minimum term of ten years 3897  
and a maximum term of life imprisonment. 3898

(D) As used in this section, "sexual motivation 3899  
specification" has the same meaning as in section 2971.01 of the 3900  
Revised Code. 3901

**Sec. 2905.02.** (A) No person, without privilege to do so, 3902  
shall knowingly do any of the following: 3903

(1) By force or threat, remove another from the place where 3904  
the other person is found; 3905

(2) By force or threat, restrain the liberty of another 3906  
person, under circumstances ~~which~~ that create a risk of physical 3907  
harm to the victim, or place the other person in fear; 3908

(3) Hold another in a condition of involuntary servitude. 3909

(B) No person, with a sexual motivation, shall violate 3910  
division (A) of this section. 3911

(C) Whoever violates this section is guilty of abduction, a 3912  
felony of the third degree. 3913

(D) As used in this section, "sexual motivation" has the same 3914  
meaning as in section 2971.01 of the Revised Code. 3915

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

liberty. 3918

(B) No person, without privilege to do so and with a sexual 3919  
motivation, shall knowingly restrain another of the other person's 3920  
liberty. 3921

(C) Whoever violates this section is guilty of unlawful 3922  
restraint, a misdemeanor of the third degree. 3923

(D) As used in this section, "sexual motivation" has the same 3924  
meaning as in section 2971.01 of the Revised Code. 3925

**Sec. 2905.05.** (A) No person, by any means and without 3926  
privilege to do so, shall knowingly solicit, coax, entice, or lure 3927  
any child under fourteen years of age to accompany the person in 3928  
any manner, including entering into any vehicle or onto any 3929  
vessel, whether or not the offender knows the age of the child, if 3930  
both of the following apply: 3931

(1) The actor does not have the express or implied permission 3932  
of the parent, guardian, or other legal custodian of the child in 3933  
undertaking the activity. 3934

(2) The actor is not a law enforcement officer, medic, 3935  
firefighter, or other person who regularly provides emergency 3936  
services, and is not an employee or agent of, or a volunteer 3937  
acting under the direction of, any board of education, or the 3938  
actor is any of such persons, but, at the time the actor 3939  
undertakes the activity, the actor is not acting within the scope 3940  
of the actor's lawful duties in that capacity. 3941

(B) No person, with a sexual motivation, shall violate 3942  
division (A) of this section. 3943

(C) It is an affirmative defense to a charge under division 3944  
(A) of this section that the actor undertook the activity in 3945  
response to a bona fide emergency situation or that the actor 3946  
undertook the activity in a reasonable belief that it was 3947

necessary to preserve the health, safety, or welfare of the child. 3948

~~(C)~~(D) Whoever violates this section is guilty of criminal 3949  
child enticement, a misdemeanor of the first degree. If the 3950  
offender previously has been convicted of a violation of this 3951  
section, section 2907.02~~7~~ or 2907.03~~7~~ or former section 2907.12 of 3952  
the Revised Code, or section 2905.01 or 2907.05 of the Revised 3953  
Code when the victim of that prior offense was under seventeen 3954  
years of age at the time of the offense, criminal child enticement 3955  
is a felony of the fifth degree. 3956

~~(D)~~(E) As used in this section: 3957

(1) "Sexual motivation" has the same meaning as in section 3958  
2971.01 of the Revised Code. 3959

(2) "Vehicle" has the same meaning as in section 4501.01 of 3960  
the Revised Code. 3961

~~(2)~~(3) "Vessel" has the same meaning as in section 1547.01 of 3962  
the Revised Code. 3963

**Sec. 2907.01.** As used in sections 2907.01 to 2907.38 of the 3964  
Revised Code: 3965

(A) "Sexual conduct" means vaginal intercourse between a male 3966  
and female; anal intercourse, fellatio, and cunnilingus between 3967  
persons regardless of sex; and, without privilege to do so, the 3968  
insertion, however slight, of any part of the body or any 3969  
instrument, apparatus, or other object into the vaginal or anal 3970  
opening of another. Penetration, however slight, is sufficient to 3971  
complete vaginal or anal intercourse. 3972

(B) "Sexual contact" means any touching of an erogenous zone 3973  
of another, including without limitation the thigh, genitals, 3974  
buttock, pubic region, or, if the person is a female, a breast, 3975  
for the purpose of sexually arousing or gratifying either person. 3976

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

or both. 3978

(D) "Prostitute" means a male or female who promiscuously 3979  
engages in sexual activity for hire, regardless of whether the 3980  
hire is paid to the prostitute or to another. 3981

(E) "Harmful to juveniles" means that quality of any material 3982  
or performance describing or representing nudity, sexual conduct, 3983  
sexual excitement, or sado-masochistic abuse in any form to which 3984  
all of the following apply: 3985

(1) The material or performance, when considered as a whole, 3986  
appeals to the prurient interest ~~in sex~~ of juveniles in sex. 3987

(2) The material or performance is patently offensive to 3988  
prevailing standards in the adult community as a whole with 3989  
respect to what is suitable for juveniles. 3990

(3) The material or performance, when considered as a whole, 3991  
lacks serious literary, artistic, political, and scientific value 3992  
for juveniles. 3993

(F) When considered as a whole, and judged with reference to 3994  
ordinary adults or, if it is designed for sexual deviates or other 3995  
specially susceptible group, judged with reference to that group, 3996  
any material or performance is "obscene" if any of the following 3997  
apply: 3998

(1) Its dominant appeal is to prurient interest; 3999

(2) Its dominant tendency is to arouse lust by displaying or 4000  
depicting sexual activity, masturbation, sexual excitement, or 4001  
nudity in a way that tends to represent human beings as mere 4002  
objects of sexual appetite; 4003

(3) Its dominant tendency is to arouse lust by displaying or 4004  
depicting bestiality or extreme or bizarre violence, cruelty, or 4005  
brutality; 4006

(4) Its dominant tendency is to appeal to scatological 4007



interest by displaying or depicting human bodily functions of 4008  
elimination in a way that inspires disgust or revulsion in persons 4009  
with ordinary sensibilities, without serving any genuine 4010  
scientific, educational, sociological, moral, or artistic purpose; 4011

(5) It contains a series of displays or descriptions of 4012  
sexual activity, masturbation, sexual excitement, nudity, 4013  
bestiality, extreme or bizarre violence, cruelty, or brutality, or 4014  
human bodily functions of elimination, the cumulative effect of 4015  
which is a dominant tendency to appeal to prurient or scatological 4016  
interest, when the appeal to such an interest is primarily for its 4017  
own sake or for commercial exploitation, rather than primarily for 4018  
a genuine scientific, educational, sociological, moral, or 4019  
artistic purpose. 4020

(G) "Sexual excitement" means the condition of human male or 4021  
female genitals when in a state of sexual stimulation or arousal. 4022

(H) "Nudity" means the showing, representation, or depiction 4023  
of human male or female genitals, pubic area, or buttocks with 4024  
less than a full, opaque covering, or of a female breast with less 4025  
than a full, opaque covering of any portion thereof below the top 4026  
of the nipple, or of covered male genitals in a discernibly turgid 4027  
state. 4028

(I) "Juvenile" means an unmarried person under the age of 4029  
eighteen. 4030

(J) "Material" means any book, magazine, newspaper, pamphlet, 4031  
poster, print, picture, figure, image, description, motion picture 4032  
film, phonographic record, or tape, or other tangible thing 4033  
capable of arousing interest through sight, sound, or touch and 4034  
includes an image or text appearing on a computer monitor, 4035  
television screen, liquid crystal display, or similar display 4036  
device or an image or text recorded on a computer hard disk, 4037  
computer floppy disk, compact disk, magnetic tape, or similar data 4038

storage device. 4039

(K) "Performance" means any motion picture, preview, trailer, 4040  
play, show, skit, dance, or other exhibition performed before an 4041  
audience. 4042

(L) "Spouse" means a person married to an offender at the 4043  
time of an alleged offense, except that such person shall not be 4044  
considered the spouse when any of the following apply: 4045

(1) When the parties have entered into a written separation 4046  
agreement authorized by section 3103.06 of the Revised Code; 4047

(2) During the pendency of an action between the parties for 4048  
annulment, divorce, dissolution of marriage, or legal separation; 4049

(3) In the case of an action for legal separation, after the 4050  
effective date of the judgment for legal separation. 4051

(M) "Minor" means a person under the age of eighteen. 4052

(N) "Mental health client or patient" has the same meaning as 4053  
in section 2305.51 of the Revised Code. 4054

(O) "Mental health professional" has the same meaning as in 4055  
section 2305.115 of the Revised Code. 4056

(P) "Sado-masochistic abuse" means flagellation or torture by 4057  
or upon a person or the condition of being fettered, bound, or 4058  
otherwise physically restrained. 4059

**Sec. 2907.02.** (A)(1) No person shall engage in sexual conduct 4060  
with another who is not the spouse of the offender or who is the 4061  
spouse of the offender but is living separate and apart from the 4062  
offender, when any of the following applies: 4063

(a) For the purpose of preventing resistance, the offender 4064  
substantially impairs the other person's judgment or control by 4065  
administering any drug, intoxicant, or controlled substance to the 4066  
other person surreptitiously or by force, threat of force, or 4067

deception. 4068

(b) The other person is less than thirteen years of age, 4069  
whether or not the offender knows the age of the other person. 4070

(c) The other person's ability to resist or consent is 4071  
substantially impaired because of a mental or physical condition 4072  
or because of advanced age, and the offender knows or has 4073  
reasonable cause to believe that the other person's ability to 4074  
resist or consent is substantially impaired because of a mental or 4075  
physical condition or because of advanced age. 4076

(2) No person shall engage in sexual conduct with another 4077  
when the offender purposely compels the other person to submit by 4078  
force or threat of force. 4079

(B) Whoever violates this section is guilty of rape, a felony 4080  
of the first degree. If the offender under division (A)(1)(a) of 4081  
this section substantially impairs the other person's judgment or 4082  
control by administering any controlled substance described in 4083  
section 3719.41 of the Revised Code to the other person 4084  
surreptitiously or by force, threat of force, or deception, the 4085  
prison term imposed upon the offender shall be one of the prison 4086  
terms prescribed for a felony of the first degree in section 4087  
2929.14 of the Revised Code that is not less than five years. 4088  
Except as otherwise provided in this division, notwithstanding 4089  
sections 2929.11 to 2929.14 of the Revised Code, an offender under 4090  
division (A)(1)(b) of this section shall be sentenced to a prison 4091  
term or term of life imprisonment pursuant to section 2971.03 of 4092  
the Revised Code. If an offender is convicted of or pleads guilty 4093  
to a violation of division (A)(1)(b) of this section, if the 4094  
offender was less than sixteen years of age at the time the 4095  
offender committed the violation of that division, and if the 4096  
offender during or immediately after the commission of the offense 4097  
did not cause serious physical harm to the victim, the victim was 4098  
ten years of age or older at the time of the commission of the 4099

violation, and the offender has not previously been convicted of 4100  
or pleaded guilty to a violation of this section or a 4101  
substantially similar existing or former law of this state, 4102  
another state, or the United States, the court shall not sentence 4103  
the offender to a prison term or term of life imprisonment 4104  
pursuant to section 2971.03 of the Revised Code, and instead the 4105  
court shall sentence the offender as otherwise provided in this 4106  
division. If an offender under division (A)(1)(b) of this section 4107  
previously has been convicted of or pleaded guilty to violating 4108  
division (A)(1)(b) of this section or to violating an existing or 4109  
former law of this state, another state, or the United States that 4110  
is substantially similar to division (A)(1)(b) of this section, if 4111  
the offender during or immediately after the commission of the 4112  
offense caused serious physical harm to the victim, or if the 4113  
victim under division (A)(1)(b) of this section is less than ten 4114  
years of age, in lieu of sentencing the offender to a prison term 4115  
or term of life imprisonment pursuant to section 2971.03 of the 4116  
Revised Code, the court may impose upon the offender a term of 4117  
life without parole. If the court imposes a term of life without 4118  
parole pursuant to this division, division (F) of section 2971.03 4119  
of the Revised Code applies, and the offender automatically is 4120  
classified a ~~sexual predator~~ tier III sex offender/child-victim 4121  
offender, as described in that division. 4122

(C) A victim need not prove physical resistance to the 4123  
offender in prosecutions under this section. 4124

(D) Evidence of specific instances of the victim's sexual 4125  
activity, opinion evidence of the victim's sexual activity, and 4126  
reputation evidence of the victim's sexual activity shall not be 4127  
admitted under this section unless it involves evidence of the 4128  
origin of semen, pregnancy, or disease, or the victim's past 4129  
sexual activity with the offender, and only to the extent that the 4130  
court finds that the evidence is material to a fact at issue in 4131

the case and that its inflammatory or prejudicial nature does not 4132  
outweigh its probative value. 4133

Evidence of specific instances of the defendant's sexual 4134  
activity, opinion evidence of the defendant's sexual activity, and 4135  
reputation evidence of the defendant's sexual activity shall not 4136  
be admitted under this section unless it involves evidence of the 4137  
origin of semen, pregnancy, or disease, the defendant's past 4138  
sexual activity with the victim, or is admissible against the 4139  
defendant under section 2945.59 of the Revised Code, and only to 4140  
the extent that the court finds that the evidence is material to a 4141  
fact at issue in the case and that its inflammatory or prejudicial 4142  
nature does not outweigh its probative value. 4143

(E) Prior to taking testimony or receiving evidence of any 4144  
sexual activity of the victim or the defendant in a proceeding 4145  
under this section, the court shall resolve the admissibility of 4146  
the proposed evidence in a hearing in chambers, which shall be 4147  
held at or before preliminary hearing and not less than three days 4148  
before trial, or for good cause shown during the trial. 4149

(F) Upon approval by the court, the victim may be represented 4150  
by counsel in any hearing in chambers or other proceeding to 4151  
resolve the admissibility of evidence. If the victim is indigent 4152  
or otherwise is unable to obtain the services of counsel, the 4153  
court, upon request, may appoint counsel to represent the victim 4154  
without cost to the victim. 4155

(G) It is not a defense to a charge under division (A)(2) of 4156  
this section that the offender and the victim were married or were 4157  
cohabiting at the time of the commission of the offense. 4158

**Sec. 2907.05.** (A) No person shall have sexual contact with 4159  
another, not the spouse of the offender; cause another, not the 4160  
spouse of the offender, to have sexual contact with the offender; 4161  
or cause two or more other persons to have sexual contact when any 4162

of the following applies: 4163

(1) The offender purposely compels the other person, or one 4164  
of the other persons, to submit by force or threat of force. 4165

(2) For the purpose of preventing resistance, the offender 4166  
substantially impairs the judgment or control of the other person 4167  
or of one of the other persons by administering any drug, 4168  
intoxicant, or controlled substance to the other person 4169  
surreptitiously or by force, threat of force, or deception. 4170

(3) The offender knows that the judgment or control of the 4171  
other person or of one of the other persons is substantially 4172  
impaired as a result of the influence of any drug or intoxicant 4173  
administered to the other person with the other person's consent 4174  
for the purpose of any kind of medical or dental examination, 4175  
treatment, or surgery. 4176

(4) The other person, or one of the other persons, is less 4177  
than thirteen years of age, whether or not the offender knows the 4178  
age of that person. 4179

(5) The ability of the other person to resist or consent or 4180  
the ability of one of the other persons to resist or consent is 4181  
substantially impaired because of a mental or physical condition 4182  
or because of advanced age, and the offender knows or has 4183  
reasonable cause to believe that the ability to resist or consent 4184  
of the other person or of one of the other persons is 4185  
substantially impaired because of a mental or physical condition 4186  
or because of advanced age. 4187

(B) No person shall knowingly touch the genitalia of another, 4188  
when the touching is not through clothing, the other person is 4189  
less than twelve years of age, whether or not the offender knows 4190  
the age of that person, and the touching is done with an intent to 4191  
abuse, humiliate, harass, degrade, or arouse or gratify the sexual 4192  
desire of any person. 4193

(C) Whoever violates this section is guilty of gross sexual 4194  
imposition. 4195

(1) Except as otherwise provided in this section, gross 4196  
sexual imposition committed in violation of division (A)(1), (2), 4197  
(3), or (5) of this section is a felony of the fourth degree. If 4198  
the offender under division (A)(2) of this section substantially 4199  
impairs the judgment or control of the other person or one of the 4200  
other persons by administering any controlled substance described 4201  
in section 3719.41 of the Revised Code to the person 4202  
surreptitiously or by force, threat of force, or deception, gross 4203  
sexual imposition committed in violation of division (A)(2) of 4204  
this section is a felony of the third degree. 4205

(2) Gross sexual imposition committed in violation of 4206  
division (A)(4) or (B) of this section is a felony of the third 4207  
degree. Except as otherwise provided in this division, for gross 4208  
sexual imposition committed in violation of division (A)(4) or (B) 4209  
of this section there is a presumption that a prison term shall be 4210  
imposed for the offense. The court shall impose on an offender 4211  
convicted of gross sexual imposition in violation of division 4212  
(A)(4) or (B) of this section a mandatory prison term equal to one 4213  
of the prison terms prescribed in section 2929.14 of the Revised 4214  
Code for a felony of the third degree if either of the following 4215  
applies: 4216

(a) Evidence other than the testimony of the victim was 4217  
admitted in the case corroborating the violation; 4218

(b) The offender previously was convicted of or pleaded 4219  
guilty to a violation of this section, rape, the former offense of 4220  
felonious sexual penetration, or sexual battery, and the victim of 4221  
the previous offense was ~~under~~ less than thirteen years of age. 4222

~~(C)~~(D) A victim need not prove physical resistance to the 4223  
offender in prosecutions under this section. 4224

~~(D)~~(E) Evidence of specific instances of the victim's sexual 4225  
activity, opinion evidence of the victim's sexual activity, and 4226  
reputation evidence of the victim's sexual activity shall not be 4227  
admitted under this section unless it involves evidence of the 4228  
origin of semen, pregnancy, or disease, or the victim's past 4229  
sexual activity with the offender, and only to the extent that the 4230  
court finds that the evidence is material to a fact at issue in 4231  
the case and that its inflammatory or prejudicial nature does not 4232  
outweigh its probative value. 4233

Evidence of specific instances of the defendant's sexual 4234  
activity, opinion evidence of the defendant's sexual activity, and 4235  
reputation evidence of the defendant's sexual activity shall not 4236  
be admitted under this section unless it involves evidence of the 4237  
origin of semen, pregnancy, or disease, the defendant's past 4238  
sexual activity with the victim, or is admissible against the 4239  
defendant under section 2945.59 of the Revised Code, and only to 4240  
the extent that the court finds that the evidence is material to a 4241  
fact at issue in the case and that its inflammatory or prejudicial 4242  
nature does not outweigh its probative value. 4243

~~(E)~~(F) Prior to taking testimony or receiving evidence of any 4244  
sexual activity of the victim or the defendant in a proceeding 4245  
under this section, the court shall resolve the admissibility of 4246  
the proposed evidence in a hearing in chambers, which shall be 4247  
held at or before preliminary hearing and not less than three days 4248  
before trial, or for good cause shown during the trial. 4249

~~(F)~~(G) Upon approval by the court, the victim may be 4250  
represented by counsel in any hearing in chambers or other 4251  
proceeding to resolve the admissibility of evidence. If the victim 4252  
is indigent or otherwise is unable to obtain the services of 4253  
counsel, the court, upon request, may appoint counsel to represent 4254  
the victim without cost to the victim. 4255



**Sec. 2921.34.** (A)(1) No person, knowing the person is under 4256  
detention or being reckless in that regard, shall purposely break 4257  
or attempt to break the detention, or purposely fail to return to 4258  
detention, either following temporary leave granted for a specific 4259  
purpose or limited period, or at the time required when serving a 4260  
sentence in intermittent confinement. 4261

(2)(a) Division (A)(2)(b) of this section applies to any 4262  
person who is ~~adjudicated a sexually violent predator and is~~ 4263  
sentenced to a prison term pursuant to division (A)(3) or (B) of 4264  
section 2971.03 of the Revised Code ~~for the sexually violent~~ 4265  
~~offense, to any person who is convicted of or pleads guilty to a~~ 4266  
~~violation of division (A)(1)(b) of section 2907.02 of the Revised~~ 4267  
~~Code committed on or after the effective date of this amendment~~ 4268  
~~and is sentenced to a prison term pursuant to division (B)(1)(a),~~ 4269  
~~(b), or (c) of section 2971.03 of the Revised Code for the~~ 4270  
~~violation, and to any person who is convicted of or pleads guilty~~ 4271  
~~to attempted rape committed on or after the effective date of this~~ 4272  
~~amendment and a specification of the type described in section~~ 4273  
~~2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is~~ 4274  
~~sentenced to a prison term pursuant to division (B)(2)(a), (b), or~~ 4275  
~~(c) of section 2971.03 of the Revised Code for the attempted rape.~~ 4276  
~~No~~ 4277

(b) No person to whom this division applies, for whom the 4278  
requirement that the entire prison term imposed upon the person 4279  
pursuant to division (A)(3) or (B) of section 2971.03 of the 4280  
Revised Code be served in a state correctional institution has 4281  
been modified pursuant to section 2971.05 of the Revised Code, and 4282  
who, pursuant to that modification, is restricted to a geographic 4283  
area, knowing that the person is under a geographic restriction or 4284  
being reckless in that regard, shall purposely leave the 4285  
geographic area to which the restriction applies or purposely fail 4286  
to return to that geographic area following a temporary leave 4287

granted for a specific purpose or for a limited period of time. 4288

(B) Irregularity in bringing about or maintaining detention, 4289  
or lack of jurisdiction of the committing or detaining authority, 4290  
is not a defense to a charge under this section if the detention 4291  
is pursuant to judicial order or in a detention facility. In the 4292  
case of any other detention, irregularity or lack of jurisdiction 4293  
is an affirmative defense only if either of the following occurs: 4294

(1) The escape involved no substantial risk of harm to the 4295  
person or property of another. 4296

(2) The detaining authority knew or should have known there 4297  
was no legal basis or authority for the detention. 4298

(C) Whoever violates this section is guilty of escape. 4299

(1) If the offender, at the time of the commission of the 4300  
offense, was under detention as an alleged or adjudicated 4301  
delinquent child or unruly child and if the act for which the 4302  
offender was under detention would not be a felony if committed by 4303  
an adult, escape is a misdemeanor of the first degree. 4304

(2) If the offender, at the time of the commission of the 4305  
offense, was under detention in any other manner, or if the 4306  
offender is a person ~~who was adjudicated a sexually violent~~ 4307  
~~predator~~ for whom the requirement that the entire prison term 4308  
imposed upon the person pursuant to division (A)(3) or (B) of 4309  
section 2971.03 of the Revised Code be served in a state 4310  
correctional institution has been modified pursuant to section 4311  
2971.05 of the Revised Code, ~~the offender is a person who was~~ 4312  
~~convicted of or pleaded guilty to committing on or after the~~ 4313  
~~effective date of this amendment a violation of division (A)(1)(b)~~ 4314  
~~of section 2907.02 of the Revised Code for whom the requirement~~ 4315  
~~that the entire prison term imposed upon the person pursuant to~~ 4316  
~~division (B)(1)(a), (b), or (c) of section 2971.03 of the Revised~~ 4317  
~~Code be served in a state correctional institution has been~~ 4318

~~modified pursuant to section 2971.05 of the Revised Code, or the~~ 4319  
~~offender is a person who was convicted of or pleaded guilty to~~ 4320  
~~committing on or after the effective date of this amendment~~ 4321  
~~attempted rape, who also was convicted of or pleaded guilty to a~~ 4322  
~~specification of the type described in section 2941.1418,~~ 4323  
~~2941.1419, or 2941.1420 of the Revised Code, who was sentenced~~ 4324  
~~pursuant to division (B)(2)(a), (b), or (c) of section 2971.03 of~~ 4325  
~~the Revised Code, and for whom the requirement that the entire~~ 4326  
~~prison term imposed pursuant to that division be served in a state~~ 4327  
~~correctional institution has been modified pursuant to section~~ 4328  
~~2971.05 of the Revised Code, escape is one of the following:~~ 4329

(a) A felony of the second degree, when the most serious 4330  
offense for which the person was under detention or for which the 4331  
person had been sentenced to the prison term under division 4332  
(A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or 4333  
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 4334  
is aggravated murder, murder, or a felony of the first or second 4335  
degree or, if the person was under detention as an alleged or 4336  
adjudicated delinquent child, when the most serious act for which 4337  
the person was under detention would be aggravated murder, murder, 4338  
or a felony of the first or second degree if committed by an 4339  
adult; 4340

(b) A felony of the third degree, when the most serious 4341  
offense for which the person was under detention or for which the 4342  
person had been sentenced to the prison term under division 4343  
(A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or 4344  
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 4345  
is a felony of the third, fourth, or fifth degree or an 4346  
unclassified felony or, if the person was under detention as an 4347  
alleged or adjudicated delinquent child, when the most serious act 4348  
for which the person was under detention would be a felony of the 4349  
third, fourth, or fifth degree or an unclassified felony if 4350

committed by an adult; 4351

(c) A felony of the fifth degree, when any of the following 4352  
applies: 4353

(i) The most serious offense for which the person was under 4354  
detention is a misdemeanor. 4355

(ii) The person was found not guilty by reason of insanity, 4356  
and the person's detention consisted of hospitalization, 4357  
institutionalization, or confinement in a facility under an order 4358  
made pursuant to or under authority of section 2945.40, 2945.401, 4359  
or 2945.402 of the Revised Code. 4360

(d) A misdemeanor of the first degree, when the most serious 4361  
offense for which the person was under detention is a misdemeanor 4362  
and when the person fails to return to detention at a specified 4363  
time following temporary leave granted for a specific purpose or 4364  
limited period or at the time required when serving a sentence in 4365  
intermittent confinement. 4366

~~(D) As used in this section:~~ 4367

~~(1) "Adjudicated a sexually violent predator" has the same 4368  
meaning as in section 2929.01 of the Revised Code, and a person is 4369  
"adjudicated a sexually violent predator" in the same manner and 4370  
the same circumstances as are described in that section. 4371~~

~~(2) "Sexually violent offense" has the same meaning as in 4372  
section 2971.01 of the Revised Code. 4373~~

**Sec. 2929.01.** As used in this chapter: 4374

(A)(1) "Alternative residential facility" means, subject to 4375  
division (A)(2) of this section, any facility other than an 4376  
offender's home or residence in which an offender is assigned to 4377  
live and that satisfies all of the following criteria: 4378

(a) It provides programs through which the offender may seek 4379

or maintain employment or may receive education, training, 4380  
treatment, or habilitation. 4381

(b) It has received the appropriate license or certificate 4382  
for any specialized education, training, treatment, habilitation, 4383  
or other service that it provides from the government agency that 4384  
is responsible for licensing or certifying that type of education, 4385  
training, treatment, habilitation, or service. 4386

(2) "Alternative residential facility" does not include a 4387  
community-based correctional facility, jail, halfway house, or 4388  
prison. 4389

(B) "Bad time" means the time by which the parole board 4390  
administratively extends an offender's stated prison term or terms 4391  
pursuant to section 2967.11 of the Revised Code because the parole 4392  
board finds by clear and convincing evidence that the offender, 4393  
while serving the prison term or terms, committed an act that is a 4394  
criminal offense under the law of this state or the United States, 4395  
whether or not the offender is prosecuted for the commission of 4396  
that act. 4397

(C) "Basic probation supervision" means a requirement that 4398  
the offender maintain contact with a person appointed to supervise 4399  
the offender in accordance with sanctions imposed by the court or 4400  
imposed by the parole board pursuant to section 2967.28 of the 4401  
Revised Code. "Basic probation supervision" includes basic parole 4402  
supervision and basic post-release control supervision. 4403

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 4404  
"unit dose" have the same meanings as in section 2925.01 of the 4405  
Revised Code. 4406

(E) "Community-based correctional facility" means a 4407  
community-based correctional facility and program or district 4408  
community-based correctional facility and program developed 4409  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 4410

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

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

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

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

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

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

(L) "Drug treatment program" means any program under which a  
person undergoes assessment and treatment designed to reduce or  
completely eliminate the person's physical or emotional reliance  
upon alcohol, another drug, or alcohol and another drug and under  
which the person may be required to receive assessment and  
treatment on an outpatient basis or may be required to reside at a

facility other than the person's home or residence while 4442  
undergoing assessment and treatment. 4443

(M) "Economic loss" means any economic detriment suffered by 4444  
a victim as a direct and proximate result of the commission of an 4445  
offense and includes any loss of income due to lost time at work 4446  
because of any injury caused to the victim, and any property loss, 4447  
medical cost, or funeral expense incurred as a result of the 4448  
commission of the offense. "Economic loss" does not include 4449  
non-economic loss or any punitive or exemplary damages. 4450

(N) "Education or training" includes study at, or in 4451  
conjunction with a program offered by, a university, college, or 4452  
technical college or vocational study and also includes the 4453  
completion of primary school, secondary school, and literacy 4454  
curricula or their equivalent. 4455

(O) "Firearm" has the same meaning as in section 2923.11 of 4456  
the Revised Code. 4457

(P) "Halfway house" means a facility licensed by the division 4458  
of parole and community services of the department of 4459  
rehabilitation and correction pursuant to section 2967.14 of the 4460  
Revised Code as a suitable facility for the care and treatment of 4461  
adult offenders. 4462

(Q) "House arrest" means a period of confinement of an 4463  
offender that is in the offender's home or in other premises 4464  
specified by the sentencing court or by the parole board pursuant 4465  
to section 2967.28 of the Revised Code and during which all of the 4466  
following apply: 4467

(1) The offender is required to remain in the offender's home 4468  
or other specified premises for the specified period of 4469  
confinement, except for periods of time during which the offender 4470  
is at the offender's place of employment or at other premises as 4471  
authorized by the sentencing court or by the parole board. 4472

(2) The offender is required to report periodically to a 4473  
person designated by the court or parole board. 4474

(3) The offender is subject to any other restrictions and 4475  
requirements that may be imposed by the sentencing court or by the 4476  
parole board. 4477

(R) "Intensive probation supervision" means a requirement 4478  
that an offender maintain frequent contact with a person appointed 4479  
by the court, or by the parole board pursuant to section 2967.28 4480  
of the Revised Code, to supervise the offender while the offender 4481  
is seeking or maintaining necessary employment and participating 4482  
in training, education, and treatment programs as required in the 4483  
court's or parole board's order. "Intensive probation supervision" 4484  
includes intensive parole supervision and intensive post-release 4485  
control supervision. 4486

(S) "Jail" means a jail, workhouse, minimum security jail, or 4487  
other residential facility used for the confinement of alleged or 4488  
convicted offenders that is operated by a political subdivision or 4489  
a combination of political subdivisions of this state. 4490

(T) "Jail term" means the term in a jail that a sentencing 4491  
court imposes or is authorized to impose pursuant to section 4492  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 4493  
provision of the Revised Code that authorizes a term in a jail for 4494  
a misdemeanor conviction. 4495

(U) "Mandatory jail term" means the term in a jail that a 4496  
sentencing court is required to impose pursuant to division (G) of 4497  
section 1547.99 of the Revised Code, division (E) of section 4498  
2903.06 or division (D) of section 2903.08 of the Revised Code, 4499  
division (E) of section 2929.24 of the Revised Code, division (B) 4500  
of section 4510.14 of the Revised Code, or division (G) of section 4501  
4511.19 of the Revised Code or pursuant to any other provision of 4502  
the Revised Code that requires a term in a jail for a misdemeanor 4503



conviction. 4504

(V) "Delinquent child" has the same meaning as in section 4505  
2152.02 of the Revised Code. 4506

(W) "License violation report" means a report that is made by 4507  
a sentencing court, or by the parole board pursuant to section 4508  
2967.28 of the Revised Code, to the regulatory or licensing board 4509  
or agency that issued an offender a professional license or a 4510  
license or permit to do business in this state and that specifies 4511  
that the offender has been convicted of or pleaded guilty to an 4512  
offense that may violate the conditions under which the offender's 4513  
professional license or license or permit to do business in this 4514  
state was granted or an offense for which the offender's 4515  
professional license or license or permit to do business in this 4516  
state may be revoked or suspended. 4517

(X) "Major drug offender" means an offender who is convicted 4518  
of or pleads guilty to the possession of, sale of, or offer to 4519  
sell any drug, compound, mixture, preparation, or substance that 4520  
consists of or contains at least one thousand grams of hashish; at 4521  
least one hundred grams of crack cocaine; at least one thousand 4522  
grams of cocaine that is not crack cocaine; at least two thousand 4523  
five hundred unit doses or two hundred fifty grams of heroin; at 4524  
least five thousand unit doses of L.S.D. or five hundred grams of 4525  
L.S.D. in a liquid concentrate, liquid extract, or liquid 4526  
distillate form; or at least one hundred times the amount of any 4527  
other schedule I or II controlled substance other than marihuana 4528  
that is necessary to commit a felony of the third degree pursuant 4529  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 4530  
Code that is based on the possession of, sale of, or offer to sell 4531  
the controlled substance. 4532

(Y) "Mandatory prison term" means any of the following: 4533

(1) Subject to division (Y)(2) of this section, the term in 4534

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

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

(3) The term in prison imposed pursuant to division (A) of  
section 2971.03 of the Revised Code for the offenses and in the  
circumstances described in division (F)(11) of section 2929.13 of  
the Revised Code, or pursuant to division (B)(1)(a), (b), or (c),  
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section  
~~2971.03 of the Revised Code for the offense of rape committed on~~  
~~or after the effective date of this amendment in violation of~~  
~~division (A)(1)(b) of section 2907.02 of the Revised Code,~~  
~~pursuant to division (B)(2)(a) of section 2971.03 of the Revised~~  
~~Code for the offense of attempted rape committed on or after the~~  
~~effective date of this amendment and a specification of the type~~  
~~described in section 2941.1418 of the Revised Code, pursuant to~~  
~~division (B)(2)(b) of section 2971.03 of the Revised Code for the~~  
~~offense of attempted rape committed on or after the effective date~~  
~~of this amendment and a specification of the type described in~~  
~~section 2941.1419 of the Revised Code, or pursuant to division~~

~~(B)(2)(c) of section 2971.03 of the Revised Code for the offense~~ 4567  
~~of attempted rape committed on or after the effective date of this~~ 4568  
~~amendment and a specification of the type described in section~~ 4569  
~~2941.1420 of the Revised Code~~ and that term as modified or 4570  
terminated pursuant to section 2971.05 of the Revised Code. 4571

(Z) "Monitored time" means a period of time during which an 4572  
offender continues to be under the control of the sentencing court 4573  
or parole board, subject to no conditions other than leading a 4574  
law-abiding life. 4575

(AA) "Offender" means a person who, in this state, is 4576  
convicted of or pleads guilty to a felony or a misdemeanor. 4577

(BB) "Prison" means a residential facility used for the 4578  
confinement of convicted felony offenders that is under the 4579  
control of the department of rehabilitation and correction but 4580  
does not include a violation sanction center operated under 4581  
authority of section 2967.141 of the Revised Code. 4582

(CC) "Prison term" includes any of the following sanctions 4583  
for an offender: 4584

(1) A stated prison term; 4585

(2) A term in a prison shortened by, or with the approval of, 4586  
the sentencing court pursuant to section 2929.20, 2967.26, 4587  
5120.031, 5120.032, or 5120.073 of the Revised Code; 4588

(3) A term in prison extended by bad time imposed pursuant to 4589  
section 2967.11 of the Revised Code or imposed for a violation of 4590  
post-release control pursuant to section 2967.28 of the Revised 4591  
Code. 4592

(DD) "Repeat violent offender" means a person about whom both 4593  
of the following apply: 4594

(1) The person is being sentenced for committing or for 4595  
complicity in committing any of the following: 4596

(a) Aggravated murder, murder, any felony of the first or 4597  
second degree that is an offense of violence, or an attempt to 4598  
commit any of these offenses if the attempt is a felony of the 4599  
first or second degree; 4600

(b) An offense under an existing or former law of this state, 4601  
another state, or the United States that is or was substantially 4602  
equivalent to an offense described in division (DD)(1)(a) of this 4603  
section. 4604

(2) The person previously was convicted of or pleaded guilty 4605  
to an offense described in division (DD)(1)(a) or (b) of this 4606  
section. 4607

(EE) "Sanction" means any penalty imposed upon an offender 4608  
who is convicted of or pleads guilty to an offense, as punishment 4609  
for the offense. "Sanction" includes any sanction imposed pursuant 4610  
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 4611  
2929.28 of the Revised Code. 4612

(FF) "Sentence" means the sanction or combination of 4613  
sanctions imposed by the sentencing court on an offender who is 4614  
convicted of or pleads guilty to an offense. 4615

(GG) "Stated prison term" means the prison term, mandatory 4616  
prison term, or combination of all prison terms and mandatory 4617  
prison terms imposed by the sentencing court pursuant to section 4618  
2929.14, 2929.142, or 2971.03 of the Revised Code. "Stated prison 4619  
term" includes any credit received by the offender for time spent 4620  
in jail awaiting trial, sentencing, or transfer to prison for the 4621  
offense and any time spent under house arrest or house arrest with 4622  
electronic monitoring imposed after earning credits pursuant to 4623  
section 2967.193 of the Revised Code. 4624

(HH) "Victim-offender mediation" means a reconciliation or 4625  
mediation program that involves an offender and the victim of the 4626  
offense committed by the offender and that includes a meeting in 4627

which the offender and the victim may discuss the offense, discuss 4628  
restitution, and consider other sanctions for the offense. 4629

(II) "Fourth degree felony OVI offense" means a violation of 4630  
division (A) of section 4511.19 of the Revised Code that, under 4631  
division (G) of that section, is a felony of the fourth degree. 4632

(JJ) "Mandatory term of local incarceration" means the term 4633  
of sixty or one hundred twenty days in a jail, a community-based 4634  
correctional facility, a halfway house, or an alternative 4635  
residential facility that a sentencing court may impose upon a 4636  
person who is convicted of or pleads guilty to a fourth degree 4637  
felony OVI offense pursuant to division (G)(1) of section 2929.13 4638  
of the Revised Code and division (G)(1)(d) or (e) of section 4639  
4511.19 of the Revised Code. 4640

(KK) "Designated homicide, assault, or kidnapping offense," 4641  
"violent sex offense," "sexual motivation specification," 4642  
"sexually violent offense," "sexually violent predator," and 4643  
"sexually violent predator specification" have the same meanings 4644  
as in section 2971.01 of the Revised Code. 4645

(LL) ~~"Habitual sex offender," "sexually~~ Sexually oriented 4646  
offense," ~~"sexual predator," "registration exempt sexually~~ 4647  
~~oriented offense,"~~ "child-victim oriented offense," ~~"habitual and~~ 4648  
~~"tier III sex offender/child-victim offender," and "child-victim~~ 4649  
~~predator"~~ have the same meanings as in section 2950.01 of the 4650  
Revised Code. 4651

(MM) An offense is "committed in the vicinity of a child" if 4652  
the offender commits the offense within thirty feet of or within 4653  
the same residential unit as a child who is under eighteen years 4654  
of age, regardless of whether the offender knows the age of the 4655  
child or whether the offender knows the offense is being committed 4656  
within thirty feet of or within the same residential unit as the 4657  
child and regardless of whether the child actually views the 4658

commission of the offense. 4659

(NN) "Family or household member" has the same meaning as in 4660  
section 2919.25 of the Revised Code. 4661

(OO) "Motor vehicle" and "manufactured home" have the same 4662  
meanings as in section 4501.01 of the Revised Code. 4663

(PP) "Detention" and "detention facility" have the same 4664  
meanings as in section 2921.01 of the Revised Code. 4665

(QQ) "Third degree felony OVI offense" means a violation of 4666  
division (A) of section 4511.19 of the Revised Code that, under 4667  
division (G) of that section, is a felony of the third degree. 4668

(RR) "Random drug testing" has the same meaning as in section 4669  
5120.63 of the Revised Code. 4670

(SS) "Felony sex offense" has the same meaning as in section 4671  
2967.28 of the Revised Code. 4672

(TT) "Body armor" has the same meaning as in section 4673  
2941.1411 of the Revised Code. 4674

(UU) "Electronic monitoring" means monitoring through the use 4675  
of an electronic monitoring device. 4676

(VV) "Electronic monitoring device" means any of the 4677  
following: 4678

(1) Any device that can be operated by electrical or battery 4679  
power and that conforms with all of the following: 4680

(a) The device has a transmitter that can be attached to a 4681  
person, that will transmit a specified signal to a receiver of the 4682  
type described in division (VV)(1)(b) of this section if the 4683  
transmitter is removed from the person, turned off, or altered in 4684  
any manner without prior court approval in relation to electronic 4685  
monitoring or without prior approval of the department of 4686  
rehabilitation and correction in relation to the use of an 4687  
electronic monitoring device for an inmate on transitional control 4688

or otherwise is tampered with, that can transmit continuously and 4689  
periodically a signal to that receiver when the person is within a 4690  
specified distance from the receiver, and that can transmit an 4691  
appropriate signal to that receiver if the person to whom it is 4692  
attached travels a specified distance from that receiver. 4693

(b) The device has a receiver that can receive continuously 4694  
the signals transmitted by a transmitter of the type described in 4695  
division (VV)(1)(a) of this section, can transmit continuously 4696  
those signals by telephone to a central monitoring computer of the 4697  
type described in division (VV)(1)(c) of this section, and can 4698  
transmit continuously an appropriate signal to that central 4699  
monitoring computer if the receiver is turned off or altered 4700  
without prior court approval or otherwise tampered with. 4701

(c) The device has a central monitoring computer that can 4702  
receive continuously the signals transmitted by telephone by a 4703  
receiver of the type described in division (VV)(1)(b) of this 4704  
section and can monitor continuously the person to whom an 4705  
electronic monitoring device of the type described in division 4706  
(VV)(1)(a) of this section is attached. 4707

(2) Any device that is not a device of the type described in 4708  
division (VV)(1) of this section and that conforms with all of the 4709  
following: 4710

(a) The device includes a transmitter and receiver that can 4711  
monitor and determine the location of a subject person at any 4712  
time, or at a designated point in time, through the use of a 4713  
central monitoring computer or through other electronic means. 4714

(b) The device includes a transmitter and receiver that can 4715  
determine at any time, or at a designated point in time, through 4716  
the use of a central monitoring computer or other electronic means 4717  
the fact that the transmitter is turned off or altered in any 4718  
manner without prior approval of the court in relation to the 4719

electronic monitoring or without prior approval of the department 4720  
of rehabilitation and correction in relation to the use of an 4721  
electronic monitoring device for an inmate on transitional control 4722  
or otherwise is tampered with. 4723

(3) Any type of technology that can adequately track or 4724  
determine the location of a subject person at any time and that is 4725  
approved by the director of rehabilitation and correction, 4726  
including, but not limited to, any satellite technology, voice 4727  
tracking system, or retinal scanning system that is so approved. 4728

(WW) "Non-economic loss" means nonpecuniary harm suffered by 4729  
a victim of an offense as a result of or related to the commission 4730  
of the offense, including, but not limited to, pain and suffering; 4731  
loss of society, consortium, companionship, care, assistance, 4732  
attention, protection, advice, guidance, counsel, instruction, 4733  
training, or education; mental anguish; and any other intangible 4734  
loss. 4735

(XX) "Prosecutor" has the same meaning as in section 2935.01 4736  
of the Revised Code. 4737

(YY) "Continuous alcohol monitoring" means the ability to 4738  
automatically test and periodically transmit alcohol consumption 4739  
levels and tamper attempts at least every hour, regardless of the 4740  
location of the person who is being monitored. 4741

(ZZ) A person is "adjudicated a sexually violent predator" if 4742  
the person is convicted of or pleads guilty to a violent sex 4743  
offense and also is convicted of or pleads guilty to a sexually 4744  
violent predator specification that was included in the 4745  
indictment, count in the indictment, or information charging that 4746  
violent sex offense or if the person is convicted of or pleads 4747  
guilty to a designated homicide, assault, or kidnapping offense 4748  
and also is convicted of or pleads guilty to both a sexual 4749  
motivation specification and a sexually violent predator 4750



specification that were included in the indictment, count in the 4751  
indictment, or information charging that designated homicide, 4752  
assault, or kidnapping offense. 4753

**Sec. 2929.02.** (A) Whoever is convicted of or pleads guilty to 4754  
aggravated murder in violation of section 2903.01 of the Revised 4755  
Code shall suffer death or be imprisoned for life, as determined 4756  
pursuant to sections 2929.022, 2929.03, and 2929.04 of the Revised 4757  
Code, except that no person who raises the matter of age pursuant 4758  
to section 2929.023 of the Revised Code and who is not found to 4759  
have been eighteen years of age or older at the time of the 4760  
commission of the offense shall suffer death. In addition, the 4761  
offender may be fined an amount fixed by the court, but not more 4762  
than twenty-five thousand dollars. 4763

(B) ~~Whoever~~ (1) Except as otherwise provided in division 4764  
(B)(2) or (3) of this section, whoever is convicted of or pleads 4765  
guilty to murder in violation of section 2903.02 of the Revised 4766  
Code shall be imprisoned for an indefinite term of fifteen years 4767  
to life, ~~except that, if the offender.~~ 4768

(2) Except as otherwise provided in division (B)(3) of this 4769  
section, if a person is convicted of or pleads guilty to murder in 4770  
violation of section 2903.02 of the Revised Code, the victim of 4771  
the offense was less than thirteen years of age, and the offender 4772  
also is convicted of or pleads guilty to a sexual motivation 4773  
specification that was included in the indictment, count in the 4774  
indictment, or information charging the offense, the court shall 4775  
impose an indefinite prison term of thirty years to life pursuant 4776  
to division (B)(3) of section 2971.03 of the Revised Code. 4777

(3) If a person is convicted of or pleads guilty to murder in 4778  
violation of section 2903.02 of the Revised Code and also is 4779  
convicted of or pleads guilty to a sexual motivation specification 4780  
and a sexually violent predator specification that were included 4781

in the indictment, count in the indictment, or information that 4782  
charged the murder, the court shall impose upon the offender a 4783  
term of life imprisonment without parole that shall be served 4784  
pursuant to section 2971.03 of the Revised Code. ~~In~~ 4785

(4) In addition, the offender may be fined an amount fixed by 4786  
the court, but not more than fifteen thousand dollars. 4787

(C) The court shall not impose a fine or fines for aggravated 4788  
murder or murder which, in the aggregate and to the extent not 4789  
suspended by the court, exceeds the amount which the offender is 4790  
or will be able to pay by the method and within the time allowed 4791  
without undue hardship to the offender or to the dependents of the 4792  
offender, or will prevent the offender from making reparation for 4793  
the victim's wrongful death. 4794

(D)(1) In addition to any other sanctions imposed for a 4795  
violation of section 2903.01 or 2903.02 of the Revised Code, if 4796  
the offender used a motor vehicle as the means to commit the 4797  
violation, the court shall impose upon the offender a class two 4798  
suspension of the offender's driver's license, commercial driver's 4799  
license, temporary instruction permit, probationary license, or 4800  
nonresident operating privilege as specified in division (A)(2) of 4801  
section 4510.02 of the Revised Code. 4802

(2) As used in division (D) of this section, "motor vehicle" 4803  
has the same meaning as in section 4501.01 of the Revised Code. 4804

**Sec. 2929.022.** (A) If an indictment or count in an indictment 4805  
charging a defendant with aggravated murder contains a 4806  
specification of the aggravating circumstance of a prior 4807  
conviction listed in division (A)(5) of section 2929.04 of the 4808  
Revised Code, the defendant may elect to have the panel of three 4809  
judges, if ~~he~~ the defendant waives trial by jury, or the trial 4810  
judge, if ~~he~~ the defendant is tried by jury, determine the 4811  
existence of that aggravating circumstance at the sentencing 4812

hearing held pursuant to divisions (C) and (D) of section 2929.03 4813  
of the Revised Code. 4814

(1) If the defendant does not elect to have the existence of 4815  
the aggravating circumstance determined at the sentencing hearing, 4816  
the defendant shall be tried on the charge of aggravated murder, 4817  
on the specification of the aggravating circumstance of a prior 4818  
conviction listed in division (A)(5) of section 2929.04 of the 4819  
Revised Code, and on any other specifications of an aggravating 4820  
circumstance listed in division (A) of section 2929.04 of the 4821  
Revised Code in a single trial as in any other criminal case in 4822  
which a person is charged with aggravated murder and 4823  
specifications. 4824

(2) If the defendant does elect to have the existence of the 4825  
aggravating circumstance of a prior conviction listed in division 4826  
(A)(5) of section 2929.04 of the Revised Code determined at the 4827  
sentencing hearing, then, following a verdict of guilty of the 4828  
charge of aggravated murder, the panel of three judges or the 4829  
trial judge shall: 4830

(a) Hold a sentencing hearing pursuant to division (B) of 4831  
this section, unless required to do otherwise under division 4832  
(A)(2)(b) of this section; 4833

(b) If the offender raises the matter of age at trial 4834  
pursuant to section 2929.023 of the Revised Code and is not found 4835  
at trial to have been eighteen years of age or older at the time 4836  
of the commission of the offense, conduct a hearing to determine 4837  
if the specification of the aggravating circumstance of a prior 4838  
conviction listed in division (A)(5) of section 2929.04 of the 4839  
Revised Code is proven beyond a reasonable doubt. After conducting 4840  
the hearing, the panel or judge shall proceed as follows: 4841

(i) If that aggravating circumstance is proven beyond a 4842  
reasonable doubt or if the defendant at trial was convicted of any 4843

other specification of an aggravating circumstance, the panel or 4844  
judge shall impose sentence according to division (E) of section 4845  
2929.03 of the Revised Code<sup>+</sup>. 4846

(ii) If that aggravating circumstance is not proven beyond a 4847  
reasonable doubt and the defendant at trial was not convicted of 4848  
any other specification of an aggravating circumstance, except as 4849  
otherwise provided in this division, the panel or judge shall 4850  
impose sentence of life imprisonment with parole eligibility after 4851  
serving twenty years of imprisonment on the offender. If that 4852  
aggravating circumstance is not proven beyond a reasonable doubt, 4853  
the defendant at trial was not convicted of any other 4854  
specification of an aggravating circumstance, the victim of the 4855  
aggravated murder was less than thirteen years of age, and the 4856  
offender also is convicted of or pleads guilty to a sexual 4857  
motivation specification that was included in the indictment, 4858  
count in the indictment, or information charging the offense, the 4859  
panel or judge shall sentence the offender pursuant to division 4860  
(B)(3) of section 2971.03 of the Revised Code to an indefinite 4861  
term consisting of a minimum term of thirty years and a maximum 4862  
term of life imprisonment. 4863

(B) At the sentencing hearing, the panel of judges, if the 4864  
defendant was tried by a panel of three judges, or the trial 4865  
judge, if the defendant was tried by jury, shall, when required 4866  
pursuant to division (A)(2) of this section, first determine if 4867  
the specification of the aggravating circumstance of a prior 4868  
conviction listed in division (A)(5) of section 2929.04 of the 4869  
Revised Code is proven beyond a reasonable doubt. If the panel of 4870  
judges or the trial judge determines that the specification of the 4871  
aggravating circumstance of a prior conviction listed in division 4872  
(A)(5) of section 2929.04 of the Revised Code is proven beyond a 4873  
reasonable doubt or if they do not determine that the 4874  
specification is proven beyond a reasonable doubt but the 4875

defendant at trial was convicted of a specification of any other 4876  
aggravating circumstance listed in division (A) of section 2929.04 4877  
of the Revised Code, the panel of judges or the trial judge and 4878  
trial jury shall impose sentence on the offender pursuant to 4879  
division (D) of section 2929.03 and section 2929.04 of the Revised 4880  
Code. If the panel of judges or the trial judge does not determine 4881  
that the specification of the aggravating circumstance of a prior 4882  
conviction listed in division (A)(5) of section 2929.04 of the 4883  
Revised Code is proven beyond a reasonable doubt and the defendant 4884  
at trial was not convicted of any other specification of an 4885  
aggravating circumstance listed in division (A) of section 2929.04 4886  
of the Revised Code, the panel of judges or the trial judge shall 4887  
terminate the sentencing hearing and impose sentence on the 4888  
offender as follows: 4889

(1) Subject to division (B)(2) of this section, the panel or 4890  
judge shall impose a sentence of life imprisonment with parole 4891  
eligibility after serving twenty years of imprisonment on the 4892  
offender. 4893

(2) If the victim of the aggravated murder was less than 4894  
thirteen years of age and the offender also is convicted of or 4895  
pleads guilty to a sexual motivation specification that was 4896  
included in the indictment, count in the indictment, or 4897  
information charging the offense, the panel or judge shall 4898  
sentence the offender pursuant to division (B)(3) of section 4899  
2971.03 of the Revised Code to an indefinite term consisting of a 4900  
minimum term of thirty years and a maximum term of life 4901  
imprisonment. 4902

**Sec. 2929.03.** (A) If the indictment or count in the 4903  
indictment charging aggravated murder does not contain one or more 4904  
specifications of aggravating circumstances listed in division (A) 4905  
of section 2929.04 of the Revised Code, then, following a verdict 4906

of guilty of the charge of aggravated murder, the trial court 4907  
shall impose sentence on the offender as follows: 4908

(1) Except as provided in division (A)(2) of this section, 4909  
the trial court shall impose one of the following sentences on the 4910  
offender: 4911

(a) Life imprisonment without parole; 4912

(b) Life Subject to division (A)(1)(e) of this section, life 4913  
imprisonment with parole eligibility after serving twenty years of 4914  
imprisonment; 4915

(c) Life Subject to division (A)(1)(e) of this section, life 4916  
imprisonment with parole eligibility after serving twenty-five 4917  
full years of imprisonment; 4918

(d) Life Subject to division (A)(1)(e) of this section, life 4919  
imprisonment with parole eligibility after serving thirty full 4920  
years of imprisonment; 4921

(e) If the victim of the aggravated murder was less than 4922  
thirteen years of age, the offender also is convicted of or pleads 4923  
guilty to a sexual motivation specification that was included in 4924  
the indictment, count in the indictment, or information charging 4925  
the offense, and the trial court does not impose a sentence of 4926  
life imprisonment without parole on the offender pursuant to 4927  
division (A)(1)(a) of this section, the trial court shall sentence 4928  
the offender pursuant to division (B)(3) of section 2971.03 of the 4929  
Revised Code to an indefinite term consisting of a minimum term of 4930  
thirty years and a maximum term of life imprisonment that shall be 4931  
served pursuant to that section. 4932

(2) If the offender also is convicted of or pleads guilty to 4933  
a sexual motivation specification and a sexually violent predator 4934  
specification that are included in the indictment, count in the 4935  
indictment, or information that charged the aggravated murder, the 4936  
trial court shall impose upon the offender a sentence of life 4937

imprisonment without parole that shall be served pursuant to 4938  
section 2971.03 of the Revised Code. 4939

(B) If the indictment or count in the indictment charging 4940  
aggravated murder contains one or more specifications of 4941  
aggravating circumstances listed in division (A) of section 4942  
2929.04 of the Revised Code, the verdict shall separately state 4943  
whether the accused is found guilty or not guilty of the principal 4944  
charge and, if guilty of the principal charge, whether the 4945  
offender was eighteen years of age or older at the time of the 4946  
commission of the offense, if the matter of age was raised by the 4947  
offender pursuant to section 2929.023 of the Revised Code, and 4948  
whether the offender is guilty or not guilty of each 4949  
specification. The jury shall be instructed on its duties in this 4950  
regard. The instruction to the jury shall include an instruction 4951  
that a specification shall be proved beyond a reasonable doubt in 4952  
order to support a guilty verdict on the specification, but the 4953  
instruction shall not mention the penalty that may be the 4954  
consequence of a guilty or not guilty verdict on any charge or 4955  
specification. 4956

(C)(1) If the indictment or count in the indictment charging 4957  
aggravated murder contains one or more specifications of 4958  
aggravating circumstances listed in division (A) of section 4959  
2929.04 of the Revised Code, then, following a verdict of guilty 4960  
of the charge but not guilty of each of the specifications, and 4961  
regardless of whether the offender raised the matter of age 4962  
pursuant to section 2929.023 of the Revised Code, the trial court 4963  
shall impose sentence on the offender as follows: 4964

(a) Except as provided in division (C)(1)(b) of this section, 4965  
the trial court shall impose one of the following sentences on the 4966  
offender: 4967

(i) Life imprisonment without parole; 4968

(ii) Life Subject to division (C)(1)(a)(v) of this section, 4969  
life imprisonment with parole eligibility after serving twenty 4970  
years of imprisonment; 4971

(iii) Life Subject to division (C)(1)(a)(v) of this section, 4972  
life imprisonment with parole eligibility after serving 4973  
twenty-five full years of imprisonment; 4974

(iv) Life Subject to division (C)(1)(a)(v) of this section, 4975  
life imprisonment with parole eligibility after serving thirty 4976  
full years of imprisonment; 4977

(v) If the victim of the aggravated murder was less than 4978  
thirteen years of age, the offender also is convicted of or pleads 4979  
guilty to a sexual motivation specification that was included in 4980  
the indictment, count in the indictment, or information charging 4981  
the offense, and the trial court does not impose a sentence of 4982  
life imprisonment without parole on the offender pursuant to 4983  
division (C)(1)(a)(i) of this section, the trial court shall 4984  
sentence the offender pursuant to division (B)(3) of section 4985  
2971.03 of the Revised Code to an indefinite term consisting of a 4986  
minimum term of thirty years and a maximum term of life 4987  
imprisonment. 4988

(b) If the offender also is convicted of or pleads guilty to 4989  
a sexual motivation specification and a sexually violent predator 4990  
specification that are included in the indictment, count in the 4991  
indictment, or information that charged the aggravated murder, the 4992  
trial court shall impose upon the offender a sentence of life 4993  
imprisonment without parole that shall be served pursuant to 4994  
section 2971.03 of the Revised Code. 4995

(2)(a) If the indictment or count in the indictment contains 4996  
one or more specifications of aggravating circumstances listed in 4997  
division (A) of section 2929.04 of the Revised Code and if the 4998  
offender is found guilty of both the charge and one or more of the 4999



specifications, the penalty to be imposed on the offender shall be 5000  
one of the following: 5001

(i) Except as provided in division (C)(2)(a)(ii) or (iii) of 5002  
this section, the penalty to be imposed on the offender shall be 5003  
death, life imprisonment without parole, life imprisonment with 5004  
parole eligibility after serving twenty-five full years of 5005  
imprisonment, or life imprisonment with parole eligibility after 5006  
serving thirty full years of imprisonment. 5007

(ii) Except as provided in division (C)(2)(a)(iii) of this 5008  
section, if the victim of the aggravated murder was less than 5009  
thirteen years of age, the offender also is convicted of or pleads 5010  
guilty to a sexual motivation specification that was included in 5011  
the indictment, count in the indictment, or information charging 5012  
the offense, and the trial court does not impose a sentence of 5013  
death or life imprisonment without parole on the offender pursuant 5014  
to division (C)(2)(a)(i) of this section, the penalty to be 5015  
imposed on the offender shall be an indefinite term consisting of 5016  
a minimum term of thirty years and a maximum term of life 5017  
imprisonment that shall be imposed pursuant to division (B)(3) of 5018  
section 2971.03 of the Revised Code and served pursuant to that 5019  
section. 5020

(iii) If the offender also is convicted of or pleads guilty 5021  
to a sexual motivation specification and a sexually violent 5022  
predator specification that are included in the indictment, count 5023  
in the indictment, or information that charged the aggravated 5024  
murder, the penalty to be imposed on the offender shall be death 5025  
or life imprisonment without parole that shall be served pursuant 5026  
to section 2971.03 of the Revised Code. 5027

(b) A penalty imposed pursuant to division (C)(2)(a)(i) ~~or~~ 5028  
(ii), or (iii) of this section shall be determined pursuant to 5029  
divisions (D) and (E) of this section and shall be determined by 5030  
one of the following: 5031

(i) By the panel of three judges that tried the offender upon 5032  
the offender's waiver of the right to trial by jury; 5033

(ii) By the trial jury and the trial judge, if the offender 5034  
was tried by jury. 5035

(D)(1) Death may not be imposed as a penalty for aggravated 5036  
murder if the offender raised the matter of age at trial pursuant 5037  
to section 2929.023 of the Revised Code and was not found at trial 5038  
to have been eighteen years of age or older at the time of the 5039  
commission of the offense. When death may be imposed as a penalty 5040  
for aggravated murder, the court shall proceed under this 5041  
division. When death may be imposed as a penalty, the court, upon 5042  
the request of the defendant, shall require a pre-sentence 5043  
investigation to be made and, upon the request of the defendant, 5044  
shall require a mental examination to be made, and shall require 5045  
reports of the investigation and of any mental examination 5046  
submitted to the court, pursuant to section 2947.06 of the Revised 5047  
Code. No statement made or information provided by a defendant in 5048  
a mental examination or proceeding conducted pursuant to this 5049  
division shall be disclosed to any person, except as provided in 5050  
this division, or be used in evidence against the defendant on the 5051  
issue of guilt in any retrial. A pre-sentence investigation or 5052  
mental examination shall not be made except upon request of the 5053  
defendant. Copies of any reports prepared under this division 5054  
shall be furnished to the court, to the trial jury if the offender 5055  
was tried by a jury, to the prosecutor, and to the offender or the 5056  
offender's counsel for use under this division. The court, and the 5057  
trial jury if the offender was tried by a jury, shall consider any 5058  
report prepared pursuant to this division and furnished to it and 5059  
any evidence raised at trial that is relevant to the aggravating 5060  
circumstances the offender was found guilty of committing or to 5061  
any factors in mitigation of the imposition of the sentence of 5062  
death, shall hear testimony and other evidence that is relevant to 5063

the nature and circumstances of the aggravating circumstances the 5064  
offender was found guilty of committing, the mitigating factors 5065  
set forth in division (B) of section 2929.04 of the Revised Code, 5066  
and any other factors in mitigation of the imposition of the 5067  
sentence of death, and shall hear the statement, if any, of the 5068  
offender, and the arguments, if any, of counsel for the defense 5069  
and prosecution, that are relevant to the penalty that should be 5070  
imposed on the offender. The defendant shall be given great 5071  
latitude in the presentation of evidence of the mitigating factors 5072  
set forth in division (B) of section 2929.04 of the Revised Code 5073  
and of any other factors in mitigation of the imposition of the 5074  
sentence of death. If the offender chooses to make a statement, 5075  
the offender is subject to cross-examination only if the offender 5076  
consents to make the statement under oath or affirmation. 5077

The defendant shall have the burden of going forward with the 5078  
evidence of any factors in mitigation of the imposition of the 5079  
sentence of death. The prosecution shall have the burden of 5080  
proving, by proof beyond a reasonable doubt, that the aggravating 5081  
circumstances the defendant was found guilty of committing are 5082  
sufficient to outweigh the factors in mitigation of the imposition 5083  
of the sentence of death. 5084

(2) Upon consideration of the relevant evidence raised at 5085  
trial, the testimony, other evidence, statement of the offender, 5086  
arguments of counsel, and, if applicable, the reports submitted 5087  
pursuant to division (D)(1) of this section, the trial jury, if 5088  
the offender was tried by a jury, shall determine whether the 5089  
aggravating circumstances the offender was found guilty of 5090  
committing are sufficient to outweigh the mitigating factors 5091  
present in the case. If the trial jury unanimously finds, by proof 5092  
beyond a reasonable doubt, that the aggravating circumstances the 5093  
offender was found guilty of committing outweigh the mitigating 5094  
factors, the trial jury shall recommend to the court that the 5095

sentence of death be imposed on the offender. Absent such a 5096  
finding, the jury shall recommend that the offender be sentenced 5097  
to one of the following: 5098

(a) Except as provided in division (D)(2)(b) or (c) of this 5099  
section, to life imprisonment without parole, life imprisonment 5100  
with parole eligibility after serving twenty-five full years of 5101  
imprisonment, or life imprisonment with parole eligibility after 5102  
serving thirty full years of imprisonment; 5103

(b) Except as provided in division (D)(2)(c) of this section, 5104  
if the victim of the aggravated murder was less than thirteen 5105  
years of age, the offender also is convicted of or pleads guilty 5106  
to a sexual motivation specification that was included in the 5107  
indictment, count in the indictment, or information charging the 5108  
offense, and the jury does not recommend a sentence of life 5109  
imprisonment without parole pursuant to division (D)(2)(a) of this 5110  
section, to an indefinite term consisting of a minimum term of 5111  
thirty years and a maximum term of life imprisonment to be imposed 5112  
pursuant to division (B)(3) of section 2971.03 of the Revised Code 5113  
and served pursuant to that section. 5114

(c) If the offender also is convicted of or pleads guilty to 5115  
a sexual motivation specification and a sexually violent predator 5116  
specification that are included in the indictment, count in the 5117  
indictment, or information that charged the aggravated murder, to 5118  
life imprisonment without parole. 5119

If the trial jury recommends that the offender be sentenced 5120  
to life imprisonment without parole, life imprisonment with parole 5121  
eligibility after serving twenty-five full years of imprisonment, 5122  
~~or~~ life imprisonment with parole eligibility after serving thirty 5123  
full years of imprisonment, or an indefinite term consisting of a 5124  
minimum term of thirty years and a maximum term of life 5125  
imprisonment to be imposed pursuant to division (B)(3) of section 5126  
2971.03 of the Revised Code, the court shall impose the sentence 5127

recommended by the jury upon the offender. If the sentence is an 5128  
indefinite term consisting of a minimum term of thirty years and a 5129  
maximum term of life imprisonment imposed as described in division 5130  
(D)(2)(b) of this section or a sentence of life imprisonment 5131  
without parole imposed under division (D)(2)(~~b~~)(c) of this 5132  
section, the sentence shall be served pursuant to section 2971.03 5133  
of the Revised Code. If the trial jury recommends that the 5134  
sentence of death be imposed upon the offender, the court shall 5135  
proceed to impose sentence pursuant to division (D)(3) of this 5136  
section. 5137

(3) Upon consideration of the relevant evidence raised at 5138  
trial, the testimony, other evidence, statement of the offender, 5139  
arguments of counsel, and, if applicable, the reports submitted to 5140  
the court pursuant to division (D)(1) of this section, if, after 5141  
receiving pursuant to division (D)(2) of this section the trial 5142  
jury's recommendation that the sentence of death be imposed, the 5143  
court finds, by proof beyond a reasonable doubt, or if the panel 5144  
of three judges unanimously finds, by proof beyond a reasonable 5145  
doubt, that the aggravating circumstances the offender was found 5146  
guilty of committing outweigh the mitigating factors, it shall 5147  
impose sentence of death on the offender. Absent such a finding by 5148  
the court or panel, the court or the panel shall impose one of the 5149  
following sentences on the offender: 5150

(a) Except as provided in division (D)(3)(b) of this section, 5151  
one of the following: 5152

(i) Life imprisonment without parole; 5153

(ii) Life Subject to division (D)(3)(a)(iv) of this section, 5154  
life imprisonment with parole eligibility after serving 5155  
twenty-five full years of imprisonment; 5156

(iii) Life Subject to division (D)(3)(a)(iv) of this section, 5157  
life imprisonment with parole eligibility after serving thirty 5158

full years of imprisonment; 5159

(iv) If the victim of the aggravated murder was less than 5160  
thirteen years of age, the offender also is convicted of or pleads 5161  
guilty to a sexual motivation specification that was included in 5162  
the indictment, count in the indictment, or information charging 5163  
the offense, and the trial court does not impose a sentence of 5164  
life imprisonment without parole on the offender pursuant to 5165  
division (D)(3)(a)(i) of this section, the court or panel shall 5166  
sentence the offender pursuant to division (B)(3) of section 5167  
2971.03 of the Revised Code to an indefinite term consisting of a 5168  
minimum term of thirty years and a maximum term of life 5169  
imprisonment. 5170

(b) If the offender also is convicted of or pleads guilty to 5171  
a sexual motivation specification and a sexually violent predator 5172  
specification that are included in the indictment, count in the 5173  
indictment, or information that charged the aggravated murder, 5174  
life imprisonment without parole that shall be served pursuant to 5175  
section 2971.03 of the Revised Code. 5176

(E) If the offender raised the matter of age at trial 5177  
pursuant to section 2929.023 of the Revised Code, was convicted of 5178  
aggravated murder and one or more specifications of an aggravating 5179  
circumstance listed in division (A) of section 2929.04 of the 5180  
Revised Code, and was not found at trial to have been eighteen 5181  
years of age or older at the time of the commission of the 5182  
offense, the court or the panel of three judges shall not impose a 5183  
sentence of death on the offender. Instead, the court or panel 5184  
shall impose one of the following sentences on the offender: 5185

(1) Except as provided in division (E)(2) of this section, 5186  
one of the following: 5187

(a) Life imprisonment without parole; 5188

(b) Life Subject to division (E)(2)(d) of this section, life 5189

imprisonment with parole eligibility after serving twenty-five 5190  
full years of imprisonment; 5191

(c) Life Subject to division (E)(2)(d) of this section, life 5192  
imprisonment with parole eligibility after serving thirty full 5193  
years of imprisonment; 5194

(d) If the victim of the aggravated murder was less than 5195  
thirteen years of age, the offender also is convicted of or pleads 5196  
guilty to a sexual motivation specification that was included in 5197  
the indictment, count in the indictment, or information charging 5198  
the offense, and the trial court does not impose a sentence of 5199  
life imprisonment without parole on the offender pursuant to 5200  
division (E)(2)(a) of this section, the court or panel shall 5201  
sentence the offender pursuant to division (B)(3) of section 5202  
2971.03 of the Revised Code to an indefinite term consisting of a 5203  
minimum term of thirty years and a maximum term of life 5204  
imprisonment. 5205

(2) If the offender also is convicted of or pleads guilty to 5206  
a sexual motivation specification and a sexually violent predator 5207  
specification that are included in the indictment, count in the 5208  
indictment, or information that charged the aggravated murder, 5209  
life imprisonment without parole that shall be served pursuant to 5210  
section 2971.03 of the Revised Code. 5211

(F) The court or the panel of three judges, when it imposes 5212  
sentence of death, shall state in a separate opinion its specific 5213  
findings as to the existence of any of the mitigating factors set 5214  
forth in division (B) of section 2929.04 of the Revised Code, the 5215  
existence of any other mitigating factors, the aggravating 5216  
circumstances the offender was found guilty of committing, and the 5217  
reasons why the aggravating circumstances the offender was found 5218  
guilty of committing were sufficient to outweigh the mitigating 5219  
factors. The court or panel, when it imposes life imprisonment or 5220  
an indefinite term consisting of a minimum term of thirty years 5221

and a maximum term of life imprisonment under division (D) of this 5222  
section, shall state in a separate opinion its specific findings 5223  
of which of the mitigating factors set forth in division (B) of 5224  
section 2929.04 of the Revised Code it found to exist, what other 5225  
mitigating factors it found to exist, what aggravating 5226  
circumstances the offender was found guilty of committing, and why 5227  
it could not find that these aggravating circumstances were 5228  
sufficient to outweigh the mitigating factors. For cases in which 5229  
a sentence of death is imposed for an offense committed before 5230  
January 1, 1995, the court or panel shall file the opinion 5231  
required to be prepared by this division with the clerk of the 5232  
appropriate court of appeals and with the clerk of the supreme 5233  
court within fifteen days after the court or panel imposes 5234  
sentence. For cases in which a sentence of death is imposed for an 5235  
offense committed on or after January 1, 1995, the court or panel 5236  
shall file the opinion required to be prepared by this division 5237  
with the clerk of the supreme court within fifteen days after the 5238  
court or panel imposes sentence. The judgment in a case in which a 5239  
sentencing hearing is held pursuant to this section is not final 5240  
until the opinion is filed. 5241

(G)(1) Whenever the court or a panel of three judges imposes 5242  
a sentence of death for an offense committed before January 1, 5243  
1995, the clerk of the court in which the judgment is rendered 5244  
shall deliver the entire record in the case to the appellate 5245  
court. 5246

(2) Whenever the court or a panel of three judges imposes a 5247  
sentence of death for an offense committed on or after January 1, 5248  
1995, the clerk of the court in which the judgment is rendered 5249  
shall deliver the entire record in the case to the supreme court. 5250

**Sec. 2929.06.** (A) If a sentence of death imposed upon an 5251  
offender is set aside, nullified, or vacated because the court of 5252



appeals, in a case in which a sentence of death was imposed for an 5253  
offense committed before January 1, 1995, or the supreme court, in 5254  
cases in which the supreme court reviews the sentence upon appeal, 5255  
could not affirm the sentence of death under the standards imposed 5256  
by section 2929.05 of the Revised Code, is set aside, nullified, 5257  
or vacated for the sole reason that the statutory procedure for 5258  
imposing the sentence of death that is set forth in sections 5259  
2929.03 and 2929.04 of the Revised Code is unconstitutional, is 5260  
set aside, nullified, or vacated pursuant to division (C) of 5261  
section 2929.05 of the Revised Code, or is set aside, nullified, 5262  
or vacated because a court has determined that the offender is 5263  
mentally retarded under standards set forth in decisions of the 5264  
supreme court of this state or the United States supreme court, 5265  
the trial court that sentenced the offender shall conduct a 5266  
hearing to resentence the offender. At the resentencing hearing, 5267  
the court shall impose upon the offender a sentence of life 5268  
imprisonment or an indefinite term consisting of a minimum term of 5269  
thirty years and a maximum term of life imprisonment that is 5270  
determined as specified in this division. ~~The~~ If division (D) of 5271  
section 2929.03 of the Revised Code, at the time the offender 5272  
committed the aggravated murder for which the sentence of death 5273  
was imposed, required the imposition when a sentence of death was 5274  
not imposed of a sentence of life imprisonment without parole or a 5275  
sentence of an indefinite term consisting of a minimum term of 5276  
thirty years and a maximum term of life imprisonment to be imposed 5277  
pursuant to division (A) or (B)(3) of section 2971.03 of the 5278  
Revised Code and served pursuant to that section, the court shall 5279  
impose the sentence so required. In all other cases, the sentences 5280  
of life imprisonment that are available at the hearing, and from 5281  
which the court shall impose sentence, shall be the same sentences 5282  
of life imprisonment that were available under division (D) of 5283  
section 2929.03 or under section 2909.24 of the Revised Code at 5284  
the time the offender committed the offense for which the sentence 5285

of death was imposed. Nothing in this division regarding the 5286  
resentencing of an offender shall affect the operation of section 5287  
2971.03 of the Revised Code. 5288

(B) Whenever any court of this state or any federal court 5289  
sets aside, nullifies, or vacates a sentence of death imposed upon 5290  
an offender because of error that occurred in the sentencing phase 5291  
of the trial and if division (A) of this section does not apply, 5292  
the trial court that sentenced the offender shall conduct a new 5293  
hearing to resentence the offender. If the offender was tried by a 5294  
jury, the trial court shall impanel a new jury for the hearing. If 5295  
the offender was tried by a panel of three judges, that panel or, 5296  
if necessary, a new panel of three judges shall conduct the 5297  
hearing. At the hearing, the court or panel shall follow the 5298  
procedure set forth in division (D) of section 2929.03 of the 5299  
Revised Code in determining whether to impose upon the offender a 5300  
sentence of death ~~or~~, a sentence of life imprisonment, or an 5301  
indefinite term consisting of a minimum term of thirty years and a 5302  
maximum term of life imprisonment. If, pursuant to that procedure, 5303  
the court or panel determines that it will impose a sentence ~~of~~ 5304  
life imprisonment other than a sentence of death, the court or 5305  
panel shall impose upon the offender one of the sentences of life 5306  
imprisonment that could have been imposed at the time the offender 5307  
committed the offense for which the sentence of death was imposed, 5308  
determined as specified in this division, or an indefinite term 5309  
consisting of a minimum term of thirty years and a maximum term of 5310  
life imprisonment that is determined as specified in this 5311  
division. If division (D) of section 2929.03 of the Revised Code, 5312  
at the time the offender committed the aggravated murder for which 5313  
the sentence of death was imposed, required the imposition when a 5314  
sentence of death was not imposed of a sentence of life 5315  
imprisonment without parole or a sentence of an indefinite term 5316  
consisting of a minimum term of thirty years and a maximum term of 5317  
life imprisonment to be imposed pursuant to division (A) or (B)(3) 5318

of section 2971.03 of the Revised Code and served pursuant to that 5319  
section, the court or panel shall impose the sentence so required. 5320  
In all other cases, the sentences of life imprisonment that are 5321  
available at the hearing, and from which the court or panel shall 5322  
impose sentence, shall be the same sentences of life imprisonment 5323  
that were available under division (D) of section 2929.03 or under 5324  
section 2909.24 of the Revised Code at the time the offender 5325  
committed the offense for which the sentence of death was imposed. 5326

(C) If a sentence of life imprisonment without parole imposed 5327  
upon an offender pursuant to section 2929.021 or 2929.03 of the 5328  
Revised Code is set aside, nullified, or vacated for the sole 5329  
reason that the statutory procedure for imposing the sentence of 5330  
life imprisonment without parole that is set forth in sections 5331  
2929.03 and 2929.04 of the Revised Code is unconstitutional, the 5332  
trial court that sentenced the offender shall conduct a hearing to 5333  
resentence the offender to life imprisonment with parole 5334  
eligibility after serving twenty-five full years of imprisonment 5335  
or to life imprisonment with parole eligibility after serving 5336  
thirty full years of imprisonment. 5337

(D) Nothing in this section limits or restricts the rights of 5338  
the state to appeal any order setting aside, nullifying, or 5339  
vacating a conviction or sentence of death, when an appeal of that 5340  
nature otherwise would be available. 5341

(E) This section, as amended by H.B. 184 of the 125th ~~General~~ 5342  
~~Assembly~~ general assembly, shall apply to all offenders who have 5343  
been sentenced to death for an aggravated murder that was 5344  
committed on or after October 19, 1981, or for terrorism that was 5345  
committed on or after May 15, 2002. This section, as amended by 5346  
H.B. 184 of the 125th general assembly, shall apply equally to all 5347  
such offenders sentenced to death prior to, on, or after ~~the~~ 5348  
~~effective date of that act~~ March 23, 2005, including offenders 5349  
who, on ~~the effective date of that act~~ March 23, 2005, are 5350

challenging their sentence of death and offenders whose sentence 5351  
of death has been set aside, nullified, or vacated by any court of 5352  
this state or any federal court but who, as of ~~the effective date~~ 5353  
~~of that act~~ March 23, 2005, have not yet been resentenced. 5354

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 5355  
(G) of this section and unless a specific sanction is required to 5356  
be imposed or is precluded from being imposed pursuant to law, a 5357  
court that imposes a sentence upon an offender for a felony may 5358  
impose any sanction or combination of sanctions on the offender 5359  
that are provided in sections 2929.14 to 2929.18 of the Revised 5360  
Code. The sentence shall not impose an unnecessary burden on state 5361  
or local government resources. 5362

If the offender is eligible to be sentenced to community 5363  
control sanctions, the court shall consider the appropriateness of 5364  
imposing a financial sanction pursuant to section 2929.18 of the 5365  
Revised Code or a sanction of community service pursuant to 5366  
section 2929.17 of the Revised Code as the sole sanction for the 5367  
offense. Except as otherwise provided in this division, if the 5368  
court is required to impose a mandatory prison term for the 5369  
offense for which sentence is being imposed, the court also may 5370  
impose a financial sanction pursuant to section 2929.18 of the 5371  
Revised Code but may not impose any additional sanction or 5372  
combination of sanctions under section 2929.16 or 2929.17 of the 5373  
Revised Code. 5374

If the offender is being sentenced for a fourth degree felony 5375  
OVI offense or for a third degree felony OVI offense, in addition 5376  
to the mandatory term of local incarceration or the mandatory 5377  
prison term required for the offense by division (G)(1) or (2) of 5378  
this section, the court shall impose upon the offender a mandatory 5379  
fine in accordance with division (B)(3) of section 2929.18 of the 5380  
Revised Code and may impose whichever of the following is 5381

applicable: 5382

(1) For a fourth degree felony OVI offense for which sentence 5383  
is imposed under division (G)(1) of this section, an additional 5384  
community control sanction or combination of community control 5385  
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 5386  
the court imposes upon the offender a community control sanction 5387  
and the offender violates any condition of the community control 5388  
sanction, the court may take any action prescribed in division (B) 5389  
of section 2929.15 of the Revised Code relative to the offender, 5390  
including imposing a prison term on the offender pursuant to that 5391  
division. 5392

(2) For a third or fourth degree felony OVI offense for which 5393  
sentence is imposed under division (G)(2) of this section, an 5394  
additional prison term as described in division (D)(4) of section 5395  
2929.14 of the Revised Code or a community control sanction as 5396  
described in division (G)(2) of this section. 5397

(B)(1) Except as provided in division (B)(2), (E), (F), or 5398  
(G) of this section, in sentencing an offender for a felony of the 5399  
fourth or fifth degree, the sentencing court shall determine 5400  
whether any of the following apply: 5401

(a) In committing the offense, the offender caused physical 5402  
harm to a person. 5403

(b) In committing the offense, the offender attempted to 5404  
cause or made an actual threat of physical harm to a person with a 5405  
deadly weapon. 5406

(c) In committing the offense, the offender attempted to 5407  
cause or made an actual threat of physical harm to a person, and 5408  
the offender previously was convicted of an offense that caused 5409  
physical harm to a person. 5410

(d) The offender held a public office or position of trust 5411  
and the offense related to that office or position; the offender's 5412

position obliged the offender to prevent the offense or to bring 5413  
those committing it to justice; or the offender's professional 5414  
reputation or position facilitated the offense or was likely to 5415  
influence the future conduct of others. 5416

(e) The offender committed the offense for hire or as part of 5417  
an organized criminal activity. 5418

(f) The offense is a sex offense that is a fourth or fifth 5419  
degree felony violation of section 2907.03, 2907.04, 2907.05, 5420  
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 5421  
Revised Code. 5422

(g) The offender at the time of the offense was serving, or 5423  
the offender previously had served, a prison term. 5424

(h) The offender committed the offense while under a 5425  
community control sanction, while on probation, or while released 5426  
from custody on a bond or personal recognizance. 5427

(i) The offender committed the offense while in possession of 5428  
a firearm. 5429

(2)(a) If the court makes a finding described in division 5430  
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 5431  
section and if the court, after considering the factors set forth 5432  
in section 2929.12 of the Revised Code, finds that a prison term 5433  
is consistent with the purposes and principles of sentencing set 5434  
forth in section 2929.11 of the Revised Code and finds that the 5435  
offender is not amenable to an available community control 5436  
sanction, the court shall impose a prison term upon the offender. 5437

(b) Except as provided in division (E), (F), or (G) of this 5438  
section, if the court does not make a finding described in 5439  
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 5440  
this section and if the court, after considering the factors set 5441  
forth in section 2929.12 of the Revised Code, finds that a 5442  
community control sanction or combination of community control 5443

sanctions is consistent with the purposes and principles of 5444  
sentencing set forth in section 2929.11 of the Revised Code, the 5445  
court shall impose a community control sanction or combination of 5446  
community control sanctions upon the offender. 5447

(C) Except as provided in division (D), (E), (F), or (G) of 5448  
this section, in determining whether to impose a prison term as a 5449  
sanction for a felony of the third degree or a felony drug offense 5450  
that is a violation of a provision of Chapter 2925. of the Revised 5451  
Code and that is specified as being subject to this division for 5452  
purposes of sentencing, the sentencing court shall comply with the 5453  
purposes and principles of sentencing under section 2929.11 of the 5454  
Revised Code and with section 2929.12 of the Revised Code. 5455

(D)(1) Except as provided in division (E) or (F) of this 5456  
section, for a felony of the first or second degree, for a felony 5457  
drug offense that is a violation of any provision of Chapter 5458  
2925., 3719., or 4729. of the Revised Code for which a presumption 5459  
in favor of a prison term is specified as being applicable, and 5460  
for a violation of division (A)(4) or (B) of section 2907.05 of 5461  
the Revised Code for which a presumption in favor of a prison term 5462  
is specified as being applicable, it is presumed that a prison 5463  
term is necessary in order to comply with the purposes and 5464  
principles of sentencing under section 2929.11 of the Revised 5465  
Code. Division (D)(2) of this section does not apply to a 5466  
presumption established under this division for a violation of 5467  
division (A)(4) of section 2907.05 of the Revised Code. 5468

(2) Notwithstanding the presumption established under 5469  
division (D)(1) of this section for the offenses listed in that 5470  
division other than a violation of division (A)(4) or (B) of 5471  
section 2907.05 of the Revised Code, the sentencing court may 5472  
impose a community control sanction or a combination of community 5473  
control sanctions instead of a prison term on an offender for a 5474  
felony of the first or second degree or for a felony drug offense 5475

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 if it makes both of the following findings:

(a) A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism.

(b) A community control sanction or a combination of community control sanctions would not demean the seriousness of the offense, because one or more factors under section 2929.12 of the Revised Code that indicate that the offender's conduct was less serious than conduct normally constituting the offense are applicable, and they outweigh the applicable factors under that section that indicate that the offender's conduct was more serious than conduct normally constituting the offense.

(E)(1) Except as provided in division (F) of this section, for any drug offense that is a violation of any provision of Chapter 2925. of the Revised Code and that is a felony of the third, fourth, or fifth degree, the applicability of a presumption under division (D) of this section in favor of a prison term or of division (B) or (C) of this section in determining whether to impose a prison term for the offense shall be determined as specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 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 5508  
unless the court determines on the record either of the following: 5509

(a) The offender had been ordered as a sanction for the 5510  
felony to participate in a drug treatment program, in a drug 5511  
education program, or in narcotics anonymous or a similar program, 5512  
and the offender continued to use illegal drugs after a reasonable 5513  
period of participation in the program. 5514

(b) The imprisonment of the offender for the violation is 5515  
consistent with the purposes and principles of sentencing set 5516  
forth in section 2929.11 of the Revised Code. 5517

(F) Notwithstanding divisions (A) to (E) of this section, the 5518  
court shall impose a prison term or terms under sections 2929.02 5519  
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 5520  
of the Revised Code and except as specifically provided in section 5521  
2929.20 or 2967.191 of the Revised Code or when parole is 5522  
authorized for the offense under section 2967.13 of the Revised 5523  
Code shall not reduce the term or terms pursuant to section 5524  
2929.20, section 2967.193, or any other provision of Chapter 2967. 5525  
or Chapter 5120. of the Revised Code for any of the following 5526  
offenses: 5527

(1) Aggravated murder when death is not imposed or murder; 5528

(2) Any rape, regardless of whether force was involved and 5529  
regardless of the age of the victim, or an attempt to commit rape 5530  
if, had the offender completed the rape that was attempted, the 5531  
offender would have been guilty of a violation of division 5532  
(A)(1)(b) of section 2907.02 of the Revised Code and would be 5533  
sentenced under section 2971.03 of the Revised Code; 5534

(3) Gross sexual imposition or sexual battery, if the victim 5535  
is ~~under~~ less than thirteen years of age and if any of the 5536  
following applies: 5537

(a) Regarding gross sexual imposition, the offender 5538

previously was convicted of or pleaded guilty to rape, the former 5539  
offense of felonious sexual penetration, gross sexual imposition, 5540  
or sexual battery, and the victim of the previous offense was 5541  
~~under~~ less than thirteen years of age; 5542

(b) Regarding gross sexual imposition, the offense was 5543  
committed on or after August 3, 2006, and evidence other than the 5544  
testimony of the victim was admitted in the case corroborating the 5545  
violation. 5546

(c) Regarding sexual battery, either of the following 5547  
applies: 5548

(i) The offense was committed prior to August 3, 2006, the 5549  
offender previously was convicted of or pleaded guilty to rape, 5550  
the former offense of felonious sexual penetration, or sexual 5551  
battery, and the victim of the previous offense was ~~under~~ less 5552  
than thirteen years of age. 5553

(ii) The offense was committed on or after August 3, 2006. 5554

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 5555  
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 5556  
requires the imposition of a prison term; 5557

(5) A first, second, or third degree felony drug offense for 5558  
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 5559  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 5560  
4729.99 of the Revised Code, whichever is applicable regarding the 5561  
violation, requires the imposition of a mandatory prison term; 5562

(6) Any offense that is a first or second degree felony and 5563  
that is not set forth in division (F)(1), (2), (3), or (4) of this 5564  
section, if the offender previously was convicted of or pleaded 5565  
guilty to aggravated murder, murder, any first or second degree 5566  
felony, or an offense under an existing or former law of this 5567  
state, another state, or the United States that is or was 5568  
substantially equivalent to one of those offenses; 5569

(7) Any offense that is a third degree felony and either is a violation of section 2903.04 of the Revised Code or an attempt to commit a felony of the second degree that is an offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person if the offender previously was convicted of or pleaded guilty to any of the following offenses:

(a) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed in division (F)(7)(a) of this section that resulted in the death of a person or in physical harm to a person.

(8) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (D)(1)(a) of section 2929.14 of the Revised Code for having the firearm;

(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 5601  
the first degree; 5602

(11) Any violent sex offense or designated homicide, assault, 5603  
or kidnapping offense if, in relation to that offense, the 5604  
offender is adjudicated a sexually violent predator; 5605

(12) A violation of division (A)(1) or (2) of section 2921.36 5606  
of the Revised Code, or a violation of division (C) of that 5607  
section involving an item listed in division (A)(1) or (2) of that 5608  
section, if the offender is an officer or employee of the 5609  
department of rehabilitation and correction; 5610

(13) A violation of division (A)(1) or (2) of section 2903.06 5611  
of the Revised Code if the victim of the offense is a peace 5612  
officer, as defined in section 2935.01 of the Revised Code, or an 5613  
investigator of the bureau of criminal identification and 5614  
investigation, as defined in section 2903.11 of the Revised Code, 5615  
with respect to the portion of the sentence imposed pursuant to 5616  
division (D)(5) of section 2929.14 of the Revised Code; 5617

(14) A violation of division (A)(1) or (2) of section 2903.06 5618  
of the Revised Code if the offender has been convicted of or 5619  
pleaded guilty to three or more violations of division (A) or (B) 5620  
of section 4511.19 of the Revised Code or an equivalent offense, 5621  
as defined in section 2941.1415 of the Revised Code, or three or 5622  
more violations of any combination of those divisions and 5623  
offenses, with respect to the portion of the sentence imposed 5624  
pursuant to division (D)(6) of section 2929.14 of the Revised 5625  
Code; 5626

(15) Kidnapping, in the circumstances specified in section 5627  
2971.03 of the Revised Code and when no other provision of 5628  
division (F) of this section applies. 5629

(G) Notwithstanding divisions (A) to (E) of this section, if 5630  
an offender is being sentenced for a fourth degree felony OVI 5631

offense or for a third degree felony OVI offense, the court shall 5632  
impose upon the offender a mandatory term of local incarceration 5633  
or a mandatory prison term in accordance with the following: 5634

(1) If the offender is being sentenced for a fourth degree 5635  
felony OVI offense and if the offender has not been convicted of 5636  
and has not pleaded guilty to a specification of the type 5637  
described in section 2941.1413 of the Revised Code, the court may 5638  
impose upon the offender a mandatory term of local incarceration 5639  
of sixty days or one hundred twenty days as specified in division 5640  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 5641  
not reduce the term pursuant to section 2929.20, 2967.193, or any 5642  
other provision of the Revised Code. The court that imposes a 5643  
mandatory term of local incarceration under this division shall 5644  
specify whether the term is to be served in a jail, a 5645  
community-based correctional facility, a halfway house, or an 5646  
alternative residential facility, and the offender shall serve the 5647  
term in the type of facility specified by the court. A mandatory 5648  
term of local incarceration imposed under division (G)(1) of this 5649  
section is not subject to extension under section 2967.11 of the 5650  
Revised Code, to a period of post-release control under section 5651  
2967.28 of the Revised Code, or to any other Revised Code 5652  
provision that pertains to a prison term except as provided in 5653  
division (A)(1) of this section. 5654

(2) If the offender is being sentenced for a third degree 5655  
felony OVI offense, or if the offender is being sentenced for a 5656  
fourth degree felony OVI offense and the court does not impose a 5657  
mandatory term of local incarceration under division (G)(1) of 5658  
this section, the court shall impose upon the offender a mandatory 5659  
prison term of one, two, three, four, or five years if the 5660  
offender also is convicted of or also pleads guilty to a 5661  
specification of the type described in section 2941.1413 of the 5662  
Revised Code or shall impose upon the offender a mandatory prison 5663

term of sixty days or one hundred twenty days as specified in 5664  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 5665  
if the offender has not been convicted of and has not pleaded 5666  
guilty to a specification of that type. The court shall not reduce 5667  
the term pursuant to section 2929.20, 2967.193, or any other 5668  
provision of the Revised Code. The offender shall serve the one-, 5669  
two-, three-, four-, or five-year mandatory prison term 5670  
consecutively to and prior to the prison term imposed for the 5671  
underlying offense and consecutively to any other mandatory prison 5672  
term imposed in relation to the offense. In no case shall an 5673  
offender who once has been sentenced to a mandatory term of local 5674  
incarceration pursuant to division (G)(1) of this section for a 5675  
fourth degree felony OVI offense be sentenced to another mandatory 5676  
term of local incarceration under that division for any violation 5677  
of division (A) of section 4511.19 of the Revised Code. In 5678  
addition to the mandatory prison term described in division (G)(2) 5679  
of this section, the court may sentence the offender to a 5680  
community control sanction under section 2929.16 or 2929.17 of the 5681  
Revised Code, but the offender shall serve the prison term prior 5682  
to serving the community control sanction. The department of 5683  
rehabilitation and correction may place an offender sentenced to a 5684  
mandatory prison term under this division in an intensive program 5685  
prison established pursuant to section 5120.033 of the Revised 5686  
Code if the department gave the sentencing judge prior notice of 5687  
its intent to place the offender in an intensive program prison 5688  
established under that section and if the judge did not notify the 5689  
department that the judge disapproved the placement. Upon the 5690  
establishment of the initial intensive program prison pursuant to 5691  
section 5120.033 of the Revised Code that is privately operated 5692  
and managed by a contractor pursuant to a contract entered into 5693  
under section 9.06 of the Revised Code, both of the following 5694  
apply: 5695

(a) The department of rehabilitation and correction shall 5696

make a reasonable effort to ensure that a sufficient number of  
offenders sentenced to a mandatory prison term under this division  
are placed in the privately operated and managed prison so that  
the privately operated and managed prison has full occupancy.

(b) Unless the privately operated and managed prison has full  
occupancy, the department of rehabilitation and correction shall  
not place any offender sentenced to a mandatory prison term under  
this division in any intensive program prison established pursuant  
to section 5120.033 of the Revised Code other than the privately  
operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented  
offense or child-victim oriented offense that is a felony  
committed on or after January 1, 1997, the judge shall require the  
offender to submit to a DNA specimen collection procedure pursuant  
to section 2901.07 of the Revised Code ~~if either of the following~~  
~~applies:~~

~~(1) The offense was a violent sex offense or a designated  
homicide, assault, or kidnapping offense and, in relation to that  
offense, the offender was adjudicated a sexually violent predator.~~

~~(2) The offense was 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.~~

~~(3) The offense was 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.~~

~~(4) The judge imposing sentence for the sexually oriented  
offense determines pursuant to division (B) of section 2950.09 of  
the Revised Code that the offender is a sexual predator.~~

(I) If an offender is being sentenced for a sexually oriented

offense ~~that is not a registration exempt sexually oriented~~ 5728  
~~offense~~ or ~~for~~ a child-victim oriented offense committed on or 5729  
after January 1, 1997, the judge shall include in the sentence a 5730  
summary of the offender's duties imposed under sections 2950.04, 5731  
2950.041, 2950.05, and 2950.06 of the Revised Code and the 5732  
duration of the duties. The judge shall inform the offender, at 5733  
the time of sentencing, of those duties and of their duration ~~and,~~ 5734  
~~if.~~ If required under division (A)(2) of section 2950.03 of the 5735  
Revised Code, the judge shall perform the duties specified in that 5736  
section, or, if required under division (A)(6) of section 2950.03 5737  
of the Revised Code, the judge shall perform the duties specified 5738  
in that division. 5739

(J)(1) Except as provided in division (J)(2) of this section, 5740  
when considering sentencing factors under this section in relation 5741  
to an offender who is convicted of or pleads guilty to an attempt 5742  
to commit an offense in violation of section 2923.02 of the 5743  
Revised Code, the sentencing court shall consider the factors 5744  
applicable to the felony category of the violation of section 5745  
2923.02 of the Revised Code instead of the factors applicable to 5746  
the felony category of the offense attempted. 5747

(2) When considering sentencing factors under this section in 5748  
relation to an offender who is convicted of or pleads guilty to an 5749  
attempt to commit a drug abuse offense for which the penalty is 5750  
determined by the amount or number of unit doses of the controlled 5751  
substance involved in the drug abuse offense, the sentencing court 5752  
shall consider the factors applicable to the felony category that 5753  
the drug abuse offense attempted would be if that drug abuse 5754  
offense had been committed and had involved an amount or number of 5755  
unit doses of the controlled substance that is within the next 5756  
lower range of controlled substance amounts than was involved in 5757  
the attempt. 5758

(K) As used in this section, "drug abuse offense" has the 5759



same meaning as in section 2925.01 of the Revised Code. 5760

(L) At the time of sentencing an offender ~~who is a sexual~~ 5761  
~~predator~~ for any sexually oriented offense, if the offender is a 5762  
tier III sex offender/child-victim offender relative to that 5763  
offense and the offender does not serve a prison term or jail 5764  
term, the court may require that the offender be monitored by 5765  
means of a global positioning device. If the court requires such 5766  
monitoring, the cost of monitoring shall be borne by the offender. 5767  
If the offender is indigent, the cost of compliance shall be paid 5768  
by the crime victims reparations fund. 5769

**Sec. 2929.14.** (A) Except as provided in division (C), (D)(1), 5770  
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (G), or (L) of this 5771  
section and except in relation to an offense for which a sentence 5772  
of death or life imprisonment is to be imposed, if the court 5773  
imposing a sentence upon an offender for a felony elects or is 5774  
required to impose a prison term on the offender pursuant to this 5775  
chapter, the court shall impose a definite prison term that shall 5776  
be one of the following: 5777

(1) For a felony of the first degree, the prison term shall 5778  
be three, four, five, six, seven, eight, nine, or ten years. 5779

(2) For a felony of the second degree, the prison term shall 5780  
be two, three, four, five, six, seven, or eight years. 5781

(3) For a felony of the third degree, the prison term shall 5782  
be one, two, three, four, or five years. 5783

(4) For a felony of the fourth degree, the prison term shall 5784  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 5785  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 5786

(5) For a felony of the fifth degree, the prison term shall 5787  
be six, seven, eight, nine, ten, eleven, or twelve months. 5788

(B) Except as provided in division (C), (D)(1), (D)(2), 5789

(D)(3), (D)(5), (D)(6), (G), or (L) of this section, in section 5790  
2907.02 or 2907.05 of the Revised Code, or in Chapter 2925. of the 5791  
Revised Code, if the court imposing a sentence upon an offender 5792  
for a felony elects or is required to impose a prison term on the 5793  
offender, the court shall impose the shortest prison term 5794  
authorized for the offense pursuant to division (A) of this 5795  
section, unless one or more of the following applies: 5796

(1) The offender was serving a prison term at the time of the 5797  
offense, or the offender previously had served a prison term. 5798

(2) The court finds on the record that the shortest prison 5799  
term will demean the seriousness of the offender's conduct or will 5800  
not adequately protect the public from future crime by the 5801  
offender or others. 5802

(C) Except as provided in division (G) or (L) of this section 5803  
or in Chapter 2925. of the Revised Code, the court imposing a 5804  
sentence upon an offender for a felony may impose the longest 5805  
prison term authorized for the offense pursuant to division (A) of 5806  
this section only upon offenders who committed the worst forms of 5807  
the offense, upon offenders who pose the greatest likelihood of 5808  
committing future crimes, upon certain major drug offenders under 5809  
division (D)(3) of this section, and upon certain repeat violent 5810  
offenders in accordance with division (D)(2) of this section. 5811

(D)(1)(a) Except as provided in division (D)(1)(e) of this 5812  
section, if an offender who is convicted of or pleads guilty to a 5813  
felony also is convicted of or pleads guilty to a specification of 5814  
the type described in section 2941.141, 2941.144, or 2941.145 of 5815  
the Revised Code, the court shall impose on the offender one of 5816  
the following prison terms: 5817

(i) A prison term of six years if the specification is of the 5818  
type described in section 2941.144 of the Revised Code that 5819  
charges the offender with having a firearm that is an automatic 5820

firearm or that was equipped with a firearm muffler or silencer on 5821  
or about the offender's person or under the offender's control 5822  
while committing the felony; 5823

(ii) A prison term of three years if the specification is of 5824  
the type described in section 2941.145 of the Revised Code that 5825  
charges the offender with having a firearm on or about the 5826  
offender's person or under the offender's control while committing 5827  
the offense and displaying the firearm, brandishing the firearm, 5828  
indicating that the offender possessed the firearm, or using it to 5829  
facilitate the offense; 5830

(iii) A prison term of one year if the specification is of 5831  
the type described in section 2941.141 of the Revised Code that 5832  
charges the offender with having a firearm on or about the 5833  
offender's person or under the offender's control while committing 5834  
the felony. 5835

(b) If a court imposes a prison term on an offender under 5836  
division (D)(1)(a) of this section, the prison term shall not be 5837  
reduced pursuant to section 2929.20, section 2967.193, or any 5838  
other provision of Chapter 2967. or Chapter 5120. of the Revised 5839  
Code. A court shall not impose more than one prison term on an 5840  
offender under division (D)(1)(a) of this section for felonies 5841  
committed as part of the same act or transaction. 5842

(c) Except as provided in division (D)(1)(e) of this section, 5843  
if an offender who is convicted of or pleads guilty to a violation 5844  
of section 2923.161 of the Revised Code or to a felony that 5845  
includes, as an essential element, purposely or knowingly causing 5846  
or attempting to cause the death of or physical harm to another, 5847  
also is convicted of or pleads guilty to a specification of the 5848  
type described in section 2941.146 of the Revised Code that 5849  
charges the offender with committing the offense by discharging a 5850  
firearm from a motor vehicle other than a manufactured home, the 5851  
court, after imposing a prison term on the offender for the 5852

violation of section 2923.161 of the Revised Code or for the other 5853  
felony offense under division (A), (D)(2), or (D)(3) of this 5854  
section, shall impose an additional prison term of five years upon 5855  
the offender that shall not be reduced pursuant to section 5856  
2929.20, section 2967.193, or any other provision of Chapter 2967. 5857  
or Chapter 5120. of the Revised Code. A court shall not impose 5858  
more than one additional prison term on an offender under division 5859  
(D)(1)(c) of this section for felonies committed as part of the 5860  
same act or transaction. If a court imposes an additional prison 5861  
term on an offender under division (D)(1)(c) of this section 5862  
relative to an offense, the court also shall impose a prison term 5863  
under division (D)(1)(a) of this section relative to the same 5864  
offense, provided the criteria specified in that division for 5865  
imposing an additional prison term are satisfied relative to the 5866  
offender and the offense. 5867

(d) If an offender who is convicted of or pleads guilty to an 5868  
offense of violence that is a felony also is convicted of or 5869  
pleads guilty to a specification of the type described in section 5870  
2941.1411 of the Revised Code that charges the offender with 5871  
wearing or carrying body armor while committing the felony offense 5872  
of violence, the court shall impose on the offender a prison term 5873  
of two years. The prison term so imposed shall not be reduced 5874  
pursuant to section 2929.20, section 2967.193, or any other 5875  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 5876  
court shall not impose more than one prison term on an offender 5877  
under division (D)(1)(d) of this section for felonies committed as 5878  
part of the same act or transaction. If a court imposes an 5879  
additional prison term under division (D)(1)(a) or (c) of this 5880  
section, the court is not precluded from imposing an additional 5881  
prison term under division (D)(1)(d) of this section. 5882

(e) The court shall not impose any of the prison terms 5883  
described in division (D)(1)(a) of this section or any of the 5884

additional prison terms described in division (D)(1)(c) of this 5885  
section upon an offender for a violation of section 2923.12 or 5886  
2923.123 of the Revised Code. The court shall not impose any of 5887  
the prison terms described in division (D)(1)(a) of this section 5888  
or any of the additional prison terms described in division 5889  
(D)(1)(c) of this section upon an offender for a violation of 5890  
section 2923.13 of the Revised Code unless all of the following 5891  
apply: 5892

(i) The offender previously has been convicted of aggravated 5893  
murder, murder, or any felony of the first or second degree. 5894

(ii) Less than five years have passed since the offender was 5895  
released from prison or post-release control, whichever is later, 5896  
for the prior offense. 5897

(f) If an offender is convicted of or pleads guilty to a 5898  
felony that includes, as an essential element, causing or 5899  
attempting to cause the death of or physical harm to another and 5900  
also is convicted of or pleads guilty to a specification of the 5901  
type described in section 2941.1412 of the Revised Code that 5902  
charges the offender with committing the offense by discharging a 5903  
firearm at a peace officer as defined in section 2935.01 of the 5904  
Revised Code or a corrections officer, as defined in section 5905  
2941.1412 of the Revised Code, the court, after imposing a prison 5906  
term on the offender for the felony offense under division (A), 5907  
(D)(2), or (D)(3) of this section, shall impose an additional 5908  
prison term of seven years upon the offender that shall not be 5909  
reduced pursuant to section 2929.20, section 2967.193, or any 5910  
other provision of Chapter 2967. or Chapter 5120. of the Revised 5911  
Code. A court shall not impose more than one additional prison 5912  
term on an offender under division (D)(1)(f) of this section for 5913  
felonies committed as part of the same act or transaction. If a 5914  
court imposes an additional prison term on an offender under 5915  
division (D)(1)(f) of this section relative to an offense, the 5916

court shall not impose a prison term under division (D)(1)(a) or 5917  
(c) of this section relative to the same offense. 5918

(2)(a) If division (D)(2)(b) of this section does not apply, 5919  
the court may impose on an offender, in addition to the longest 5920  
prison term authorized or required for the offense, an additional 5921  
definite prison term of one, two, three, four, five, six, seven, 5922  
eight, nine, or ten years if all of the following criteria are 5923  
met: 5924

(i) The offender is convicted of or pleads guilty to a 5925  
specification of the type described in section 2941.149 of the 5926  
Revised Code that the offender is a repeat violent offender. 5927

(ii) The offense of which the offender currently is convicted 5928  
or to which the offender currently pleads guilty is aggravated 5929  
murder and the court does not impose a sentence of death or life 5930  
imprisonment without parole, murder, terrorism and the court does 5931  
not impose a sentence of life imprisonment without parole, any 5932  
felony of the first degree that is an offense of violence and the 5933  
court does not impose a sentence of life imprisonment without 5934  
parole, or any felony of the second degree that is an offense of 5935  
violence and the trier of fact finds that the offense involved an 5936  
attempt to cause or a threat to cause serious physical harm to a 5937  
person or resulted in serious physical harm to a person. 5938

(iii) The court imposes the longest prison term for the 5939  
offense that is not life imprisonment without parole. 5940

(iv) The court finds that the prison terms imposed pursuant 5941  
to division (D)(2)(a)(iii) of this section and, if applicable, 5942  
division (D)(1) or (3) of this section are inadequate to punish 5943  
the offender and protect the public from future crime, because the 5944  
applicable factors under section 2929.12 of the Revised Code 5945  
indicating a greater likelihood of recidivism outweigh the 5946  
applicable factors under that section indicating a lesser 5947

likelihood of recidivism. 5948

(v) The court finds that the prison terms imposed pursuant to 5949  
division (D)(2)(a)(iii) of this section and, if applicable, 5950  
division (D)(1) or (3) of this section are demeaning to the 5951  
seriousness of the offense, because one or more of the factors 5952  
under section 2929.12 of the Revised Code indicating that the 5953  
offender's conduct is more serious than conduct normally 5954  
constituting the offense are present, and they outweigh the 5955  
applicable factors under that section indicating that the 5956  
offender's conduct is less serious than conduct normally 5957  
constituting the offense. 5958

(b) The court shall impose on an offender the longest prison 5959  
term authorized or required for the offense and shall impose on 5960  
the offender an additional definite prison term of one, two, 5961  
three, four, five, six, seven, eight, nine, or ten years if all of 5962  
the following criteria are met: 5963

(i) The offender is convicted of or pleads guilty to a 5964  
specification of the type described in section 2941.149 of the 5965  
Revised Code that the offender is a repeat violent offender. 5966

(ii) The offender within the preceding twenty years has been 5967  
convicted of or pleaded guilty to three or more offenses described 5968  
in division (DD)(1) of section 2929.01 of the Revised Code, 5969  
including all offenses described in that division of which the 5970  
offender is convicted or to which the offender pleads guilty in 5971  
the current prosecution and all offenses described in that 5972  
division of which the offender previously has been convicted or to 5973  
which the offender previously pleaded guilty, whether prosecuted 5974  
together or separately. 5975

(iii) The offense or offenses of which the offender currently 5976  
is convicted or to which the offender currently pleads guilty is 5977  
aggravated murder and the court does not impose a sentence of 5978

death or life imprisonment without parole, murder, terrorism and 5979  
the court does not impose a sentence of life imprisonment without 5980  
parole, any felony of the first degree that is an offense of 5981  
violence and the court does not impose a sentence of life 5982  
imprisonment without parole, or any felony of the second degree 5983  
that is an offense of violence and the trier of fact finds that 5984  
the offense involved an attempt to cause or a threat to cause 5985  
serious physical harm to a person or resulted in serious physical 5986  
harm to a person. 5987

(c) For purposes of division (D)(2)(b) of this section, two 5988  
or more offenses committed at the same time or as part of the same 5989  
act or event shall be considered one offense, and that one offense 5990  
shall be the offense with the greatest penalty. 5991

(d) A sentence imposed under division (D)(2)(a) or (b) of 5992  
this section shall not be reduced pursuant to section 2929.20 or 5993  
section 2967.193, or any other provision of Chapter 2967. or 5994  
Chapter 5120. of the Revised Code. The offender shall serve an 5995  
additional prison term imposed under this section consecutively to 5996  
and prior to the prison term imposed for the underlying offense. 5997

(e) When imposing a sentence pursuant to division (D)(2)(a) 5998  
or (b) of this section, the court shall state its findings 5999  
explaining the imposed sentence. 6000

(3)(a) Except when an offender commits a violation of section 6001  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 6002  
the violation is life imprisonment or commits a violation of 6003  
section 2903.02 of the Revised Code, if the offender commits a 6004  
violation of section 2925.03 or 2925.11 of the Revised Code and 6005  
that section classifies the offender as a major drug offender and 6006  
requires the imposition of a ten-year prison term on the offender, 6007  
if the offender commits a felony violation of section 2925.02, 6008  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 6009  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 6010



division (C) of section 4729.51, or division (J) of section 6011  
4729.54 of the Revised Code that includes the sale, offer to sell, 6012  
or possession of a schedule I or II controlled substance, with the 6013  
exception of marihuana, and the court imposing sentence upon the 6014  
offender finds that the offender is guilty of a specification of 6015  
the type described in section 2941.1410 of the Revised Code 6016  
charging that the offender is a major drug offender, if the court 6017  
imposing sentence upon an offender for a felony finds that the 6018  
offender is guilty of corrupt activity with the most serious 6019  
offense in the pattern of corrupt activity being a felony of the 6020  
first degree, or if the offender is guilty of an attempted 6021  
violation of section 2907.02 of the Revised Code and, had the 6022  
offender completed the violation of section 2907.02 of the Revised 6023  
Code that was attempted, the offender would have been subject to a 6024  
sentence of life imprisonment or life imprisonment without parole 6025  
for the violation of section 2907.02 of the Revised Code, the 6026  
court shall impose upon the offender for the felony violation a 6027  
ten-year prison term that cannot be reduced pursuant to section 6028  
2929.20 or Chapter 2967. or 5120. of the Revised Code. 6029

(b) The court imposing a prison term on an offender under 6030  
division (D)(3)(a) of this section may impose an additional prison 6031  
term of one, two, three, four, five, six, seven, eight, nine, or 6032  
ten years, if the court, with respect to the term imposed under 6033  
division (D)(3)(a) of this section and, if applicable, divisions 6034  
(D)(1) and (2) of this section, makes both of the findings set 6035  
forth in divisions (D)(2)(a)(iv) and (v) of this section. 6036

(4) If the offender is being sentenced for a third or fourth 6037  
degree felony OVI offense under division (G)(2) of section 2929.13 6038  
of the Revised Code, the sentencing court shall impose upon the 6039  
offender a mandatory prison term in accordance with that division. 6040  
In addition to the mandatory prison term, if the offender is being 6041  
sentenced for a fourth degree felony OVI offense, the court, 6042

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  
division (A)(1) of that section.

(5) If an offender is convicted of or pleads guilty to a  
violation of division (A)(1) or (2) of section 2903.06 of the  
Revised Code and also is convicted of or pleads guilty to a

specification of the type described in section 2941.1414 of the Revised Code that charges that 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, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (D)(5) of this section, the prison term shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously 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, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (D)(6) of this section, the prison term shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(6) of this section for felonies committed as part of the same act.

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a mandatory prison term is imposed upon an offender pursuant to

division (D)(1)(a) of this section for having a firearm on or 6107  
about the offender's person or under the offender's control while 6108  
committing a felony, if a mandatory prison term is imposed upon an 6109  
offender pursuant to division (D)(1)(c) of this section for 6110  
committing a felony specified in that division by discharging a 6111  
firearm from a motor vehicle, or if both types of mandatory prison 6112  
terms are imposed, the offender shall serve any mandatory prison 6113  
term imposed under either division consecutively to any other 6114  
mandatory prison term imposed under either division or under 6115  
division (D)(1)(d) of this section, consecutively to and prior to 6116  
any prison term imposed for the underlying felony pursuant to 6117  
division (A), (D)(2), or (D)(3) of this section or any other 6118  
section of the Revised Code, and consecutively to any other prison 6119  
term or mandatory prison term previously or subsequently imposed 6120  
upon the offender. 6121

(b) If a mandatory prison term is imposed upon an offender 6122  
pursuant to division (D)(1)(d) of this section for wearing or 6123  
carrying body armor while committing an offense of violence that 6124  
is a felony, the offender shall serve the mandatory term so 6125  
imposed consecutively to any other mandatory prison term imposed 6126  
under that division or under division (D)(1)(a) or (c) of this 6127  
section, consecutively to and prior to any prison term imposed for 6128  
the underlying felony under division (A), (D)(2), or (D)(3) of 6129  
this section or any other section of the Revised Code, and 6130  
consecutively to any other prison term or mandatory prison term 6131  
previously or subsequently imposed upon the offender. 6132

(c) If a mandatory prison term is imposed upon an offender 6133  
pursuant to division (D)(1)(f) of this section, the offender shall 6134  
serve the mandatory prison term so imposed consecutively to and 6135  
prior to any prison term imposed for the underlying felony under 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

(2) If an offender who is an inmate in a jail, prison, or 6141  
other residential detention facility violates section 2917.02, 6142  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 6143  
who is under detention at a detention facility commits a felony 6144  
violation of section 2923.131 of the Revised Code, or if an 6145  
offender who is an inmate in a jail, prison, or other residential 6146  
detention facility or is under detention at a detention facility 6147  
commits another felony while the offender is an escapee in 6148  
violation of section 2921.34 of the Revised Code, any prison term 6149  
imposed upon the offender for one of those violations shall be 6150  
served by the offender consecutively to the prison term or term of 6151  
imprisonment the offender was serving when the offender committed 6152  
that offense and to any other prison term previously or 6153  
subsequently imposed upon the offender. 6154

(3) If a prison term is imposed for a violation of division 6155  
(B) of section 2911.01 of the Revised Code, a violation of 6156  
division (A) of section 2913.02 of the Revised Code in which the 6157  
stolen property is a firearm or dangerous ordnance, or a felony 6158  
violation of division (B) of section 2921.331 of the Revised Code, 6159  
the offender shall serve that prison term consecutively to any 6160  
other prison term or mandatory prison term previously or 6161  
subsequently imposed upon the offender. 6162

(4) If multiple prison terms are imposed on an offender for 6163  
convictions of multiple offenses, the court may require the 6164  
offender to serve the prison terms consecutively if the court 6165  
finds that the consecutive service is necessary to protect the 6166  
public from future crime or to punish the offender and that 6167  
consecutive sentences are not disproportionate to the seriousness 6168  
of the offender's conduct and to the danger the offender poses to 6169  
the public, and if the court also finds any of the following: 6170

(a) The offender committed one or more of the multiple 6171  
offenses while the offender was awaiting trial or sentencing, was 6172  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 6173  
2929.18 of the Revised Code, or was under post-release control for 6174  
a prior offense. 6175

(b) At least two of the multiple offenses were committed as 6176  
part of one or more courses of conduct, and the harm caused by two 6177  
or more of the multiple offenses so committed was so great or 6178  
unusual that no single prison term for any of the offenses 6179  
committed as part of any of the courses of conduct adequately 6180  
reflects the seriousness of the offender's conduct. 6181

(c) The offender's history of criminal conduct demonstrates 6182  
that consecutive sentences are necessary to protect the public 6183  
from future crime by the offender. 6184

(5) If a mandatory prison term is imposed upon an offender 6185  
pursuant to division (D)(5) or (6) of this section, the offender 6186  
shall serve the mandatory prison term consecutively to and prior 6187  
to any prison term imposed for the underlying violation of 6188  
division (A)(1) or (2) of section 2903.06 of the Revised Code 6189  
pursuant to division (A) of this section or section 2929.142 of 6190  
the Revised Code. If a mandatory prison term is imposed upon an 6191  
offender pursuant to division (D)(5) of this section, and if a 6192  
mandatory prison term also is imposed upon the offender pursuant 6193  
to division (D)(6) of this section in relation to the same 6194  
violation, the offender shall serve the mandatory prison term 6195  
imposed pursuant to division (D)(5) of this section consecutively 6196  
to and prior to the mandatory prison term imposed pursuant to 6197  
division (D)(6) of this section and consecutively to and prior to 6198  
any prison term imposed for the underlying violation of division 6199  
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 6200  
division (A) of this section or section 2929.142 of the Revised 6201  
Code. 6202

(6) When consecutive prison terms are imposed pursuant to 6203  
division (E)(1), (2), (3), (4), or (5) of this section, the term 6204  
to be served is the aggregate of all of the terms so imposed. 6205

(F)(1) If a court imposes a prison term for a felony of the 6206  
first degree, for a felony of the second degree, for a felony sex 6207  
offense, or for a felony of the third degree that is not a felony 6208  
sex offense and in the commission of which the offender caused or 6209  
threatened to cause physical harm to a person, it shall include in 6210  
the sentence a requirement that the offender be subject to a 6211  
period of post-release control after the offender's release from 6212  
imprisonment, in accordance with that division. If a court imposes 6213  
a sentence including a prison term of a type described in this 6214  
division on or after July 11, 2006, the failure of a court to 6215  
include a post-release control requirement in the sentence 6216  
pursuant to this division does not negate, limit, or otherwise 6217  
affect the mandatory period of post-release control that is 6218  
required for the offender under division (B) of section 2967.28 of 6219  
the Revised Code. Section 2929.191 of the Revised Code applies if, 6220  
prior to July 11, 2006, a court imposed a sentence including a 6221  
prison term of a type described in this division and failed to 6222  
include in the sentence pursuant to this division a statement 6223  
regarding post-release control. 6224

(2) If a court imposes a prison term for a felony of the 6225  
third, fourth, or fifth degree that is not subject to division 6226  
(F)(1) of this section, it shall include in the sentence a 6227  
requirement that the offender be subject to a period of 6228  
post-release control after the offender's release from 6229  
imprisonment, in accordance with that division, if the parole 6230  
board determines that a period of post-release control is 6231  
necessary. Section 2929.191 of the Revised Code applies if, prior 6232  
to July 11, 2006, a court imposed a sentence including a prison 6233  
term of a type described in this division and failed to include in 6234

the sentence pursuant to this division a statement regarding 6235  
post-release control. 6236

(G) ~~If a~~ The court shall impose sentence upon the offender in 6237  
accordance with section 2971.03 of the Revised Code, and Chapter 6238  
2971. of the Revised Code applies regarding the prison term or 6239  
term of life imprisonment without parole imposed upon the offender 6240  
and the service of that term of imprisonment if any of the 6241  
following apply: 6242

(1) A person is convicted of or pleads guilty to a violent 6243  
sex offense or a designated homicide, assault, or kidnapping 6244  
offense, and, in relation to that offense, the offender is 6245  
adjudicated a sexually violent predator, ~~if a~~. 6246

(2) A person is convicted of or pleads guilty to a violation 6247  
of division (A)(1)(b) of section 2907.02 of the Revised Code 6248  
committed on or after ~~the effective date of this amendment~~ January 6249  
2, 2007, and either the court does not impose a sentence of life 6250  
without parole when authorized pursuant to division (B) of section 6251  
2907.02 of the Revised Code, or division (B) of section 2907.02 of 6252  
the Revised Code provides that the court shall not sentence the 6253  
offender pursuant to section 2971.03 of the Revised Code, ~~or if a~~. 6254

(3) A person is convicted of or pleads guilty to attempted 6255  
rape committed on or after ~~the effective date of this amendment~~ 6256  
January 2, 2007, and a specification of the type described in 6257  
section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code, 6258  
~~the court shall impose sentence upon the offender in accordance~~ 6259  
~~with section 2971.03 of the Revised Code, and Chapter 2971. of the~~ 6260  
~~Revised Code applies regarding the prison term or term of life~~ 6261  
~~imprisonment without parole imposed upon the offender and the~~ 6262  
~~service of that term of imprisonment.~~ 6263

(4) A person is convicted of or pleads guilty to a violation 6264  
of section 2905.01 of the Revised Code committed on or after the 6265



effective date of this amendment, and that section requires the 6266  
court to sentence the offender pursuant to section 2971.03 of the 6267  
Revised Code. 6268

(5) A person is convicted of or pleads guilty to aggravated 6269  
murder committed on or after the effective date of this amendment, 6270  
and division (A)(2)(b)(ii) of section 2929.022, division 6271  
(A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), 6272  
or (E)(1)(d) of section 2929.03, or division (A) or (B) of section 6273  
2929.06 of the Revised Code requires the court to sentence the 6274  
offender pursuant to division (B)(3) of section 2971.03 of the 6275  
Revised Code. 6276

(6) A person is convicted of or pleads guilty to murder 6277  
committed on or after the effective date of this amendment, and 6278  
division (B)(2) of section 2929.02 of the Revised Code requires 6279  
the court to sentence the offender pursuant to section 2971.03 of 6280  
the Revised Code. 6281

(H) If a person who has been convicted of or pleaded guilty 6282  
to a felony is sentenced to a prison term or term of imprisonment 6283  
under this section, sections 2929.02 to 2929.06 of the Revised 6284  
Code, section 2929.142 of the Revised Code, section 2971.03 of the 6285  
Revised Code, or any other provision of law, section 5120.163 of 6286  
the Revised Code applies regarding the person while the person is 6287  
confined in a state correctional institution. 6288

(I) If an offender who is convicted of or pleads guilty to a 6289  
felony that is an offense of violence also is convicted of or 6290  
pleads guilty to a specification of the type described in section 6291  
2941.142 of the Revised Code that charges the offender with having 6292  
committed the felony while participating in a criminal gang, the 6293  
court shall impose upon the offender an additional prison term of 6294  
one, two, or three years. 6295

(J) If an offender who is convicted of or pleads guilty to 6296

aggravated murder, murder, or a felony of the first, second, or 6297  
third degree that is an offense of violence also is convicted of 6298  
or pleads guilty to a specification of the type described in 6299  
section 2941.143 of the Revised Code that charges the offender 6300  
with having committed the offense in a school safety zone or 6301  
towards a person in a school safety zone, the court shall impose 6302  
upon the offender an additional prison term of two years. The 6303  
offender shall serve the additional two years consecutively to and 6304  
prior to the prison term imposed for the underlying offense. 6305

(K) At the time of sentencing, the court may recommend the 6306  
offender for placement in a program of shock incarceration under 6307  
section 5120.031 of the Revised Code or for placement in an 6308  
intensive program prison under section 5120.032 of the Revised 6309  
Code, disapprove placement of the offender in a program of shock 6310  
incarceration or an intensive program prison of that nature, or 6311  
make no recommendation on placement of the offender. In no case 6312  
shall the department of rehabilitation and correction place the 6313  
offender in a program or prison of that nature unless the 6314  
department determines as specified in section 5120.031 or 5120.032 6315  
of the Revised Code, whichever is applicable, that the offender is 6316  
eligible for the placement. 6317

If the court disapproves placement of the offender in a 6318  
program or prison of that nature, the department of rehabilitation 6319  
and correction shall not place the offender in any program of 6320  
shock incarceration or intensive program prison. 6321

If the court recommends placement of the offender in a 6322  
program of shock incarceration or in an intensive program prison, 6323  
and if the offender is subsequently placed in the recommended 6324  
program or prison, the department shall notify the court of the 6325  
placement and shall include with the notice a brief description of 6326  
the placement. 6327

If the court recommends placement of the offender in a 6328

program of shock incarceration or in an intensive program prison 6329  
and the department does not subsequently place the offender in the 6330  
recommended program or prison, the department shall send a notice 6331  
to the court indicating why the offender was not placed in the 6332  
recommended program or prison. 6333

If the court does not make a recommendation under this 6334  
division with respect to an offender and if the department 6335  
determines as specified in section 5120.031 or 5120.032 of the 6336  
Revised Code, whichever is applicable, that the offender is 6337  
eligible for placement in a program or prison of that nature, the 6338  
department shall screen the offender and determine if there is an 6339  
available program of shock incarceration or an intensive program 6340  
prison for which the offender is suited. If there is an available 6341  
program of shock incarceration or an intensive program prison for 6342  
which the offender is suited, the department shall notify the 6343  
court of the proposed placement of the offender as specified in 6344  
section 5120.031 or 5120.032 of the Revised Code and shall include 6345  
with the notice a brief description of the placement. The court 6346  
shall have ten days from receipt of the notice to disapprove the 6347  
placement. 6348

(L) If a person is convicted of or pleads guilty to 6349  
aggravated vehicular homicide in violation of division (A)(1) of 6350  
section 2903.06 of the Revised Code and division (B)(2)(c) of that 6351  
section applies, the person shall be sentenced pursuant to section 6352  
2929.142 of the Revised Code. 6353

**Sec. 2929.19.** (A)~~(1)~~ The court shall hold a sentencing 6354  
hearing before imposing a sentence under this chapter upon an 6355  
offender who was convicted of or pleaded guilty to a felony and 6356  
before resentencing an offender who was convicted of or pleaded 6357  
guilty to a felony and whose case was remanded pursuant to section 6358  
2953.07 or 2953.08 of the Revised Code. At the hearing, the 6359

offender, the prosecuting attorney, the victim or the victim's  
representative in accordance with section 2930.14 of the Revised  
Code, and, with the approval of the court, any other person may  
present information relevant to the imposition of sentence in the  
case. The court shall inform the offender of the verdict of the  
jury or finding of the court and ask the offender whether the  
offender has anything to say as to why sentence should not be  
imposed upon the offender.

~~(2) Except as otherwise provided in this division, before  
imposing sentence on an offender who is being sentenced on or  
after January 1, 1997, for a sexually oriented offense that is not  
a registration exempt sexually oriented offense and who is in any  
category of offender described in division (B)(1)(a)(i), (ii), or  
(iii) of section 2950.09 of the Revised Code, the court shall  
conduct a hearing in accordance with division (B) of section  
2950.09 of the Revised Code to determine whether the offender is a  
sexual predator. The court shall not conduct a hearing under that  
division if the offender is being sentenced for a violent sex  
offense or a designated homicide, assault, or kidnapping offense  
and, in relation to that offense, the offender was adjudicated a  
sexually violent predator, if the offender is being sentenced  
under section 2971.03 of the Revised Code for a violation of  
division (A)(1)(b) of section 2907.02 of the Revised Code  
committed on or after the effective date of this amendment, if the  
offender is sentenced to a term of life without parole under  
division (B) of section 2907.02 of the Revised Code, or if the  
offender is being sentenced for attempted rape committed on or  
after the effective date of this amendment and a specification of  
the type described in section 2941.1418, 2941.1419, or 2941.1420  
of the Revised Code. Before imposing sentence on an offender who  
is being sentenced for a sexually oriented offense that is not a  
registration exempt sexually oriented offense, the court also  
shall comply with division (E) of section 2950.09 of the Revised~~

Code. 6393

~~Before imposing sentence on or after July 31, 2003, on an 6394~~  
~~offender who is being sentenced for a child victim oriented 6395~~  
~~offense, regardless of when the offense was committed, the court 6396~~  
~~shall conduct a hearing in accordance with division (B) of section 6397~~  
~~2950.091 of the Revised Code to determine whether the offender is 6398~~  
~~a child victim predator. Before imposing sentence on an offender 6399~~  
~~who is being sentenced for a child victim oriented offense, the 6400~~  
~~court also shall comply with division (E) of section 2950.091 of 6401~~  
~~the Revised Code. 6402~~

(B)(1) At the sentencing hearing, the court, before imposing 6403  
sentence, shall consider the record, any information presented at 6404  
the hearing by any person pursuant to division (A) of this 6405  
section, and, if one was prepared, the presentence investigation 6406  
report made pursuant to section 2951.03 of the Revised Code or 6407  
Criminal Rule 32.2, and any victim impact statement made pursuant 6408  
to section 2947.051 of the Revised Code. 6409

(2) The court shall impose a sentence and shall make a 6410  
finding that gives its reasons for selecting the sentence imposed 6411  
in any of the following circumstances: 6412

(a) Unless the offense is a violent sex offense or designated 6413  
homicide, assault, or kidnapping offense for which the court is 6414  
required to impose sentence pursuant to division (G) of section 6415  
2929.14 of the Revised Code, if it imposes a prison term for a 6416  
felony of the fourth or fifth degree or for a felony drug offense 6417  
that is a violation of a provision of Chapter 2925. of the Revised 6418  
Code and that is specified as being subject to division (B) of 6419  
section 2929.13 of the Revised Code for purposes of sentencing, 6420  
its reasons for imposing the prison term, based upon the 6421  
overriding purposes and principles of felony sentencing set forth 6422  
in section 2929.11 of the Revised Code, and any factors listed in 6423  
divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code 6424

that it found to apply relative to the offender. 6425

(b) If it does not impose a prison term for a felony of the 6426  
first or second degree or for a felony drug offense that is a 6427  
violation of a provision of Chapter 2925. of the Revised Code and 6428  
for which a presumption in favor of a prison term is specified as 6429  
being applicable, its reasons for not imposing the prison term and 6430  
for overriding the presumption, based upon the overriding purposes 6431  
and principles of felony sentencing set forth in section 2929.11 6432  
of the Revised Code, and the basis of the findings it made under 6433  
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 6434

(c) If it imposes consecutive sentences under section 2929.14 6435  
of the Revised Code, its reasons for imposing the consecutive 6436  
sentences; 6437

(d) If the sentence is for one offense and it imposes a 6438  
prison term for the offense that is the maximum prison term 6439  
allowed for that offense by division (A) of section 2929.14 of the 6440  
Revised Code or section 2929.142 of the Revised Code, its reasons 6441  
for imposing the maximum prison term; 6442

(e) If the sentence is for two or more offenses arising out 6443  
of a single incident and it imposes a prison term for those 6444  
offenses that is the maximum prison term allowed for the offense 6445  
of the highest degree by division (A) of section 2929.14 of the 6446  
Revised Code or section 2929.142 of the Revised Code, its reasons 6447  
for imposing the maximum prison term. 6448

(3) Subject to division (B)(4) of this section, if the 6449  
sentencing court determines at the sentencing hearing that a 6450  
prison term is necessary or required, the court shall do all of 6451  
the following: 6452

(a) Impose a stated prison term; 6453

(b) Notify the offender that, as part of the sentence, the 6454  
parole board may extend the stated prison term for certain 6455

violations of prison rules for up to one-half of the stated prison term; 6456  
6457

(c) Notify the offender that the offender will be supervised 6458  
under section 2967.28 of the Revised Code after the offender 6459  
leaves prison if the offender is being sentenced for a felony of 6460  
the first degree or second degree, for a felony sex offense, or 6461  
for a felony of the third degree that is not a felony sex offense 6462  
and in the commission of which the offender caused or threatened 6463  
to cause physical harm to a person. If a court imposes a sentence 6464  
including a prison term of a type described in division (B)(3)(c) 6465  
of this section on or after July 11, 2006, the failure of a court 6466  
to notify the offender pursuant to division (B)(3)(c) of this 6467  
section that the offender will be supervised under section 2967.28 6468  
of the Revised Code after the offender leaves prison or to include 6469  
in the judgment of conviction entered on the journal a statement 6470  
to that effect does not negate, limit, or otherwise affect the 6471  
mandatory period of supervision that is required for the offender 6472  
under division (B) of section 2967.28 of the Revised Code. Section 6473  
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 6474  
court imposed a sentence including a prison term of a type 6475  
described in division (B)(3)(c) of this section and failed to 6476  
notify the offender pursuant to division (B)(3)(c) of this section 6477  
regarding post-release control or to include in the judgment of 6478  
conviction entered on the journal or in the sentence a statement 6479  
regarding post-release control. 6480

(d) Notify the offender that the offender may be supervised 6481  
under section 2967.28 of the Revised Code after the offender 6482  
leaves prison if the offender is being sentenced for a felony of 6483  
the third, fourth, or fifth degree that is not subject to division 6484  
(B)(3)(c) of this section. Section 2929.191 of the Revised Code 6485  
applies if, prior to July 11, 2006, a court imposed a sentence 6486  
including a prison term of a type described in division (B)(3)(d) 6487

of this section and failed to notify the offender pursuant to 6488  
division (B)(3)(d) of this section regarding post-release control 6489  
or to include in the judgment of conviction entered on the journal 6490  
or in the sentence a statement regarding post-release control. 6491

(e) Notify the offender that, if a period of supervision is 6492  
imposed following the offender's release from prison, as described 6493  
in division (B)(3)(c) or (d) of this section, and if the offender 6494  
violates that supervision or a condition of post-release control 6495  
imposed under division (B) of section 2967.131 of the Revised 6496  
Code, the parole board may impose a prison term, as part of the 6497  
sentence, of up to one-half of the stated prison term originally 6498  
imposed upon the offender. If a court imposes a sentence including 6499  
a prison term on or after July 11, 2006, the failure of a court to 6500  
notify the offender pursuant to division (B)(3)(e) of this section 6501  
that the parole board may impose a prison term as described in 6502  
division (B)(3)(e) of this section for a violation of that 6503  
supervision or a condition of post-release control imposed under 6504  
division (B) of section 2967.131 of the Revised Code or to include 6505  
in the judgment of conviction entered on the journal a statement 6506  
to that effect does not negate, limit, or otherwise affect the 6507  
authority of the parole board to so impose a prison term for a 6508  
violation of that nature if, pursuant to division (D)(1) of 6509  
section 2967.28 of the Revised Code, the parole board notifies the 6510  
offender prior to the offender's release of the board's authority 6511  
to so impose a prison term. Section 2929.191 of the Revised Code 6512  
applies if, prior to July 11, 2006, a court imposed a sentence 6513  
including a prison term and failed to notify the offender pursuant 6514  
to division (B)(3)(e) of this section regarding the possibility of 6515  
the parole board imposing a prison term for a violation of 6516  
supervision or a condition of post-release control. 6517

(f) Require that the offender not ingest or be injected with 6518  
a drug of abuse and submit to random drug testing as provided in 6519



section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 6520  
is applicable to the offender who is serving a prison term, and 6521  
require that the results of the drug test administered under any 6522  
of those sections indicate that the offender did not ingest or was 6523  
not injected with a drug of abuse. 6524

(4) ~~If the~~ (a) The court shall include in the offender's 6525  
sentence a statement that the offender is a tier III sex 6526  
offender/child-victim offender, and the court shall comply with 6527  
the requirements of section 2950.03 of the Revised Code if any of 6528  
the following apply: 6529

(i) The offender is being sentenced for a violent sex offense 6530  
or designated homicide, assault, or kidnapping offense that the 6531  
offender committed on or after January 1, 1997, and the offender 6532  
is adjudicated a sexually violent predator in relation to that 6533  
offense, ~~if the~~. 6534

(ii) The offender is being sentenced for a sexually oriented 6535  
offense ~~that is not a registration exempt sexually oriented~~ 6536  
~~offense and~~ that the offender committed on or after January 1, 6537  
1997, and the ~~court imposing the sentence has determined pursuant~~ 6538  
~~to division (B) of section 2950.09 of the Revised Code that the~~ 6539  
offender is a ~~sexual predator, if the~~ tier III sex 6540  
offender/child-victim offender relative to that offense. 6541

(iii) The offender is being sentenced on or after July 31, 6542  
2003, for a child-victim oriented offense, ~~and the court imposing~~ 6543  
~~the sentence has determined pursuant to division (B) of section~~ 6544  
~~2950.091 of the Revised Code that the offender is a child victim~~ 6545  
~~predator, if the offender is being sentenced for an aggravated~~ 6546  
~~sexually oriented offense as defined in section 2950.01 of the~~ 6547  
~~Revised Code, if the~~ tier III sex offender/child-victim offender 6548  
relative to that offense. 6549

(iv) The offender is being sentenced under section 2971.03 of 6550

the Revised Code for a violation of division (A)(1)(b) of section 6551  
2907.02 of the Revised Code committed on or after ~~the effective~~ 6552  
~~date of this amendment, if the~~ January 2, 2007. 6553

(v) The offender is sentenced to a term of life without 6554  
parole under division (B) of section 2907.02 of the Revised Code, 6555  
~~or if the.~~ 6556

(vi) The offender is being sentenced for attempted rape 6557  
committed on or after ~~the effective date of this amendment~~ January 6558  
2, 2007, and a specification of the type described in section 6559  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code, ~~the court~~ 6560  
~~shall include in the offender's sentence a statement that the~~ 6561  
~~offender has been adjudicated a sexual predator, has been~~ 6562  
~~adjudicated a child victim predator, or has been convicted of or~~ 6563  
~~pleaded guilty to an aggravated sexually oriented offense,~~ 6564  
~~whichever is applicable, and shall comply with the requirements of~~ 6565  
~~section 2950.03 of the Revised Code.~~ 6566

(vii) The offender is being sentenced under division 6567  
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 6568  
for an offense described in those divisions committed on or after 6569  
the effective date of this amendment. 6570

(b) Additionally, if any criterion set forth in divisions 6571  
(B)(4)(a)(i) to (vii) of this section is satisfied, in the 6572  
circumstances described in division (G) of section 2929.14 of the 6573  
Revised Code, the court shall impose sentence on the offender as 6574  
described in that division. 6575

(5) If the sentencing court determines at the sentencing 6576  
hearing that a community control sanction should be imposed and 6577  
the court is not prohibited from imposing a community control 6578  
sanction, the court shall impose a community control sanction. The 6579  
court shall notify the offender that, if the conditions of the 6580  
sanction are violated, if the offender commits a violation of any 6581

law, or if the offender leaves this state without the permission 6582  
of the court or the offender's probation officer, the court may 6583  
impose a longer time under the same sanction, may impose a more 6584  
restrictive sanction, or may impose a prison term on the offender 6585  
and shall indicate the specific prison term that may be imposed as 6586  
a sanction for the violation, as selected by the court from the 6587  
range of prison terms for the offense pursuant to section 2929.14 6588  
of the Revised Code. 6589

(6) Before imposing a financial sanction under section 6590  
2929.18 of the Revised Code or a fine under section 2929.32 of the 6591  
Revised Code, the court shall consider the offender's present and 6592  
future ability to pay the amount of the sanction or fine. 6593

(7) If the sentencing court sentences the offender to a 6594  
sanction of confinement pursuant to section 2929.14 or 2929.16 of 6595  
the Revised Code that is to be served in a local detention 6596  
facility, as defined in section 2929.36 of the Revised Code, and 6597  
if the local detention facility is covered by a policy adopted 6598  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 6599  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 6600  
and section 2929.37 of the Revised Code, both of the following 6601  
apply: 6602

(a) The court shall specify both of the following as part of 6603  
the sentence: 6604

(i) If the offender is presented with an itemized bill 6605  
pursuant to section 2929.37 of the Revised Code for payment of the 6606  
costs of confinement, the offender is required to pay the bill in 6607  
accordance with that section. 6608

(ii) If the offender does not dispute the bill described in 6609  
division (B)(7)(a)(i) of this section and does not pay the bill by 6610  
the times specified in section 2929.37 of the Revised Code, the 6611  
clerk of the court may issue a certificate of judgment against the 6612

offender as described in that section. 6613

(b) The sentence automatically includes any certificate of 6614  
judgment issued as described in division (B)(7)(a)(ii) of this 6615  
section. 6616

(C)(1) If the offender is being sentenced for a fourth degree 6617  
felony OVI offense under division (G)(1) of section 2929.13 of the 6618  
Revised Code, the court shall impose the mandatory term of local 6619  
incarceration in accordance with that division, shall impose a 6620  
mandatory fine in accordance with division (B)(3) of section 6621  
2929.18 of the Revised Code, and, in addition, may impose 6622  
additional sanctions as specified in sections 2929.15, 2929.16, 6623  
2929.17, and 2929.18 of the Revised Code. The court shall not 6624  
impose a prison term on the offender except that the court may 6625  
impose a prison term upon the offender as provided in division 6626  
(A)(1) of section 2929.13 of the Revised Code. 6627

(2) If the offender is being sentenced for a third or fourth 6628  
degree felony OVI offense under division (G)(2) of section 2929.13 6629  
of the Revised Code, the court shall impose the mandatory prison 6630  
term in accordance with that division, shall impose a mandatory 6631  
fine in accordance with division (B)(3) of section 2929.18 of the 6632  
Revised Code, and, in addition, may impose an additional prison 6633  
term as specified in section 2929.14 of the Revised Code. In 6634  
addition to the mandatory prison term or mandatory prison term and 6635  
additional prison term the court imposes, the court also may 6636  
impose a community control sanction on the offender, but the 6637  
offender shall serve all of the prison terms so imposed prior to 6638  
serving the community control sanction. 6639

(D) The sentencing court, pursuant to division (K) of section 6640  
2929.14 of the Revised Code, may recommend placement of the 6641  
offender in a program of shock incarceration under section 6642  
5120.031 of the Revised Code or an intensive program prison under 6643  
section 5120.032 of the Revised Code, disapprove placement of the 6644

offender in a program or prison of that nature, or make no 6645  
recommendation. If the court recommends or disapproves placement, 6646  
it shall make a finding that gives its reasons for its 6647  
recommendation or disapproval. 6648

**Sec. 2929.23.** (A) If an offender is being sentenced for a 6649  
sexually oriented offense or child-victim oriented offense that is 6650  
a misdemeanor committed on or after January 1, 1997, and ~~if the~~ 6651  
~~judge imposing sentence for the sexually oriented offense~~ 6652  
~~determines pursuant to division (B) of section 2950.09 of the~~ 6653  
~~Revised Code that the offender is a sexual predator tier III sex~~ 6654  
offender/child-victim offender relative to the offense or the 6655  
offense is any offense listed in division (D)(1) to (3) of section 6656  
2901.07 of the Revised Code, the judge shall include in the 6657  
offender's sentence a statement that the offender ~~has been~~ 6658  
~~adjudicated a sexual predator~~ is a tier III sex 6659  
offender/child-victim offender, shall comply with the requirements 6660  
of section 2950.03 of the Revised Code, and shall require the 6661  
offender to submit to a DNA specimen collection procedure pursuant 6662  
to section 2901.07 of the Revised Code. 6663

~~(B) Before imposing sentence on an offender who is being~~ 6664  
~~sentenced for a sexually oriented offense that is a misdemeanor,~~ 6665  
~~that was committed on or after January 1, 1997, and that is not a~~ 6666  
~~registration exempt sexually oriented offense, the judge shall~~ 6667  
~~conduct a hearing in accordance with division (B) of section~~ 6668  
~~2950.09 of the Revised Code to determine whether the offender is a~~ 6669  
~~sexual predator. Before imposing sentence on an offender who is~~ 6670  
~~being sentenced for a sexually oriented offense that is not a~~ 6671  
~~registration exempt sexually oriented offense, the court also~~ 6672  
~~shall comply with division (E) of section 2950.09 of the Revised~~ 6673  
~~Code.~~ 6674

~~Before imposing sentence on or after the effective date of~~ 6675

~~this amendment on an offender who is being sentenced for a~~ 6676  
~~child victim oriented offense that is a misdemeanor, regardless of~~ 6677  
~~when the offense was committed, the judge shall conduct a hearing~~ 6678  
~~in accordance with division (B) of section 2950.091 of the Revised~~ 6679  
~~Code to determine whether the offender is a child victim predator.~~ 6680  
~~Before imposing sentence on an offender who is being sentenced for~~ 6681  
~~a child victim oriented offense, the court also shall comply with~~ 6682  
~~division (E) of section 2950.091 of the Revised Code.~~ 6683

~~(C)~~ If an offender is being sentenced for a sexually oriented 6684  
~~offense that is not a registration exempt sexually oriented~~ 6685  
~~offense or for~~ a child-victim oriented offense that is a 6686  
misdemeanor committed on or after January 1, 1997, the judge shall 6687  
include in the sentence a summary of the offender's duties imposed 6688  
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 6689  
Revised Code and the duration of the duties. The judge shall 6690  
inform the offender, at the time of sentencing, of those duties 6691  
and of their duration ~~and, if.~~ If required under division (A)(2) 6692  
of section 2950.03 of the Revised Code, the judge shall perform 6693  
the duties specified in that section or, if required under 6694  
division (A)(6) of section 2950.03 of the Revised Code, the judge 6695  
shall perform the duties specified in that division. 6696

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim in 6697  
a case who has requested to receive notice under this section 6698  
shall be given notice of the incarceration of the defendant. If an 6699  
alleged juvenile offender is committed to the temporary custody of 6700  
a school, camp, institution, or other facility operated for the 6701  
care of delinquent children or to the legal custody of the 6702  
department of youth services, a victim in a case who has requested 6703  
to receive notice under this section shall be given notice of the 6704  
commitment. Promptly after sentence is imposed upon the defendant 6705  
or the commitment of the alleged juvenile offender is ordered, the 6706  
prosecutor in the case shall notify the victim of the date on 6707

which the defendant will be released from confinement or the 6708  
prosecutor's reasonable estimate of that date or the date on which 6709  
the alleged juvenile offender will have served the minimum period 6710  
of commitment or the prosecutor's reasonable estimate of that 6711  
date. The prosecutor also shall notify the victim of the name of 6712  
the custodial agency of the defendant or alleged juvenile offender 6713  
and tell the victim how to contact that custodial agency. If the 6714  
custodial agency is the department of rehabilitation and 6715  
correction, the prosecutor shall notify the victim of the services 6716  
offered by the office of victims' services pursuant to section 6717  
5120.60 of the Revised Code. If the custodial agency is the 6718  
department of youth services, the prosecutor shall notify the 6719  
victim of the services provided by the office of victims' services 6720  
within the release authority of the department pursuant to section 6721  
5139.55 of the Revised Code and the victim's right pursuant to 6722  
section 5139.56 of the Revised Code to submit a written request to 6723  
the release authority to be notified of actions the release 6724  
authority takes with respect to the alleged juvenile offender. The 6725  
victim shall keep the custodial agency informed of the victim's 6726  
current address and telephone number. 6727

(B)(1) Upon the victim's request, the prosecutor promptly 6728  
shall notify the victim of any hearing for judicial release of the 6729  
defendant pursuant to section 2929.20 of the Revised Code or of 6730  
any hearing for judicial release or early release of the alleged 6731  
juvenile offender pursuant to section 2151.38 of the Revised Code 6732  
and of the victim's right to make a statement under those 6733  
sections. The court shall notify the victim of its ruling in each 6734  
of those hearings and on each of those applications. 6735

(2) If an offender is ~~convicted of or pleads guilty to a~~ 6736  
~~violent sex offense or designated homicide, assault, or kidnapping~~ 6737  
~~offense, the offender is adjudicated a sexually violent predator~~ 6738  
~~in relation to that crime, and the offender is sentenced to a~~ 6739

prison term ~~for that crime~~ pursuant to division (A)(3) or (B) of 6740  
section 2971.03 of the Revised Code, ~~if an offender is convicted~~ 6741  
~~of or pleads guilty to a violation of division (A)(1)(b) of~~ 6742  
~~section 2907.02 of the Revised Code committed on or after the~~ 6743  
~~effective date of this amendment, and the offender is sentenced to~~ 6744  
~~a prison term for that offense pursuant to division (B)(1)(a),~~ 6745  
~~(b), or (c) of section 2971.03 of the Revised Code, if an offender~~ 6746  
~~is convicted of or pleads guilty to attempted rape committed on or~~ 6747  
~~after the effective date of this amendment, the offender also is~~ 6748  
~~convicted of or pleads guilty to a specification of the type~~ 6749  
~~described in section 2941.1418 of the Revised Code, and the~~ 6750  
~~offender is sentenced to a prison term for that offense pursuant~~ 6751  
~~to division (B)(2)(a) of section 2971.03 of the Revised Code, if~~ 6752  
~~the offender is convicted of or pleads guilty to attempted rape~~ 6753  
~~committed on or after the effective date of this amendment, the~~ 6754  
~~offender also is convicted of or pleads guilty to a specification~~ 6755  
~~of the type described in section 2941.1419 of the Revised Code,~~ 6756  
~~and the offender is sentenced to a prison term for that offense~~ 6757  
~~pursuant to division (B)(2)(b) of section 2971.03 of the Revised~~ 6758  
~~Code, or if the offender is convicted of or pleads guilty to~~ 6759  
~~attempted rape committed on or after the effective date of this~~ 6760  
~~amendment, the offender also is convicted of or pleads guilty to a~~ 6761  
~~specification of the type described in section 2941.1420 of the~~ 6762  
~~Revised Code, and the offender is sentenced to a prison term for~~ 6763  
~~that offense pursuant to division (B)(2)(c) of section 2971.03 of~~ 6764  
~~the Revised Code, upon the request of the victim of the crime, the~~ 6765  
prosecutor promptly shall notify the victim of any hearing to be 6766  
conducted pursuant to section 2971.05 of the Revised Code to 6767  
determine whether to modify the requirement that the offender 6768  
serve the entire prison term in a state correctional facility in 6769  
accordance with division (C) of that section, whether to continue, 6770  
revise, or revoke any existing modification of that requirement, 6771  
or whether to terminate the prison term in accordance with 6772



division (D) of that section. The court shall notify the victim of 6773  
any order issued at the conclusion of the hearing. ~~As used in this~~ 6774  
~~division:~~ 6775

~~(a) "Adjudicated a sexually violent predator" has the same 6776~~  
~~meaning as in section 2929.01 of the Revised Code and a person is 6777~~  
~~"adjudicated a sexually violent predator" in the same manner and 6778~~  
~~the same circumstances as are described in that section. 6779~~

~~(b) "Designated homicide, assault, or kidnapping offense" and 6780~~  
~~"violent sex offense" have the same meanings as in section 2971.01 6781~~  
~~of the Revised Code. 6782~~

(C) Upon the victim's request made at any time before the 6783  
particular notice would be due, the custodial agency of a 6784  
defendant or alleged juvenile offender shall give the victim any 6785  
of the following notices that is applicable: 6786

(1) At least three weeks before the adult parole authority 6787  
recommends a pardon or commutation of sentence for the defendant 6788  
or at least three weeks prior to a hearing before the adult parole 6789  
authority regarding a grant of parole to the defendant, notice of 6790  
the victim's right to submit a statement regarding the impact of 6791  
the defendant's release in accordance with section 2967.12 of the 6792  
Revised Code and, if applicable, of the victim's right to appear 6793  
at a full board hearing of the parole board to give testimony as 6794  
authorized by section 5149.101 of the Revised Code; 6795

(2) At least three weeks before the defendant is transferred 6796  
to transitional control under section 2967.26 of the Revised Code, 6797  
notice of the pendency of the transfer and of the victim's right 6798  
under that section to submit a statement regarding the impact of 6799  
the transfer; 6800

(3) At least thirty days before the release authority of the 6801  
department of youth services holds a release review, release 6802  
hearing, or discharge review for the alleged juvenile offender, 6803

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  
kidnapping offense also includes both a specification of the type  
described in section 2941.147 of the Revised Code and a

specification that the offender is a sexually violent predator. 6835

(b) The offender is convicted of or pleads guilty to a 6836  
violation of division (A)(1)(b) of section 2907.02 of the Revised 6837  
Code committed on or after ~~the effective date of this amendment~~ 6838  
January 2, 2007, and division (B) of section 2907.02 of the 6839  
Revised Code does not prohibit the court from sentencing the 6840  
offender pursuant to section 2971.03 of the Revised Code. 6841

(c) The offender is convicted of or pleads guilty to 6842  
attempted rape committed on or after ~~the effective date of this~~ 6843  
~~amendment~~ January 2, 2007, and to a specification of the type 6844  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 6845  
Revised Code. 6846

(d) The offender is convicted of or pleads guilty to a 6847  
violation of section 2905.01 of the Revised Code and to a 6848  
specification of the type described in section 2941.147 of the 6849  
Revised Code, and section 2905.01 of the Revised Code requires a 6850  
court to sentence the offender pursuant to section 2971.03 of the 6851  
Revised Code. 6852

(e) The offender is convicted of or pleads guilty to 6853  
aggravated murder and to a specification of the type described in 6854  
section 2941.147 of the Revised Code, and division (A)(2)(b)(ii) 6855  
of section 2929.022, division (A)(1)(e), (C)(1)(a)(v), 6856  
(C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 6857  
2929.03, or division (A) or (B) of section 2929.06 of the Revised 6858  
Code requires a court to sentence the offender pursuant to 6859  
division (B)(3) of section 2971.03 of the Revised Code. 6860

(f) The offender is convicted of or pleads guilty to murder 6861  
and to a specification of the type described in section 2941.147 6862  
of the Revised Code, and division (B)(2) of section 2929.02 of the 6863  
Revised Code requires a court to sentence the offender pursuant to 6864  
section 2971.03 of the Revised Code. 6865

(2) A specification required under division (A)(1)(a) of this section that an offender is a sexually violent predator shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form:

"Specification (or, specification to the first count). The grand jury (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that the offender is a sexually violent predator."

(B) In determining for purposes of this section whether a person is a sexually violent predator, all of the factors set forth in divisions (H)(1) to (6) of section 2971.01 of the Revised Code that apply regarding the person may be considered as evidence tending to indicate that it is likely that the person will engage in the future in one or more sexually violent offenses.

(C) As used in this section, "designated homicide, assault, or kidnapping offense," "violent sex offense," and "sexually violent predator" have the same meanings as in section 2971.01 of the Revised Code.

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

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

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

(2) A violation of section 2907.04 of the Revised Code when the offender is less than four years older than the other person with whom the offender engaged in sexual conduct, the other person

did not consent to the sexual conduct, and the offender previously 6896  
has not been convicted of or pleaded guilty to a violation of 6897  
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 6898  
violation of former section 2907.12 of the Revised Code; 6899

(3) A violation of section 2907.04 of the Revised Code when 6900  
the offender is at least four years older than the other person 6901  
with whom the offender engaged in sexual conduct or when the 6902  
offender is less than four years older than the other person with 6903  
whom the offender engaged in sexual conduct and the offender 6904  
previously has been convicted of or pleaded guilty to a violation 6905  
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 6906  
violation of former section 2907.12 of the Revised Code; 6907

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 6908  
the Revised Code when the violation was committed with a sexual 6909  
motivation; 6910

(5) A violation of division (A) of section 2903.04 of the 6911  
Revised Code when the offender committed or attempted to commit 6912  
the felony that is the basis of the violation with a sexual 6913  
motivation; 6914

(6) A violation of division (A)(3) of section 2903.211 of the 6915  
Revised Code; 6916

(7) A violation of division (A)(1), (2), (3), or (5) of 6917  
section 2905.01 of the Revised Code when the offense is committed 6918  
with a sexual motivation; 6919

(8) A violation of division (A)(4) of section 2905.01 of the 6920  
Revised Code; 6921

(9) A violation of division (B) of section 2905.01 of the 6922  
Revised Code when the victim of the offense is under eighteen 6923  
years of age and the offender is not a parent of the victim of the 6924  
offense; 6925

(10) A violation of division (B) of section 2905.02, of 6926  
division (B) of section 2905.03, of division (B) of section 6927  
2905.05, or of division (B)(5) of section 2919.22 of the Revised 6928  
Code; 6929

(11) A violation of any former law of this state, any 6930  
existing or former municipal ordinance or law of another state or 6931  
the United States, any existing or former law applicable in a 6932  
military court or in an Indian tribal court, or any existing or 6933  
former law of any nation other than the United States that is or 6934  
was substantially equivalent to any offense listed in division 6935  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (10) of this 6936  
section; 6937

(12) Any attempt to commit, conspiracy to commit, or 6938  
complicity in committing any offense listed in division (A)(1), 6939  
(2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of this 6940  
section. 6941

(B)(1) "Sex offender" means, subject to division (B)(2) of 6942  
this section, a person who is convicted of, pleads guilty to, has 6943  
been convicted of, has pleaded guilty to, is adjudicated a 6944  
delinquent child for committing, or has been adjudicated a 6945  
delinquent child for committing any sexually oriented offense. 6946

(2) "Sex offender" does not include a person who is convicted 6947  
of, pleads guilty to, has been convicted of, has pleaded guilty 6948  
to, is adjudicated a delinquent child for committing, or has been 6949  
adjudicated a delinquent child for committing a sexually oriented 6950  
offense if the offense involves consensual sexual conduct or 6951  
consensual sexual contact and either of the following applies: 6952

(a) The victim of the sexually oriented offense was eighteen 6953  
years of age or older and at the time of the sexually oriented 6954  
offense was not under the custodial authority of the person who is 6955  
convicted of, pleads guilty to, has been convicted of, has pleaded 6956

guilty to, is adjudicated a delinquent child for committing, or 6957  
has been adjudicated a delinquent child for committing the 6958  
sexually oriented offense. 6959

(b) The victim of the offense was thirteen years of age or 6960  
older, and the person who is convicted of, pleads guilty to, has 6961  
been convicted of, has pleaded guilty to, is adjudicated a 6962  
delinquent child for committing, or has been adjudicated a 6963  
delinquent child for committing the sexually oriented offense is 6964  
not more than four years older than the victim. 6965

(C) "Child-victim oriented offense" means any of the 6966  
following violations or offenses committed by a person, regardless 6967  
of the person's age, when the victim is under eighteen years of 6968  
age and is not a child of the person who commits the violation: 6969

(1) A violation of division (A)(1), (2), (3), or (5) of 6970  
section 2905.01 of the Revised Code when the violation is not 6971  
included in division (A)(7) of this section; 6972

(2) A violation of division (A) of section 2905.02, division 6973  
(A) of section 2905.03, or division (A) of section 2905.05 of the 6974  
Revised Code; 6975

(3) A violation of any former law of this state, any existing 6976  
or former municipal ordinance or law of another state or the 6977  
United States, any existing or former law applicable in a military 6978  
court or in an Indian tribal court, or any existing or former law 6979  
of any nation other than the United States that is or was 6980  
substantially equivalent to any offense listed in division (C)(1) 6981  
or (2) of this section; 6982

(4) Any attempt to commit, conspiracy to commit, or 6983  
complicity in committing any offense listed in division (C)(1), 6984  
(2), or (3) of this section. 6985

(D) "Child-victim offender" means a person who is convicted 6986  
of, pleads guilty to, has been convicted of, has pleaded guilty 6987

to, is adjudicated a delinquent child for committing, or has been 6988  
adjudicated a delinquent child for committing any child-victim 6989  
oriented offense. 6990

(E) "Tier I sex offender/child-victim offender" means any of 6991  
the following: 6992

(1) A sex offender who is convicted of, pleads guilty to, has 6993  
been convicted of, or has pleaded guilty to any of the following 6994  
sexually oriented offenses: 6995

(a) A violation of section 2907.06, 2907.07, 2907.08, or 6996  
2907.32 of the Revised Code; 6997

(b) A violation of section 2907.04 of the Revised Code when 6998  
the offender is less than four years older than the other person 6999  
with whom the offender engaged in sexual conduct, the other person 7000  
did not consent to the sexual conduct, and the offender previously 7001  
has not been convicted of or pleaded guilty to a violation of 7002  
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 7003  
violation of former section 2907.12 of the Revised Code; 7004

(c) A violation of division (A)(1), (2), (3), or (5) of 7005  
section 2907.05 of the Revised Code; 7006

(d) A violation of division (A)(3) of section 2907.323 of the 7007  
Revised Code; 7008

(e) A violation of division (A)(3) of section 2903.211, of 7009  
division (B) of section 2905.03, or of division (B) of section 7010  
2905.05 of the Revised Code; 7011

(f) A violation of any former law of this state, any existing 7012  
or former municipal ordinance or law of another state or the 7013  
United States, any existing or former law applicable in a military 7014  
court or in an Indian tribal court, or any existing or former law 7015  
of any nation other than the United States, that is or was 7016  
substantially equivalent to any offense listed in division 7017



(E)(1)(a), (b), (c), (d), or (e) of this section; 7018

(g) Any attempt to commit, conspiracy to commit, or 7019  
complicity in committing any offense listed in division (E)(1)(a), 7020  
(b), (c), (d), (e), or (f) of this section. 7021

(2) A child-victim offender who is convicted of, pleads 7022  
guilty to, has been convicted of, or has pleaded guilty to a 7023  
child-victim oriented offense and who is not within either 7024  
category of child-victim offender described in division (F)(2) or 7025  
(G)(2) of this section. 7026

(3) A sex offender who is adjudicated a delinquent child for 7027  
committing or has been adjudicated a delinquent child for 7028  
committing any sexually oriented offense and who a juvenile court, 7029  
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 7030  
Revised Code, classifies a tier I sex offender/child-victim 7031  
offender relative to the offense. 7032

(4) A child-victim offender who is adjudicated a delinquent 7033  
child for committing or has been adjudicated a delinquent child 7034  
for committing any child-victim oriented offense and who a 7035  
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 7036  
2152.85 of the Revised Code, classifies a tier I sex 7037  
offender/child-victim offender relative to the offense. 7038

(F) "Tier II sex offender/child-victim offender" means any of 7039  
the following: 7040

(1) A sex offender who is convicted of, pleads guilty to, has 7041  
been convicted of, or has pleaded guilty to any of the following 7042  
sexually oriented offenses: 7043

(a) A violation of section 2907.21, 2907.321, or 2907.322 of 7044  
the Revised Code; 7045

(b) A violation of section 2907.04 of the Revised Code when 7046  
the offender is at least four years older than the other person 7047

with whom the offender engaged in sexual conduct, or when the 7048  
offender is less than four years older than the other person with 7049  
whom the offender engaged in sexual conduct and the offender 7050  
previously has been convicted of or pleaded guilty to a violation 7051  
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or 7052  
former section 2907.12 of the Revised Code; 7053

(c) A violation of division (A)(4) of section 2907.05 or of 7054  
division (A)(1) or (2) of section 2907.323 of the Revised Code; 7055

(d) A violation of division (A)(1), (2), (3), or (5) of 7056  
section 2905.01 of the Revised Code when the offense is committed 7057  
with a sexual motivation; 7058

(e) A violation of division (A)(4) of section 2905.01 of the 7059  
Revised Code when the victim of the offense is eighteen years of 7060  
age or older; 7061

(f) A violation of division (B) of section 2905.02 or of 7062  
division (B)(5) of section 2919.22 of the Revised Code; 7063

(g) A violation of any former law of this state, any existing 7064  
or former municipal ordinance or law of another state or the 7065  
United States, any existing or former law applicable in a military 7066  
court or in an Indian tribal court, or any existing or former law 7067  
of any nation other than the United States that is or was 7068  
substantially equivalent to any offense listed in division 7069  
(F)(1)(a), (b), (c), (d), (e), or (f) of this section; 7070

(h) Any attempt to commit, conspiracy to commit, or 7071  
complicity in committing any offense listed in division (F)(1)(a), 7072  
(b), (c), (d), (e), (f), or (g) of this section; 7073

(i) Any sexually oriented offense that is committed after the 7074  
sex offender previously has been convicted of, pleaded guilty to, 7075  
or has been adjudicated a delinquent child for committing any 7076  
sexually oriented offense or child-victim oriented offense for 7077  
which the offender was classified a tier I sex 7078

offender/child-victim offender. 7079

(2) A child-victim offender who is convicted of, pleads 7080  
guilty to, has been convicted of, or has pleaded guilty to any 7081  
child-victim oriented offense when the child-victim oriented 7082  
offense is committed after the child-victim offender previously 7083  
has been convicted of, pleaded guilty to, or been adjudicated a 7084  
delinquent child for committing any sexually oriented offense or 7085  
child-victim oriented offense for which the offender was 7086  
classified a tier I sex offender/child-victim offender. 7087

(3) A sex offender who is adjudicated a delinquent child for 7088  
committing or has been adjudicated a delinquent child for 7089  
committing any sexually oriented offense and who a juvenile court, 7090  
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 7091  
Revised Code, classifies a tier II sex offender/child-victim 7092  
offender relative to the offense. 7093

(4) A child-victim offender who is adjudicated a delinquent 7094  
child for committing or has been adjudicated a delinquent child 7095  
for committing any child-victim oriented offense and whom a 7096  
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 7097  
2152.85 of the Revised Code, classifies a tier II sex 7098  
offender/child-victim offender relative to the current offense. 7099

(5) A sex offender or child-victim offender who is not in any 7100  
category of tier II sex offender/child-victim offender set forth 7101  
in division (F)(1), (2), (3), or (4) of this section, who prior to 7102  
January 1, 2008, was adjudicated a delinquent child for committing 7103  
a sexually oriented offense or child-victim oriented offense, and 7104  
who prior to that date was determined to be a habitual sex 7105  
offender or determined to be a habitual child-victim offender, 7106  
unless either of the following applies: 7107

(a) The sex offender or child-victim offender is reclassified 7108  
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 7109

tier I sex offender/child-victim offender or a tier III sex offender/child-victim offender relative to the offense. 7110  
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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. 7112  
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(G) "Tier III sex offender/child-victim offender" means any of the following: 7116  
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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: 7118  
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(a) A violation of section 2907.02 or 2907.03 of the Revised Code; 7121  
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(b) A violation of division (B) of section 2907.05 of the Revised Code; 7123  
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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; 7125  
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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; 7128  
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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; 7132  
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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 offense; 7135  
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(g) A violation of any former law of this state, any existing 7139

or former municipal ordinance or law of another state or the 7140  
United States, any existing or former law applicable in a military 7141  
court or in an Indian tribal court, or any existing or former law 7142  
of any nation other than the United States that is or was 7143  
substantially equivalent to any offense listed in division 7144  
(G)(1)(a), (b), (c), (d), (e), or (f) of this section; 7145

(h) Any attempt to commit, conspiracy to commit, or 7146  
complicity in committing any offense listed in division (G)(1)(a), 7147  
(b), (c), (d), (e), (f), or (g) of this section; 7148

(i) Any sexually oriented offense that is committed after the 7149  
sex offender previously has been convicted of, pleaded guilty to, 7150  
or been adjudicated a delinquent child for committing any sexually 7151  
oriented offense or child-victim oriented offense for which the 7152  
offender was classified a tier II sex offender/child-victim 7153  
offender or a tier III sex offender/child-victim offender. 7154

(2) A child-victim offender who is convicted of, pleads 7155  
guilty to, has been convicted of, or has pleaded guilty to any 7156  
child-victim oriented offense when the child-victim oriented 7157  
offense is committed after the child-victim offender previously 7158  
has been convicted of, pleaded guilty to, or been adjudicated a 7159  
delinquent child for committing any sexually oriented offense or 7160  
child-victim oriented offense for which the offender was 7161  
classified a tier II sex offender/child-victim offender or a tier 7162  
III sex offender/child-victim offender. 7163

(3) A sex offender who is adjudicated a delinquent child for 7164  
committing or has been adjudicated a delinquent child for 7165  
committing any sexually oriented offense and who a juvenile court, 7166  
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 7167  
Revised Code, classifies a tier III sex offender/child-victim 7168  
offender relative to the offense. 7169

(4) A child-victim offender who is adjudicated a delinquent 7170

child for committing or has been adjudicated a delinquent child 7171  
for committing any child-victim oriented offense and whom a 7172  
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 7173  
2152.85 of the Revised Code, classifies a tier III sex 7174  
offender/child-victim offender relative to the current offense. 7175

(5) A sex offender or child-victim offender who is not in any 7176  
category of tier III sex offender/child-victim offender set forth 7177  
in division (G)(1), (2), (3), or (4) of this section, who prior to 7178  
January 1, 2008, was convicted of or pleaded guilty to a sexually 7179  
oriented offense or child-victim oriented offense or was 7180  
adjudicated a delinquent child for committing a sexually oriented 7181  
offense or child-victim oriented offense and classified a juvenile 7182  
offender registrant, and who prior to that date was adjudicated a 7183  
sexual predator or adjudicated a child-victim predator, unless 7184  
either of the following applies: 7185

(a) The sex offender or child-victim offender is reclassified 7186  
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 7187  
tier I sex offender/child-victim offender or a tier II sex 7188  
offender/child-victim offender relative to the offense. 7189

(b) The sex offender or child-victim offender is a delinquent 7190  
child, and a juvenile court, pursuant to section 2152.82, 2152.83, 7191  
2152.84, or 2152.85 of the Revised Code, classifies the child a 7192  
tier I sex offender/child-victim offender or a tier II sex 7193  
offender/child-victim offender relative to the offense. 7194

(6) A sex offender who is convicted of, pleads guilty to, was 7195  
convicted of, or pleaded guilty to a sexually oriented offense, if 7196  
the sexually oriented offense and the circumstances in which it 7197  
was committed are such that division (F) of section 2971.03 of the 7198  
Revised Code automatically classifies the offender as a tier III 7199  
sex offender/child-victim offender; 7200

(7) A sex offender or child-victim offender who is convicted 7201

of, pleads guilty to, was convicted of, pleaded guilty to, is 7202  
adjudicated a delinquent child for committing, or was adjudicated 7203  
a delinquent child for committing a sexually oriented offense or 7204  
child-victim offense in another state, in a federal court, 7205  
military court, or Indian tribal court, or in a court in any 7206  
nation other than the United States if both of the following 7207  
apply: 7208

(a) Under the law of the jurisdiction in which the offender 7209  
was convicted or pleaded guilty or the delinquent child was 7210  
adjudicated, the offender or delinquent child is in a category 7211  
substantially equivalent to a category of tier III sex 7212  
offender/child-victim offender described in division (G)(1), (2), 7213  
(3), (4), (5), or (6) of this section. 7214

(b) Subsequent to the conviction, plea of guilty, or 7215  
adjudication in the other jurisdiction, the offender or delinquent 7216  
child resides, has temporary domicile, attends school or an 7217  
institution of higher education, is employed, or intends to reside 7218  
in this state in any manner and for any period of time that 7219  
subjects the offender or delinquent child to a duty to register or 7220  
provide notice of intent to reside under section 2950.04 or 7221  
2950.041 of the Revised Code. 7222

(H) "Confinement" includes, but is not limited to, a 7223  
community residential sanction imposed pursuant to section 2929.16 7224  
or 2929.26 of the Revised Code. 7225

~~(B) "Habitual sex offender" means, except when a juvenile~~ 7226  
~~judge removes this classification pursuant to division (A)(2) of~~ 7227  
~~section 2152.84 or division (C)(2) of section 2152.85 of the~~ 7228  
~~Revised Code, a person to whom both of the following apply:~~ 7229

~~(1) The person is convicted of or pleads guilty to a sexually~~ 7230  
~~oriented offense that is not a registration exempt sexually~~ 7231  
~~oriented offense, or the person is adjudicated a delinquent child~~ 7232

~~for committing on or after January 1, 2002, a sexually oriented 7233  
offense that is not a registration exempt sexually oriented 7234  
offense, was fourteen years of age or older at the time of 7235  
committing the offense, and is classified a juvenile sex offender 7236  
registrant based on that adjudication. 7237~~

~~(2) One of the following applies to the person: 7238~~

~~(a) Regarding a person who is an offender, the person 7239  
previously was convicted of or pleaded guilty to one or more 7240  
sexually oriented offenses or child victim oriented offenses or 7241  
previously was adjudicated a delinquent child for committing one 7242  
or more sexually oriented offenses or child victim oriented 7243  
offenses and was classified a juvenile offender registrant or 7244  
out of state juvenile offender registrant based on one or more of 7245  
those adjudications, regardless of when the offense was committed 7246  
and regardless of the person's age at the time of committing the 7247  
offense. 7248~~

~~(b) Regarding a delinquent child, the person previously was 7249  
convicted of, pleaded guilty to, or was adjudicated a delinquent 7250  
child for committing one or more sexually oriented offenses or 7251  
child victim oriented offenses, regardless of when the offense was 7252  
committed and regardless of the person's age at the time of 7253  
committing the offense. 7254~~

~~(C)(I) "Prosecutor" has the same meaning as in section 7255  
2935.01 of the Revised Code. 7256~~

~~(D) "Sexually oriented offense" means any of the following: 7257~~

~~(1) Any of the following violations or offenses committed by 7258  
a person eighteen years of age or older: 7259~~

~~(a) Regardless of the age of the victim of the offense, a 7260  
violation of section 2907.02, 2907.03, 2907.05, or 2907.07 of the 7261  
Revised Code; 7262~~



~~(b) Any of the following offenses involving a minor, in the  
circumstances specified:~~ 7263 7264

~~(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;~~ 7265 7266 7267

~~(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;~~ 7268 7269 7270 7271 7272

~~(iii) A violation of division (A)(1) or (3) of section  
2907.321 or 2907.322 of the Revised Code;~~ 7273 7274

~~(iv) A violation of division (A)(1) or (2) of section  
2907.323 of the Revised Code;~~ 7275 7276

~~(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;~~ 7277 7278 7279

~~(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.~~ 7280 7281 7282 7283 7284

~~(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;~~ 7285 7286 7287 7288

~~(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  
included in the indictment, count in the indictment, or~~ 7289 7290 7291 7292

~~information charging the designated homicide, assault, or 7293  
kidnapping offense; 7294~~

~~(c) A violation of section 2907.06 or 2907.08 of the Revised 7295  
Code when the victim of the offense is eighteen years of age or 7296  
older, or a violation of section 2903.211 of the Revised Code when 7297  
the victim of the offense is eighteen years of age or older and 7298  
the offense is committed with a sexual motivation; 7299~~

~~(f) A violation of any former law of this state, any existing 7300  
or former municipal ordinance or law of another state or the 7301  
United States, any existing or former law applicable in a military 7302  
court or in an Indian tribal court, or any existing or former law 7303  
of any nation other than the United States, that is or was 7304  
substantially equivalent to any offense listed in division 7305  
(D)(1)(a), (b), (c), (d), or (e) of this section; 7306~~

~~(g) An attempt to commit, conspiracy to commit, or complicity 7307  
in committing any offense listed in division (D)(1)(a), (b), (c), 7308  
(d), (e), or (f) of this section. 7309~~

~~(2) An act committed by a person under eighteen years of age 7310  
that is any of the following: 7311~~

~~(a) Subject to division (D)(2)(i) of this section, regardless 7312  
of the age of the victim of the violation, a violation of section 7313  
2907.02, 2907.03, 2907.05, or 2907.07 of the Revised Code; 7314~~

~~(b) Subject to division (D)(2)(i) of this section, any of the 7315  
following acts involving a minor in the circumstances specified: 7316~~

~~(i) A violation of division (A)(4) of section 2905.01 or 7317  
section 2907.06 or 2907.08 of the Revised Code, when the victim of 7318  
the violation is under eighteen years of age; 7319~~

~~(ii) A violation of section 2907.21 of the Revised Code when 7320  
the person who is compelled, induced, procured, encouraged, 7321  
solicited, requested, or facilitated to engage in, paid or agreed 7322~~

~~to be paid for, or allowed to engage in the sexual activity in~~ 7323  
~~question is under eighteen years of age;~~ 7324

~~(iii) A violation of division (B)(5) of section 2919.22 of~~ 7325  
~~the Revised Code when the child who is involved in the violation~~ 7326  
~~is under eighteen years of age;~~ 7327

~~(iv) A violation of division (A)(1), (2), (3), or (5) of~~ 7328  
~~section 2905.01, section 2903.211, or former section 2905.04 of~~ 7329  
~~the Revised Code, when the victim of the violation is under~~ 7330  
~~eighteen years of age and the offense is committed with a sexual~~ 7331  
~~motivation.~~ 7332

~~(e) Subject to division (D)(2)(i) of this section, any of the~~ 7333  
~~following:~~ 7334

~~(i) Any violent sex offense that, if committed by an adult,~~ 7335  
~~would be a felony of the first, second, third, or fourth degree;~~ 7336

~~(ii) Any designated homicide, assault, or kidnapping offense~~ 7337  
~~if that offense, if committed by an adult, would be a felony of~~ 7338  
~~the first, second, third, or fourth degree and if the court~~ 7339  
~~determined that, if the child was an adult, the child would be~~ 7340  
~~guilty of a sexual motivation specification regarding that~~ 7341  
~~offense.~~ 7342

~~(d) Subject to division (D)(2)(i) of this section, a~~ 7343  
~~violation of section 2903.01, 2903.02, 2903.11, 2905.01, or~~ 7344  
~~2905.02 of the Revised Code, a violation of division (A) of~~ 7345  
~~section 2903.04 of the Revised Code, or an attempt to violate any~~ 7346  
~~of those sections or that division that is committed with a sexual~~ 7347  
~~motivation;~~ 7348

~~(e) Subject to division (D)(2)(i) of this section, a~~ 7349  
~~violation of division (A)(1) or (3) of section 2907.321, division~~ 7350  
~~(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of~~ 7351  
~~section 2907.323 of the Revised Code, or an attempt to violate any~~ 7352  
~~of those divisions, if the person who violates or attempts to~~ 7353

~~violate the division is four or more years older than the minor~~ 7354  
~~who is the victim of the violation;~~ 7355

~~(f) Subject to division (D)(2)(i) of this section, a~~ 7356  
~~violation of section 2907.06 or 2907.08 of the Revised Code when~~ 7357  
~~the victim of the violation is eighteen years of age or older, or~~ 7358  
~~a violation of section 2903.211 of the Revised Code when the~~ 7359  
~~victim of the violation is eighteen years of age or older and the~~ 7360  
~~offense is committed with a sexual motivation;~~ 7361

~~(g) Subject to division (D)(2)(i) of this section, any~~ 7362  
~~violation of any former law of this state, any existing or former~~ 7363  
~~municipal ordinance or law of another state or the United States,~~ 7364  
~~any existing or former law applicable in a military court or in an~~ 7365  
~~Indian tribal court, or any existing or former law of any nation~~ 7366  
~~other than the United States, that is or was substantially~~ 7367  
~~equivalent to any offense listed in division (D)(2)(a), (b), (c),~~ 7368  
~~(d), (e), or (f) of this section and that, if committed by an~~ 7369  
~~adult, would be a felony of the first, second, third, or fourth~~ 7370  
~~degree;~~ 7371

~~(h) Subject to division (D)(2)(i) of this section, any~~ 7372  
~~attempt to commit, conspiracy to commit, or complicity in~~ 7373  
~~committing any offense listed in division (D)(2)(a), (b), (c),~~ 7374  
~~(d), (e), (f), or (g) of this section;~~ 7375

~~(i) If the child's case has been transferred for criminal~~ 7376  
~~prosecution under section 2152.12 of the Revised Code, the act is~~ 7377  
~~any violation listed in division (D)(1)(a), (b), (c), (d), (e),~~ 7378  
~~(f), or (g) of this section or would be any offense listed in any~~ 7379  
~~of those divisions if committed by an adult.~~ 7380

~~(E) "Sexual predator" means a person to whom either of the~~ 7381  
~~following applies:~~ 7382

~~(1) The person has been convicted of or pleaded guilty to~~ 7383  
~~committing a sexually oriented offense that is not a~~ 7384

~~registration exempt sexually oriented offense and is likely to~~ 7385  
~~engage in the future in one or more sexually oriented offenses.~~ 7386

~~(2) The person has been adjudicated a delinquent child for~~ 7387  
~~committing a sexually oriented offense that is not a~~ 7388  
~~registration exempt sexually oriented offense, was fourteen years~~ 7389  
~~of age or older at the time of committing the offense, was~~ 7390  
~~classified a juvenile offender registrant based on that~~ 7391  
~~adjudication, and is likely to engage in the future in one or more~~ 7392  
~~sexually oriented offenses.~~ 7393

~~(F)(J)~~ "Supervised release" means a release of an offender 7394  
from a prison term, a term of imprisonment, or another type of 7395  
confinement that satisfies either of the following conditions: 7396

(1) The release is on parole, a conditional pardon, under a 7397  
community control sanction, under transitional control, or under a 7398  
post-release control sanction, and it requires the person to 7399  
report to or be supervised by a parole officer, probation officer, 7400  
field officer, or another type of supervising officer. 7401

(2) The release is any type of release that is not described 7402  
in division ~~(F)(J)~~(1) of this section and that requires the person 7403  
to report to or be supervised by a probation officer, a parole 7404  
officer, a field officer, or another type of supervising officer. 7405

~~(G) An offender or delinquent child is "adjudicated as being~~ 7406  
~~a sexual predator" or "adjudicated a sexual predator" if any of~~ 7407  
~~the following applies and if, regarding a delinquent child, that~~ 7408  
~~status has not been removed pursuant to section 2152.84, 2152.85,~~ 7409  
~~or 2950.09 of the Revised Code:~~ 7410

~~(1) The offender is convicted of or pleads guilty to~~ 7411  
~~committing, on or after January 1, 1997, a sexually oriented~~ 7412  
~~offense that is not a registration exempt sexually oriented~~ 7413  
~~offense, and any of the following apply:~~ 7414

~~(a) The sexually oriented offense is a violent sex offense or~~ 7415

~~a designated homicide, assault, or kidnapping offense, and the  
offender is adjudicated a sexually violent predator in relation to  
that offense.~~

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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.~~

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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.~~

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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.~~

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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.~~

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~~(4) Prior to January 1, 1997, the offender was convicted of  
or pleaded guilty to, and was sentenced for, a sexually oriented~~

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~~offense that is not a registration exempt sexually oriented 7447~~  
~~offense, the offender is imprisoned in a state correctional 7448~~  
~~institution on or after January 1, 1997, and the court determines 7449~~  
~~pursuant to division (C) of section 2950.09 of the Revised Code 7450~~  
~~that the offender is a sexual predator. 7451~~

~~(5) Regardless of when the sexually oriented offense was 7452~~  
~~committed, the offender or delinquent child is convicted of or 7453~~  
~~pleads guilty to, has been convicted of or pleaded guilty to, or 7454~~  
~~is adjudicated a delinquent child for committing a sexually 7455~~  
~~oriented offense that is not a registration exempt sexually 7456~~  
~~oriented offense in another state, in a federal court, military 7457~~  
~~court, or Indian tribal court, or in a court in any nation other 7458~~  
~~than the United States, as a result of that conviction, plea of 7459~~  
~~guilty, or adjudication, the offender or delinquent child is 7460~~  
~~required, under the law of the jurisdiction in which the offender 7461~~  
~~was convicted or pleaded guilty or the delinquent child was 7462~~  
~~adjudicated, to register as a sex offender until the offender's or 7463~~  
~~delinquent child's death, and, on or after July 1, 1997, for 7464~~  
~~offenders or January 1, 2002, for delinquent children, the 7465~~  
~~offender or delinquent child moves to and resides in this state or 7466~~  
~~temporarily is domiciled in this state for more than five days or 7467~~  
~~the offender is required under section 2950.04 of the Revised Code 7468~~  
~~to register a school, institution of higher education, or place of 7469~~  
~~employment address in this state, unless a court of common pleas 7470~~  
~~or juvenile court determines that the offender or delinquent child 7471~~  
~~is not a sexual predator pursuant to division (F) of section 7472~~  
~~2950.09 of the Revised Code. 7473~~

~~(H)(K) "Sexually violent predator specification," "sexually 7474~~  
~~violent predator," "sexually violent offense," "sexual motivation 7475~~  
~~specification," "designated homicide, assault, or kidnapping 7476~~  
~~offense," and "violent sex offense" have the same meanings as in 7477~~  
~~section 2971.01 of the Revised Code. 7478~~

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

~~(J)~~(M) "Juvenile offender registrant" means a person who is adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense ~~that is not a registration-exempt sexually oriented offense~~ or a child-victim oriented offense, who is fourteen years of age or older at the time of committing the offense, and who a juvenile court judge, pursuant to an order issued under section 2152.82, 2152.83, 2152.84, ~~or~~ 2152.85, or 2152.86 of the Revised Code, classifies a juvenile offender registrant and specifies has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code ~~if the child committed a sexually oriented offense or with sections 2950.041, 2950.05, and 2950.06 of the Revised Code if the child committed a child victim oriented offense.~~ "Juvenile offender registrant" includes a person who prior to January 1, 2008, was a "juvenile offender registrant" under the definition of the term in existence prior to January 1, 2008, and a person who, prior to July 31, 2003, was a "juvenile sex offender registrant" under the former definition of that former term.

~~(K)~~(N) "Public registry-qualified juvenile offender registrant" means a person who is adjudicated a delinquent child and on whom a juvenile court has imposed a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code before, on, or after January 1, 2008, and to whom all of the following apply:

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

(a) A violation of section 2907.02 of the Revised Code, division (B) of section 2907.05 of the Revised Code, or section



2907.03 of the Revised Code if the victim of the violation was 7511  
less than twelve years of age; 7512

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 7513  
the Revised Code that was committed with a purpose to gratify the 7514  
sexual needs or desires of the child. 7515

(2) The person was fourteen, fifteen, sixteen, or seventeen 7516  
years of age at the time of committing the act. 7517

(3) A juvenile court judge, pursuant to an order issued under 7518  
section 2152.86 of the Revised Code, classifies the person a 7519  
juvenile offender registrant, specifies the person has a duty to 7520  
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 7521  
Code, and classifies the person a public registry-qualified 7522  
juvenile offender registrant, and the classification of the person 7523  
as a public registry-qualified juvenile offender registrant has 7524  
not been terminated pursuant to division (D) of section 2152.86 of 7525  
the Revised Code. 7526

(O) "Secure facility" means any facility that is designed and 7527  
operated to ensure that all of its entrances and exits are locked 7528  
and under the exclusive control of its staff and to ensure that, 7529  
because of that exclusive control, no person who is 7530  
institutionalized or confined in the facility may leave the 7531  
facility without permission or supervision. 7532

~~(L)~~(P) "Out-of-state juvenile offender registrant" means a 7533  
person who is adjudicated a delinquent child in a court in another 7534  
state, in a federal court, military court, or Indian tribal court, 7535  
or in a court in any nation other than the United States for 7536  
committing a sexually oriented offense ~~that is not a~~ 7537  
~~registration-exempt sexually oriented offense~~ or a child-victim 7538  
oriented offense, who on or after January 1, 2002, moves to and 7539  
resides in this state or temporarily is domiciled in this state 7540  
for more than five days, and who has a duty under section 2950.04 7541

~~or 2950.041 of the Revised Code to register in this state and the~~ 7542  
~~duty to otherwise comply with that applicable section and sections~~ 7543  
~~2950.05 and 2950.06 of the Revised Code if the child committed a~~ 7544  
~~sexually oriented offense or has a duty under section 2950.041 of~~ 7545  
~~the Revised Code to register in this state and the duty to~~ 7546  
~~otherwise comply with that section and sections 2950.05 and~~ 7547  
~~2950.06 of the Revised Code if the child committed a child-victim~~ 7548  
~~oriented offense. "Out-of-state juvenile offender registrant"~~ 7549  
~~includes a person who prior to January 1, 2008, was an~~ 7550  
~~"out-of-state juvenile offender registrant" under the definition~~ 7551  
~~of the term in existence prior to January 1, 2008, and a person~~ 7552  
~~who, prior to July 31, 2003, was an "out-of-state juvenile sex~~ 7553  
~~offender registrant" under the former definition of that former~~ 7554  
~~term.~~ 7555

~~(M)~~(Q) "Juvenile court judge" includes a magistrate to whom 7556  
the juvenile court judge confers duties pursuant to division 7557  
(A)(15) of section 2151.23 of the Revised Code. 7558

~~(N)~~(R) "Adjudicated a delinquent child for committing a 7559  
sexually oriented offense" includes a child who receives a serious 7560  
youthful offender dispositional sentence under section 2152.13 of 7561  
the Revised Code for committing a sexually oriented offense. 7562

~~(O) "Aggravated sexually oriented offense" means a violation~~ 7563  
~~of division (A)(1)(b) of section 2907.02 of the Revised Code~~ 7564  
~~committed on or after June 13, 2002, or a violation of division~~ 7565  
~~(A)(2) of that section committed on or after July 31, 2003.~~ 7566

~~(P)(1) "Presumptive registration exempt sexually oriented~~ 7567  
~~offense" means any of the following sexually oriented offenses~~ 7568  
~~described in division (P)(1)(a), (b), (c), (d), or (e) of this~~ 7569  
~~section, when the offense is committed by a person who previously~~ 7570  
~~has not been convicted of, pleaded guilty to, or adjudicated a~~ 7571  
~~delinquent child for committing any sexually oriented offense~~ 7572  
~~described in division (P)(1)(a), (b), (c), (d), or (e) of this~~ 7573

~~section, any other sexually oriented offense, or any child victim~~ 7574  
~~oriented offense and when the victim or intended victim of the~~ 7575  
~~offense is eighteen years of age or older;~~ 7576

~~(a) Any sexually oriented offense listed in division~~ 7577  
~~(D)(1)(c) or (D)(2)(f) of this section committed by a person who~~ 7578  
~~is eighteen years of age or older or, subject to division~~ 7579  
~~(P)(1)(c) of this section, committed by a person who is under~~ 7580  
~~eighteen years of age;~~ 7581

~~(b) Any violation of any former law of this state, any~~ 7582  
~~existing or former municipal ordinance or law of another state or~~ 7583  
~~the United States, any existing or former law applicable in a~~ 7584  
~~military court or in an Indian tribal court, or any existing or~~ 7585  
~~former law of any nation other than the United States that is~~ 7586  
~~committed by a person who is eighteen years of age or older and~~ 7587  
~~that is or was substantially equivalent to any sexually oriented~~ 7588  
~~offense listed in division (P)(1)(a) of this section;~~ 7589

~~(c) Subject to division (P)(1)(c) of this section, any~~ 7590  
~~violation of any former law of this state, any existing or former~~ 7591  
~~municipal ordinance or law of another state or the United States,~~ 7592  
~~any existing or former law applicable in a military court or in an~~ 7593  
~~Indian tribal court, or any existing or former law of any nation~~ 7594  
~~other than the United States that is committed by a person who is~~ 7595  
~~under eighteen years of age, that is or was substantially~~ 7596  
~~equivalent to any sexually oriented offense listed in division~~ 7597  
~~(P)(1)(a) of this section, and that would be a felony of the~~ 7598  
~~fourth degree if committed by an adult;~~ 7599

~~(d) Any attempt to commit, conspiracy to commit, or~~ 7600  
~~complicity in committing any offense listed in division (P)(1)(a)~~ 7601  
~~or (b) of this section if the person is eighteen years of age or~~ 7602  
~~older or, subject to division (P)(1)(c) of this section, listed in~~ 7603  
~~division (P)(1)(a) or (c) of this section if the person is under~~ 7604  
~~eighteen years of age.~~ 7605

~~(c) Regarding an act committed by a person under eighteen years of age, if the child's case has been transferred for criminal prosecution under section 2152.12 of the Revised Code, the act is any sexually oriented offense listed in division (P)(1)(a), (b), or (d) of this section.~~

~~(2) "Presumptive registration exempt sexually oriented offense" does not include any sexually oriented offense described in division (P)(1)(a), (b), (c), (d), or (e) of this section that is committed by a person who previously has been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing any sexually oriented offense described in division (P)(1)(a), (b), (c), (d), or (e) of this section or any other sexually oriented offense.~~

~~(Q)(1) "Registration exempt sexually oriented offense" means any presumptive registration exempt sexually oriented offense, if a court does not issue an order under section 2950.021 of the Revised Code that removes the presumptive exemption and subjects the offender who was convicted of or pleaded guilty to the offense to registration under section 2950.04 of the Revised Code and all other duties and responsibilities generally imposed under this chapter upon persons who are convicted of or plead guilty to any sexually oriented offense other than a presumptive registration exempt sexually oriented offense or that removes the presumptive exemption and potentially subjects the child who was adjudicated a delinquent child for committing the offense to classification as a juvenile offender registrant under section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code and to registration under section 2950.04 of the Revised Code and all other duties and responsibilities generally imposed under this chapter upon persons who are adjudicated delinquent children for committing a sexually oriented offense other than a presumptive registration exempt sexually oriented offense.~~

~~(2) "Registration exempt sexually oriented offense" does not~~ 7638  
~~include a presumptive registration exempt sexually oriented~~ 7639  
~~offense if a court issues an order under section 2950.021 of the~~ 7640  
~~Revised Code that removes the presumptive exemption and subjects~~ 7641  
~~the offender or potentially subjects the delinquent child to the~~ 7642  
~~duties and responsibilities described in division (Q)(1) of this~~ 7643  
~~section.~~ 7644

~~(R)(S)~~ "School" and "school premises" have the same meanings 7645  
as in section 2925.01 of the Revised Code. 7646

~~(S)(1) "Child victim oriented offense" means any of the~~ 7647  
~~following:~~ 7648

~~(a) Subject to division (S)(2) of this section, any of the~~ 7649  
~~following violations or offenses committed by a person eighteen~~ 7650  
~~years of age or older, when the victim of the violation is under~~ 7651  
~~eighteen years of age and is not a child of the person who commits~~ 7652  
~~the violation:~~ 7653

~~(i) A violation of division (A)(1), (2), (3), or (5) of~~ 7654  
~~section 2905.01, of section 2905.02, 2905.03, or 2905.05, or of~~ 7655  
~~former section 2905.04 of the Revised Code;~~ 7656

~~(ii) A violation of any former law of this state, any~~ 7657  
~~existing or former municipal ordinance or law of another state or~~ 7658  
~~the United States, any existing or former law applicable in a~~ 7659  
~~military court or in an Indian tribal court, or any existing or~~ 7660  
~~former law of any nation other than the United States, that is or~~ 7661  
~~was substantially equivalent to any offense listed in division~~ 7662  
~~(S)(1)(a)(i) of this section;~~ 7663

~~(iii) An attempt to commit, conspiracy to commit, or~~ 7664  
~~complicity in committing any offense listed in division~~ 7665  
~~(S)(1)(a)(i) or (ii) of this section.~~ 7666

~~(b) Subject to division (S)(2) of this section, an act~~ 7667  
~~committed by a person under eighteen years of age that is any of~~ 7668

~~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 7700  
(A)(2) of section 2152.84 or division (C)(2) of section 2152.85 of 7701  
the Revised Code, a person to whom both of the following apply: 7702~~

~~(a) The person is convicted of or pleads guilty to a 7703  
child victim oriented offense, or the person is adjudicated a 7704  
delinquent child for committing on or after January 1, 2002, a 7705  
child victim oriented offense, was fourteen years of age or older 7706  
at the time of committing the offense, and is classified a 7707  
juvenile offender registrant based on that adjudication. 7708~~

~~(b) One of the following applies to the person: 7709~~

~~(i) Regarding a person who is an offender, the person 7710  
previously was convicted of or pleaded guilty to one or more 7711  
child victim oriented offenses or previously was adjudicated a 7712  
delinquent child for committing one or more child victim oriented 7713  
offenses and was classified a juvenile offender registrant or 7714  
out of state juvenile offender registrant based on one or more of 7715  
those adjudications, regardless of when the offense was committed 7716  
and regardless of the person's age at the time of committing the 7717  
offense. 7718~~

~~(ii) Regarding a delinquent child, the person previously was 7719  
convicted of, pleaded guilty to, or was adjudicated a delinquent 7720  
child for committing one or more child victim oriented offenses, 7721  
regardless of when the offense was committed and regardless of the 7722  
person's age at the time of committing the offense. 7723~~

~~(2) "Habitual child victim offender" includes a person who 7724  
has been convicted of, pleaded guilty to, or adjudicated a 7725  
delinquent child for committing, a child victim oriented offense 7726  
and who, on and after July 31, 2003, is automatically classified a 7727  
habitual child victim offender pursuant to division (E) of section 7728  
2950.091 of the Revised Code. 7729~~

~~(U) "Child victim predator" means a person to whom either of 7730~~

~~the following applies:~~

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~~(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.~~

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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.~~

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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:~~

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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.~~

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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.~~

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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~~

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~~or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of~~ 7762  
~~the Revised Code that the delinquent child is a child victim~~ 7763  
~~predator.~~ 7764

~~(4) Prior to July 31, 2003, the offender was convicted of or~~ 7765  
~~pleaded guilty to a child victim oriented offense, at the time of~~ 7766  
~~the conviction or guilty plea, the offense was considered a~~ 7767  
~~sexually oriented offense, on or after July 31, 2003, the offender~~ 7768  
~~is serving a term of imprisonment in a state correctional~~ 7769  
~~institution, and the court determines pursuant to division (C) of~~ 7770  
~~section 2950.091 of the Revised Code that the offender is a~~ 7771  
~~child victim predator.~~ 7772

~~(5) Regardless of when the child victim oriented offense was~~ 7773  
~~committed, the offender or delinquent child is convicted, pleads~~ 7774  
~~guilty, has been convicted, pleaded guilty, or adjudicated a~~ 7775  
~~delinquent child in a court in another state, in a federal court,~~ 7776  
~~military court, or Indian tribal court, or in a court in any~~ 7777  
~~nation other than the United States for committing a child victim~~ 7778  
~~oriented offense, as a result of that conviction, plea of guilty,~~ 7779  
~~or adjudication, the offender or delinquent child is required~~ 7780  
~~under the law of the jurisdiction in which the offender was~~ 7781  
~~convicted or pleaded guilty or the delinquent child was~~ 7782  
~~adjudicated, to register as a child victim offender or sex~~ 7783  
~~offender until the offender's or delinquent child's death, and, on~~ 7784  
~~or after July 1, 1997, for offenders or January 1, 2002, for~~ 7785  
~~delinquent children the offender or delinquent child moves to and~~ 7786  
~~resides in this state or temporarily is domiciled in this state~~ 7787  
~~for more than five days or the offender is required under section~~ 7788  
~~2950.041 of the Revised Code to register a school, institution of~~ 7789  
~~higher education, or place of employment address in this state,~~ 7790  
~~unless a court of common pleas or juvenile court determines that~~ 7791  
~~the offender or delinquent child is not a child victim predator~~ 7792  
~~pursuant to division (F) of section 2950.091 of the Revised Code.~~ 7793

~~(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 7825  
contrary in sections 2950.02 to 2950.99 of the Revised Code, all 7826  
references in any of those sections to "sexually oriented offense" 7827  
include, in addition to the violations specified in division (A) 7828  
of section 2950.01 of the Revised Code on and after January 1, 7829  
2008, any sexually oriented offense, as that term was defined in 7830  
section 2950.01 of the Revised Code prior to January 1, 2008, that 7831  
was committed prior to that date and that was not a registration 7832  
exempt sexually oriented offense, as that term was defined in that 7833  
section prior to January 1, 2008. 7834

Except as specifically provided to the contrary in sections 7835  
2950.02 to 2950.99 of the Revised Code, all references in any of 7836  
those sections to "child-victim oriented offense" include, in 7837  
addition to the violations specified in division (C) of section 7838  
2950.01 of the Revised Code on and after January 1, 2008, any 7839  
child-victim oriented offense, as that term was defined in section 7840  
2950.01 of the Revised Code prior to January 1, 2008, that was 7841  
committed prior to that date. 7842

**Sec. 2950.02.** (A) The general assembly hereby determines and 7843  
declares that it recognizes and finds all of the following: 7844

(1) If the public is provided adequate notice and information 7845  
about offenders and delinquent children who commit sexually 7846  
oriented offenses ~~that are not registration exempt sexually~~ 7847  
~~oriented offenses~~ or who commit child-victim oriented offenses, 7848  
members of the public and communities can develop constructive 7849  
plans to prepare themselves and their children for the offender's 7850  
or delinquent child's release from imprisonment, a prison term, or 7851  
other confinement or detention. This allows members of the public 7852  
and communities to meet with members of law enforcement agencies 7853  
to prepare and obtain information about the rights and 7854  
responsibilities of the public and the communities and to provide 7855

education and counseling to their children. 7856

(2) Sex offenders and ~~offenders who commit~~ child-victim 7857  
~~oriented offenses~~ offenders pose a risk of engaging in further 7858  
sexually abusive behavior even after being released from 7859  
imprisonment, a prison term, or other confinement or detention, 7860  
and protection of members of the public from sex offenders and 7861  
~~offenders who commit~~ child-victim ~~oriented offenses~~ offenders is a 7862  
paramount governmental interest. 7863

(3) The penal, juvenile, and mental health components of the 7864  
justice system of this state are largely hidden from public view, 7865  
and a lack of information from any component may result in the 7866  
failure of the system to satisfy this paramount governmental 7867  
interest of public safety described in division (A)(2) of this 7868  
section. 7869

(4) Overly restrictive confidentiality and liability laws 7870  
governing the release of information about sex offenders and 7871  
~~offenders who commit~~ child-victim ~~oriented offenses~~ offenders have 7872  
reduced the willingness to release information that could be 7873  
appropriately released under the public disclosure laws and have 7874  
increased risks of public safety. 7875

(5) A person who is found to be a sex offender or ~~to have~~ 7876  
~~committed~~ a child-victim ~~oriented offense~~ offender has a reduced 7877  
expectation of privacy because of the public's interest in public 7878  
safety and in the effective operation of government. 7879

(6) The release of information about sex offenders and 7880  
~~offenders who commit~~ child-victim ~~oriented offenses~~ offenders to 7881  
public agencies and the general public will further the 7882  
governmental interests of public safety and public scrutiny of the 7883  
criminal, juvenile, and mental health systems as long as the 7884  
information released is rationally related to the furtherance of 7885  
those goals. 7886

(B) The general assembly hereby declares that, in providing 7887  
in this chapter for registration regarding offenders and certain 7888  
delinquent children who have committed sexually oriented offenses 7889  
~~that are not registration exempt sexually oriented offenses~~ or who 7890  
have committed child-victim oriented offenses and for community 7891  
notification regarding ~~sexual predators, child-victim predators,~~ 7892  
~~habitual sex offenders, and habitual child-victim offenders tier~~ 7893  
III sex offenders/child-victim offenders who are criminal 7894  
offenders, public registry-qualified juvenile offender 7895  
registrants, and certain other juvenile offender registrants who 7896  
are about to be or have been released from imprisonment, a prison 7897  
term, or other confinement or detention and who will live in or 7898  
near a particular neighborhood or who otherwise will live in or 7899  
near a particular neighborhood, it is the general assembly's 7900  
intent to protect the safety and general welfare of the people of 7901  
this state. The general assembly further declares that it is the 7902  
policy of this state to require the exchange in accordance with 7903  
this chapter of relevant information about sex offenders and 7904  
~~offenders who commit child-victim oriented offenses~~ offenders 7905  
among public agencies and officials and to authorize the release 7906  
in accordance with this chapter of necessary and relevant 7907  
information about sex offenders and ~~offenders who commit~~ 7908  
child-victim ~~oriented offenses~~ offenders to members of the general 7909  
public as a means of assuring public protection and that the 7910  
exchange or release of that information is not punitive. 7911

**Sec. 2950.03.** (A) Each person who has been convicted of, is 7912  
convicted of, has pleaded guilty to, or pleads guilty to a 7913  
sexually oriented offense ~~that is not a registration exempt~~ 7914  
~~sexually~~ or a child-victim oriented offense and who has a duty to 7915  
register pursuant to section 2950.04 or 2950.041 of the Revised 7916  
Code, and each person who is adjudicated a delinquent child for 7917  
committing a sexually oriented offense ~~that is not a~~ 7918

~~registration exempt sexually oriented offense or a child-victim~~ 7919  
~~oriented offense~~ and who is classified a juvenile offender 7920  
registrant based on that adjudication, ~~each person who has been~~ 7921  
~~convicted of, is convicted of, has pleaded guilty to, or pleads~~ 7922  
~~guilty to a child victim oriented offense and has a duty to~~ 7923  
~~register pursuant to section 2950.041 of the Revised Code, and~~ 7924  
~~each person who is adjudicated a delinquent child for committing a~~ 7925  
~~child victim oriented offense and who is classified a juvenile~~ 7926  
~~offender registrant based on that adjudication~~ shall be provided 7927  
notice in accordance with this section of the offender's or 7928  
delinquent child's duties imposed under sections 2950.04, 7929  
2950.041, 2950.05, and 2950.06 of the Revised Code and of the 7930  
offender's duties to similarly register, provide notice of a 7931  
change, and verify addresses in another state if the offender 7932  
resides, is temporarily domiciled, attends a school or institution 7933  
of higher education, or is employed in a state other than this 7934  
state. ~~A person who has been convicted of, is convicted of, has~~ 7935  
~~pleaded guilty to, or pleads guilty to a sexually oriented offense~~ 7936  
~~that is a registration exempt sexually oriented offense, and a~~ 7937  
~~person who is or has been adjudicated a delinquent child for~~ 7938  
~~committing a sexually oriented offense that is a~~ 7939  
~~registration exempt sexually oriented offense, does not have a~~ 7940  
~~duty to register under section 2950.04 of the Revised Code based~~ 7941  
~~on that conviction, guilty plea, or adjudication, and no notice is~~ 7942  
~~required to be provided to that person under this division based~~ 7943  
~~on that conviction, guilty plea, or adjudication.~~ The following 7944  
official shall provide the notice required under this division to 7945  
the specified person at the following time: 7946

(1) Regardless of when the person committed the sexually 7947  
oriented offense or child-victim oriented offense, if the person 7948  
is an offender who is sentenced ~~for the sexually oriented offense~~ 7949  
~~or child victim oriented offense~~ to a prison term, a term of 7950  
imprisonment, or any other type of confinement for any offense, 7951

and if, on or after January 1, ~~1997~~ 2008, the offender is serving 7952  
that term or is under that confinement, subject to division (A)(5) 7953  
of this section, the official in charge of the jail, workhouse, 7954  
state correctional institution, or other institution in which the 7955  
offender serves the prison term, term of imprisonment, or 7956  
confinement, or a designee of that official, shall provide the 7957  
notice to the offender before the offender is released pursuant to 7958  
any type of supervised release or before the offender otherwise is 7959  
released from the prison term, term of imprisonment, or 7960  
confinement. ~~This division applies to a child victim oriented~~ 7961  
~~offense if the offender is sentenced for the offense on or after~~ 7962  
~~July 31, 2003, or if, prior to July 31, 2003, the child victim~~ 7963  
~~oriented offense was a sexually oriented offense and the offender~~ 7964  
~~was sentenced as described in this division for the child victim~~ 7965  
~~oriented offense when it was designated a sexually oriented~~ 7966  
~~offense. If a person was provided notice under this division prior~~ 7967  
~~to July 31, 2003, in relation to an offense that, prior to July~~ 7968  
~~31, 2003, was a sexually oriented offense but that, on and after~~ 7969  
~~July 31, 2003, is a child victim oriented offense, the notice~~ 7970  
~~provided under this division shall suffice for purposes of this~~ 7971  
~~section as notice to the offender of the offender's duties under~~ 7972  
~~sections 2950.041, 2950.05, and 2950.06 of the Revised Code~~ 7973  
~~imposed as a result of the conviction of or plea of guilty to the~~ 7974  
~~child victim oriented offense.~~ 7975

(2) Regardless of when the person committed the sexually 7976  
oriented offense or child-victim oriented offense, if the person 7977  
is an offender who is sentenced ~~for the sexually oriented offense~~ 7978  
~~on or after January 1, 1997, or who is sentenced for the~~ 7979  
~~child victim oriented offense on or after July 31, 2003~~ January 1, 7980  
2008 for any offense, and if division (A)(1) of this section does 7981  
not apply, the judge shall provide the notice to the offender at 7982  
the time of sentencing. ~~If a person was provided notice under this~~ 7983  
~~division prior to July 31, 2003, in relation to an offense that,~~ 7984

~~prior to July 31, 2003,, was a sexually oriented offense but that,  
on and after July 31, 2003,, is a child victim oriented offense,  
the notice so provided under this division shall suffice for  
purposes of this section as notice to the offender of the  
offender's duties under sections 2950.041, 2950.05, and 2950.06 of  
the Revised Code imposed as a result of the conviction of or plea  
of guilty to the child victim oriented offense.~~

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~~(3) If the person is an offender who committed the sexually  
oriented offense prior to January 1, 1997, if neither division  
(A)(1) nor division (A)(2) of this section applies, and if,  
immediately prior to January 1, 1997, the offender was a habitual  
sex offender who was required to register under Chapter 2950. of  
the Revised Code, the chief of police or sheriff with whom the  
offender most recently registered under that chapter, in the  
circumstances described in this division, shall provide the notice  
to the offender. If the offender has registered with a chief of  
police or sheriff under Chapter 2950. of the Revised Code as it  
existed prior to January 1, 1997, the chief of police or sheriff  
with whom the offender most recently registered shall provide the  
notice to the offender as soon as possible after January 1, 1997,  
as described in division (B)(1) of this section. If the offender  
has not registered with a chief of police or sheriff under that  
chapter, the failure to register shall constitute a waiver by the  
offender of any right to notice under this section. If an offender  
described in this division does not receive notice under this  
section, the offender is not relieved of the offender's duties  
imposed under sections 2950.04, 2950.05, and 2950.06 of the  
Revised Code.~~

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~~(4) If neither division (A)(1), (2), nor (3) of this section  
applies and if the offender is adjudicated a sexual predator  
pursuant to division (C) of section 2950.09 of the Revised Code or  
a child victim predator pursuant to division (C) of section~~

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~~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 8049  
sections within the specified ninety day period. If the offender 8050  
does not so register, provide notice of a change in, or verify an 8051  
address within the specified ninety day period, the sheriff shall 8052  
provide the notice to the offender by sending it to the offender 8053  
at the most recent residence address available for the offender. 8054  
If the offender was required to register prior to July 31, 2003, 8055  
and failed to do so, the failure to register constitutes a waiver 8056  
by the offender of any right to notice under this division. If the 8057  
offender has not registered prior to July 31, 2003, the offender 8058  
is presumed to have knowledge of the law and of the duties 8059  
referred to in this division that are imposed on and after July 8060  
31, 2003. If an offender does not receive notice under this 8061  
division, the offender is not relieved of any of the duties 8062  
described in this division. 8063

(4) If the person is a delinquent child who is classified as 8064  
both a juvenile offender registrant and a public 8065  
registry-qualified juvenile offender registrant on or after 8066  
January 1, 2008, the judge shall provide the notice to the 8067  
delinquent child at the time specified in division (B) of section 8068  
2152.86 of the Revised Code. 8069

(5) If the person is an offender or delinquent child in any 8070  
of the following categories, the attorney general, department of 8071  
rehabilitation and correction, or department of youth services 8072  
shall provide the notice to the offender or delinquent child at 8073  
the time and in the manner specified in section 2950.031 or 8074  
division (A) or (B) of section 2950.032 of the Revised Code, 8075  
whichever is applicable: 8076

(a) An offender or delinquent child who prior to December 1, 8077  
2007, has registered a residence, school, institution of higher 8078  
education, or place of employment address pursuant to section 8079  
2950.04, 2950.041, or 2950.05 of the Revised Code; 8080

(b) An offender or delinquent child who registers with a 8081  
sheriff pursuant to section 2950.04 or 2950.041 of the Revised 8082  
Code on or after December 1, 2007, previously had not registered 8083  
under either section with that sheriff or any other sheriff, and 8084  
was convicted of, pleaded guilty to, or was classified a juvenile 8085  
offender registrant relative to the sexually oriented offense or 8086  
child-victim oriented offense upon which the registration was 8087  
based prior to December 1, 2007; 8088

(c) An offender who on December 1, 2007, is serving a prison 8089  
term in a state correctional institution for a sexually oriented 8090  
offense or child-victim oriented offense or each delinquent child 8091  
who has been classified a juvenile offender registrant relative to 8092  
a sexually oriented offense or child-victim oriented offense and 8093  
who on that date is confined in an institution of the department 8094  
of youth services for the sexually oriented offense or 8095  
child-victim oriented offense; 8096

(d) An offender or delinquent child who on or after December 8097  
2, 2007, commences a prison term in a state correctional 8098  
institution or confinement in an institution of the department of 8099  
youth services for a sexually oriented offense or child-victim 8100  
oriented offense and who was convicted of, pleaded guilty to, or 8101  
was classified a juvenile offender registrant relative to the 8102  
sexually oriented offense or child-victim oriented offense prior 8103  
to that date. 8104

(6) If the person is an offender or delinquent child who on 8105  
or after July 1, 2007, and prior to January 1, 2008, is convicted 8106  
of or pleads guilty to a sexually oriented offense or a 8107  
child-victim oriented offense and is not sentenced to a prison 8108  
term for that offense or is classified a juvenile offender 8109  
registrant relative to a sexually oriented offense or child-victim 8110  
oriented offense and is not committed to the custody of the 8111  
department of youth services for that offense, the sentencing 8112

court or juvenile court shall provide the notice to the offender 8113  
or delinquent child at the time and in the manner specified in 8114  
division (C) of section 2950.032 of the Revised Code. 8115

(7) If the person is an offender or delinquent child who has 8116  
a duty to register in this state pursuant to division (A)~~(3)~~(4) of 8117  
section 2950.04 or 2950.041 of the Revised Code, the offender or 8118  
delinquent child is presumed to have knowledge of the law and of 8119  
the offender's or delinquent child's duties imposed under sections 8120  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 8121

(B)(1) The notice provided under division (A) of this section 8122  
shall inform the offender or delinquent child of the offender's or 8123  
delinquent child's duty to register, to provide notice of a change 8124  
in the offender's or delinquent child's residence address or in 8125  
the offender's school, institution of higher education, or place 8126  
of employment address, as applicable, and register the new 8127  
address, to periodically verify the offender's or delinquent 8128  
child's residence address or the offender's school, institution of 8129  
higher education, or place of employment address, as applicable, 8130  
and, if applicable, to provide notice of the offender's or 8131  
delinquent child's intent to reside, pursuant to sections 2950.04, 8132  
2950.041, 2950.05, and 2950.06 of the Revised Code. The notice 8133  
shall specify that, for an offender, it applies regarding 8134  
residence addresses or school, institution of higher education, 8135  
and place of employment addresses and that, for a delinquent 8136  
child, it applies regarding residence addresses. Additionally, it 8137  
shall inform the offender of the offender's duties to similarly 8138  
register, provide notice of a change in, and verify those 8139  
addresses in states other than this state as described in division 8140  
(A) of this section. ~~A notice provided under division (A)(6) of~~ 8141  
~~this section shall state the new duties imposed on the offender on~~ 8142  
~~and after July 31, 2003, to register, provide notice of a change~~ 8143  
~~in, and periodically verify, a school, institution of higher~~ 8144

~~education, or place of employment address and specify that the new~~ 8145  
~~duties are in addition to the prior duties imposed upon the~~ 8146  
~~offender. A notice provided under division (A)(1), (2), (3), or~~ 8147  
~~(4), or (5) of this section shall comport with the following:~~ 8148

~~(a) If the notice is provided to an offender under division~~ 8149  
~~(A)(3) of this section, the notice shall state the offender's~~ 8150  
~~duties to register, to file a notice of intent to reside, if~~ 8151  
~~applicable, to register a new residence address or new school,~~ 8152  
~~institution of higher education, or place of employment address,~~ 8153  
~~and to periodically verify those addresses, the offender's duties~~ 8154  
~~in other states as described in division (A) of this section, and~~ 8155  
~~that, if the offender has any questions concerning these duties,~~ 8156  
~~the offender may contact the chief of police or sheriff who sent~~ 8157  
~~the form for an explanation of the duties. If the offender appears~~ 8158  
~~in person before the chief of police or sheriff, the chief or~~ 8159  
~~sheriff shall provide the notice as described in division~~ 8160  
~~(B)(1)(a) of this section, and all provisions of this section that~~ 8161  
~~apply regarding a notice provided by an official, official's~~ 8162  
~~designee, or judge in that manner shall be applicable.~~ 8163

~~(b)~~ If the notice is provided to an offender under division 8164  
~~(A)(1), or (2), or (4) of this section, the official, official's~~ 8165  
~~designee, or judge shall require the offender to read and sign a~~ 8166  
~~form stating that the offender's duties to register, to file a~~ 8167  
~~notice of intent to reside, if applicable, to register a new~~ 8168  
~~residence address or new school, institution of higher education,~~ 8169  
~~or place of employment address, and to periodically verify those~~ 8170  
~~addresses, and the offender's duties in other states as described~~ 8171  
~~in division (A) of this section have been explained to the~~ 8172  
~~offender. If the offender is unable to read, the official,~~ 8173  
~~official's designee, or judge shall certify on the form that the~~ 8174  
~~official, designee, or judge specifically informed the offender of~~ 8175  
~~those duties and that the offender indicated an understanding of~~ 8176

those duties. 8177

~~(e)~~(b) If the notice is provided to a delinquent child under 8178  
division (A)~~(5)~~(3) or (4) of this section, the judge shall require 8179  
the delinquent child and the delinquent child's parent, guardian, 8180  
or custodian to read and sign a form stating that the delinquent 8181  
child's duties to register, to file a notice of intent to reside, 8182  
if applicable, to register a new residence address, and to 8183  
periodically verify that address have been explained to the 8184  
delinquent child and to the delinquent child's parent, guardian, 8185  
or custodian. If the delinquent child or the delinquent child's 8186  
parent, guardian, or custodian is unable to read, the judge shall 8187  
certify on the form that the judge specifically informed the 8188  
delinquent child or the delinquent child's parent, guardian, or 8189  
custodian of those duties and that the delinquent child or the 8190  
delinquent child's parent, guardian, or custodian indicated an 8191  
understanding of those duties. 8192

(2) The notice provided under divisions (A)(1) to ~~(6)~~(4) of 8193  
this section shall be on a form prescribed by the bureau of 8194  
criminal identification and investigation and shall contain all of 8195  
the information specified in division (A) of this section and all 8196  
of the information required by the bureau. The notice provided 8197  
under divisions (A)(1) to ~~(5)~~(4) of this section shall include, 8198  
but is not limited to, all of the following: 8199

(a) For any notice provided under ~~division~~ divisions (A)(1) 8200  
to ~~(5)~~(4) of this section, ~~a statement as to whether the offender~~ 8201  
~~or delinquent child has been adjudicated a sexual predator or a~~ 8202  
~~child-victim predator relative to the sexually oriented offense or~~ 8203  
~~child-victim oriented offense in question, a statement as to~~ 8204  
~~whether the offender or delinquent child has been determined to be~~ 8205  
~~a habitual sex offender or habitual child-victim offender, a~~ 8206  
~~statement as to whether the offense for which the offender has the~~ 8207  
~~duty to register is an aggravated sexually oriented offense, an~~ 8208

explanation of the offender's periodic residence address or 8209  
periodic school, institution of higher education, or place of 8210  
employment address verification process or of the delinquent 8211  
child's periodic residence address verification process, an 8212  
explanation of the frequency with which the offender or delinquent 8213  
child will be required to verify those addresses under that 8214  
process, a statement that the offender or delinquent child must 8215  
verify those addresses at the times specified under that process 8216  
or face criminal prosecution or a delinquent child proceeding, and 8217  
an explanation of the offender's duty to similarly register, 8218  
verify, and reregister those addresses in another state if the 8219  
offender resides in another state, attends a school or institution 8220  
of higher education in another state, or is employed in another 8221  
state. 8222

~~(b) If the notice is provided under division (A)(4) of this 8223  
section, a statement that the notice replaces any notice 8224  
previously provided to the offender under division (A)(1) of this 8225  
section, a statement that the offender's duties described in this 8226  
notice supersede the duties described in the prior notice, and a 8227  
statement notifying the offender that, if the offender already has 8228  
registered under section 2950.04 or 2950.041 of the Revised Code, 8229  
the offender must register again pursuant to division (A)(6) of 8230  
that section;~~ 8231

~~(e)~~ If the notice is provided under division (A)~~(5)~~(3) or (4) 8232  
of this section, a statement that the delinquent child has been 8233  
classified by the adjudicating juvenile court judge or the judge's 8234  
successor in office a juvenile offender registrant and, if 8235  
applicable, a public-registry qualified juvenile offender 8236  
registrant and has a duty to comply with sections 2950.04, 8237  
2950.041, 2950.05, and 2950.06 of the Revised Code; 8238

~~(d)~~(c) If the notice is provided under division (A)~~(5)~~(3) or 8239  
(4) of this section, a statement that, if the delinquent child 8240

fails to comply with the requirements of sections 2950.04, 8241  
2950.041, 2950.05, and 2950.06 of the Revised Code, both of the 8242  
following apply: 8243

(i) If the delinquent child's failure occurs while the child 8244  
is under eighteen years of age, the child is subject to 8245  
proceedings under Chapter 2152. of the Revised Code based on the 8246  
failure, but if the failure occurs while the child is eighteen 8247  
years of age or older, the child is subject to criminal 8248  
prosecution based on the failure. 8249

(ii) If the delinquent child's failure occurs while the child 8250  
is under eighteen years of age, unless the child is emancipated, 8251  
as defined in section 2919.121 of the Revised Code, the failure of 8252  
the parent, guardian, or custodian to ensure that the child 8253  
complies with those requirements is a violation of section 2919.24 8254  
of the Revised Code and may result in the prosecution of the 8255  
parent, guardian, or custodian for that violation. 8256

(3)(a) After an offender described in division (A)(1) or 8257  
(2) ~~or (4)~~ of this section has signed the form described in 8258  
divisions (B)(1) and (2) of this section or the official, 8259  
official's designee, or judge has certified on the form that the 8260  
form has been explained to the offender and that the offender 8261  
indicated an understanding of the duties indicated on it, the 8262  
official, official's designee, or judge shall give one copy of the 8263  
form to the offender, within three days shall send one copy of the 8264  
form to the bureau of criminal identification and investigation in 8265  
accordance with the procedures adopted pursuant to section 2950.13 8266  
of the Revised Code, ~~and~~ shall send one copy of the form to the 8267  
sheriff of the county in which the offender expects to reside, and 8268  
shall send one copy of the form to the sheriff of the county in 8269  
which the offender was convicted or pleaded guilty if the offender 8270  
has a duty to register pursuant to division (A)(1) of section 8271  
2950.04 or 2950.041 of the Revised Code. 8272



(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 8305  
state or any other state, shall obtain the offender's or 8306  
delinquent child's criminal and delinquency history, and shall 8307  
obtain a photograph and the fingerprints of the offender or 8308  
delinquent child. Regarding an offender, the official, designee, 8309  
or judge also shall obtain from the offender the offender's 8310  
current or expected future school, institution of higher 8311  
education, or place of employment address in this state, if any. 8312  
If the notice is provided by a judge under division (A)(2), 8313  
~~(4)(3)~~, or ~~(5)(4)~~ of this section, the sheriff shall provide the 8314  
offender's or delinquent child's criminal and delinquency history 8315  
to the judge. The official, official's designee, or judge shall 8316  
obtain this information and these items prior to giving the 8317  
notice, except that a judge may give the notice prior to obtaining 8318  
the offender's or delinquent child's criminal and delinquency 8319  
history. Within three days after receiving this information and 8320  
these items, the official, official's designee, or judge shall 8321  
forward the information and items to the bureau of criminal 8322  
identification and investigation in accordance with the forwarding 8323  
procedures adopted pursuant to section 2950.13 of the Revised 8324  
Code, to the sheriff of the county in which the offender or 8325  
delinquent child expects to reside and to the sheriff of the 8326  
county in which the offender or delinquent child was convicted, 8327  
pleaded guilty, or adjudicated a delinquent child if the offender 8328  
or delinquent child has a duty to register pursuant to division 8329  
(A)(1) of section 2950.04 or 2950.041 of the Revised Code, and, 8330  
regarding an offender, to the sheriff of the county, if any, in 8331  
which the offender attends or will attend a school or institution 8332  
of higher education or is or will be employed. If the notice is 8333  
provided under division (A)~~(5)~~(3) or (4) of this section and if 8334  
the delinquent child has been committed to the department of youth 8335  
services or to a secure facility, the judge, in addition to the 8336  
other information and items described in this division, also shall 8337

forward to the bureau and to the sheriff notification that the 8338  
child has been so committed. If it has not already done so, the 8339  
bureau of criminal identification and investigation shall forward 8340  
a copy of the fingerprints and conviction data received under this 8341  
division to the federal bureau of investigation. 8342

~~(2) If the notice is provided under division (A)(3) of this 8343  
section, the chief of police or sheriff shall determine the 8344  
offender's name, identifying factors, and residence address in 8345  
this state or any other state, shall obtain the offender's 8346  
criminal history from the bureau of criminal identification and 8347  
investigation, and, to the extent possible, shall obtain a 8348  
photograph and the fingerprints of the offender. Regarding an 8349  
offender, the chief or sheriff also shall obtain from the offender 8350  
the offender's current or expected future school, institution of 8351  
higher education, or place of employment address in this state, if 8352  
any. Within three days after receiving this information and these 8353  
items, the chief or sheriff shall forward the information and 8354  
items to the bureau of criminal identification and investigation 8355  
in accordance with the forwarding procedures adopted pursuant to 8356  
section 2950.13 of the Revised Code and, in relation to a chief of 8357  
police, to the sheriff of the county in which the offender 8358  
resides, and, regarding an offender, to the sheriff of the county, 8359  
if any, in which the offender attends or will attend a school or 8360  
institution of higher education or is or will be employed. If it 8361  
has not already done so, the bureau of criminal identification and 8362  
investigation shall forward a copy of the fingerprints and 8363  
conviction data so received to the federal bureau of 8364  
investigation. 8365~~

Sec. 2950.031. (A)(1) At any time on or after July 1, 2007, 8366  
and not later than December 1, 2007, the attorney general shall 8367  
determine for each offender or delinquent child who prior to 8368  
December 1, 2007, has registered a residence, school, institution 8369

of higher education, or place of employment address pursuant to 8370  
section 2950.04, 2950.041, or 2950.05 of the Revised Code the 8371  
offender's or delinquent child's new classification as a tier I 8372  
sex offender/child-victim offender, a tier II sex 8373  
offender/child-victim offender, or a tier III sex 8374  
offender/child-victim offender under Chapter 2950. of the Revised 8375  
Code as it will exist under the changes that will be implemented 8376  
on January 1, 2008, the offender's or delinquent child's duties 8377  
under Chapter 2950. of the Revised Code as so changed, and, 8378  
regarding a delinquent child, whether the child is a public 8379  
registry-qualified juvenile offender registrant. 8380

(2) At any time on or after July 1, 2007, and not later than 8381  
December 1, 2007, the attorney general shall send to each offender 8382  
or delinquent child who prior to December 1, 2007, has registered 8383  
a residence, school, institution of higher education, or place of 8384  
employment address pursuant to section 2950.04, 2950.041, or 8385  
2950.05 of the Revised Code a registered letter that contains the 8386  
information described in this division. The registered letter 8387  
shall be sent return receipt requested to the last reported 8388  
address of the person and, if the person is a delinquent child, 8389  
the last reported address of the parents of the delinquent child. 8390  
The letter sent to an offender or to a delinquent child and the 8391  
delinquent child's parents pursuant to this division shall notify 8392  
the offender or the delinquent child and the delinquent child's 8393  
parents of all of the following: 8394

(a) The changes in Chapter 2950. of the Revised Code that 8395  
will be implemented on January 1, 2008; 8396

(b) Subject to division (A)(2)(c) of this section, the 8397  
offender's or delinquent child's new classification as a tier I 8398  
sex offender/child-victim offender, a tier II sex 8399  
offender/child-victim offender, or a tier III sex 8400  
offender/child-victim offender under Chapter 2950. of the Revised 8401

Code as it will exist under the changes that will be implemented 8402  
on January 1, 2008, the offender's or delinquent child's duties 8403  
under Chapter 2950. of the Revised Code as so changed and the 8404  
duration of those duties, whether the delinquent child is 8405  
classified a public registry-qualified juvenile offender 8406  
registrant, and the information specified in division (B) of 8407  
section 2950.03 of the Revised Code to the extent it is relevant 8408  
to the offender or delinquent child; 8409

(c) The fact that the offender or delinquent child has a 8410  
right to a hearing as described in division (E) of this section, 8411  
the procedures for requesting the hearing, and the period of time 8412  
within which the request for the hearing must be made. 8413

(d) If the offender's or delinquent child's duty to comply 8414  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 8415  
Revised Code is scheduled to terminate on or after July 1, 2007, 8416  
and prior to January 1, 2008, under the version of section 2950.07 8417  
of the Revised Code that is in effect prior to January 1, 2008, a 8418  
summary of the provisions of section 2950.033 of the Revised Code 8419  
and the application of those provisions to the offender or 8420  
delinquent child, provided that this division applies to a 8421  
delinquent child only if the child is in a category specified in 8422  
division (C) of section 2950.033 of the Revised Code. 8423

(3) The attorney general shall make the determinations 8424  
described in division (A)(1) of this section for each offender or 8425  
delinquent child who has registered an address as described in 8426  
that division, even if the offender's duty to comply with sections 8427  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code is 8428  
scheduled to terminate prior to January 1, 2008, under the version 8429  
of section 2950.07 of the Revised Code that is in effect prior to 8430  
that date or the delinquent child is in a category specified in 8431  
division (C) of section 2950.033 of the Revised Code and the 8432  
child's duty to comply with those sections is scheduled to 8433

terminate prior to January 1, 2008, under the version of section 8434  
2950.07 of the Revised Code that is in effect prior to that date. 8435  
The attorney general shall send the registered letter described in 8436  
division (A)(2) of this section to each offender or delinquent 8437  
child who has registered an address as described in that division 8438  
even if the offender's duty to comply with sections 2950.04, 8439  
2950.041, 2950.05, and 2950.06 of the Revised Code is scheduled to 8440  
terminate prior to January 1, 2008, under the version of section 8441  
2950.07 of the Revised Code that is in effect prior to that date, 8442  
or the delinquent child is in a category specified in division (C) 8443  
of section 2950.033 of the Revised Code, and the child's duty to 8444  
comply with those sections is scheduled to terminate prior to 8445  
January 1, 2008, under the version of section 2950.07 of the 8446  
Revised Code that is in effect prior to that date. Section 8447  
2950.033 of the Revised Code applies to any offender who has 8448  
registered an address as described in division (A)(1) or (2) of 8449  
this section and whose duty to comply with sections 2950.04, 8450  
2950.041, 2950.05, and 2950.06 of the Revised Code is scheduled to 8451  
terminate prior to January 1, 2008, under the version of section 8452  
2950.07 of the Revised Code that is in effect prior to that date, 8453  
or the delinquent child is in a category specified in division (C) 8454  
of section 2950.033 of the Revised Code, and the child's duty to 8455  
comply with those sections is scheduled to terminate prior to 8456  
January 1, 2008, under the version of section 2950.07 of the 8457  
Revised Code that is in effect prior to that date. 8458

(B) If a sheriff informs the attorney general pursuant to 8459  
section 2950.043 of the Revised Code that an offender or 8460  
delinquent child registered with the sheriff pursuant to section 8461  
2950.04 or 2950.041 of the Revised Code on or after December 1, 8462  
2007, that the offender or delinquent child previously had not 8463  
registered under either section with that sheriff or any other 8464  
sheriff, and that the offender or delinquent child was convicted 8465  
of, pleaded guilty to, or was classified a juvenile offender 8466

registrant relative to the sexually oriented offense or 8467  
child-victim oriented offense upon which the registration was 8468  
based prior to December 1, 2007, within fourteen days after being 8469  
so informed of the registration and receiving the information and 8470  
material specified in division (D) of that section, the attorney 8471  
general shall determine for the offender or delinquent child all 8472  
of the matters specified in division (A)(1) of this section. Upon 8473  
making the determinations, the attorney general immediately shall 8474  
send to the offender or to the delinquent child and the delinquent 8475  
child's parents a registered letter pursuant to division (A)(2) of 8476  
this section that contains the information specified in that 8477  
division. 8478

(C) The attorney general shall maintain the return receipts 8479  
for all offenders, delinquent children, and parents of delinquent 8480  
children who are sent a registered letter under division (A) or 8481  
(B) of this section. For each offender, delinquent child, and 8482  
parents of a delinquent child, the attorney general shall send a 8483  
copy of the return receipt for the offender, delinquent child, or 8484  
parents to the sheriff with whom the offender or delinquent child 8485  
most recently registered a residence address and, if applicable, a 8486  
school, institution of higher education, or place of employment 8487  
address and to the prosecutor who handled the case in which the 8488  
offender or delinquent child was convicted of, pleaded guilty to, 8489  
or was adjudicated a delinquent child for committing the sexually 8490  
oriented offense or child-victim oriented offense that resulted in 8491  
the offender's or child's registration duty under section 2950.04 8492  
or 2950.041 of the Revised Code. If a return receipt indicates 8493  
that the offender, delinquent child, or parents of a delinquent 8494  
child to whom the registered letter was sent does not reside or 8495  
have temporary domicile at the listed address, the attorney 8496  
general immediately shall provide notice of that fact to the 8497  
sheriff with whom the offender or delinquent child registered that 8498  
residence address. 8499

(D) The attorney general shall mail to each sheriff a list of 8500  
all offenders and delinquent children who have registered a 8501  
residence address or a school, institution of higher education, or 8502  
place of employment address with that sheriff and to whom a 8503  
registered letter is sent under division (A) or (B) of this 8504  
section. The list shall specify the offender's or delinquent 8505  
child's new classification as a tier I sex offender/child-victim 8506  
offender, a tier II sex offender/child-victim offender, or a tier 8507  
III sex offender/child-victim offender under Chapter 2950. of the 8508  
Revised Code as it will exist under the changes that will be 8509  
implemented on January 1, 2008, the offender's or delinquent 8510  
child's duties under Chapter 2950. of the Revised Code as so 8511  
changed, and, regarding a delinquent child, whether the child is a 8512  
public registry-qualified juvenile offender registrant. 8513

(E) An offender or delinquent child who is in a category 8514  
described in division (A)(2) or (B) of this section may request as 8515  
a matter of right a court hearing to contest the application to 8516  
the offender or delinquent child of the new registration 8517  
requirements under Chapter 2950. of the Revised Code as it will 8518  
exist under the changes that will be implemented on January 1, 8519  
2008. The offender or delinquent child may contest the manner in 8520  
which the letter sent to the offender or delinquent child pursuant 8521  
to division (A) or (B) of this section specifies that the new 8522  
registration requirements apply to the offender or delinquent 8523  
child or may contest whether those new registration requirements 8524  
apply at all to the offender or delinquent child. To request the 8525  
hearing, the offender or delinquent child not later than the date 8526  
that is sixty days after the offender or delinquent child received 8527  
the registered letter sent by the attorney general pursuant to 8528  
division (A)(2) of this section shall file a petition with the 8529  
court specified in this division. If the offender or delinquent 8530  
child resides in or is temporarily domiciled in this state and 8531  
requests a hearing, the offender or delinquent child shall file 8532



the petition with, and the hearing shall be held in, the court of 8533  
common pleas or, for a delinquent child, the juvenile court of the 8534  
county in which the offender or delinquent child resides or 8535  
temporarily is domiciled. If the offender does not reside in and 8536  
is not temporarily domiciled in this state, the offender or 8537  
delinquent child shall file the petition with, and the hearing 8538  
shall be held in, the court of common pleas of the county in which 8539  
the offender registered a school, institution of higher education, 8540  
or place of employment address, but if the offender has registered 8541  
addresses of that nature in more than one county, the offender may 8542  
file such a petition in the court of only one of those counties. 8543

8544

If the offender or delinquent child requests a hearing by 8545  
timely filing a petition with the appropriate court, the offender 8546  
or delinquent child shall serve a copy of the petition on the 8547  
prosecutor of the county in which the petition is filed. The 8548  
prosecutor shall represent the interests of the state in the 8549  
hearing. In any hearing under this division, the Rules of Civil 8550  
Procedure or, if the hearing is in a juvenile court, the Rules of 8551  
Juvenile Procedure apply, except to the extent that those Rules 8552  
would by their nature be clearly inapplicable. The court shall 8553  
schedule a hearing, and shall provide notice to the offender or 8554  
delinquent child and prosecutor of the date, time, and place of 8555  
the hearing. 8556

If an offender or delinquent child requests a hearing in 8557  
accordance with this division, until the court issues its decision 8558  
at or subsequent to the hearing, the offender or delinquent child 8559  
shall comply prior to January 1, 2008, with Chapter 2950. of the 8560  
Revised Code as it exists prior to that date and shall comply on 8561  
and after January 1, 2008, with Chapter 2950. of the Revised Code 8562  
as it will exist under the changes that will be implemented on 8563  
that date. If an offender or delinquent child requests a hearing 8564

in accordance with this division, at the hearing, all parties are 8565  
entitled to be heard, and the court shall consider all relevant 8566  
information and testimony presented relative to the application to 8567  
the offender or delinquent child of the new registration 8568  
requirements under Chapter 2950. of the Revised Code as it will 8569  
exist under the changes that will be implemented on January 1, 8570  
2008. If, at the conclusion of the hearing, the court finds that 8571  
the offender or delinquent child has proven by clear and 8572  
convincing evidence that the new registration requirements do not 8573  
apply to the offender or delinquent child in the manner specified 8574  
in the letter sent to the offender or delinquent child pursuant to 8575  
division (A) or (B) of this section, the court shall issue an 8576  
order that specifies the manner in which the court has determined 8577  
that the new registration requirements do apply to the offender or 8578  
delinquent child. If at the conclusion of the hearing the court 8579  
finds that the offender or delinquent child has proven by clear 8580  
and convincing evidence that the new registration requirements do 8581  
not apply to the offender or delinquent child, the court shall 8582  
issue an order that specifies that the new registration 8583  
requirements do not apply to the offender or delinquent child. The 8584  
court promptly shall serve a copy of an order issued under this 8585  
division upon the sheriff with whom the offender or delinquent 8586  
child most recently registered under section 2950.04, 2950.041, or 8587  
2950.05 of the Revised Code and upon the bureau of criminal 8588  
identification and investigation. The offender or delinquent child 8589  
and the prosecutor have the right to appeal the decision of the 8590  
court issued under this division. 8591

If an offender or delinquent child fails to request a hearing 8592  
in accordance with this division within the applicable sixty-day 8593  
period specified in this division, the failure constitutes a 8594  
waiver by the offender or delinquent child of the offender's or 8595  
delinquent child's right to a hearing under this division, and the 8596  
offender or delinquent child is bound by the determinations of the 8597

attorney general contained in the registered letter sent to the 8598  
offender or child. 8599

If a juvenile court issues an order under division (A)(2) or 8600  
(3) of section 2152.86 of the Revised Code that classifies a 8601  
delinquent child a public-registry qualified juvenile offender 8602  
registrant and if the child's delinquent act was committed prior 8603  
to January 1, 2008, a challenge to the classification contained in 8604  
the order shall be made pursuant to division (D) of section 8605  
2152.86 of the Revised Code. 8606

**Sec. 2950.032.** (A)(1) At any time on or after July 1, 2007, 8607  
and not later than December 1, 2007, the attorney general shall do 8608  
all of the following: 8609

(a) For each offender who on December 1, 2007, will be 8610  
serving a prison term in a state correctional institution for a 8611  
sexually oriented offense or child-victim oriented offense, 8612  
determine the offender's classification relative to that offense 8613  
as a tier I sex offender/child-victim offender, a tier II sex 8614  
offender/child-victim offender, or a tier III sex 8615  
offender/child-victim offender under Chapter 2950. of the Revised 8616  
Code as it will exist under the changes in that chapter that will 8617  
be implemented on January 1, 2008, and the offender's duties under 8618  
Chapter 2950. of the Revised Code as so changed and provide to the 8619  
department of rehabilitation and correction a document that 8620  
describes that classification and those duties; 8621

(b) For each delinquent child who has been classified a 8622  
juvenile offender registrant relative to a sexually oriented 8623  
offense or child-victim oriented offense and who on December 1, 8624  
2007, will be confined in an institution of the department of 8625  
youth services for the sexually oriented offense or child-victim 8626  
oriented offense, determine the delinquent child's classification 8627  
relative to that offense as a tier I sex offender/child-victim 8628

offender, a tier II sex offender/child-victim offender, or a tier 8629  
III sex offender/child-victim offender under Chapter 2950. of the 8630  
Revised Code as it will exist under the changes in that chapter 8631  
that will be implemented on January 1, 2008, the delinquent 8632  
child's duties under Chapter 2950. of the Revised Code as so 8633  
changed, and whether the delinquent child is a public 8634  
registry-qualified juvenile offender registrant and provide to the 8635  
department a document that describes that classification, those 8636  
duties, and whether the delinquent child is a public 8637  
registry-qualified juvenile offender registrant. 8638

(c) For each offender and delinquent child described in 8639  
division (A)(1)(a) or (b) of this section, determine whether the 8640  
attorney general is required to send a registered letter to that 8641  
offender or that delinquent child and delinquent child's parents 8642  
pursuant to section 2950.031 of the Revised Code relative to the 8643  
sexually oriented offense or child-victim oriented offense for 8644  
which the offender or delinquent child is serving the prison term 8645  
or is confined and, if the attorney general is required to send 8646  
such a letter to that offender or that delinquent child and 8647  
delinquent child's parents relative to that offense, include in 8648  
the document provided to the department of rehabilitation and 8649  
correction or the department of youth services under division 8650  
(A)(1)(a) or (b) of this section a conspicuous notice that the 8651  
attorney general will be sending the offender or delinquent child 8652  
and delinquent child's parent the registered letter and that the 8653  
department is not required to provide to the offender or 8654  
delinquent child the written notice described in division (A)(2) 8655  
of this section. 8656

(2) At any time on or after July 1, 2007, and not later than 8657  
December 1, 2007, except as otherwise described in this division, 8658  
the department of rehabilitation and correction shall provide to 8659  
each offender described in division (A)(1)(a) of this section and 8660

the department of youth services shall provide to each delinquent 8661  
child described in division (A)(1)(b) of this section and to the 8662  
delinquent child's parents a written notice that contains the 8663  
information described in this division. The department of 8664  
rehabilitation and correction and the department of youth services 8665  
are not required to provide the written notice to an offender or a 8666  
delinquent child and the delinquent child's parents if the 8667  
attorney general included in the document provided to the 8668  
particular department under division (A)(1)(a) or (b) of this 8669  
section notice that the attorney general will be sending that 8670  
offender or that delinquent child and the delinquent child's 8671  
parents a registered letter and that the department is not 8672  
required to provide to that offender or that delinquent child and 8673  
parents the written notice. The written notice provided to an 8674  
offender or a delinquent child and the delinquent child's parents 8675  
pursuant to this division shall notify the offender or delinquent 8676  
child of all of the following: 8677

(a) The changes in Chapter 2950. of the Revised Code that 8678  
will be implemented on January 1, 2008; 8679

(b) Subject to division (A)(2)(c) of this section, the 8680  
offender's or delinquent child's classification as a tier I sex 8681  
offender/child-victim offender, a tier II sex 8682  
offender/child-victim offender, or a tier III sex 8683  
offender/child-victim offender under Chapter 2950. of the Revised 8684  
Code as it will exist under the changes that will be implemented 8685  
on January 1, 2008, the offender's or delinquent child's duties 8686  
under Chapter 2950. of the Revised Code as so changed and the 8687  
duration of those duties, whether the delinquent child is 8688  
classified a public registry-qualified juvenile offender 8689  
registrant, and the information specified in division (B) of 8690  
section 2950.03 of the Revised Code to the extent it is relevant 8691  
to the offender or delinquent child; 8692

(c) The fact that the offender or delinquent child has a 8693  
right to a hearing as described in division (E) of this section, 8694  
the procedures for requesting the hearing, and the period of time 8695  
within which the request for the hearing must be made; 8696

(d) If the offender's or delinquent child's duty to comply 8697  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 8698  
Revised Code is scheduled to terminate on or after July 1, 2007, 8699  
and prior to January 1, 2008, under the version of section 2950.07 8700  
of the Revised Code that is in effect prior to January 1, 2008, a 8701  
summary of the provisions of section 2950.033 of the Revised Code 8702  
and the application of those provisions to the offender or 8703  
delinquent child, provided that this division applies regarding a 8704  
delinquent child only if the child is in a category specified in 8705  
division (A) of section 2950.033 of the Revised Code. 8706

(3) The attorney general shall make the determinations 8707  
described in divisions (A)(1)(a) and (b) of this section for each 8708  
offender or delinquent child who is described in either of those 8709  
divisions even if the offender's duty to comply with sections 8710  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code is 8711  
scheduled to terminate prior to January 1, 2008, under the version 8712  
of section 2950.07 of the Revised Code that is in effect prior to 8713  
that date, or the delinquent child is in a category specified in 8714  
division (C) of section 2950.033 of the Revised Code, and the 8715  
child's duty to comply with those sections is scheduled to 8716  
terminate prior to January 1, 2008, under the version of section 8717  
2950.07 of the Revised Code that is in effect prior to that date. 8718  
The department of rehabilitation and correction shall provide to 8719  
each offender described in division (A)(1)(a) of this section and 8720  
the department of youth services shall provide to each delinquent 8721  
child described in division (A)(1)(b) of this section the notice 8722  
described in division (A)(2) of this section, even if the 8723  
offender's duty to comply with sections 2950.04, 2950.041, 8724

2950.05, and 2950.06 of the Revised Code is scheduled to terminate 8725  
prior to January 1, 2008, under the version of section 2950.07 of 8726  
the Revised Code that is in effect prior to that date, or the 8727  
delinquent child is in a category specified in division (C) of 8728  
section 2950.033 of the Revised Code, and the child's duty to 8729  
comply with those sections is scheduled to terminate prior to 8730  
January 1, 2008, under the version of section 2950.07 of the 8731  
Revised Code that is in effect prior to that date. Section 8732  
2950.033 of the Revised Code applies regarding any offender 8733  
described in division (A)(1)(a) or (b) of this section whose duty 8734  
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 8735  
the Revised Code is scheduled to terminate prior to January 1, 8736  
2008, under the version of section 2950.07 of the Revised Code 8737  
that is in effect prior to that date and any delinquent child who 8738  
is in a category specified in division (A) of section 2950.033 of 8739  
the Revised Code and whose duty to comply with those sections is 8740  
scheduled to terminate prior to January 1, 2008, under the version 8741  
of section 2950.07 of the Revised Code that is in effect prior to 8742  
that date. 8743

(B) If on or after December 2, 2007, an offender commences a 8744  
prison term in a state correctional institution or a delinquent 8745  
child commences confinement in an institution of the department of 8746  
youth services for a sexually oriented offense or a child-victim 8747  
oriented offense and if the offender or delinquent child was 8748  
convicted of, pleaded guilty to, or was classified a juvenile 8749  
offender registrant relative to the sexually oriented offense or 8750  
child-victim oriented offense on or before that date, as soon as 8751  
practicable, the department of rehabilitation and correction or 8752  
the department of youth services, as applicable, shall contact the 8753  
attorney general, inform the attorney general of the commencement 8754  
of the prison term or institutionalization, and forward to the 8755  
attorney general information and material that identifies the 8756  
offender or delinquent child and that describes the sexually 8757

oriented offense resulting in the prison term or 8758  
institutionalization, the facts and circumstances of it, and the 8759  
offender's or delinquent child's criminal or delinquency history. 8760  
Within fourteen days after being so informed of the commencement 8761  
of the prison term or institutionalization and receiving the 8762  
information and material specified in this division, the attorney 8763  
general shall determine for the offender or delinquent child all 8764  
of the matters specified in division (A)(1)(a), (b), or (c) of 8765  
this section and immediately provide to the appropriate department 8766  
a document that describes the offender's or delinquent child's 8767  
classification and duties as so determined. 8768

Upon receipt from the attorney general of a document 8769  
described in this division that pertains to an offender or 8770  
delinquent child, the department of rehabilitation and correction 8771  
shall provide to the offender or the department of youth services 8772  
shall provide to the delinquent child, as applicable, a written 8773  
notice that contains the information specified in division (A)(2) 8774  
of this section. 8775

(C) If, on or after July 1, 2007, and prior to January 1, 8776  
2008, an offender is convicted of or pleads guilty to a sexually 8777  
oriented offense or a child-victim oriented offense and the court 8778  
does not sentence the offender to a prison term for that offense 8779  
or if, on or after July 1, 2007, and prior to January 1, 2008, a 8780  
delinquent child is classified a juvenile offender registrant 8781  
relative to a sexually oriented offense or a child-victim oriented 8782  
offense and the juvenile court does not commit the child to the 8783  
custody of the department of youth services for that offense, the 8784  
court at the time of sentencing or the juvenile court at the time 8785  
specified in division (B) of section 2152.82, division (C) of 8786  
section 2152.83, division (C) of section 2152.84, division (E) of 8787  
section 2152.85, or division (A) of section 2152.86 of the Revised 8788  
Code, whichever is applicable, shall do all of the following: 8789



(1) Provide the offender or the delinquent child and the delinquent child's parents with the notices required under section 2950.03 of the Revised Code, as it exists prior to January 1, 2008, regarding the offender's or delinquent child's duties under this chapter as it exists prior to that date;

(2) Provide the offender or the delinquent child and the delinquent child's parents with a written notice that contains the information specified in divisions (A)(2)(a) and (b) of this section;

(3) Provide the offender or the delinquent child and the delinquent child's parents a written notice that clearly indicates that the offender or delinquent child is required to comply with the duties described in the notice provided under division (C)(1) of this section until January 1, 2008, and will be required to comply with the duties described in the notice provided under division (C)(2) of this section on and after that date.

(D)(1) Except as otherwise provided in this division, the officer or employee of the department of rehabilitation and correction or the department of youth services who provides an offender or a delinquent child and the delinquent child's parents with the notices described in division (A)(2) or (B) of this section shall require the offender or delinquent child to read and sign a form stating that the changes in Chapter 2950. of the Revised Code that will be implemented on January 1, 2008, the offender's or delinquent child's classification as a tier I sex offender, a tier II sex offender, or a tier III sex offender, the offender's or delinquent child's duties under Chapter 2950. of the Revised Code as so changed and the duration of those duties, the delinquent child's classification as a public registry-qualified juvenile offender registrant if applicable, the information specified in division (B) of section 2950.03 of the Revised Code to the extent it is relevant to the offender or delinquent child,

and the right to a hearing, procedures for requesting the hearing, 8822  
and period of time within which the request for the hearing must 8823  
be made have been explained to the offender or delinquent child. 8824

Except as otherwise provided in this division, the judge who 8825  
provides an offender or delinquent child with the notices 8826  
described in division (C) of this section shall require the 8827  
offender or delinquent child to read and sign a form stating that 8828  
all of the information described in divisions (C)(1) to (3) of 8829  
this section has been explained to the offender or delinquent 8830  
child. 8831

If the offender or delinquent child is unable to read, the 8832  
official, employee, or judge shall certify on the form that the 8833  
official, employee, or judge specifically informed the offender or 8834  
delinquent child of all of that information and that the offender 8835  
or delinquent child indicated an understanding of it. 8836

(2) After an offender or delinquent child has signed the form 8837  
described in division (D)(1) of this section or the official, 8838  
employee, or judge has certified on the form that the form has 8839  
been explained to the offender or delinquent child and that the 8840  
offender or delinquent child indicated an understanding of the 8841  
specified information, the official, employee, or judge shall give 8842  
one copy of the form to the offender or delinquent child, within 8843  
three days shall send one copy of the form to the bureau of 8844  
criminal identification and investigation in accordance with the 8845  
procedures adopted pursuant to section 2950.13 of the Revised 8846  
Code, and shall send one copy of the form to the sheriff of the 8847  
county in which the offender or delinquent child expects to reside 8848  
and one copy to the prosecutor who handled the case in which the 8849  
offender or delinquent child was convicted of, pleaded guilty to, 8850  
or was adjudicated a delinquent child for committing the sexually 8851  
oriented offense or child-victim oriented offense that resulted in 8852  
the offender's or child's registration duty under section 2950.04 8853

or 2950.041 of the Revised Code. 8854

(E) An offender or delinquent child who is provided a notice 8855  
under division (A)(2) or (B) of this section may request as a 8856  
matter of right a court hearing to contest the application to the 8857  
offender or delinquent child of the new registration requirements 8858  
under Chapter 2950. of the Revised Code as it will exist under the 8859  
changes that will be implemented on January 1, 2008. The offender 8860  
or delinquent child may contest the matters that are identified in 8861  
division (E) of section 2950.031 of the Revised Code. To request 8862  
the hearing, an offender or delinquent child who is provided a 8863  
notice under division (A)(2) of this section shall file a petition 8864  
with the appropriate court not later than the date that is sixty 8865  
days after the offender or delinquent child is provided the notice 8866  
under that division, and an offender or delinquent child who is 8867  
provided a notice under division (B) of this section shall file a 8868  
petition with the appropriate court not later than the date that 8869  
is sixty days after the offender or delinquent child is provided 8870  
the notice under that division. The request for the hearing shall 8871  
be made in the manner and with the court specified in division (E) 8872  
of section 2950.031 of the Revised Code, and, except as otherwise 8873  
provided in this division, the provisions of that division 8874  
regarding the service of process and notice regarding the hearing, 8875  
the conduct of the hearing, the determinations to be made at the 8876  
hearing, and appeals of those determinations also apply to a 8877  
hearing requested under this division. If a hearing is requested 8878  
as described in this division, the offender or delinquent child 8879  
shall appear at the hearing by video conferencing equipment if 8880  
available and compatible, except that, upon the court's own motion 8881  
or the motion of the offender or delinquent child or the 8882  
prosecutor representing the interests of the state and a 8883  
determination by the court that the interests of justice require 8884  
that the offender or delinquent child be present, the court may 8885  
permit the offender or delinquent child to be physically present 8886

at the hearing. An appearance by video conferencing equipment 8887  
pursuant to this division has the same force and effect as if the 8888  
offender or delinquent child were physically present at the 8889  
hearing. The provisions of division (E) of section 2950.031 of the 8890  
Revised Code regarding the effect of a failure to timely request a 8891  
hearing also apply to a failure to timely request a hearing under 8892  
this division. 8893

If a juvenile court issues an order under division (A)(2) or 8894  
(3) of section 2152.86 of the Revised Code that classifies a 8895  
delinquent child a public-registry qualified juvenile offender 8896  
registrant and if the child's delinquent act was committed prior 8897  
to January 1, 2008, a challenge to the classification contained in 8898  
the order shall be made pursuant to division (D) of section 8899  
2152.86 of the Revised Code. 8900

**Sec. 2950.033.** (A) If, on or before July 1, 2007, an offender 8901  
who has been convicted of or pleaded guilty to a sexually oriented 8902  
offense or a child-victim oriented offense or a delinquent child 8903  
in a category specified in division (C) of this section has a duty 8904  
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 8905  
the Revised Code based on that offense and if the offender's or 8906  
delinquent child's duty to comply with those sections based on 8907  
that offense is scheduled to terminate on or after July 1, 2007, 8908  
and prior to January 1, 2008, under the version of section 2950.07 8909  
of the Revised Code that is in effect prior to January 1, 2008, 8910  
notwithstanding that scheduled termination of those duties, the 8911  
offender's or delinquent child's duties under those sections shall 8912  
not terminate as scheduled and shall remain in effect for the 8913  
following period of time: 8914

(1) If the offender or delinquent child is in a category 8915  
described in division (A)(1) of section 2950.031 of the Revised 8916  
Code, receives a registered letter from the attorney general 8917

pursuant to division (A)(2) of that section, and timely requests a 8918  
hearing in accordance with division (E) of that section to contest 8919  
the application to the offender or delinquent child of the new 8920  
registration requirements under Chapter 2950. of the Revised Code 8921  
as it will exist under the changes that will be implemented on 8922  
January 1, 2008, or the tier classification of the offender or 8923  
delinquent child specified by the attorney general, the offender's 8924  
or delinquent child's duty to comply with sections 2950.04, 8925  
2950.041, 2950.05, and 2950.06 of the Revised Code shall continue 8926  
at least until the court issues its decision at or subsequent to 8927  
the hearing. The offender's or delinquent child's duty to comply 8928  
with those sections shall continue in accordance with, and for the 8929  
duration specified in, the determinations of the attorney general 8930  
that are specified in the registered letter the offender or 8931  
delinquent child received from the attorney general, unless the 8932  
court's decision terminates the offender's or delinquent child's 8933  
duty to comply with those sections or provides a different 8934  
duration for which the offender or delinquent child has a duty to 8935  
comply with them. 8936

(2) If the offender or delinquent child is in a category 8937  
described in division (A)(1) of section 2950.031 of the Revised 8938  
Code, receives a registered letter from the attorney general 8939  
pursuant to division (A)(2) of that section, and does not timely 8940  
request a hearing in accordance with division (E) of that section 8941  
to contest the application to the offender or delinquent child of 8942  
the new registration requirements under Chapter 2950. of the 8943  
Revised Code as it will exist under the changes that will be 8944  
implemented on January 1, 2008, or the tier classification of the 8945  
offender or delinquent child specified by the attorney general, 8946  
the offender's or delinquent child's duty to comply with sections 8947  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code shall 8948  
continue in accordance with, and for the duration specified in, 8949  
the determinations of the attorney general that are specified in 8950

the registered letter the offender or delinquent child received 8951  
from the attorney general. 8952

(3) If the offender or delinquent child is in a category 8953  
described in division (A)(1)(a) or (b) of section 2950.032 of the 8954  
Revised Code, receives a notice from the department of 8955  
rehabilitation and correction or department of youth services 8956  
pursuant to division (A)(2) of that section, and timely requests a 8957  
hearing in accordance with division (E) of that section to contest 8958  
the application to the offender or delinquent child of the new 8959  
registration requirements under Chapter 2950. of the Revised Code 8960  
as it will exist under the changes that will be implemented on 8961  
January 1, 2008, or the tier classification of the delinquent 8962  
child specified by the attorney general the offender's or 8963  
delinquent child's duty to comply with sections 2950.04, 2950.041, 8964  
2950.05, and 2950.06 of the Revised Code shall continue in the 8965  
same manner and for the same duration as is described in division 8966  
(A)(1) of this section regarding offenders and delinquent children 8967  
in a category described in division (A)(1) of section 2950.031 of 8968  
the Revised Code, who receive a registered letter from the 8969  
attorney general pursuant to division (A)(2) of that section, and 8970  
who timely request a hearing in accordance with division (E) of 8971  
that section. 8972

(4) If the offender or delinquent child is in a category 8973  
described in division (A)(1)(a) or (b) of section 2950.032 of the 8974  
Revised Code, receives a notice from the department of 8975  
rehabilitation and correction or department of youth services 8976  
pursuant to division (A)(2) of that section, and does not timely 8977  
request a hearing in accordance with division (E) of that section 8978  
to contest the application to the offender or delinquent child of 8979  
the new registration requirements under Chapter 2950. of the 8980  
Revised Code as it will exist under the changes that will be 8981  
implemented on January 1, 2008, or the tier classification of the 8982

delinquent child specified by the attorney general the offender's 8983  
or delinquent child's duty to comply with sections 2950.04, 8984  
2950.041, 2950.05, and 2950.06 of the Revised Code shall continue 8985  
in the same manner and for the same duration as is described in 8986  
division (A)(2) of this section regarding offenders and delinquent 8987  
children in a category described in division (A)(1) of section 8988  
2950.031 of the Revised Code, who receive a registered letter from 8989  
the attorney general pursuant to division (A)(2) of that section, 8990  
and who do not timely request a hearing in accordance with 8991  
division (E) of that section. 8992

(5) If the offender or delinquent child is in a category 8993  
described in division (A)(1) of section 2950.031 of the Revised 8994  
Code but does not receive a registered letter from the attorney 8995  
general pursuant to division (A)(2) of that section, or if the 8996  
offender or delinquent child is in a category described in 8997  
division (A)(1)(a) or (b) of section 2950.032 of the Revised Code 8998  
but does not receive a notice from the department of 8999  
rehabilitation and correction or department of youth services 9000  
pursuant to division (A)(2) of that section, notwithstanding the 9001  
failure of the offender or delinquent child to receive the 9002  
registered letter or the notice, the offender's or delinquent 9003  
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 9004  
and 2950.06 of the Revised Code shall continue in accordance with, 9005  
and for the duration specified in, the provisions of Chapter 2950. 9006  
of the Revised Code as they will exist under the changes to the 9007  
provisions that will be implemented on January 1, 2008. 9008

(B) An offender or a delinquent child in a category specified 9009  
in division (C) of this section who, on or before July 1, 2007, 9010  
has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 9011  
2950.06 of the Revised Code based on a conviction of, plea of 9012  
guilty to, or adjudication as a delinquent child for committing a 9013  
sexually oriented offense or a child-victim oriented offense and 9014

whose duty to comply with those sections is scheduled to terminate 9015  
on or after July 1, 2007, and prior to January 1, 2008, under the 9016  
version of section 2950.07 of the Revised Code that is in effect 9017  
prior to January 1, 2008, is presumed to have knowledge of the 9018  
law, the content of division (A) of this section and its 9019  
application to the offender or delinquent child, and the 9020  
offender's or delinquent child's duties under Chapter 2950. of the 9021  
Revised Code as it will exist under the changes that will be 9022  
implemented on January 1, 2008. Any failure of any such offender 9023  
or delinquent child to receive a registered letter from the 9024  
attorney general pursuant to division (A)(2) of section 2950.031 9025  
of the Revised Code or to receive a written notice from the 9026  
department of rehabilitation and correction or department of youth 9027  
services pursuant to division (A)(2) of section 2950.032 of the 9028  
Revised Code does not negate, limit, or modify the presumption 9029  
specified in this division. 9030

(C) Divisions (A) and (B) of this section apply to a person 9031  
who is adjudicated a delinquent child for committing a sexually 9032  
oriented offense or child-victim oriented offense only if the 9033  
person is so adjudicated prior to January 1, 2008, and, under the 9034  
version of section 2950.01 of the Revised Code that is to take 9035  
effect on January 1, 2008, will be a public registry-qualified 9036  
juvenile offender registrant relative to that offense. 9037

**Sec. 2950.031 2950.034.** (A) No person who has been convicted 9038  
of, is convicted of, has pleaded guilty to, or pleads guilty to 9039  
~~either a sexually oriented offense that is not a~~ 9040  
~~registration exempt sexually oriented offense~~ or a child-victim 9041  
oriented offense shall establish a residence or occupy residential 9042  
premises within one thousand feet of any school premises or 9043  
preschool or child day-care center premises. 9044

(B) If a person to whom division (A) of this section applies 9045



violates division (A) of this section by establishing a residence 9046  
or occupying residential premises within one thousand feet of any 9047  
school premises or preschool or child day-care center premises, an 9048  
owner or lessee of real property that is located within one 9049  
thousand feet of those school premises or preschool or child 9050  
day-care center premises, or the prosecuting attorney, village 9051  
solicitor, city or township director of law, similar chief legal 9052  
officer of a municipal corporation or township, or official 9053  
designated as a prosecutor in a municipal corporation that has 9054  
jurisdiction over the place at which the person establishes the 9055  
residence or occupies the residential premises in question, has a 9056  
cause of action for injunctive relief against the person. The 9057  
plaintiff shall not be required to prove irreparable harm in order 9058  
to obtain the relief. 9059

(C) As used in this section: 9060

(1) "Child day-care center" has the same meaning as in 9061  
section 5104.01 of the Revised Code. 9062

(2) "Preschool" means any public or private institution or 9063  
center that provides early childhood instructional or educational 9064  
services to children who are at least three years of age but less 9065  
than six years of age and who are not enrolled in or are not 9066  
eligible to be enrolled in kindergarten, whether or not those 9067  
services are provided in a child day-care setting. "Preschool" 9068  
does not include any place that is the permanent residence of the 9069  
person who is providing the early childhood instructional or 9070  
educational services to the children described in this division. 9071

(3) "Preschool or child day-care center premises" means all 9072  
of the following: 9073

(a) Any building in which any preschool or child day-care 9074  
center activities are conducted if the building has signage that 9075  
indicates that the building houses a preschool or child day-care 9076

center, is clearly visible and discernable without obstruction, 9077  
and meets any local zoning ordinances which may apply; 9078

(b) The parcel of real property on which a preschool or child 9079  
day-care center is situated if the parcel of real property has 9080  
signage that indicates that a preschool or child day-care center 9081  
is situated on the parcel, is clearly visible and discernable 9082  
without obstruction, and meets any local zoning ordinances which 9083  
may apply; 9084

(c) Any grounds, play areas, and other facilities of a 9085  
preschool or child day-care center that are regularly used by the 9086  
children served by the preschool or child day-care center if the 9087  
grounds, play areas, or other facilities have signage that 9088  
indicates that they are regularly used by children served by the 9089  
preschool or child day-care center, is clearly visible and 9090  
discernable without obstruction, and meets any local zoning 9091  
ordinances which may apply. 9092

**Sec. 2950.04.** ~~(A)(1) Each of the following types of (a)~~ 9093  
Immediately after a sentencing hearing is held on or after January 9094  
1, 2008, for an offender who is convicted of or pleads guilty to a 9095  
sexually oriented offense and is sentenced to a prison term, a 9096  
term of imprisonment, or any other type of confinement and before 9097  
the offender is transferred to the custody of the department of 9098  
rehabilitation and correction or to the official in charge of the 9099  
jail, workhouse, state correctional institution, or other 9100  
institution where the offender will be confined, the offender 9101  
shall register personally with the sheriff, or the sheriff's 9102  
designee, of the county in which the offender was convicted of or 9103  
pleaded guilty to the sexually oriented offense. 9104

(b) Immediately after a dispositional hearing is held on or 9105  
after January 1, 2008, for a child who is adjudicated a delinquent 9106  
child for committing a sexually oriented offense, is classified a 9107

juvenile offender registrant based on that adjudication, and is 9108  
committed to the custody of the department of youth services or to 9109  
a secure facility that is not operated by the department and 9110  
before the child is transferred to the custody of the department 9111  
of youth services or the secure facility to which the delinquent 9112  
child is committed, the delinquent child shall register personally 9113  
with the sheriff, or the sheriff's designee, of the county in 9114  
which the delinquent child was classified a juvenile offender 9115  
registrant based on that sexually oriented offense. 9116

(c) A law enforcement officer shall be present at the 9117  
sentencing hearing or dispositional hearing described in division 9118  
(A)(1)(a) or (b) of this section to immediately transport the 9119  
offender or delinquent child who is the subject of the hearing to 9120  
the sheriff, or the sheriff's designee, of the county in which the 9121  
offender or delinquent child is convicted, pleads guilty, or is 9122  
adjudicated a delinquent child. 9123

(d) After an offender who has registered pursuant to division 9124  
(A)(1)(a) of this section is released from a prison term, a term 9125  
of imprisonment, or any other type of confinement, the offender 9126  
shall register as provided in division (A)(2) of this section. 9127  
After a delinquent child who has registered pursuant to division 9128  
(A)(1)(b) of this section is released from the custody of the 9129  
department of youth services or from a secure facility that is not 9130  
operated by the department, the delinquent child shall register as 9131  
provided in division (A)(3) of this section. 9132

(2) Regardless of when the sexually oriented offense was 9133  
committed, each offender who is convicted of ~~or~~, pleads guilty to, 9134  
~~or~~ has been convicted of, or has pleaded guilty to, a sexually 9135  
oriented offense ~~that is not a registration exempt sexually~~ 9136  
~~oriented offense~~ shall comply with the following registration 9137  
requirements described in divisions (A)(2)(a), (b), (c), (d), and 9138  
(e) of this section: 9139

(a) The offender shall register personally with the sheriff,  
or the sheriff's designee, of the county within ~~five~~ three days of  
the offender's coming into a county in which the offender resides  
or temporarily is domiciled for more than ~~five~~ three days.

(b) The offender shall register personally with the sheriff,  
or the sheriff's designee, of the county immediately upon coming  
into a county in which the offender attends a school or  
institution of higher education on a full-time or part-time basis  
regardless of whether the offender resides or has a temporary  
domicile in this state or another state.

(c) The offender shall register personally with the sheriff,  
or the sheriff's designee, of the county in which the offender is  
employed if the offender resides or has a temporary domicile in  
this state and has been employed in that county for more than  
~~fourteen~~ three days or for an aggregate period of ~~thirty~~ fourteen  
or more days in that calendar year.

(d) The offender shall register personally with the sheriff,  
or the sheriff's designee, of the county in which the offender  
then is employed if the offender does not reside or have a  
temporary domicile in this state and has been employed at any  
location or locations in this state more than ~~fourteen~~ three days  
or for an aggregate period of ~~thirty~~ fourteen or more days in that  
calendar year, ~~and.~~

(e) The offender shall register with the sheriff, or the  
sheriff's designee, or other appropriate person of the other state  
immediately upon entering into any state other than this state in  
which the offender attends a school or institution of higher  
education on a full-time or part-time basis or upon being employed  
in any state other than this state for more than ~~fourteen~~ three  
days or for an aggregate period of ~~thirty~~ fourteen or more days in  
that calendar year regardless of whether the offender resides or

has a temporary domicile in this state, the other state, or a 9172  
different state+ 9173

~~(a) Regardless of when the sexually oriented offense was 9174  
committed, an offender who is sentenced for the sexually oriented 9175  
offense to a prison term, a term of imprisonment, or any other 9176  
type of confinement and, on or after July 1, 1997, is released in 9177  
any manner from the prison term, term of imprisonment, or 9178  
confinement; 9179~~

~~(b) Regardless of when the sexually oriented offense was 9180  
committed, an offender who is sentenced for a sexually oriented 9181  
offense on or after July 1, 1997, and to whom division (A)(1)(a) 9182  
of this section does not apply; 9183~~

~~(c) If the sexually oriented offense was committed prior to 9184  
July 1, 1997, and neither division (A)(1)(a) nor division 9185  
(A)(1)(b) of this section applies, an offender who, immediately 9186  
prior to July 1, 1997, was a habitual sex offender who was 9187  
required to register under Chapter 2950. of the Revised Code. 9188~~

~~(2)(3)(a) Each child who is adjudicated a delinquent child 9189  
for committing a sexually oriented offense that is not a 9190  
registration exempt sexually oriented offense and who is 9191  
classified a juvenile offender registrant based on that 9192  
adjudication shall register personally with the sheriff, or the 9193  
sheriff's designee, of the county within ~~five~~ three days of the 9194  
delinquent child's coming into a county in which the delinquent 9195  
child resides or temporarily is domiciled for more than ~~five~~ three 9196  
days. ~~If~~ 9197~~

~~(b) In addition to the registration duty imposed under 9198  
division (A)(3)(a) of this section, each public registry-qualified 9199  
juvenile offender registrant shall comply with the following 9200  
additional registration requirements: 9201~~

~~(i) The public registry-qualified juvenile offender 9202~~

registrant shall register personally with the sheriff, or the 9203  
sheriff's designee, of the county immediately upon coming into a 9204  
county in which the registrant attends a school or institution of 9205  
higher education on a full-time or part-time basis regardless of 9206  
whether the registrant resides or has a temporary domicile in this 9207  
state or another state. 9208

(ii) The public registry-qualified juvenile offender 9209  
registrant shall register personally with the sheriff, or the 9210  
sheriff's designee, of the county in which the registrant is 9211  
employed if the registrant resides or has a temporary domicile in 9212  
this state and has been employed in that county for more than 9213  
three days or for an aggregate period of fourteen or more days in 9214  
that calendar year. 9215

(iii) The public registry-qualified juvenile offender 9216  
registrant shall register personally with the sheriff, or the 9217  
sheriff's designee, of the county in which the registrant then is 9218  
employed if the registrant does not reside or have a temporary 9219  
domicile in this state and has been employed at any location or 9220  
locations in this state more than three days or for an aggregate 9221  
period of fourteen or more days in that calendar year. 9222

(iv) The public registry-qualified juvenile offender 9223  
registrant shall register with the sheriff, or the sheriff's 9224  
designee, or other appropriate person of the other state 9225  
immediately upon entering into any state other than this state in 9226  
which the registrant attends a school or institution of higher 9227  
education on a full-time or part-time basis or upon being employed 9228  
in any state other than this state for more than three days or for 9229  
an aggregate period of fourteen or more days in that calendar year 9230  
regardless of whether the registrant resides or has a temporary 9231  
domicile in this state, the other state, or a different state. 9232

9233

(c) If the delinquent child is committed for the sexually 9234

oriented offense ~~that is not a registration exempt sexually~~ 9235  
~~oriented offense~~ to the department of youth services or to a 9236  
secure facility that is not operated by the department, this duty 9237  
begins when the delinquent child is discharged or released in any 9238  
manner from custody in a department of youth services secure 9239  
facility or from the secure facility that is not operated by the 9240  
department, if pursuant to the discharge or release the delinquent 9241  
child is not committed to any other secure facility of the 9242  
department or any other secure facility. ~~The delinquent child does~~ 9243  
~~not have a duty to register under this division while the child is~~ 9244  
~~in a department of youth services secure facility or in a secure~~ 9245  
~~facility that is not operated by the department.~~ 9246

~~(3) If divisions (A)(1) and (2) of this section do not apply,~~ 9247  
~~each following type of offender and each following type of~~ 9248  
~~delinquent child shall register personally with the sheriff of the~~ 9249  
~~county within five days of the offender's or delinquent child's~~ 9250  
~~coming into a county in which the offender or delinquent child~~ 9251  
~~resides or temporarily is domiciled for more than five days, and~~ 9252  
~~each following type of offender shall register personally with the~~ 9253  
~~sheriff of the county immediately upon coming into a county in~~ 9254  
~~which the offender attends a school or institution of higher~~ 9255  
~~education on a full-time or part-time basis regardless of whether~~ 9256  
~~the offender resides or has a temporary domicile in this state or~~ 9257  
~~another state, shall register personally with the sheriff of the~~ 9258  
~~county in which the offender is employed if the offender resides~~ 9259  
~~or has a temporary domicile in this state and has been employed in~~ 9260  
~~that county for more than fourteen days or for an aggregate period~~ 9261  
~~of thirty days or more in that calendar year, and shall register~~ 9262  
~~personally with the sheriff of the county in which the offender~~ 9263  
~~then is employed if the offender does not reside or have a~~ 9264  
~~temporary domicile in this state and has been employed at any~~ 9265  
~~location or locations in this state for more than fourteen days or~~ 9266  
~~for an aggregate period of thirty or more days in that calendar~~ 9267

year:- 9268

~~(a)(4)~~ Regardless of when the sexually oriented offense was 9269  
committed, a each person who is convicted, pleads guilty, or is 9270  
adjudicated a delinquent child in a court in another state, in a 9271  
federal court, military court, or Indian tribal court, or in a 9272  
court in any nation other than the United States for committing a 9273  
sexually oriented offense ~~that is not a registration-exempt~~ 9274  
~~sexually oriented offense, if, on or after July 1, 1997, for~~ 9275  
~~offenders, or January 1, 2002, for delinquent children, the~~ 9276  
~~offender or delinquent child moves to and resides in this state or~~ 9277  
~~temporarily is domiciled in this state for more than five days,~~ 9278  
~~the offender enters this state to attend any school or institution~~ 9279  
~~of higher education on a full time or part time basis, or the~~ 9280  
~~offender is employed in this state for more than fourteen days or~~ 9281  
~~for an aggregate period of thirty or more days in any calendar~~ 9282  
~~year, and shall comply with the following registration~~ 9283  
requirements if, at the time the offender or delinquent child 9284  
moves to and resides in this state or temporarily is domiciled in 9285  
this state for more than ~~five~~ three days, the offender or public 9286  
registry-qualified juvenile offender registrant enters this state 9287  
to attend ~~the~~ a school or institution of higher education, or the 9288  
offender or public registry-qualified juvenile offender registrant 9289  
is employed in this state for more than the specified period of 9290  
time, the offender or delinquent child has a duty to register as a 9291  
sex offender or child-victim offender under the law of that other 9292  
jurisdiction as a result of the conviction, guilty plea, or 9293  
adjudication: 9294

(a) Each offender and delinquent child shall register 9295  
personally with the sheriff, or the sheriff's designee, of the 9296  
county within three days of the offender's or delinquent child's 9297  
coming into the county in which the offender or delinquent child 9298  
resides or temporarily is domiciled for more than three days. 9299



(b) Each offender or public registry-qualified juvenile offender registrant shall register personally with the sheriff, or the sheriff's designee, of the county immediately upon coming into a county in which the offender or public registry-qualified juvenile offender registrant attends a school or institution of higher education on a full-time or part-time basis regardless of whether the offender or public registry-qualified juvenile offender registrant resides or has a temporary domicile in this state or another state.

(c) Each offender or public registry-qualified juvenile offender registrant shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender or public registry-qualified juvenile offender registrant is employed if the offender resides or has a temporary domicile in this state and has been employed in that county for more than three days or for an aggregate period of fourteen days or more in that calendar year.

(d) Each offender or public registry-qualified juvenile offender registrant shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender or public registry-qualified juvenile offender registrant then is employed if the offender or public registry-qualified juvenile offender registrant does not reside or have a temporary domicile in this state and has not been employed at any location or locations in this state for more than three days or for an aggregate period of fourteen or more days in that calendar year.

(5) An offender or a delinquent child who is a public registry-qualified juvenile offender registrant is not required to register under division (A)(2), (3), or (4) of this section if a court issues an order terminating the offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code pursuant to section 2950.15 of the

Revised Code. A delinquent child who is a juvenile offender 9332  
registrant but is not a public registry-qualified juvenile 9333  
offender registrant is not required to register under any of those 9334  
divisions if a juvenile court issues an order declassifying the 9335  
delinquent child as a juvenile offender registrant pursuant to 9336  
section 2152.84 or 2152.85 of the Revised Code. 9337

~~(b) Regardless of when the sexually oriented offense was~~ 9338  
~~committed, a person who is convicted of, pleads guilty to, or is~~ 9339  
~~adjudicated a delinquent child in a court in another state, in a~~ 9340  
~~federal court, military court, or Indian tribal court, or in a~~ 9341  
~~court in any nation other than the United States for committing a~~ 9342  
~~sexually oriented offense that is not a registration-exempt~~ 9343  
~~sexually oriented offense, if, on or after July 1, 1997, for~~ 9344  
~~offenders, or January 1, 2002, for delinquent children, the~~ 9345  
~~offender or delinquent child is released from imprisonment,~~ 9346  
~~confinement, or detention imposed for that offense, and if, on or~~ 9347  
~~after July 1, 1997, for offenders, or January 1, 2002, for~~ 9348  
~~delinquent children, the offender or delinquent child moves to and~~ 9349  
~~resides in this state or temporarily is domiciled in this state~~ 9350  
~~for more than five days, the offender enters this state to attend~~ 9351  
~~any school or institution of higher education on a full-time or~~ 9352  
~~part-time basis, or the offender is employed in this state for~~ 9353  
~~more than fourteen days or for an aggregate period of thirty or~~ 9354  
~~more days in any calendar year. The duty to register as described~~ 9355  
~~in this division applies to an offender regardless of whether the~~ 9356  
~~offender, at the time of moving to and residing in this state or~~ 9357  
~~temporarily being domiciled in this state for more than five days,~~ 9358  
~~at the time of entering into this state to attend the school or~~ 9359  
~~institution of higher education, or at the time of being employed~~ 9360  
~~in this state for the specified period of time, has a duty to~~ 9361  
~~register as a sex offender or child victim offender under the law~~ 9362  
~~of the jurisdiction in which the conviction or guilty plea~~ 9363  
~~occurred. The duty to register as described in this division~~ 9364

~~applies to a delinquent child only if the delinquent child, at the~~ 9365  
~~time of moving to and residing in this state or temporarily being~~ 9366  
~~domiciled in this state for more than five days, has a duty to~~ 9367  
~~register as a sex offender or child victim offender under the law~~ 9368  
~~of the jurisdiction in which the delinquent child adjudication~~ 9369  
~~occurred or if, had the delinquent child adjudication occurred in~~ 9370  
~~this state, the adjudicating juvenile court judge would have been~~ 9371  
~~required to issue an order classifying the delinquent child as a~~ 9372  
~~juvenile offender registrant pursuant to section 2152.82 or~~ 9373  
~~division (A) of section 2152.83 of the Revised Code.~~ 9374

~~(4) If neither division (A)(1), (2), nor (3) of this section~~ 9375  
~~applies and if the offender is adjudicated a sexual predator under~~ 9376  
~~division (C) of section 2950.09 of the Revised Code, the offender~~ 9377  
~~shall register within five days of the adjudication with the~~ 9378  
~~sheriff of the county in which the offender resides or temporarily~~ 9379  
~~is domiciled for more than five days, shall register with the~~ 9380  
~~sheriff of any county in which the offender subsequently resides~~ 9381  
~~or temporarily is domiciled for more than five days within five~~ 9382  
~~days of coming into that county, shall register within five days~~ 9383  
~~of the adjudication with the sheriff of the county in which the~~ 9384  
~~offender attends any school or institution of higher education on~~ 9385  
~~a full-time or part-time basis or in which the offender is~~ 9386  
~~employed if the offender has been employed in that county for more~~ 9387  
~~than fourteen days or for an aggregate period of thirty or more~~ 9388  
~~days in that calendar year regardless of whether the offender~~ 9389  
~~resides or has temporary domicile in this state or another state,~~ 9390  
~~and shall register within five days of the adjudication with the~~ 9391  
~~sheriff or other appropriate person of any state other than this~~ 9392  
~~state in which the offender attends a school or institution of~~ 9393  
~~higher education on a full-time or part-time basis or in which the~~ 9394  
~~offender then is employed if the offender has been employed in~~ 9395  
~~that state for more than fourteen days or for an aggregate period~~ 9396  
~~of thirty or more days in any calendar year regardless of whether~~ 9397

~~the offender resides or has temporary domicile in this state, the~~ 9398  
~~other state, or a different state.~~ 9399

~~(5) A person who is adjudicated a delinquent child for~~ 9400  
~~committing a sexually oriented offense that is not a~~ 9401  
~~registration exempt sexually oriented offense is not required to~~ 9402  
~~register under division (A)(2) of this section unless the~~ 9403  
~~delinquent child committed the offense on or after January 1,~~ 9404  
~~2002, is classified a juvenile offender registrant by a juvenile~~ 9405  
~~court judge pursuant to an order issued under section 2152.82,~~ 9406  
~~2152.83, 2152.84, or 2152.85 of the Revised Code based on that~~ 9407  
~~adjudication, and has a duty to register pursuant to division~~ 9408  
~~(A)(2) of this section.~~ 9409

~~(6) A person who has been convicted of, is convicted of, has~~ 9410  
~~pleaded guilty to, or pleads guilty to a sexually oriented offense~~ 9411  
~~that is a registration exempt sexually oriented offense, and a~~ 9412  
~~person who is or has been adjudicated a delinquent child for~~ 9413  
~~committing a sexually oriented offense that is a~~ 9414  
~~registration exempt sexually oriented offense, does not have any~~ 9415  
~~duty to register under this section based on that conviction,~~ 9416  
~~guilty plea, or adjudication. The exemption of an offender or~~ 9417  
~~delinquent child from registration under this division for a~~ 9418  
~~conviction of, plea of guilty to, or delinquent child adjudication~~ 9419  
~~for a registration exempt sexually oriented offense does not~~ 9420  
~~limit, affect, or supersede any duties imposed upon the offender~~ 9421  
~~or delinquent child under this chapter or sections 2152.82 to~~ 9422  
~~2152.85 of the Revised Code for a conviction of, plea of guilty~~ 9423  
~~to, or delinquent child adjudication for any other sexually~~ 9424  
~~oriented offense or any child victim oriented offense.~~ 9425

~~(B) An offender or delinquent child who is required by~~ 9426  
~~division (A) of this section to register in this state personally~~ 9427  
~~shall obtain from the sheriff or from a designee of the sheriff a~~ 9428  
~~registration form that conforms to division (C) of this section,~~ 9429

shall complete and sign the form, and shall return the completed 9430  
form together with the offender's or delinquent child's 9431  
photograph, copies of travel and immigration documents, and any 9432  
other required material to the sheriff or the designee. The 9433  
sheriff or designee shall sign the form and indicate on the form 9434  
the date on which it is so returned. The registration required 9435  
under this division is complete when the offender or delinquent 9436  
child returns the form, containing the requisite information, 9437  
photograph, other required material, signatures, and date, to the 9438  
sheriff or designee. 9439

(C) The registration form to be used under divisions (A) and 9440  
(B) of this section shall include ~~the photograph of the offender~~ 9441  
~~or delinquent child who is registering and shall~~ or contain all of 9442  
the following for the offender or delinquent child who is 9443  
registering: 9444

(1) The offender's or delinquent child's name and any aliases 9445  
used by the offender or delinquent child; 9446

(2) The offender's or delinquent child's social security 9447  
number and date of birth, including any alternate social security 9448  
numbers or dates of birth that the offender or delinquent child 9449  
has used or uses; 9450

(3) Regarding an offender or delinquent child who is 9451  
registering under a duty imposed under division (A)(1) of this 9452  
section, a statement that the offender is serving a prison term, 9453  
term of imprisonment, or any other type of confinement or a 9454  
statement that the delinquent child is in the custody of the 9455  
department of youth services or is confined in a secure facility 9456  
that is not operated by the department; 9457

(4) Regarding an offender or delinquent child who is 9458  
registering under a duty imposed under division (A)~~(1)~~, (2), (3), 9459  
or (4) of this section as a result of the offender or delinquent 9460

child residing in this state or temporarily being domiciled in 9461  
this state for more than ~~five~~ three days, the current residence 9462  
address of the offender or delinquent child who is registering, 9463  
the name and address of the offender's or delinquent child's 9464  
employer if the offender or delinquent child is employed at the 9465  
time of registration or if the offender or delinquent child knows 9466  
at the time of registration that the offender or delinquent child 9467  
will be commencing employment with that employer subsequent to 9468  
registration, any other employment information, such as the 9469  
general area where the offender or delinquent child is employed, 9470  
if the offender or delinquent child is employed in many locations, 9471  
and the name and address of the offender's or public 9472  
registry-qualified juvenile offender registrant's school or 9473  
institution of higher education if the offender or public 9474  
registry-qualified juvenile offender registrant attends one at the 9475  
time of registration or if the offender or public 9476  
registry-qualified juvenile offender registrant knows at the time 9477  
of registration that the offender or public registry-qualified 9478  
juvenile offender registrant will be commencing attendance at that 9479  
school or institution subsequent to registration, ~~and any other~~ 9480  
~~information required by the bureau of criminal identification and~~ 9481  
~~investigation.~~ 9482

~~(2)~~(5) Regarding an offender or public registry-qualified 9483  
juvenile offender registrant who is registering under a duty 9484  
imposed under division (A)~~(1)~~, ~~(3)~~, (2), (3), or (4) of this 9485  
section as a result of the offender or public registry-qualified 9486  
juvenile offender registrant attending a school or institution of 9487  
higher education in this state on a full-time or part-time basis 9488  
or being employed in this state or in a particular county in this 9489  
state, whichever is applicable, for more than ~~fourteen~~ three days 9490  
or for an aggregate of ~~thirty~~ fourteen or more days in any 9491  
calendar year, the name and current address of the school, 9492  
institution of higher education, or place of employment of the 9493

offender or public registry-qualified juvenile offender registrant 9494  
who is registering and any other information required by the 9495  
~~bureau of criminal identification and investigation., including~~ 9496  
any other employment information, such as the general area where 9497  
the offender is employed, if the offender child is employed in 9498  
many locations; 9499

~~(3) Regarding an offender or delinquent child who is~~ 9500  
~~registering under a duty imposed under division (A)(1), (2), (3),~~ 9501  
~~or (4) of this section for any reason, if the offender has been~~ 9502  
~~adjudicated a sexual predator relative to the sexually oriented~~ 9503  
~~offense in question, if the delinquent child has been adjudicated~~ 9504  
~~a sexual predator relative to the sexually oriented offense in~~ 9505  
~~question and the court has not subsequently determined pursuant to~~ 9506  
~~section 2152.84 or 2152.85 of the Revised Code that the delinquent~~ 9507  
~~child no longer is a sexual predator, if the judge determined~~ 9508  
~~pursuant to division (C) of section 2950.09 or pursuant to section~~ 9509  
~~2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that the~~ 9510  
~~offender or delinquent child is a habitual sex offender and the~~ 9511  
~~determination has not been removed pursuant to section 2152.84 or~~ 9512  
~~2152.85 of the Revised Code, or if the offender has the duty to~~ 9513  
~~register as a result of the conviction of or plea of guilty to an~~ 9514  
~~aggravated sexually oriented offense, the offender or delinquent~~ 9515  
~~child also shall include on the signed, written registration form~~ 9516  
~~all of the following information:~~ 9517

~~(a) A specific declaration that the person has been~~ 9518  
~~adjudicated a sexual predator, has been determined to be a~~ 9519  
~~habitual sex offender, or was convicted of or pleaded guilty to an~~ 9520  
~~aggravated sexually oriented offense, whichever is applicable;~~ 9521

~~(b) If the offender or delinquent child has been adjudicated~~ 9522  
~~a sexual predator, the~~ (6) The identification license plate number 9523  
of each ~~motor~~ vehicle the offender or delinquent child owns ~~and,~~ 9524  
of each ~~motor~~ vehicle registered in the offender's or delinquent 9525

child's name, of each vehicle the offender or delinquent child 9526  
operates as a part of employment, and of each other vehicle that 9527  
is regularly available to be operated by the offender or 9528  
delinquent child; a description of where each vehicle is 9529  
habitually parked, stored, docked, or otherwise kept; and, if 9530  
required by the bureau of criminal identification and 9531  
investigation, a photograph of each of those vehicles; 9532

(7) If the offender or delinquent child has a driver's or 9533  
commercial driver's license or permit issued by this state or any 9534  
other state or a state identification card issued under section 9535  
4507.50 or 4507.51 of the Revised Code or a comparable 9536  
identification card issued by another state, the driver's license 9537  
number, commercial driver's license number, or state 9538  
identification card number; 9539

(8) If the offender or delinquent child was convicted of, 9540  
pleaded guilty to, or was adjudicated a delinquent child for 9541  
committing the sexually oriented offense resulting in the 9542  
registration duty in a court in another state, in a federal court, 9543  
military court, or Indian tribal court, or in a court in any 9544  
nation other than the United States, a DNA specimen, as defined in 9545  
section 109.573 of the Revised Code, from the offender or 9546  
delinquent child, a citation for, and the name of, the sexually 9547  
oriented offense resulting in the registration duty, and a 9548  
certified copy of a document that describes the text of that 9549  
sexually oriented offense; 9550

(9) A description of each professional and occupational 9551  
license, permit, or registration, including those licenses, 9552  
permits, and registrations issued under Title XLVII of the Revised 9553  
Code, held by the offender or delinquent child; 9554

(10) Any email addresses, internet identifiers, or telephone 9555  
numbers registered to or used by the offender or delinquent child; 9556



(11) Any other information required by the bureau of criminal 9557  
identification and investigation. 9558

(D) After an offender or delinquent child registers with a 9559  
sheriff, or the sheriff's designee, pursuant to this section, the 9560  
sheriff, or the sheriff's designee, shall forward the signed, 9561  
written registration form and, photograph, and other material to 9562  
the bureau of criminal identification and investigation in 9563  
accordance with the forwarding procedures adopted pursuant to 9564  
section 2950.13 of the Revised Code. If an offender registers a 9565  
school, institution of higher education, or place of employment 9566  
address, or provides a school or institution of higher education 9567  
address under division (C)~~(1)~~(4) of this section, the sheriff also 9568  
shall provide notice to the law enforcement agency with 9569  
jurisdiction over the premises of the school, institution of 9570  
higher education, or place of employment of the offender's name 9571  
and that the offender has registered that address as a place at 9572  
which the offender attends school or an institution of higher 9573  
education or at which the offender is employed. The bureau shall 9574  
include the information and materials forwarded to it under this 9575  
division in the state registry of sex offenders and child victim 9576  
offenders established and maintained under section 2950.13 of the 9577  
Revised Code. 9578

(E) No person who is required to register pursuant to 9579  
divisions (A) and (B) of this section, and no person who is 9580  
required to send a notice of intent to reside pursuant to division 9581  
(G) of this section, shall fail to register or send the notice of 9582  
intent as required in accordance with those divisions or that 9583  
division. 9584

(F) An offender or delinquent child who is required to 9585  
register pursuant to divisions (A) and (B) of this section shall 9586  
register pursuant to this section for the period of time specified 9587  
in section 2950.07 of the Revised Code, with the duty commencing 9588

on the date specified in division (A) of that section. 9589

(G) If an offender or delinquent child who is required by 9590  
division (A) of this section to register is ~~adjudicated a sexual~~ 9591  
~~predator or a habitual sexual offender subject to community~~ 9592  
~~notification under division (C)(2) or (E) of section 2950.09 of~~ 9593  
~~the Revised Code, or if an offender who is required by division~~ 9594  
~~(A) of this section to register has that duty as a result of a~~ 9595  
~~conviction of or plea of guilty to an aggravated sexually oriented~~ 9596  
~~offense a tier III sex offender/child-victim offender, the~~ 9597  
offender or delinquent child also shall send the sheriff, or the 9598  
sheriff's designee, of the county in which the offender or 9599  
delinquent child intends to reside written notice of the 9600  
offender's or delinquent child's intent to reside in the county. 9601  
The offender or delinquent child shall send the notice of intent 9602  
to reside at least twenty days prior to the date the offender or 9603  
delinquent child begins to reside in the county. The notice of 9604  
intent to reside shall contain the following information: 9605

(1) The offender's or delinquent child's name; 9606

(2) The address or addresses at which the offender or 9607  
delinquent child intends to reside; 9608

(3) The sexually oriented offense of which the offender was 9609  
convicted, to which the offender pleaded guilty, or for which the 9610  
child was adjudicated a delinquent child; 9611

~~(4) A statement that the offender has been adjudicated a~~ 9612  
~~sexual predator, a statement that the delinquent child has been~~ 9613  
~~adjudicated a sexual predator and that, as of the date of the~~ 9614  
~~notice, the court has not entered a determination that the~~ 9615  
~~delinquent child no longer is a sexual predator, a statement that~~ 9616  
~~the sentencing or reviewing judge has determined that the offender~~ 9617  
~~or delinquent child is a habitual sex offender and that, as of the~~ 9618  
~~date of the notice, the determination has not been removed~~ 9619

~~pursuant to section 2152.84 or 2152.85 of the Revised Code, or a~~ 9620  
~~statement that the offender was convicted of or pleaded guilty to~~ 9621  
~~an aggravated sexually oriented offense.~~ 9622

(H) If, immediately prior to ~~July 31, 2003~~ January 1, 2008, 9623  
an offender or delinquent child who was convicted of, pleaded 9624  
guilty to, or was adjudicated a delinquent child for committing a 9625  
sexually oriented offense or a child-victim oriented offense as 9626  
those terms were defined in section 2950.01 of the Revised Code 9627  
prior to January 1, 2008, was required by division (A) of this 9628  
section or section 2950.041 of the Revised Code to register and 9629  
if, on or after ~~July 31, 2003~~ January 1, 2008, that offense ~~no~~ 9630  
~~longer~~ is a sexually oriented offense ~~but instead is designated a~~ 9631  
~~child-victim oriented offense, division (A)(1)(c) or (2)(b) of~~ 9632  
~~section 2950.041 of the Revised Code applies regarding the~~ 9633  
~~offender or delinquent child and~~ as that term is defined in 9634  
section 2950.01 of the Revised Code on and after January 1, 2008, 9635  
the duty to register that is imposed pursuant to ~~that division~~ 9636  
this section on and after January 1, 2008, shall be considered, 9637  
for purposes of section 2950.07 of the Revised Code and for all 9638  
other purposes, to be a continuation of the duty imposed upon the 9639  
offender or delinquent child prior to ~~July 31, 2003~~ January 1, 9640  
2008, under this section or section 2950.041 of the Revised Code. 9641

**Sec. 2950.041.** (A)(1) ~~Each of the following types of (a)~~ 9642  
Immediately after a sentencing hearing is held on or after January 9643  
1, 2008, for an offender who is convicted of or pleads guilty to a 9644  
child-victim oriented offense and is sentenced to a prison term, a 9645  
term of imprisonment, or any other type of confinement and before 9646  
the offender is transferred to the custody of the department of 9647  
rehabilitation and correction or to the official in charge of the 9648  
jail, workhouse, state correctional institution, or other 9649  
institution where the offender will be confined, the offender 9650  
shall register personally with the sheriff, or the sheriff's 9651

designee, of the county in which the offender was convicted of or 9652  
pleaded guilty to the child-victim offense. 9653

(b) Immediately after a dispositional hearing is held on or 9654  
after January 1, 2008, for a child who is adjudicated a delinquent 9655  
child for committing a child-victim oriented offense, is 9656  
classified a juvenile offender registrant based on that 9657  
adjudication, and is committed to the custody of the department of 9658  
youth services or to a secure facility that is not operated by the 9659  
department and before the child is transferred to the custody of 9660  
the department of youth services or the secure facility to which 9661  
the delinquent child is committed, the delinquent child shall 9662  
register personally with the sheriff, or the sheriff's designee, 9663  
of the county in which the delinquent child was classified a 9664  
juvenile offender registrant based on that child-victim oriented 9665  
offense. 9666

(c) A law enforcement officer shall be present at the 9667  
sentencing hearing or dispositional hearing described in division 9668  
(A)(1)(a) or (b) of this section to immediately transport the 9669  
offender or delinquent child who is the subject of the hearing to 9670  
the sheriff, or the sheriff's designee, of the county in which the 9671  
offender or delinquent child is convicted, pleads guilty, or is 9672  
adjudicated a delinquent child. 9673

(d) After an offender who has registered pursuant to division 9674  
(A)(1)(a) of this section is released from a prison term, a term 9675  
of imprisonment, or any other type of confinement, the offender 9676  
shall register as provided in division (A)(2) of this section. 9677  
After a delinquent child who has registered pursuant to division 9678  
(A)(1)(b) of this section is released from the custody of the 9679  
department of youth services or from a secure facility that is not 9680  
operated by the department, the delinquent child shall register as 9681  
provided in division (A)(3) of this section. 9682

(2) Regardless of when the child-victim oriented offense was 9683

committed, each offender who is convicted of ~~or~~, pleads guilty to, 9684  
~~or~~ has been convicted of, or has pleaded guilty to, a child-victim 9685  
oriented offense shall comply with all of the following 9686  
registration requirements: 9687

(a) The offender shall register personally with the sheriff, 9688  
or the sheriff's designee, of the county within ~~five~~ three days of 9689  
the offender's coming into a county in which the offender resides 9690  
or temporarily is domiciled for more than ~~five~~ three days. 9691  
9692

(b) The offender shall register personally with the sheriff, 9693  
or the sheriff's designee, of the county immediately upon coming 9694  
into a county in which the offender attends a school or 9695  
institution of higher education on a full-time or part-time basis 9696  
regardless of whether the offender resides or has a temporary 9697  
domicile in this state or another state. 9698

(c) The offender shall register personally with the sheriff, 9699  
or the sheriff's designee, of the county in which the offender is 9700  
employed if the offender resides or has a temporary domicile in 9701  
this state and has been employed in that county for more than 9702  
~~fourteen~~ three days or for an aggregate period of ~~thirty~~ fourteen 9703  
or more days in that calendar year. 9704

(d) The offender shall register personally with the sheriff, 9705  
or the sheriff's designee, of the county in which the offender 9706  
then is employed if the offender does not reside or have a 9707  
temporary domicile in this state and has been employed at any 9708  
location or locations in this state for more than ~~fourteen~~ three 9709  
days or for an aggregate period of ~~thirty~~ fourteen or more days in 9710  
that calendar year, ~~and~~. 9711

(e) The offender shall register personally with the sheriff, 9712  
or the sheriff's designee, or other appropriate person of the 9713  
other state immediately upon entering into any state other than 9714

this state in which the offender attends a school or institution 9715  
of higher education on a full-time or part-time basis or upon 9716  
being employed in any state other than this state for more than 9717  
~~fourteen~~ three days or for an aggregate period of ~~thirty~~ fourteen 9718  
or more days in that calendar year regardless of whether the 9719  
offender resides or has a temporary domicile in this state, the 9720  
other state, or a different state~~;~~. 9721

~~(a) Regardless of when the child victim oriented offense was 9722  
committed, an offender who is sentenced for the child victim 9723  
oriented offense to a prison term, a term of imprisonment, or any 9724  
other type of confinement and, on or after July 31, 2003, is 9725  
released in any manner from the prison term, term of imprisonment, 9726  
or confinement;~~ 9727

~~(b) Regardless of when the child victim oriented offense was 9728  
committed, an offender who is sentenced for a child victim 9729  
oriented offense on or after July 31, 2003, and to whom division 9730  
(A)(1)(a) of this section does not apply;~~ 9731

~~(c) If the child victim oriented offense was committed prior 9732  
to July 31, 2003, if the offense was considered prior to that date 9733  
to be a sexually oriented offense, and if neither division 9734  
(A)(1)(a) nor division (A)(1)(b) of this section applies, an 9735  
offender who, immediately prior to July 31, 2003, was required to 9736  
register as a result of conviction of or plea of guilty to the 9737  
commission of that offense under section 2950.04 of the Revised 9738  
Code. For any offender who is described in this division, the duty 9739  
imposed under this division shall be considered, for purposes of 9740  
section 2950.07 of the Revised Code and for all other purposes, to 9741  
be a continuation of the duty imposed upon the offender prior to 9742  
July 31, 2003, under section 2950.04 of the Revised Code. 9743~~

~~(2) Each of the following types of delinquent children shall 9744  
register personally with the sheriff of the county within five 9745  
days of the delinquent child's coming into a county in which the 9746~~

~~delinquent child resides or temporarily is domiciled for more than~~ 9747  
~~five days.~~ 9748

~~(a)(3)~~ Regardless of when the child-victim oriented offense 9749  
was committed, ~~a~~ each child who on or after July 31, 2003, is 9750  
adjudicated a delinquent child for committing a child-victim 9751  
oriented offense and who is classified a juvenile offender 9752  
registrant based on that adjudication shall register personally 9753  
with the sheriff, or the sheriff's designee, of the county within 9754  
three days of the delinquent child's coming into a county in which 9755  
the delinquent child resides or temporarily is domiciled for more 9756  
than three days. If the delinquent child is committed for the 9757  
child-victim oriented offense to the department of youth services 9758  
or to a secure facility that is not operated by the department, 9759  
this duty begins when the delinquent child is discharged or 9760  
released in any manner from custody in a department of youth 9761  
services secure facility or from the secure facility that is not 9762  
operated by the department, if pursuant to the discharge or 9763  
release the delinquent child is not committed to any other secure 9764  
facility of the department or any other secure facility. ~~The~~ 9765  
~~delinquent child does not have a duty to register under this~~ 9766  
~~division while the child is in a department of youth services~~ 9767  
~~secure facility or in a secure facility that is not operated by~~ 9768  
~~the department.~~ 9769

~~(b) If the child victim oriented offense was committed prior~~ 9770  
~~to July 31, 2003, if the offense was considered prior to that date~~ 9771  
~~to be a sexually oriented offense, and if division (A)(2)(a) of~~ 9772  
~~this section does not apply, a delinquent child who, immediately~~ 9773  
~~prior to July 31, 2003, was classified a juvenile sex offender~~ 9774  
~~registrant and required to register as a result of a delinquent~~ 9775  
~~child adjudication for the commission of that offense under~~ 9776  
~~section 2950.04 of the Revised Code. For any delinquent child who~~ 9777  
~~is described in this division, the duty imposed under this~~ 9778

~~division shall be considered, for purposes of section 2950.07 of~~ 9779  
~~the Revised Code and for all other purposes, to be a continuation~~ 9780  
~~of the duty imposed upon the delinquent child prior to July 31,~~ 9781  
~~2003, under section 2950.04 of the Revised Code. If the delinquent~~ 9782  
~~child is committed for the child victim oriented offense to the~~ 9783  
~~department of youth services or to a secure facility that is not~~ 9784  
~~operated by the department, the provisions of division (A)(2)(a)~~ 9785  
~~of this section regarding the beginning, and tolling, of a duty~~ 9786  
~~imposed under that division also apply regarding the beginning,~~ 9787  
~~and tolling, of the duty imposed under this division.~~ 9788

~~(3) If divisions (A)(1) and (2) of this section do not apply,~~ 9789  
~~each following type of offender and each following type of~~ 9790  
~~delinquent child shall register personally with the sheriff of the~~ 9791  
~~county within five days of the offender's or delinquent child's~~ 9792  
~~coming into a county in which the offender or delinquent child~~ 9793  
~~resides or temporarily is domiciled for more than five days, and~~ 9794  
~~each following type of offender shall register personally with the~~ 9795  
~~sheriff of the county immediately upon coming into a county in~~ 9796  
~~which the offender attends a school or institution of higher~~ 9797  
~~education on a full time or part time basis regardless of whether~~ 9798  
~~the offender resides or has a temporary domicile in this state or~~ 9799  
~~another state, shall register personally with the sheriff of the~~ 9800  
~~county in which the offender is employed if the offender resides~~ 9801  
~~or has a temporary domicile in this state and has been employed in~~ 9802  
~~that county for more than fourteen days or for an aggregate period~~ 9803  
~~of thirty or more days in that calendar year, and shall register~~ 9804  
~~personally with the sheriff of the county in which the offender~~ 9805  
~~then is employed if the offender does not reside or have a~~ 9806  
~~temporary domicile in this state and has been employed at any~~ 9807  
~~location or locations in this state for more than fourteen days or~~ 9808  
~~for an aggregate period of thirty or more days in that calendar~~ 9809  
~~year.~~ 9810



~~(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~~  
~~year, and shall comply with all of 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 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 child-victim offender or sex offender under the law  
of that other jurisdiction as a result of the conviction, guilty  
plea, or adjudication:

(a) Each offender and delinquent child shall register  
personally with the sheriff, or the sheriff's designee, 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.

(b) Each offender shall register personally with the sheriff,  
or the sheriff's designee, of the county immediately upon coming  
into a county in which the offender attends a school or  
institution of higher education on a full-time or part-time basis  
regardless of whether the offender resides or has a temporary

domicile in this state or another state. 9843

(c) Each offender shall register personally with the sheriff, 9844  
or the sheriff's designee, of the county in which the offender is 9845  
employed if the offender resides or has a temporary domicile in 9846  
this state and has been employed in that county for more than 9847  
three days or for an aggregate period of fourteen days or more in 9848  
that calendar year. 9849

(d) Each offender shall register personally with the sheriff, 9850  
or the sheriff's designee, of the county in which the offender 9851  
then is employed if the offender does not reside or have a 9852  
temporary domicile in this state and has not been employed at any 9853  
location or locations in this state for more than three days or 9854  
for an aggregate period of fourteen or more days in that calendar 9855  
year. 9856

(5) An offender is not required to register under division 9857  
(A)(2), (3), or (4) of this section if a court issues an order 9858  
terminating the offender's duty to comply with sections 2950.04, 9859  
2950.041, 2950.05, and 2950.06 of the Revised Code pursuant to 9860  
section 2950.15 of the Revised Code. A delinquent child who is a 9861  
juvenile offender registrant but is not a public 9862  
registry-qualified juvenile offender registrant is not required to 9863  
register under any of those divisions if a juvenile court issues 9864  
an order declassifying the delinquent child as a juvenile offender 9865  
registrant pursuant to section 2152.84 or 2152.85 of the Revised 9866  
Code. 9867

~~(b) Regardless of when the child victim oriented offense was~~ 9868  
~~committed, a person who is convicted, pleads guilty, or~~ 9869  
~~adjudicated a delinquent child in a court in another state, in a~~ 9870  
~~federal court, military court, or Indian tribal court, or in a~~ 9871  
~~court in any nation other than the United States for committing a~~ 9872  
~~child victim oriented offense, if, on or after July 31, 2003, the~~ 9873  
~~offender or delinquent child is released from imprisonment,~~ 9874

~~confinement, or detention imposed for that offense, and if, on or 9875  
after July 31, 2003, the offender or delinquent child moves to and 9876  
resides in this state or temporarily is domiciled in this state 9877  
for more than five days, the offender enters this state to attend 9878  
any school or institution of higher education on a full time or 9879  
part time basis, or the offender is employed in this state for 9880  
more than fourteen days or for an aggregate period of thirty or 9881  
more days in any calendar year. The duty to register as described 9882  
in this division applies to an offender regardless of whether the 9883  
offender, at the time of moving to and residing in this state or 9884  
temporarily being domiciled in this state for more than five days, 9885  
at the time of entering into this state to attend the school or 9886  
institution of higher education, or at the time of being employed 9887  
in this state for more than the specified period of time, has a 9888  
duty to register as a child victim offender or sex offender under 9889  
the law of the jurisdiction in which the conviction or guilty plea 9890  
occurred. The duty to register as described in this division 9891  
applies to a delinquent child only if the delinquent child, at the 9892  
time of moving to and residing in this state or temporarily being 9893  
domiciled in this state for more than five days, has a duty to 9894  
register as a child victim offender or sex offender under the law 9895  
of the jurisdiction in which the delinquent child adjudication 9896  
occurred or if, had the delinquent child adjudication occurred in 9897  
this state, the adjudicating juvenile court judge would have been 9898  
required to issue an order classifying the delinquent child as a 9899  
juvenile offender registrant pursuant to section 2152.82 or 9900  
division (A) of section 2152.83 of the Revised Code. 9901~~

~~(4) If neither division (A)(1), (2), nor (3) of this section 9902  
applies and if the offender is adjudicated a child victim predator 9903  
under division (C) of section 2950.091 of the Revised Code, the 9904  
offender shall register within five days of the adjudication with 9905  
the sheriff of the county in which the offender resides or 9906  
temporarily is domiciled for more than five days, shall register 9907~~

~~with the sheriff of any county in which the offender subsequently~~ 9908  
~~resides or temporarily is domiciled for more than five days within~~ 9909  
~~five days of coming into that county, shall register within five~~ 9910  
~~days of the adjudication with the sheriff of the county in which~~ 9911  
~~the offender attends any school or institution of higher education~~ 9912  
~~on a full time or part time basis or in which the offender is~~ 9913  
~~employed if the offender has been employed in that county for more~~ 9914  
~~than fourteen days or for an aggregate period of thirty or more~~ 9915  
~~days in that calendar year regardless of whether the offender~~ 9916  
~~resides or has temporary domicile in this state or another state,~~ 9917  
~~and shall register within five days of the adjudication with the~~ 9918  
~~sheriff or other appropriate person of any state other than this~~ 9919  
~~state in which the offender attends a school or institution of~~ 9920  
~~higher education on a full time or part time basis or in which the~~ 9921  
~~offender then is employed if the offender has been employed in~~ 9922  
~~this state for more than fourteen days or for an aggregate period~~ 9923  
~~of thirty or more days in any calendar year regardless of whether~~ 9924  
~~the offender resides or has temporary domicile in this state, the~~ 9925  
~~other state, or a different state.~~ 9926

~~(5) A person who is adjudicated a delinquent child for~~ 9927  
~~committing a child victim oriented offense is not required to~~ 9928  
~~register under division (A)(2) of this section unless the~~ 9929  
~~delinquent child committed the offense on or after July 31, 2003,~~ 9930  
~~is classified a juvenile offender registrant by a juvenile court~~ 9931  
~~judge pursuant to an order issued under section 2152.82, 2152.83,~~ 9932  
~~2152.84, or 2152.85 of the Revised Code based on that~~ 9933  
~~adjudication, and has a duty to register pursuant to division~~ 9934  
~~(A)(2) of this section.~~ 9935

(B) An offender or delinquent child who is required by 9936  
division (A) of this section to register in this state personally 9937  
shall do so in the manner described in division (B) of section 9938  
2950.04 of the Revised Code, and the registration is complete as 9939

described in that division. 9940

(C) The registration form to be used under divisions (A) and 9941  
(B) of this section shall include ~~the photograph of the offender~~ 9942  
~~or delinquent child who is registering and shall~~ or contain all of 9943  
the following for the offender or delinquent child who is 9944  
registering: 9945

(1) The offender's or delinquent child's name, any aliases 9946  
used by the offender or delinquent child, and a photograph of the 9947  
offender or delinquent child; 9948

(2) The offender's or delinquent child's social security 9949  
number and date of birth, including any alternate social security 9950  
numbers or dates of birth that the offender or delinquent child 9951  
has used or uses; 9952

(3) Regarding an offender or delinquent child who is 9953  
registering under a duty imposed under division (A)(1) of this 9954  
section, a statement that the offender is serving a prison term, 9955  
term of imprisonment, or any other type of confinement or a 9956  
statement that the delinquent child is in the custody of the 9957  
department of youth services or is confined in a secure facility 9958  
that is not operated by the department; 9959

(4) Regarding an offender or delinquent child who is 9960  
registering under a duty imposed under division (A)~~(1)~~, (2), (3), 9961  
or (4) of this section as a result of the offender or delinquent 9962  
child residing in this state or temporarily being domiciled in 9963  
this state for more than ~~five~~ three days, all of the information 9964  
described in division (C)~~(1)~~(4) of section 2950.04 of the Revised 9965  
Code; 9966

~~(2)~~(5) Regarding an offender who is registering under a duty 9967  
imposed under division (A)~~(1)~~, ~~(3)~~, (2) or (4) of this section as a 9968  
result of the offender attending a school or institution of higher 9969  
education on a full-time or part-time basis or being employed in 9970

this state or in a particular county in this state, whichever is applicable, for more than ~~fourteen~~ three days or for an aggregate of ~~thirty~~ fourteen or more days in any calendar year, all of the information described in division (C)~~(2)~~(5) of section 2950.04 of the Revised Code;

~~(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, if the offender has been adjudicated a child victim predator relative to the child victim oriented offense in question, if the delinquent child has been adjudicated a child victim predator relative to the child victim 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 child victim predator, if the offender or delinquent child is automatically classified a habitual child victim offender under division (E) of section 2950.091 of the Revised Code, or if the judge determined pursuant to division (C) or (E) of section 2950.091 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 child victim offender and the determination has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code, the offender or delinquent child shall include on the signed, written registration form all of the information described in division (C)(3) of section 2950.04 of the Revised Code.~~

(6) The identification license plate number issued by this state or any other state of each vehicle the offender or delinquent child owns, of each vehicle registered in the offender's or delinquent child's name, of each vehicle the offender or delinquent child operates as a part of employment, and of each other vehicle that is regularly available to be operated by the offender or delinquent child; a description of where each

<u>vehicle is habitually parked, stored, docked, or otherwise kept;</u>	10003
<u>and, if required by the bureau of criminal identification and</u>	10004
<u>investigation, a photograph of each of those vehicles;</u>	10005
<u>(7) If the offender or delinquent child has a driver's or</u>	10006
<u>commercial driver's license or permit issued by this state or any</u>	10007
<u>other state or a state identification card issued under section</u>	10008
<u>4507.50 or 4507.51 of the Revised Code or a comparable</u>	10009
<u>identification card issued by another state, the driver's license</u>	10010
<u>number, commercial driver's license number, or state</u>	10011
<u>identification card number;</u>	10012
<u>(8) If the offender or delinquent child was convicted of,</u>	10013
<u>pleaded guilty to, or was adjudicated a delinquent child for</u>	10014
<u>committing the child-victim oriented offense resulting in the</u>	10015
<u>registration duty in a court in another state, in a federal court,</u>	10016
<u>military court, or Indian tribal court, or in a court in any</u>	10017
<u>nation other than the United States, a DNA specimen, as defined in</u>	10018
<u>section 109.573 of the Revised Code, from the offender or</u>	10019
<u>delinquent child, a citation for, and the name of, the</u>	10020
<u>child-victim oriented offense resulting in the registration duty,</u>	10021
<u>and a certified copy of a document that describes the text of that</u>	10022
<u>child-victim oriented offense;</u>	10023
<u>(9) Copies of travel and immigration documents;</u>	10024
<u>(10) A description of each professional and occupational</u>	10025
<u>license, permit, or registration, including those licenses,</u>	10026
<u>permits, and registrations issued under Title XLVII of the Revised</u>	10027
<u>Code, held by the offender or delinquent child;</u>	10028
<u>(11) Any email addresses, internet identifiers, or telephone</u>	10029
<u>numbers registered to or used by the offender or delinquent child;</u>	10030
<u>(12) Any other information required by the bureau of criminal</u>	10031
<u>identification and investigation.</u>	10032
<u>(D) Division (D) of section 2950.04 of the Revised Code</u>	10033

applies when an offender or delinquent child registers with a sheriff pursuant to this section.

(E) No person who is required to register pursuant to divisions (A) and (B) of this section, and no person who is required to send a notice of intent to reside pursuant to division (G) of this section, shall fail to register or send the notice as required in accordance with those divisions or that division.

(F) An offender or delinquent child who is required to register pursuant to divisions (A) and (B) of this section shall register pursuant to this section for the period of time specified in section 2950.07 of the Revised Code, with the duty commencing on the date specified in division (A) of that section.

(G) If an offender or delinquent child who is required by division (A) of this section to register is ~~adjudicated a child-victim predator or a habitual child-victim offender subject to community notification under division (C)(2) or (E) of section 2950.091 of the Revised Code a tier III sex offender/child-victim offender~~, the offender or delinquent child also shall send the sheriff, or the sheriff's designee, of the county in which the offender or delinquent child intends to reside written notice of the offender's or delinquent child's intent to reside in the county. The offender or delinquent child shall send the notice of intent to reside at least twenty days prior to the date the offender or delinquent child begins to reside in the county. The notice of intent to reside shall contain all of the following information:

(1) The information specified in divisions (G)(1) and (2) of section 2950.04 of the Revised Code;

(2) The child-victim oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child;



~~(3) A statement that the offender has been adjudicated a child victim predator, a statement that the delinquent child has been adjudicated a child victim predator and that, as of the date of the notice, the court has not entered a determination that the delinquent child no longer is a child victim predator, or a statement that the sentencing or reviewing judge has determined that the offender or delinquent child is a habitual child victim offender and that, as of the date of the notice, the determination has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code.~~

(H) If, immediately prior to January 1, 2008, an offender or delinquent child who was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing a child-victim oriented offense or a sexually oriented offense as those terms were defined in section 2950.01 of the Revised Code prior to January 1, 2008, was required by division (A) of this section or section 2950.04 of the Revised Code to register and if, on or after January 1, 2008, that offense is a child-victim oriented offense as that term is defined in section 2950.01 of the Revised Code on and after January 1, 2008, the duty to register that is imposed pursuant to this section on and after January 1, 2008, shall be considered, for purposes of section 2950.07 of the Revised Code and for all other purposes, to be a continuation of the duty imposed upon the offender or delinquent child prior to January 1, 2008, under this section or section 2950.04 of the Revised Code.

**Sec. 2950.042.** By January 1, 2008, the department of rehabilitation and correction, the adult parole authority, and the department of youth services shall adopt rules to require parole officers to verify within three days of an offender's or delinquent child's release that the offender or delinquent child has registered as provided in divisions (A)(2) and (3) of section

2950.04 of the Revised Code or in divisions (A)(2) and (3) of 10097  
section 2950.041 of the Revised Code, whichever is applicable. 10098

**Sec. 2950.043.** If an offender or delinquent child registers 10099  
with a sheriff pursuant to section 2950.04 or 2950.041 of the 10100  
Revised Code on or after December 1, 2007, if the offender or 10101  
delinquent child previously has not registered under either 10102  
section with that sheriff or any other sheriff, and if the 10103  
offender or delinquent child was convicted of, pleaded guilty to, 10104  
or was classified a juvenile offender registrant relative to the 10105  
sexually oriented offense or child-victim oriented offense upon 10106  
which the registration was based prior to December 1, 2007, as 10107  
soon as practicable after the registration, the sheriff shall 10108  
contact the attorney general, inform the attorney general of the 10109  
registration, and forward to the attorney general in the manner 10110  
specified in division (D) of section 2950.04 of the Revised Code 10111  
all of the information and material specified in that division. 10112  
Upon being informed of the registration and receiving the 10113  
information and material, the attorney general shall comply with 10114  
division (B) of section 2950.031 of the Revised Code. 10115

**Sec. 2950.05.** (A) If an offender or delinquent child is 10116  
required to register pursuant to ~~division (A)(2), (3), or (4) of~~ 10117  
section 2950.04 or 2950.041 of the Revised Code, the ~~offender or~~ 10118  
delinquent child, ~~at least twenty days prior to changing the~~ 10119  
~~offender's or delinquent child's residence address, or the~~ 10120  
~~offender, at least twenty days prior to changing the address of~~ 10121  
~~the offender's school or institution of higher education and not~~ 10122  
~~later than five days after changing the address of the offender's~~ 10123  
~~place of employment, during the period during which the offender~~ 10124  
~~or delinquent child is required to register, if not a public~~ 10125  
~~registry-qualified juvenile offender registrant shall provide~~ 10126  
written notice of the any change of residence address, and the 10127

offender and public registry-qualified juvenile offender 10128  
registrant shall provide notice of any change of residence, 10129  
school, institution of higher education, or place of employment 10130  
address ~~change, as applicable,~~ to the sheriff with whom the 10131  
offender or delinquent child most recently registered the address 10132  
under division (A)(2), (3), or (4) of section 2950.04 or 2950.041 10133  
of the Revised Code or under division (B) of this section. A 10134  
written notice of a change of school, institution of higher 10135  
education, or place of employment address also shall include the 10136  
name of the new school, institution of higher education, or place 10137  
of employment. The delinquent child if not a public 10138  
registry-qualified juvenile offender registrant shall provide the 10139  
written notice at least twenty days prior to changing the 10140  
residence address, and the offender and public registry-qualified 10141  
juvenile offender registrant shall provide the written notice at 10142  
least twenty days prior to changing the address of the residence, 10143  
school, or institution of higher education and not later than 10144  
three days after changing the address of the place of employment. 10145  
They shall provide the written notices during the period they are 10146  
required to register. If a residence address change is not to a 10147  
fixed address, the offender or delinquent child shall include in 10148  
that notice a detailed description of the place or places at which 10149  
the offender or delinquent child intends to stay and, not later 10150  
than the end of the first business day immediately following the 10151  
day on which the person obtains a fixed residence address, shall 10152  
provide that sheriff written notice of that fixed residence 10153  
address. If a person whose residence address change is not to a 10154  
fixed address describes in a notice under this division the place 10155  
or places at which the person intends to stay, for purposes of 10156  
divisions (C) to ~~(H)~~(I) of this section, sections 2950.06 to 10157  
2950.13 of the Revised Code, and sections 311.171 and 2919.24 of 10158  
the Revised Code, the place or places so described in the notice 10159  
shall be considered the person's residence address and registered 10160

residence address, until the person provides the written notice of  
a fixed residence address as described in this division.

(B) If an offender or public registry-qualified juvenile  
offender registrant is required to provide notice of a residence,  
school, institution of higher education, or place of employment  
address change under division (A) of this section, or a delinquent  
child who is not a public registry-qualified juvenile offender  
registrant is required to provide notice of a residence address  
change under that division, the offender or delinquent child, at  
least twenty days prior to changing the residence, school, or  
institution of higher education address and not later than ~~five~~  
three days after changing the place of employment address, as  
applicable, also shall register the new address in the manner, and  
using the form, described in divisions (B) and (C) of section  
2950.04 or 2950.041 of the Revised Code, whichever is applicable,  
with the sheriff of the county in which the offender's or  
delinquent child's new address is located, subject to division (C)  
of this section. If a residence address change is not to a fixed  
address, the offender or delinquent child shall include in the  
registration a detailed description of the place or places at  
which the offender or delinquent child intends to stay and, not  
later than the end of the first business day immediately following  
the day on which the person obtains a fixed residence address,  
shall register with that sheriff that fixed residence address. If  
a person whose residence address change is not to a fixed address  
describes in a registration under this division the place or  
places at which the person intends to stay, for purposes of  
divisions (C) to ~~(H)~~(I) of this section, sections 2950.06 to  
2950.13 of the Revised Code, and sections 311.171 and 2919.24 of  
the Revised Code, the place or places so described in the  
registration shall be considered the person's residence address  
and registered residence address, until the person registers a

fixed residence address as described in this division. 10194

(C) Divisions (A) and (B) of this section apply to a person 10195  
who is required to register pursuant to division (A)(2), (3), or 10196  
(4) of section 2950.04 or 2950.041 of the Revised Code regardless 10197  
of whether the new residence, school, institution of higher 10198  
education, or place of employment address is in this state or in 10199  
another state. If the new address is in another state, the person 10200  
shall register with the appropriate law enforcement officials in 10201  
that state in the manner required under the law of that state and 10202  
within the earlier of the period of time required under the law of 10203  
that state or at least seven days prior to changing the address. 10204

(D) If an offender or delinquent child who is a public 10205  
registry-qualified juvenile offender registrant is required to 10206  
register pursuant to division (A)(2), (3), or (4) of section 10207  
2950.04 or 2950.041 of the Revised Code, the offender or public 10208  
registry-qualified juvenile offender registrant shall provide 10209  
written notice, within three days of the change, of any change in 10210  
vehicle information, email addresses, internet identifiers, or 10211  
telephone numbers registered to or used by the offender or 10212  
registrant to the sheriff with whom the offender or registrant has 10213  
most recently registered under division (A)(2), (3), or (4) of 10214  
section 2950.04 or 2950.041 of the Revised Code. 10215

(E)(1) Upon receiving from an offender or delinquent child 10216  
pursuant to division (A) of this section notice of a change of the 10217  
offender's or public registry-qualified juvenile offender 10218  
registrant's residence, school, institution of higher education, 10219  
or place of employment address or the ~~delinquent child's~~ residence 10220  
address of a delinquent child who is not a public 10221  
registry-qualified juvenile offender registrant, a sheriff 10222  
promptly shall forward the new address to the bureau of criminal 10223  
identification and investigation in accordance with the forwarding 10224  
procedures adopted pursuant to section 2950.13 of the Revised Code 10225

if the new address is in another state or, if the new address is  
located in another county in this state, to the sheriff of that  
county. Upon receiving from an offender or public  
registry-qualified juvenile offender registrant notice of vehicle  
and identifier changes pursuant to division (D) of this section, a  
sheriff promptly shall forward the new information to the bureau  
of criminal identification and investigation in accordance with  
the forwarding procedures adopted pursuant to section 2950.13 of  
the Revised Code. The bureau shall include all information  
forwarded to it under this division in the state registry of sex  
offenders and child-victim offenders established and maintained  
under section 2950.13 of the Revised Code and shall forward notice  
of the offender's or delinquent child's new residence, school,  
institution of higher education, or place of employment address,  
as applicable, to the appropriate officials in the other state.

(2) When an offender or public registry-qualified juvenile  
offender registrant registers a new residence, school, institution  
of higher education, or place of employment address or a  
delinquent child who is not a public registry-qualified juvenile  
offender registrant registers a new residence address pursuant to  
division (B) of this section, the sheriff with whom the offender  
or delinquent child registers and the bureau of criminal  
identification and investigation shall comply with division (D) of  
section 2950.04 or 2950.041 of the Revised Code, whichever is  
applicable.

~~(E)~~(F)(1) No person who is required to notify a sheriff of a  
change of address pursuant to division (A) of this section or a  
change in vehicle information or identifiers pursuant to division  
(D) of this section shall fail to notify the appropriate sheriff  
in accordance with that division.

(2) No person who is required to register a new residence,

school, institution of higher education, or place of employment 10258  
address with a sheriff or with an official of another state 10259  
pursuant to divisions (B) and (C) of this section shall fail to 10260  
register with the appropriate sheriff or official of the other 10261  
state in accordance with those divisions. 10262

~~(F)~~(G)(1) It is an affirmative defense to a charge of a 10263  
violation of division ~~(F)~~(F)(1) of this section that it was 10264  
impossible for the person to provide the written notice to the 10265  
sheriff as required under division (A) of this section because of 10266  
a lack of knowledge, on the date specified for the provision of 10267  
the written notice, of a residence, school, institution of higher 10268  
education, or place of employment address change, and that the 10269  
person provided notice of the residence, school, institution of 10270  
higher education, or place of employment address change to the 10271  
sheriff specified in division (A) of this section as soon as 10272  
possible, but not later than the end of the first business day, 10273  
after learning of the address change by doing either of the 10274  
following: 10275

(a) The person provided notice of the address change to the 10276  
sheriff specified in division (A) of this section by telephone 10277  
immediately upon learning of the address change or, if the person 10278  
did not have reasonable access to a telephone at that time, as 10279  
soon as possible, but not later than the end of the first business 10280  
day, after learning of the address change and having reasonable 10281  
access to a telephone, and the person, as soon as possible, but 10282  
not later than the end of the first business day, after providing 10283  
notice of the address change to the sheriff by telephone, provided 10284  
written notice of the address change to that sheriff. 10285

(b) The person, as soon as possible, but not later than the 10286  
end of the first business day, after learning of the address 10287  
change, provided written notice of the address change to the 10288  
sheriff specified in division (A) of this section. 10289

(2) It is an affirmative defense to a charge of a violation 10290  
of division ~~(E)~~(F)(2) of this section that it was impossible for 10291  
the person to register the new address with the sheriff or the 10292  
official of the other state as required under division (B) or (C) 10293  
of this section because of a lack of knowledge, on the date 10294  
specified for the registration of the new address, of a residence, 10295  
school, institution of higher education, or place of employment 10296  
address change, and that the person registered the new residence, 10297  
school, institution of higher education, or place of employment 10298  
address with the sheriff or the official of the other state 10299  
specified in division (B) or (C) of this section as soon as 10300  
possible, but not later than the end of the first business day, 10301  
after learning of the address change by doing either of the 10302  
following: 10303

(a) The person provided notice of the new address to the 10304  
sheriff or official specified in division (B) or (C) of this 10305  
section by telephone immediately upon learning of the new address 10306  
or, if the person did not have reasonable access to a telephone at 10307  
that time, as soon as possible, but not later than the end of the 10308  
first business day, after learning of the new address and having 10309  
reasonable access to a telephone, and the person, as soon as 10310  
possible, but not later than the end of the first business day, 10311  
after providing notice of the new address to the sheriff or 10312  
official by telephone, registered the new address with that 10313  
sheriff or official in accordance with division (B) or (C) of this 10314  
section. 10315

(b) The person, as soon as possible, but not later than the 10316  
end of the first business day, after learning of the new address, 10317  
registered the new address with the sheriff or official specified 10318  
in division (B) or (C) of this section, in accordance with that 10319  
division. 10320

~~(G)~~(H) An offender or delinquent child who is required to 10321



comply with divisions (A), (B), and (C) of this section shall do 10322  
so for the period of time specified in section 2950.07 of the 10323  
Revised Code. 10324

~~(H)~~(I) As used in this section, and in all other sections of 10325  
the Revised Code that refer to the duties imposed on an offender 10326  
or delinquent child under this section relative to a change in the 10327  
offender's or delinquent child's residence, school, institution of 10328  
higher education, or place of employment address, "change in 10329  
address" includes any circumstance in which the old address for 10330  
the person in question no longer is accurate, regardless of 10331  
whether the person in question has a new address. 10332

**Sec. 2950.06.** (A) An offender or delinquent child who is 10333  
required to register a residence address pursuant to division 10334  
(A)(2), (3), or (4) of section 2950.04 or 2950.041 of the Revised 10335  
Code shall periodically verify the offender's or delinquent 10336  
child's current residence address, and an offender or public 10337  
registry-qualified juvenile offender registrant who is required to 10338  
register a school, institution of higher education, or place of 10339  
employment address pursuant to ~~either~~ any of those ~~sections~~ 10340  
divisions shall periodically verify the address of the offender's 10341  
or public registry-qualified juvenile offender registrant's 10342  
current school, institution of higher education, or place of 10343  
employment, in accordance with this section. The frequency of 10344  
verification shall be determined in accordance with division (B) 10345  
of this section, and the manner of verification shall be 10346  
determined in accordance with division (C) of this section. 10347

(B) The frequency with which an offender or delinquent child 10348  
must verify the offender's or delinquent child's current 10349  
residence, school, institution of higher education, or place of 10350  
employment address pursuant to division (A) of this section shall 10351  
be determined as follows: 10352

(1) Regardless of when the sexually oriented offense or 10353  
child-victim oriented offense for which the offender or delinquent 10354  
child is required to register was committed, if the offender or 10355  
delinquent child is a tier I sex offender/child-victim offender, 10356  
the offender shall verify the offender's current residence address 10357  
or current school, institution of higher education, or place of 10358  
employment address, and the delinquent child shall verify the 10359  
delinquent child's current residence address, in accordance with 10360  
division (C) of this section ~~every ninety days after~~ on each 10361  
anniversary of the offender's or delinquent child's initial 10362  
registration date during the period the offender or delinquent 10363  
child is required to register ~~if any of the following applies:~~ 10364

~~(a) The offender or delinquent child is required to register 10365  
based on a sexually oriented offense, and either the offender has 10366  
been adjudicated a sexual predator relative to the sexually 10367  
oriented offense, the delinquent child has been adjudicated a 10368  
sexual predator relative to the sexually oriented offense and the 10369  
court has not subsequently entered a determination pursuant to 10370  
section 2152.84 or 2152.85 of the Revised Code that the delinquent 10371  
child no longer is a sexual predator, or the offender is required 10372  
to register as a result of an aggravated sexually oriented 10373  
offense. 10374~~

~~(b) The offender or delinquent child is required to register 10375  
based on a child victim oriented offense, and either the offender 10376  
has been adjudicated a child victim predator relative to the 10377  
child victim oriented offense or the delinquent child has been 10378  
adjudicated a child victim predator relative to the child victim 10379  
oriented offense and the court has not subsequently entered a 10380  
determination pursuant to section 2152.84 or 2152.85 of the 10381  
Revised Code that the delinquent child no longer is a child victim 10382  
predator. 10383~~

~~(2) In all circumstances not described in division (B)(1) of 10384~~

~~this section~~ Regardless of when the sexually oriented offense or  
child-victim oriented offense for which the offender or delinquent  
child is required to register was committed, if the offender or  
delinquent child is a tier II sex offender/child-victim offender,  
the offender shall verify the offender's current residence address  
or current school, institution of higher education, or place of  
employment address, and the delinquent child shall verify the  
delinquent child's current residence address, in accordance with  
division (C) of this section ~~on each anniversary of~~ every one  
hundred eighty days after the offender's or delinquent child's  
initial registration date during the period the offender or  
delinquent child is required to register.

(3) Regardless of when the sexually oriented offense or  
child-victim oriented offense for which the offender or delinquent  
child is required to register was committed, if the offender or  
delinquent child is a tier III sex offender/child-victim offender,  
the offender shall verify the offender's current residence address  
or current school, institution of higher education, or place of  
employment address, and the delinquent child shall verify the  
delinquent child's current residence address and, if the  
delinquent child is a public registry-qualified juvenile offender  
registrant, the current school, institution of higher education,  
or place of employment address, in accordance with division (C) of  
this section every ninety days after the offender's or delinquent  
child's initial registration date during the period the offender  
or delinquent child is required to register.

(4) If, prior to ~~the effective date of this amendment~~ January  
1, 2008, an offender or delinquent child registered with a sheriff  
under a duty imposed under section 2950.04 or 2950.041 of the  
Revised Code as a result of a conviction of, plea of guilty to, or  
adjudication as a delinquent child for committing a sexually  
oriented offense ~~and if, on or after the effective date of this~~

~~amendment, that offense no longer is a sexually oriented offense~~ 10417  
~~but instead is~~ or a child-victim oriented offense as those terms 10418  
were defined in section 2950.01 of the Revised Code prior to 10419  
January 1, 2008, the duty to register that is imposed on the 10420  
offender or delinquent child pursuant to section 2950.04 or 10421  
2950.041 of the Revised Code on and after January 1, 2008, is a 10422  
continuation of the duty imposed upon the offender prior to ~~the~~ 10423  
~~effective date of this amendment~~ January 1, 2008, under section 10424  
2950.04 or 2950.041 of the Revised Code and, for purposes of 10425  
divisions (B)(1) ~~and, (2), and (3)~~ of this section, the offender's 10426  
initial registration date related to that offense is the date on 10427  
which the offender initially registered under section 2950.04 or 10428  
2950.041 of the Revised Code. 10429

(C)(1) An offender or delinquent child who is required to 10430  
verify the offender's or delinquent child's current residence, 10431  
school, institution of higher education, or place of employment 10432  
address pursuant to division (A) of this section shall verify the 10433  
address with the sheriff with whom the offender or delinquent 10434  
child most recently registered the address by personally appearing 10435  
before the sheriff or a designee of the sheriff, no earlier than 10436  
ten days before the date on which the verification is required 10437  
pursuant to division (B) of this section and no later than the 10438  
date so required for verification, and completing and signing a 10439  
copy of the verification form prescribed by the bureau of criminal 10440  
identification and investigation. The sheriff or designee shall 10441  
sign the completed form and indicate on the form the date on which 10442  
it is so completed. The verification required under this division 10443  
is complete when the offender or delinquent child personally 10444  
appears before the sheriff or designee and completes and signs the 10445  
form as described in this division. 10446

(2) To facilitate the verification of an offender's or 10447  
delinquent child's current residence, school, institution of 10448

higher education, or place of employment address, as applicable, 10449  
under division (C)(1) of this section, the sheriff with whom the 10450  
offender or delinquent child most recently registered the address 10451  
may mail a nonforwardable verification form prescribed by the 10452  
bureau of criminal identification and investigation to the 10453  
offender's or delinquent child's last reported address and to the 10454  
last reported address of the parents of the delinquent child, with 10455  
a notice that conspicuously states that the offender or delinquent 10456  
child must personally appear before the sheriff or a designee of 10457  
the sheriff to complete the form and the date by which the form 10458  
must be so completed. Regardless of whether a sheriff mails a form 10459  
to an offender or delinquent child and that child's parents, each 10460  
offender or delinquent child who is required to verify the 10461  
offender's or delinquent child's current residence, school, 10462  
institution of higher education, or place of employment address, 10463  
as applicable, pursuant to division (A) of this section shall 10464  
personally appear before the sheriff or a designee of the sheriff 10465  
to verify the address in accordance with division (C)(1) of this 10466  
section. 10467

(D) The verification form to be used under division (C) of 10468  
this section shall contain all of the following: 10469

(1) Except as provided in division (D)(2) of this section, 10470  
the current residence address of the offender or delinquent child, 10471  
the name and address of the offender's or delinquent child's 10472  
employer if the offender or delinquent child is employed at the 10473  
time of verification or if the offender or delinquent child knows 10474  
at the time of verification that the offender or delinquent child 10475  
will be commencing employment with that employer subsequent to 10476  
verification, the name and address of the offender's or public 10477  
registry-qualified juvenile offender registrant's school or 10478  
institution of higher education if the offender or public 10479  
registry-qualified juvenile offender registrant attends one at the 10480

time of verification or if the offender or public 10481  
registry-qualified juvenile offender registrant knows at the time 10482  
of verification that the offender will be commencing attendance at 10483  
that school or institution subsequent to verification, and any 10484  
other information required by the bureau of criminal 10485  
identification and investigation. 10486

(2) Regarding an offender or public registry-qualified 10487  
juvenile offender registrant who is verifying a current school, 10488  
institution of higher education, or place of employment address, 10489  
the name and current address of the school, institution of higher 10490  
education, or place of employment of the offender or public 10491  
registry-qualified juvenile offender registrant and any other 10492  
information required by the bureau of criminal identification and 10493  
investigation. 10494

(E) Upon an offender's or delinquent child's personal 10495  
appearance and completion of a verification form under division 10496  
(C) of this section, a sheriff promptly shall forward a copy of 10497  
the verification form to the bureau of criminal identification and 10498  
investigation in accordance with the forwarding procedures adopted 10499  
by the attorney general pursuant to section 2950.13 of the Revised 10500  
Code. If an offender or public registry-qualified juvenile 10501  
offender registrant verifies a school, institution of higher 10502  
education, or place of employment address, or provides a school or 10503  
institution of higher education address under division (D)(1) of 10504  
this section, the sheriff also shall provide notice to the law 10505  
enforcement agency with jurisdiction over the premises of the 10506  
school, institution of higher education, or place of employment of 10507  
the offender's or public registry-qualified juvenile offender 10508  
registrant's name and that the offender or public 10509  
registry-qualified juvenile offender registrant has verified or 10510  
provided that address as a place at which the offender or public 10511  
registry-qualified juvenile offender registrant attends school or 10512

an institution of higher education or at which the offender or 10513  
public registry-qualified juvenile offender registrant is 10514  
employed. The bureau shall include all information forwarded to it 10515  
under this division in the state registry of sex offenders and 10516  
child-victim offenders established and maintained under section 10517  
2950.13 of the Revised Code. 10518

(F) No person who is required to verify a current residence, 10519  
school, institution of higher education, or place of employment 10520  
address, as applicable, pursuant to divisions (A) to (C) of this 10521  
section shall fail to verify a current residence, school, 10522  
institution of higher education, or place of employment address, 10523  
as applicable, in accordance with those divisions by the date 10524  
required for the verification as set forth in division (B) of this 10525  
section, provided that no person shall be prosecuted or subjected 10526  
to a delinquent child proceeding for a violation of this division, 10527  
and that no parent, guardian, or custodian of a delinquent child 10528  
shall be prosecuted for a violation of section 2919.24 of the 10529  
Revised Code based on the delinquent child's violation of this 10530  
division, prior to the expiration of the period of time specified 10531  
in division (G) of this section. 10532

(G)(1) If an offender or delinquent child fails to verify a 10533  
current residence, school, institution of higher education, or 10534  
place of employment address, as applicable, as required by 10535  
divisions (A) to (C) of this section by the date required for the 10536  
verification as set forth in division (B) of this section, the 10537  
sheriff with whom the offender or delinquent child is required to 10538  
verify the current address, on the day following that date 10539  
required for the verification, shall send a written warning to the 10540  
offender or to the delinquent child and that child's parents, at 10541  
the offender's or delinquent child's and that child's parents' 10542  
last known residence, school, institution of higher education, or 10543  
place of employment address, as applicable, regarding the 10544

offender's or delinquent child's duty to verify the offender's or 10545  
delinquent child's current residence, school, institution of 10546  
higher education, or place of employment address, as applicable. 10547

The written warning shall do all of the following: 10548

(a) Identify the sheriff who sends it and the date on which 10549  
it is sent; 10550

(b) State conspicuously that the offender or delinquent child 10551  
has failed to verify the offender's or public registry-qualified 10552  
juvenile offender registrant's current residence, school, 10553  
institution of higher education, or place of employment address or 10554  
the ~~delinquent child's~~ current residence address of a delinquent 10555  
child who is not a public registry-qualified juvenile offender 10556  
registrant by the date required for the verification; 10557

(c) Conspicuously state that the offender or delinquent child 10558  
has seven days from the date on which the warning is sent to 10559  
verify the current residence, school, institution of higher 10560  
education, or place of employment address, as applicable, with the 10561  
sheriff who sent the warning; 10562

(d) Conspicuously state that a failure to timely verify the 10563  
specified current address or addresses is a felony offense; 10564

(e) Conspicuously state that, if the offender or public 10565  
registry-qualified juvenile offender registrant verifies the 10566  
current residence, school, institution of higher education, or 10567  
place of employment address or the delinquent child who is not a 10568  
public registry-qualified juvenile offender registrant verifies 10569  
the current residence address with that sheriff within that 10570  
seven-day period, the offender or delinquent child will not be 10571  
prosecuted or subjected to a delinquent child proceeding for a 10572  
failure to timely verify a current address and the delinquent 10573  
child's parent, guardian, or custodian will not be prosecuted 10574  
based on a failure of the delinquent child to timely verify an 10575



address; 10576

(f) Conspicuously state that, if the offender or public 10577  
registry-qualified juvenile offender registrant does not verify 10578  
the current residence, school, institution of higher education, or 10579  
place of employment address or the delinquent child ~~verifies~~ who 10580  
is not a public registry-qualified juvenile offender registrant 10581  
does not verify the current residence address with that sheriff 10582  
within that seven-day period, the offender or delinquent child 10583  
will be arrested or taken into custody, as appropriate, and 10584  
prosecuted or subjected to a delinquent child proceeding for a 10585  
failure to timely verify a current address and the delinquent 10586  
child's parent, guardian, or custodian may be prosecuted for a 10587  
violation of section 2919.24 of the Revised Code based on the 10588  
delinquent child's failure to timely verify a current residence 10589  
address. 10590

(2) If an offender or delinquent child fails to verify a 10591  
current residence, school, institution of higher education, or 10592  
place of employment address, as applicable, as required by 10593  
divisions (A) to (C) of this section by the date required for the 10594  
verification as set forth in division (B) of this section, the 10595  
offender or delinquent child shall not be prosecuted or subjected 10596  
to a delinquent child proceeding for a violation of division (F) 10597  
of this section, and the delinquent child's parent, guardian, or 10598  
custodian shall not be prosecuted for a violation of section 10599  
2919.24 of the Revised Code based on the delinquent child's 10600  
failure to timely verify a current residence address and, if the 10601  
delinquent child is a public registry-qualified juvenile offender 10602  
registrant, the current school, institution of higher education, 10603  
or place of employment address, as applicable, unless the 10604  
seven-day period subsequent to that date that the offender or 10605  
delinquent child is provided under division (G)(1) of this section 10606  
to verify the current address has expired and the offender or 10607

delinquent child, prior to the expiration of that seven-day 10608  
period, has not verified the current address. Upon the expiration 10609  
of the seven-day period that the offender or delinquent child is 10610  
provided under division (G)(1) of this section to verify the 10611  
current address, if the offender or delinquent child has not 10612  
verified the current address, all of the following apply: 10613

(a) The sheriff with whom the offender or delinquent child is 10614  
required to verify the current residence, school, institution of 10615  
higher education, or place of employment address, as applicable, 10616  
promptly shall notify the bureau of criminal identification and 10617  
investigation of the failure. 10618

(b) The sheriff with whom the offender or delinquent child is 10619  
required to verify the current residence, school, institution of 10620  
higher education, or place of employment address, as applicable, 10621  
the sheriff of the county in which the offender or delinquent 10622  
child resides, the sheriff of the county in which is located the 10623  
offender's or public registry-qualified juvenile offender 10624  
registrant's school, institution of higher education, or place of 10625  
employment address that was to be verified, or a deputy of the 10626  
appropriate sheriff, shall locate the offender or delinquent 10627  
child, promptly shall seek a warrant for the arrest or taking into 10628  
custody, as appropriate, of the offender or delinquent child for 10629  
the violation of division (F) of this section and shall arrest the 10630  
offender or take the child into custody, as appropriate. 10631

(c) The offender or delinquent child is subject to 10632  
prosecution or a delinquent child proceeding for the violation of 10633  
division (F) of this section, and the delinquent child's parent, 10634  
guardian, or custodian may be subject to prosecution for a 10635  
violation of section 2919.24 of the Revised Code based on the 10636  
delinquent child's violation of that division. 10637

(H) An offender or public registry-qualified juvenile 10638  
offender registrant who is required to verify the offender's or 10639

public registry-qualified juvenile offender registrant's current 10640  
residence, school, institution of higher education, or place of 10641  
employment address pursuant to divisions (A) to (C) of this 10642  
section and a delinquent child who is not a public 10643  
registry-qualified juvenile offender registrant who is required to 10644  
verify the delinquent child's current residence address pursuant 10645  
to those divisions shall do so for the period of time specified in 10646  
section 2950.07 of the Revised Code. 10647

**Sec. 2950.07.** (A) The duty of an offender who is convicted of 10648  
~~or~~, pleads guilty to, ~~or~~ has been convicted of, or has pleaded 10649  
guilty to, ~~either a sexually oriented offense that is not a~~ 10650  
~~registration-exempt sexually oriented offense~~ or a child-victim 10651  
oriented offense and the duty of a delinquent child who is or has 10652  
been adjudicated a delinquent child for committing ~~either a~~ 10653  
sexually oriented offense ~~that is not a registration-exempt~~ 10654  
~~sexually oriented offense~~ or a child-victim oriented offense and 10655  
is classified a juvenile offender registrant or who is an 10656  
out-of-state juvenile offender registrant to comply with sections 10657  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 10658  
commences on whichever of the following dates is applicable: 10659

(1) If the offender's duty to register is imposed pursuant to 10660  
division (A)(1)(a) of section 2950.04 or division (A)(1)(a) of 10661  
section 2950.041 of the Revised Code, the offender's duty to 10662  
comply with those sections commences immediately after the entry 10663  
of the judgment of conviction. 10664

(2) If the delinquent child's duty to register is imposed 10665  
pursuant to division (A)(1)(b) of section 2950.04 or division 10666  
(A)(1)(b) of section 2950.041 of the Revised Code, the delinquent 10667  
child's duty to comply with those sections commences immediately 10668  
after the order of disposition. 10669

(3) If the offender's duty to register is imposed pursuant to 10670

division (A)(1)(a)(2) of section 2950.04 or division (A)(1)(a)(2) 10671  
of section 2950.041 of the Revised Code, subject to division 10672  
(A)(7) of this section, the offender's duty to comply with those 10673  
sections commences ~~regarding residence addresses~~ on the date of 10674  
the offender's release from a prison term, a term of imprisonment, 10675  
or any other type of confinement ~~or on July 1, 1997, for a duty~~ 10676  
~~under section 2950.04 or the effective date of this amendment for~~ 10677  
~~a duty under section 2950.041 of the Revised Code, whichever is~~ 10678  
~~later, and commences regarding addresses of schools, institutions~~ 10679  
~~of higher education, and places of employment on the date of the~~ 10680  
~~offender's release from a prison term, term of imprisonment, or~~ 10681  
~~any other type of confinement or on the effective date of this~~ 10682  
~~amendment, whichever is later.~~ 10683

~~(2) If the offender's duty to register is imposed pursuant to~~ 10684  
~~division (A)(1)(b) of section 2950.04 or division (A)(1)(b) of~~ 10685  
~~section 2950.041 of the Revised Code, the offender's duty to~~ 10686  
~~comply with those sections commences regarding residence~~ 10687  
~~addresses, or if the offender is not sentenced to a prison term, a~~ 10688  
~~term of imprisonment, or any other type of confinement, on the~~ 10689  
date of the entry of the judgment of conviction of the sexually 10690  
oriented offense or child-victim oriented offense ~~or on July 1,~~ 10691  
~~1997, for a duty under section 2950.04 or the effective date of~~ 10692  
~~this amendment for a duty under section 2950.041 of the Revised~~ 10693  
~~Code, whichever is later, and commences regarding addresses of~~ 10694  
~~schools, institutions of higher education, and places of~~ 10695  
~~employment on the date of entry of the judgment of conviction of~~ 10696  
~~the sexually oriented offense or child victim oriented offense or~~ 10697  
~~on the effective date of this amendment, whichever is later.~~ 10698

~~(3) If the offender's duty to register is imposed pursuant to~~ 10699  
~~division (A)(1)(c) of section 2950.04 of the Revised Code, the~~ 10700  
~~offender's duty to comply with those sections commences regarding~~ 10701  
~~residence addresses fourteen days after July 1, 1997, and~~ 10702

~~commences regarding addresses of schools, institutions of higher  
education, and places of employment fourteen days after the  
effective date of this amendment.~~

(4) If the offender's or delinquent child's duty to register  
is imposed pursuant to division (A)~~(3)(a) or (b)(4)~~ of section  
2950.04 or division (A)~~(3)(a) or (b)(4)~~ of section 2950.041 of the  
Revised Code, the offender's duty to comply with those sections  
commences regarding residence addresses on the date that the  
offender begins to reside or becomes temporarily domiciled in this  
state ~~or on March 30, 1999, for a duty under section 2950.04 of  
the Revised Code or the effective date of this amendment for a  
duty under section 2950.041 of the Revised Code, whichever is  
later~~, the offender's duty regarding addresses of schools,  
institutions of higher education, and places of employment  
commences on ~~the effective date of this amendment or on~~ the date  
the offender begins attending any school or institution of higher  
education in this state on a full-time or part-time basis or  
becomes employed in this state, ~~whichever is later~~, and the  
delinquent child's duty commences on the date the delinquent child  
begins to reside or becomes temporarily domiciled in this state ~~or  
on January 1, 2002, for a duty under section 2950.04 of the  
Revised Code or the effective date of this amendment for a duty  
under section 2950.041 of the Revised Code, whichever is later.~~

(5) If the delinquent child's duty to register is imposed  
pursuant to division (A)~~(2)(3)~~ of section 2950.04 or division  
(A)~~(2)(a)(3)~~ of section 2950.041 of the Revised Code, if the  
delinquent child's classification as a juvenile offender  
registrant is made at the time of the child's disposition for that  
sexually oriented offense or child-victim oriented offense,  
whichever is applicable, and if the delinquent child is committed  
for the sexually oriented offense or child-victim oriented offense  
to the department of youth services or to a secure facility that

is not operated by the department, the delinquent child's duty to 10735  
comply with those sections commences on the date of the delinquent 10736  
child's discharge or release from custody in the department of 10737  
youth services secure facility or from the secure facility not 10738  
operated by the department as described in that division. 10739

(6) If the delinquent child's duty to register is imposed 10740  
pursuant to division (A)~~(2)~~(3) of section 2950.04 or division 10741  
(A)~~(2)~~(a)(3) of section 2950.041 of the Revised Code and if either 10742  
the delinquent child's classification as a juvenile offender 10743  
registrant is made at the time of the child's disposition for that 10744  
sexually oriented offense or child-victim oriented offense, 10745  
whichever is applicable, and the delinquent child is not committed 10746  
for the sexually oriented offense or child-victim oriented offense 10747  
to the department of youth services or to a secure facility that 10748  
is not operated by the department or the child's classification as 10749  
a juvenile offender registrant is made pursuant to ~~sections~~ 10750  
section 2152.83 or division (A)(2) of section 2152.86 of the 10751  
Revised Code, subject to divisions (A)(7) of this section, the 10752  
delinquent child's duty to comply with those sections commences on 10753  
the date of entry of the court's order that classifies the 10754  
delinquent child a juvenile offender registrant. 10755

(7) If the offender's or delinquent child's duty to register 10756  
is imposed pursuant to division (A)(2), (3), or (4) of section 10757  
2950.04 or section 2950.041 of the Revised Code and if the 10758  
offender or delinquent child prior to January 1, 2008, has 10759  
registered a residence, school, institution of higher education, 10760  
or place of employment address pursuant to section 2950.04, 10761  
2950.041, or 2950.05 of the Revised Code as they existed prior to 10762  
that date, the offender or delinquent child initially shall 10763  
register in accordance with section 2950.04 or 2950.041 of the 10764  
Revised Code, whichever is applicable, as it exists on and after 10765  
January 1, 2008, not later than the earlier of the dates specified 10766

in divisions (A)(7)(a) and (b) of this section. The offender's or 10767  
delinquent child's duty to comply thereafter with sections 10768  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as 10769  
they exist on and after January 1, 2008, commences on the date of 10770  
that initial registration. The offender or delinquent child 10771  
initially shall register under section 2950.04 or 2950.041 of the 10772  
Revised Code as it exists on and after January 1, 2008, not later 10773  
than the earlier of the following: 10774

(a) The date that is six months after the date on which the 10775  
offender or delinquent child received a registered letter from the 10776  
attorney general under division (A)(2) or (B) of section 2950.031 10777  
of the Revised Code; 10778

(b) The earlier of the date on which the offender or 10779  
delinquent child would be required to verify a previously 10780  
registered address under section 2950.06 of the Revised Code as it 10781  
exists on and after January 1, 2008, or, if the offender or 10782  
delinquent child has changed a previously registered address, the 10783  
date on which the offender or delinquent child would be required 10784  
to register a new residence, school, institution of higher 10785  
education, or place of employment address under section 2950.05 of 10786  
the Revised Code as it exists on and after January 1, 2008. 10787

(8) If the offender's or delinquent child's duty to register 10788  
is was imposed pursuant to division (A)(1)(c) of section 2950.04 10789  
or 2950.041 of the Revised Code as they existed prior to January 10790  
1, 2008, the offender's or delinquent child's duty to comply with 10791  
those sections regarding residence addresses sections 2950.04, 10792  
2950.041, 2950.05, and 2950.06 of the Revised Code as they exist 10793  
on and after January 1, 2008, is a continuation of the offender's 10794  
or delinquent child's former duty to register regarding residence 10795  
addresses imposed prior to the effective date of this amendment 10796  
January 1, 2008, under section 2950.04 or 2950.041 of the Revised 10797  
Code and shall be considered for all purposes as having commenced 10798

on the date that the offender's ~~former~~ duty under that section 10799  
commenced. ~~The offender's duty to comply with those sections~~ 10800  
~~commences regarding addresses of schools, institutions of higher~~ 10801  
~~education, and places of employment on the effective date of this~~ 10802  
~~amendment.~~ 10803

~~(8) If the delinquent child's duty to register is imposed~~ 10804  
~~pursuant to division (A)(2)(b) of section 2950.041 of the Revised~~ 10805  
~~Code, the delinquent child's duty to comply with those sections is~~ 10806  
~~a continuation of the delinquent child's former duty to register~~ 10807  
~~imposed prior to the effective date of this amendment under~~ 10808  
~~section 2950.04 of the Revised Code and shall be considered for~~ 10809  
~~all purposes as having commenced on the date that the delinquent~~ 10810  
~~child's former duty under that section commenced or commences.~~ 10811

(B) The duty of an offender who is convicted of ~~or~~ or pleads 10812  
guilty to, ~~or~~ has been convicted of or has pleaded guilty to, 10813  
~~either a sexually oriented offense that is not a~~ 10814  
~~registration-exempt sexually oriented offense~~ or a child-victim 10815  
oriented offense and the duty of a delinquent child who is or has 10816  
been adjudicated a delinquent child for committing ~~either a~~ 10817  
sexually oriented offense ~~that is not a registration-exempt~~ 10818  
~~sexually oriented offense~~ or a child-victim oriented offense and 10819  
is classified a juvenile offender registrant or who is an 10820  
out-of-state juvenile offender registrant to comply with sections 10821  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 10822  
continues, after the date of commencement, for whichever of the 10823  
following periods is applicable: 10824

(1) Except as otherwise provided in this division, if the 10825  
~~offense is a sexually oriented offense that is not a~~ 10826  
~~registration-exempt sexually oriented offense and the person is an~~ 10827  
~~offender or delinquent child has been adjudicated a sexual~~ 10828  
~~predator who is a tier III sex offender/child-victim offender~~ 10829  
relative to the sexually oriented offense or child-victim oriented 10830



offense, if the person is a delinquent child who is a tier III sex 10831  
offender/child-victim offender relative to the sexually oriented 10832  
offense or child-victim oriented offense, or if the person is a 10833  
delinquent child who is a public registry-qualified juvenile 10834  
offender registrant relative to the sexually oriented offense, if 10835  
~~the offense is a sexually oriented offense and the offender has~~ 10836  
~~the duty to register as a result of an aggravated sexually~~ 10837  
~~oriented offense, or if the offense is a child victim oriented~~ 10838  
~~offense and the offender or delinquent child has been adjudicated~~ 10839  
~~a child victim predator relative to the child victim oriented~~ 10840  
~~offense,~~ the offender's or delinquent child's duty to comply with 10841  
those sections continues until the offender's or delinquent 10842  
child's death. Regarding a delinquent child ~~who has been~~ 10843  
~~adjudicated a sexual predator relative to the sexually oriented~~ 10844  
~~offense or who has been adjudicated a child victim predator~~ 10845  
~~relative to the child victim oriented offense~~ who is a tier III 10846  
sex offender/child-victim offender relative to the offense but is 10847  
not a public registry-qualified juvenile offender registrant 10848  
relative to the offense, if the judge who made the disposition for 10849  
the delinquent child or that judge's successor in office 10850  
subsequently enters a determination pursuant to section 2152.84 or 10851  
2152.85 of the Revised Code that the delinquent child no longer is 10852  
a ~~sexual predator or child victim predator~~ tier III sex 10853  
offender/child-victim offender, the delinquent child's duty to 10854  
comply with those sections continues for the period of time that 10855  
~~otherwise would have been~~ is applicable to the delinquent child 10856  
under division (B)(2) or (3) of this section, based on the 10857  
reclassification of the child pursuant to section 2152.84 or 10858  
21562.85 of the Revised Code as a tier I sex offender/child-victim 10859  
offender or a tier II sex offender/child-victim offender. In no 10860  
case shall the lifetime duty to comply that is imposed under this 10861  
division on an offender who is ~~adjudicated a sexual predator or is~~ 10862  
~~adjudicated a child victim predator or is imposed under this~~ 10863

~~division for an aggravated sexually oriented offense, or the~~ 10864  
~~adjudication, classification, or conviction that subjects the~~ 10865  
~~offender to this division, a tier III sex offender/child-victim~~ 10866  
~~offender be removed or terminated. A delinquent child who is a~~ 10867  
~~public registry-qualified juvenile offender registrant may have~~ 10868  
~~the lifetime duty to register terminated only pursuant to section~~ 10869  
~~2950.15 of the Revised Code.~~ 10870

(2) ~~If the judge who sentenced the offender or made the~~ 10871  
~~disposition for the delinquent child for committing the sexually~~ 10872  
~~oriented offense that is not a registration exempt sexually~~ 10873  
~~oriented offense or the child victim oriented offense, or the~~ 10874  
~~successor in office of the juvenile court judge who made the~~ 10875  
~~delinquent child disposition, determined pursuant to division (E)~~ 10876  
~~of section 2950.09 or 2950.091 or pursuant to division (B) of~~ 10877  
~~section 2152.83, section 2152.84, or section 2152.85 of the~~ 10878  
~~Revised Code that the person is an offender or delinquent child~~ 10879  
~~who is a habitual sex offender or a habitual child victim~~ 10880  
~~offender, or if the offender or delinquent child is automatically~~ 10881  
~~classified a habitual child victim offender pursuant to division~~ 10882  
~~(E) of section 2950.091 of the Revised Code tier II sex~~ 10883  
~~offender/child-victim offender relative to the sexually oriented~~ 10884  
~~offense or child-victim oriented offense, the offender's duty to~~ 10885  
~~comply with those sections continues either until the offender's~~ 10886  
~~death or for twenty years, determined as provided in this~~ 10887  
~~division, and the delinquent child's duty to comply with those~~ 10888  
~~sections continues for twenty~~ twenty-five years. ~~If~~ Except as 10889  
otherwise provided in this division, if the person is a delinquent 10890  
child who is a tier II sex offender/child-victim offender relative 10891  
to the sexually oriented offense or child-victim oriented offense, 10892  
the delinquent child's duty to comply with those sections 10893  
continues for twenty years. Regarding a delinquent child is so 10894  
~~determined or classified to be a habitual sex offender or a~~ 10895  
~~habitual child victim offender and~~ who is a tier II sex 10896

offender/child-victim offender relative to the offense but is not 10897  
a public registry-qualified juvenile offender registrant relative 10898  
to the offense, if the judge who made the disposition for the 10899  
delinquent child or that judge's successor in office subsequently 10900  
enters a determination pursuant to section 2152.84 or 2152.85 of 10901  
the Revised Code that the delinquent child no longer is a ~~habitual~~ 10902  
~~sex offender or habitual child-victim offender tier II sex~~ 10903  
offender/child-victim offender but remains a juvenile offender 10904  
registrant, the delinquent child's duty to comply with those 10905  
sections continues for the period of time that ~~otherwise would~~ 10906  
~~have been~~ is applicable to the delinquent child under division 10907  
(B)(3) of this section, based on the reclassification of the child 10908  
pursuant to section 2152.84 or 2152.85 of the Revised Code as a 10909  
tier I sex offender/child-victim offender. ~~Except as otherwise~~ 10910  
~~provided in this division, the offender's duty to comply with~~ 10911  
~~those sections continues until the offender's death. If a lifetime~~ 10912  
~~duty to comply is imposed under this division on an offender, in~~ 10913  
~~no case shall that lifetime duty, or the determination that~~ 10914  
~~subjects the offender to this division, be removed or terminated.~~ 10915  
~~The offender's duty to comply with those sections continues for~~ 10916  
~~twenty years if the offender is a habitual sex offender and both~~ 10917  
~~of the following apply:~~ 10918

~~(a) At least one of the sexually oriented offenses of which~~ 10919  
~~the offender has been convicted or to which the offender has~~ 10920  
~~pleaded guilty and that are included in the habitual sex offender~~ 10921  
~~determination is a violation of division (A)(1) or (5) of section~~ 10922  
~~2907.06 of the Revised Code involving a victim who is eighteen~~ 10923  
~~years of age or older, a violation of division (A), (B), or (E) of~~ 10924  
~~section 2907.08 of the Revised Code involving a victim who is~~ 10925  
~~eighteen years of age or older, or a violation of section 2903.211~~ 10926  
~~of the Revised Code that is a misdemeanor;~~ 10927

~~(b) The total of all the sexually oriented offenses of which~~ 10928

~~the offender has been convicted or to which the offender has~~ 10929  
~~pleaded guilty and that are included in the habitual sex offender~~ 10930  
~~determination does not include at least two sexually oriented~~ 10931  
~~offenses that are not described in division (B)(2)(a) of this~~ 10932  
~~section.~~ 10933

~~(3) If neither division (B)(1) nor (B)(2) of this section~~ 10934  
~~applies~~ Except as otherwise provided in this division, if the 10935  
person is an offender who is a tier I sex offender/child-victim 10936  
offender relative to the sexually oriented offense or child-victim 10937  
oriented offense, the offender's ~~or delinquent child's~~ duty to 10938  
comply with those sections continues for ~~ten~~ fifteen years. ~~If~~ 10939  
Except as otherwise provided in this division, if the person is a 10940  
delinquent child who is a tier I sex offender/child-victim 10941  
offender relative to the sexually oriented offense or child-victim 10942  
oriented offense, the delinquent child's duty to comply with those 10943  
sections continues for ten years. Regarding a delinquent child who 10944  
~~is classified pursuant to section 2152.82 or 2152.83 of the~~ 10945  
~~Revised Code~~ a juvenile offender registrant and a tier I sex 10946  
offender/child-victim offender but is not a public 10947  
registry-qualified juvenile offender registrant, if the judge who 10948  
made the disposition for the delinquent child or that judge's 10949  
successor in office subsequently enters a determination pursuant 10950  
to section 2152.84 or 2152.85 of the Revised Code that the 10951  
delinquent child no longer is to be classified a juvenile offender 10952  
registrant, the delinquent child's duty to comply with those 10953  
sections terminates upon the court's entry of the determination. A 10954  
person who is an offender who is a tier I 10955  
sex/offender/child-victim offender may have the fifteen-year duty 10956  
to register terminated only pursuant to section 2950.15 of the 10957  
Revised Code. 10958

(C)(1) If an offender has been convicted of or pleaded guilty 10959  
to a sexually oriented offense ~~that is not a registration exempt~~ 10960

~~sexually oriented offense~~ and the offender subsequently is 10961  
convicted of or pleads guilty to another sexually oriented offense 10962  
or a child-victim oriented offense, if an offender has been 10963  
convicted of or pleaded guilty to a child-victim oriented offense 10964  
and the offender subsequently is convicted of or pleads guilty to 10965  
another child-victim oriented offense or a sexually oriented 10966  
offense, if a delinquent child has been adjudicated a delinquent 10967  
child for committing a sexually oriented offense ~~that is not a~~ 10968  
~~registration exempt sexually oriented offense~~ and is classified a 10969  
juvenile offender registrant or is an out-of-state juvenile 10970  
offender registrant and the child subsequently is adjudicated a 10971  
delinquent child for committing another sexually oriented offense 10972  
or a child-victim oriented offense and is classified a juvenile 10973  
offender registrant relative to that offense or subsequently is 10974  
convicted of or pleads guilty to another sexually oriented offense 10975  
or a child-victim oriented offense, or if a delinquent child has 10976  
been adjudicated a delinquent child for committing a child-victim 10977  
oriented offense and is classified a juvenile offender registrant 10978  
or is an out-of-state juvenile offender registrant and the child 10979  
subsequently is adjudicated a delinquent child for committing 10980  
another child-victim oriented offense or a sexually oriented 10981  
offense and is classified a juvenile offender registrant relative 10982  
to that offense or subsequently is convicted of or pleads guilty 10983  
to another child-victim oriented offense or a sexually oriented 10984  
offense, the period of time for which the offender or delinquent 10985  
child must comply with the sections specified in division (A) of 10986  
this section shall be separately calculated pursuant to divisions 10987  
(A)(1) to (8) and (B)(1) to (3) of this section for each of the 10988  
sexually oriented offenses and child-victim oriented offenses, and 10989  
the offender or delinquent child shall comply with each separately 10990  
calculated ~~periods~~ period of time ~~shall be complied with~~ 10991  
independently. 10992

If a delinquent child has been adjudicated a delinquent child 10993

for committing ~~either a sexually oriented offense that is not a~~ 10994  
~~registration-exempt sexually oriented offense~~ or a child-victim 10995  
oriented offense, is classified a juvenile offender registrant or 10996  
is an out-of-state juvenile offender registrant relative to ~~the~~ 10997  
that offense, and, after attaining eighteen years of age, 10998  
subsequently is convicted of or pleads guilty to another sexually 10999  
oriented offense or child-victim oriented offense, the subsequent 11000  
conviction or guilty plea does not limit, affect, or supersede the 11001  
duties imposed upon the delinquent child under this chapter 11002  
relative to the delinquent child's classification as a juvenile 11003  
offender registrant or as an out-of-state juvenile offender 11004  
registrant, and the delinquent child shall comply with both those 11005  
duties and the duties imposed under this chapter relative to the 11006  
subsequent conviction or guilty plea. 11007

(2) If a delinquent child has been adjudicated a delinquent 11008  
child for committing ~~on or after January 1, 2002, either a~~ 11009  
~~sexually oriented offense that is not a registration-exempt~~ 11010  
~~sexually oriented offense~~ or a child-victim oriented offense and 11011  
is classified a juvenile offender registrant relative to the 11012  
offense, ~~if the order containing the classification also contains~~ 11013  
~~a determination by the juvenile judge that the child is a sexual~~ 11014  
~~predator or a habitual sex offender or that the child is a~~ 11015  
~~child victim predator or a habitual child victim offender,~~ and if 11016  
the juvenile judge or the judge's successor in office subsequently 11017  
~~determines~~ reclassifies the offense tier in which the child is 11018  
classified pursuant to section 2152.84 or 2152.85 of the Revised 11019  
Code ~~that the delinquent child no longer is a sexual predator or~~ 11020  
~~habitual sex offender or no longer is a child victim predator or~~ 11021  
~~habitual child victim offender, whichever is applicable,~~ the 11022  
judge's subsequent determination to reclassify the child does not 11023  
affect the date of commencement of the delinquent child's duty to 11024  
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 11025  
the Revised Code as determined under division (A) of this section. 11026

The child's duty to comply with those sections after the 11027  
reclassification is a continuation of the child's duty to comply 11028  
with the sections that was in effect prior to the 11029  
reclassification, and the duty shall continue for the period of 11030  
time specified in division (B)(1), (2), or (3) of this section, 11031  
whichever is applicable. 11032

If, prior to January 1, 2008, an offender had a duty to 11033  
comply with the sections specified in division (A) of this section 11034  
as a result of a conviction of or plea of guilty to a sexually 11035  
oriented offense or child-victim oriented offense as those terms 11036  
were defined in section 2950.01 of the Revised Code prior to 11037  
January 1, 2008, or a delinquent child had a duty to comply with 11038  
those sections as a result of an adjudication as a delinquent 11039  
child for committing one of those offenses as they were defined 11040  
prior to January 1, 2008, the period of time specified in division 11041  
(B)(1), (2), or (3) of this section on and after January 1, 2008, 11042  
for which a person must comply with sections 2950.04, 2950.041, 11043  
2950.05, and 2950.06 of the Revised Code applies to the person, 11044  
automatically replaces the period of time for which the person had 11045  
to comply with those sections prior to January 1, 2008, and is a 11046  
continuation of the person's duty to comply with the sections that 11047  
was in effect prior to the reclassification. If, prior to January 11048  
1, 2008, an offender or a delinquent child had a duty to comply 11049  
with the sections specified in division (A) of this section, the 11050  
offender's or delinquent child's classification as a tier I sex 11051  
offender/child-victim offender, a tier II sex 11052  
offender/child-victim offender, or a tier III sex 11053  
offender/child-victim offender for purposes of that period of time 11054  
shall be determined as specified in section 2950.031 or 2950.032 11055  
of the Revised Code, as applicable. 11056

(D) The duty of an offender or delinquent child to register 11057  
under this chapter is tolled for any period during which the 11058

offender or delinquent child is returned to confinement in a 11059  
secure facility for any reason or imprisoned for an offense when 11060  
the confinement in a secure facility or imprisonment occurs 11061  
subsequent to the date determined pursuant to division (A) of this 11062  
section. The offender's or delinquent child's duty to register 11063  
under this chapter resumes upon the offender's or delinquent 11064  
child's release from confinement in a secure facility or 11065  
imprisonment. 11066

(E) An offender or delinquent child who has been or is 11067  
convicted ~~or~~, has pleaded or pleads guilty, or has been or is 11068  
adjudicated a delinquent child, in a court in another state, in a 11069  
federal court, military court, or Indian tribal court, or in a 11070  
court of any nation other than the United States for committing 11071  
~~either a sexually oriented offense that is not a~~ 11072  
~~registration-exempt sexually oriented offense~~ or a child-victim 11073  
oriented offense may apply to the sheriff of the county in which 11074  
the offender or delinquent child resides or temporarily is 11075  
domiciled, or in which the offender attends a school or 11076  
institution of higher education or is employed, for credit against 11077  
the duty to register for the time that the offender or delinquent 11078  
child has complied with the sex offender or child-victim offender 11079  
registration requirements of another jurisdiction. The sheriff 11080  
shall grant the offender or delinquent child credit against the 11081  
duty to register for time for which the offender or delinquent 11082  
child provides adequate proof that the offender or delinquent 11083  
child has complied with the sex offender or child-victim offender 11084  
registration requirements of another jurisdiction. If the offender 11085  
or delinquent child disagrees with the determination of the 11086  
sheriff, the offender or delinquent child may appeal the 11087  
determination to the court of common pleas of the county in which 11088  
the offender or delinquent child resides or is temporarily 11089  
domiciled, or in which the offender attends a school or 11090  
institution of higher education or is employed. 11091



**Sec. 2950.08.** (A) Subject to division (B) of this section, 11092  
the statements, information, photographs, ~~and~~ fingerprints, and 11093  
material required by sections 2950.04, 2950.041, 2950.05, and 11094  
2950.06 of the Revised Code and provided by a person who 11095  
registers, who provides notice of a change of residence, school, 11096  
institution of higher education, or place of employment address 11097  
and registers the new residence, school, institution of higher 11098  
education, or place of employment address, or who provides 11099  
verification of a current residence, school, institution of higher 11100  
education, or place of employment address pursuant to those 11101  
sections and that are in the possession of the bureau of criminal 11102  
identification and investigation and the information in the 11103  
possession of the bureau that was received by the bureau pursuant 11104  
to section 2950.14 of the Revised Code shall not be open to 11105  
inspection by the public or by any person other than the following 11106  
persons: 11107

(1) A regularly employed peace officer or other law 11108  
enforcement officer; 11109

(2) An authorized employee of the bureau of criminal 11110  
identification and investigation for the purpose of providing 11111  
information to a board, administrator, or person pursuant to 11112  
division (F) or (G) of section 109.57 of the Revised Code; 11113

(3) The registrar of motor vehicles, or an employee of the 11114  
registrar of motor vehicles, for the purpose of verifying and 11115  
updating any of the information so provided, upon the request of 11116  
the bureau of criminal identification and investigation. 11117

(B) Division (A) of this section does not apply to any 11118  
information that is contained in the internet sex offender and 11119  
child-victim offender database established by the attorney general 11120  
under division (A)(11) of section 2950.13 of the Revised Code 11121  
regarding offenders and that is disseminated as described in that 11122

division. 11123

Sec. 2950.081. (A) Any statements, information, photographs, 11124  
~~or~~ fingerprints, or materials that are required to be provided, 11125  
and that are provided, by an offender or delinquent child pursuant 11126  
to section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 11127  
Code and that are in the possession of a county sheriff are public 11128  
records open to public inspection under section 149.43 of the 11129  
Revised Code and shall be included in the internet sex offender 11130  
and child-victim offender database established and maintained 11131  
under section 2950.13 of the Revised Code to the extent provided 11132  
in that section. 11133

(B) Except when the child is classified a public 11134  
registry-qualified juvenile offender registrant ~~and the act that~~ 11135  
~~is the basis of the classification is a violation of, or an~~ 11136  
~~attempt to commit a violation of, section 2903.01, 2903.02, or~~ 11137  
~~2905.01 of the Revised Code that was committed with a purpose to~~ 11138  
~~gratify the sexual needs or desires of the child, a violation of~~ 11139  
~~section 2907.02 of the Revised Code, or an attempt to commit a~~ 11140  
~~violation of that section,~~ the sheriff shall not cause to be 11141  
publicly disseminated by means of the internet any statements, 11142  
information, photographs, ~~or~~ fingerprints, or materials that are 11143  
provided by a ~~juvenile offender registrant~~ delinquent child who 11144  
sends a notice of intent to reside, registers, provides notice of 11145  
a change of residence address and registers the new residence 11146  
address, or provides verification of a current residence address 11147  
pursuant to this chapter and that are in the possession of a 11148  
county sheriff. 11149

(C) If a sheriff establishes on the internet a sex offender 11150  
and child-victim offender database for the public dissemination of 11151  
some or all of the materials that are described in division (A) of 11152  
this section, that are not prohibited from inclusion by division 11153

(B) of this section, and that pertain to offenders or delinquent 11154  
children who register in the sheriff's county, in addition to all 11155  
of the other information and materials included, the sheriff shall 11156  
include in the database a chart describing which sexually oriented 11157  
offenses and child-victim oriented offenses are included in the 11158  
definitions of tier I sex offender/child-victim offender, tier II 11159  
sex offender/child-victim offender, and tier III sex 11160  
offender/child-victim offender and for each offender or delinquent 11161  
child in relation to whom information and materials are provided a 11162  
statement as to whether the offender or delinquent child is a tier 11163  
I sex offender/child-victim offenders, a tier II sex 11164  
offender/child-victim offenders, or a tier III sex 11165  
offender/child-victim offenders. 11166

**Sec. 2950.10.** (A)(1) ~~If~~ Regardless of when the sexually 11167  
oriented offense or child-victim oriented offense was committed, 11168  
if a person is convicted of ~~or~~, pleads guilty to, ~~or~~ has been 11169  
convicted of, or has pleaded guilty to, ~~either~~ a sexually oriented 11170  
offense ~~that is not a registration exempt sexually oriented~~ 11171  
~~offense~~ or a child-victim oriented offense or a person is or has 11172  
been adjudicated a delinquent child for committing ~~either~~ a 11173  
sexually oriented offense ~~that is not a registration exempt~~ 11174  
~~sexually oriented offense~~ or a child-victim oriented offense and 11175  
is classified a juvenile offender registrant or is an out-of-state 11176  
juvenile offender registrant based on that adjudication, if the 11177  
offender or delinquent child is in any category specified in 11178  
division (B)(1)(a), (b), or (c) of this section, if the offender 11179  
or delinquent child registers with a sheriff pursuant to section 11180  
2950.04, 2950.041, or 2950.05 of the Revised Code, and if the 11181  
victim of the sexually oriented offense or child-victim oriented 11182  
offense has made a request in accordance with rules adopted by the 11183  
attorney general that specifies that the victim would like to be 11184  
provided the notices described in this section, the sheriff shall 11185

notify the victim of the sexually oriented offense or child-victim 11186  
oriented offense, in writing, that the offender or delinquent 11187  
child has registered and shall include in the notice the 11188  
offender's name and photograph, and the address or addresses of 11189  
the offender's residence, school, institution of higher education, 11190  
or place of employment, as applicable, or the delinquent child's 11191  
name, photograph, and residence address or addresses. The sheriff 11192  
shall provide the notice required by this division to the victim 11193  
at the most recent residence address available for that victim, 11194  
and not later than five days after the offender or delinquent 11195  
child registers with the sheriff. 11196

(2) ~~If~~ Regardless of when the sexually oriented offense or 11197  
child-victim oriented offense was committed, if a person is 11198  
convicted of ~~or~~, pleads guilty to, ~~or~~ has been convicted of, or 11199  
has pleaded guilty to, ~~either~~ a sexually oriented offense ~~that is~~ 11200  
~~not a registration exempt sexually oriented offense~~ or a 11201  
child-victim oriented offense or a person is or has been 11202  
adjudicated a delinquent child for committing ~~either~~ a sexually 11203  
oriented offense ~~that is not a registration exempt sexually~~ 11204  
~~oriented offense~~ or a child-victim oriented offense and is 11205  
classified a juvenile offender registrant or is an out-of-state 11206  
juvenile offender registrant based on that adjudication, if the 11207  
offender or delinquent child is in any category specified in 11208  
division (B)(1)(a), (b), or (c) of this section, if the offender 11209  
or delinquent child registers with a sheriff pursuant to section 11210  
2950.04, 2950.041, or 2950.05 of the Revised Code, if the victim 11211  
of the sexually oriented offense or child-victim oriented offense 11212  
has made a request in accordance with rules adopted by the 11213  
attorney general that specifies that the victim would like to be 11214  
provided the notices described in this section, and if the 11215  
offender notifies the sheriff of a change of residence, school, 11216  
institution of higher education, or place of employment address or 11217  
the delinquent child notifies the sheriff of a change of residence 11218

address pursuant to section 2950.05 of the Revised Code, the  
sheriff shall notify the victim of the sexually oriented offense  
or child-victim oriented offense, in writing, that the offender's  
or delinquent child's address has changed and shall include in the  
notice the offender's name and photograph, and the new address or  
addresses of the offender's residence, school, institution of  
higher education, or place of employment, as applicable, or the  
delinquent child's name, photograph, and new residence address or  
addresses. The sheriff shall provide the notice required by this  
division to the victim at the most recent residence address  
available for that victim, ~~and~~ no later than five days after the  
offender or delinquent child notifies the sheriff of the change in  
the offender's or delinquent child's residence, school,  
institution of higher education, or place of employment address.

(3) ~~If~~ Regardless of when the sexually oriented offense or  
child-victim oriented offense was committed, if a person is  
convicted of ~~or~~, pleads guilty to, ~~or~~ has been convicted of, ~~or~~  
has pleaded guilty to, ~~either~~ a sexually oriented offense ~~that is~~  
~~not a registration exempt sexually oriented offense~~ or a  
child-victim oriented offense or a person is or has been  
adjudicated a delinquent child for committing ~~either~~ a sexually  
oriented offense ~~that is not a registration exempt sexually~~  
~~oriented offense~~ or a child-victim oriented offense and is  
classified a juvenile offender registrant or is an out-of-state  
juvenile offender registrant based on that adjudication, and if  
the offender or delinquent child is in any category specified in  
division (B)(1)(a), (b), or (c) of this section, the victim of the  
offense may make a request in accordance with rules adopted by the  
attorney general pursuant to section 2950.13 of the Revised Code  
that specifies that the victim would like to be provided the  
notices described in divisions (A)(1) and (2) of this section. If  
the victim makes a request in accordance with those rules, the

sheriff described in divisions (A)(1) and (2) of this section 11252  
shall provide the victim with the notices described in those 11253  
divisions. 11254

(4) If a victim makes a request as described in division 11255  
(A)(3) of this section that specifies that the victim would like 11256  
to be provided the notices described in divisions (A)(1) and (2) 11257  
of this section, all information a sheriff obtains regarding the 11258  
victim from or as a result of the request is confidential, and the 11259  
information is not a public record open for inspection under 11260  
section 149.43 of the Revised Code. 11261

(5) The notices described in divisions (A)(1) and (2) of this 11262  
section are in addition to any notices regarding the offender or 11263  
delinquent child that the victim is entitled to receive under 11264  
Chapter 2930. of the Revised Code. 11265

(B)(1) The duties to provide the notices described in 11266  
divisions (A)(1) and (2) of this section apply regarding any 11267  
offender or delinquent child who is in any of the following 11268  
categories, ~~if the other criteria set forth in division (A)(1) or~~ 11269  
~~(2) of this section, whichever is applicable, are satisfied:~~ 11270

(a) ~~The offender or delinquent child has been adjudicated a~~ 11271  
~~sexual predator relative to the sexually oriented offense for~~ 11272  
~~which the offender or delinquent child has the duty to register~~ 11273  
~~under section 2950.04 of the Revised Code or has been adjudicated~~ 11274  
~~a child victim predator relative to the child victim oriented~~ 11275  
~~offense for which the offender or child has the duty to register~~ 11276  
~~under section 2950.041 of the Revised Code, and the court has not~~ 11277  
~~subsequently determined pursuant to section 2152.84 or 2152.85 of~~ 11278  
~~the Revised Code regarding a delinquent child that the delinquent~~ 11279  
~~child no longer is a sexual predator or no longer is a~~ 11280  
~~child victim predator, whichever is applicable.~~ 11281

~~(b) The offender or delinquent child has been determined~~ 11282

~~pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091,~~ 11283  
~~division (B) of section 2152.83, section 2152.84, or section~~ 11284  
~~2152.85 of the Revised Code to be a habitual sex offender or a~~ 11285  
~~habitual child victim offender, the court has imposed a~~ 11286  
~~requirement under that division or section subjecting the habitual~~ 11287  
~~sex offender or habitual child victim offender to this section,~~ 11288  
~~and the determination has not been removed pursuant to section~~ 11289  
~~2152.84 or 2152.85 of the Revised Code regarding a delinquent~~ 11290  
~~child.~~ 11291

~~(c) The sexually oriented offense for which the offender has~~ 11292  
~~the duty to register under section 2950.04 of the Revised Code is~~ 11293  
~~an aggravated sexually oriented offense, regardless of whether the~~ 11294  
~~offender has been adjudicated a sexual predator relative to the~~ 11295  
~~offense or has been determined to be a habitual sex offender and,~~ 11296  
~~if the offender has been so determined to be a habitual sex~~ 11297  
~~offender, regardless of whether the habitual sex offender~~ 11298  
~~determination has not been removed as described in division~~ 11299  
~~(A)(1)(b) of this section is a tier III sex offender/child-victim~~ 11300  
~~offender relative to the offense described in division (A) of this~~ 11301  
~~section for which a victim requested to be provided notice under~~ 11302  
~~that division, or the delinquent child is a public~~ 11303  
~~registry-qualified juvenile offender registrant, and a juvenile~~ 11304  
~~court has not removed pursuant to section 2950.15 of the Revised~~ 11305  
~~Code the delinquent child's duty to comply with sections 2950.04,~~ 11306  
~~2950.041, 2950.05, and 2950.06 of the Revised Code.~~ 11307

(b) The delinquent child is a tier III sex 11308  
offender/child-victim offender who is not a public-registry 11309  
qualified juvenile offender registrant, the delinquent child was 11310  
subjected to this section prior to the effective date of this 11311  
amendment as a sexual predator, habitual sex offender, 11312  
child-victim predator, or habitual child-victim offender, as those 11313  
terms were defined in section 2950.01 of the Revised Code as it 11314

existed prior to the effective date of this amendment, and a 11315  
juvenile court has not removed pursuant to section 2152.84 or 11316  
2152.85 of the Revised Code the delinquent child's duty to comply 11317  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 11318  
Revised Code. 11319

(c) The delinquent child is a tier III sex 11320  
offender/child-victim offender who is not a public 11321  
registry-qualified juvenile offender registrant, the delinquent 11322  
child was classified a juvenile offender registrant on or after 11323  
the effective date of this amendment, the court has imposed a 11324  
requirement under section 2152.82, 2152.83, or 2152.84 of the 11325  
Revised Code subjecting the delinquent child to this section, and 11326  
a juvenile court has not removed pursuant to section 2152.84 or 11327  
2152.85 of the Revised Code the delinquent child's duty to comply 11328  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 11329  
Revised Code. 11330

(2) A victim of a sexually oriented offense ~~that is not a~~ 11331  
~~registration exempt sexually oriented offense~~ or of a child-victim 11332  
oriented offense is not entitled to be provided any notice 11333  
described in division (A)(1) or (2) of this section unless the 11334  
offender or delinquent child is in a category specified in 11335  
division (B)(1)(a), (b), or (c) of this section. A victim of a 11336  
sexually oriented offense ~~that is not a registration exempt~~ 11337  
~~sexually oriented offense~~ or of a child-victim oriented offense is 11338  
not entitled to any notice described in division (A)(1) or (2) of 11339  
this section unless the victim makes a request in accordance with 11340  
rules adopted by the attorney general pursuant to section 2950.13 11341  
of the Revised Code that specifies that the victim would like to 11342  
be provided the notices described in divisions (A)(1) and (2) of 11343  
this section. This division does not affect any rights of a victim 11344  
of a sexually oriented offense or child-victim oriented offense to 11345  
be provided notice regarding an offender or delinquent child that 11346



are described in Chapter 2930. of the Revised Code. 11347

**Sec. 2950.11.** (A) ~~As used in this section, "specified~~ 11348  
~~geographical notification area" means the geographic area or areas~~ 11349  
~~within which the attorney general, by rule adopted under section~~ 11350  
~~2950.13 of the Revised Code, requires the notice described in~~ 11351  
~~division (B) of this section to be given to the persons identified~~ 11352  
~~in divisions (A)(2) to (8) of this section. If Regardless of when~~ 11353  
~~the sexually oriented offense or child-victim oriented offense was~~ 11354  
~~committed, if a person is convicted of or, pleads guilty to, or~~ 11355  
~~has been convicted of, or has pleaded guilty to, either a sexually~~ 11356  
~~oriented offense that is not a registration exempt sexually~~ 11357  
~~oriented offense or a child-victim oriented offense, or a person~~ 11358  
~~is or has been adjudicated a delinquent child for committing~~ 11359  
~~either a sexually oriented offense that is not a~~ 11360  
~~registration exempt sexually oriented offense or a child-victim~~ 11361  
~~oriented offense and is classified a juvenile offender registrant~~ 11362  
~~or is an out-of-state juvenile offender registrant based on that~~ 11363  
~~adjudication, and if the offender or delinquent child is in any~~ 11364  
~~category specified in division (F)(1)(a), (b), or (c) of this~~ 11365  
~~section, the sheriff with whom the offender or delinquent child~~ 11366  
~~has most recently registered under section 2950.04, 2950.041, or~~ 11367  
~~2950.05 of the Revised Code and the sheriff to whom the offender~~ 11368  
~~or delinquent child most recently sent a notice of intent to~~ 11369  
~~reside under section 2950.04 or 2950.041 of the Revised Code,~~ 11370  
~~within the period of time specified in division (C) of this~~ 11371  
~~section, shall provide a written notice containing the information~~ 11372  
~~set forth in division (B) of this section to all of the persons~~ 11373  
~~described in divisions (A)(1) to ~~(9)~~(10) of this section. If the~~ 11374  
~~sheriff has sent a notice to the persons described in those~~ 11375  
~~divisions as a result of receiving a notice of intent to reside~~ 11376  
~~and if the offender or delinquent child registers a residence~~ 11377  
~~address that is the same residence address described in the notice~~ 11378

of intent to reside, the sheriff is not required to send an 11379  
additional notice when the offender or delinquent child registers. 11380  
The sheriff shall provide the notice to all of the following 11381  
persons: 11382

(1)(a) Any occupant of each residential unit that is located 11383  
within one thousand feet of the offender's or delinquent child's 11384  
residential premises, that is located within the county served by 11385  
the sheriff, and that is not located in a multi-unit building. 11386  
Division (D)(3) of this section applies regarding notices required 11387  
under this division. 11388

(b) If the offender or delinquent child resides in a 11389  
multi-unit building, any occupant of each residential unit that is 11390  
located in that multi-unit building and that shares a common 11391  
hallway with the offender or delinquent child. For purposes of 11392  
this division, an occupant's unit shares a common hallway with the 11393  
offender or delinquent child if the entrance door into the 11394  
occupant's unit is located on the same floor and opens into the 11395  
same hallway as the entrance door to the unit the offender or 11396  
delinquent child occupies. Division (D)(3) of this section applies 11397  
regarding notices required under this division. 11398

(c) The building manager, or the person the building owner or 11399  
condominium unit owners association authorizes to exercise 11400  
management and control, of each multi-unit building that is 11401  
located within one thousand feet of the offender's or delinquent 11402  
child's residential premises, including a multi-unit building in 11403  
which the offender or delinquent child resides, and that is 11404  
located within the county served by the sheriff. In addition to 11405  
notifying the building manager or the person authorized to 11406  
exercise management and control in the multi-unit building under 11407  
this division, the sheriff shall post a copy of the notice 11408  
prominently in each common entryway in the building and any other 11409  
location in the building the sheriff determines appropriate. The 11410

manager or person exercising management and control of the 11411  
building shall permit the sheriff to post copies of the notice 11412  
under this division as the sheriff determines appropriate. In lieu 11413  
of posting copies of the notice as described in this division, a 11414  
sheriff may provide notice to all occupants of the multi-unit 11415  
building by mail or personal contact; if the sheriff so notifies 11416  
all the occupants, the sheriff is not required to post copies of 11417  
the notice in the common entryways to the building. Division 11418  
(D)(3) of this section applies regarding notices required under 11419  
this division. 11420

(d) All additional persons who are within any category of 11421  
neighbors of the offender or delinquent child that the attorney 11422  
general by rule adopted under section 2950.13 of the Revised Code 11423  
requires to be provided the notice and who reside within the 11424  
county served by the sheriff; 11425

(2) The executive director of the public children services 11426  
agency that has jurisdiction within the specified geographical 11427  
notification area and that is located within the county served by 11428  
the sheriff; 11429

(3)(a) The superintendent of each board of education of a 11430  
school district that has schools within the specified geographical 11431  
notification area and that is located within the county served by 11432  
the sheriff; 11433

(b) The principal of the school within the specified 11434  
geographical notification area and within the county served by the 11435  
sheriff that the delinquent child attends; 11436

(c) If the delinquent child attends a school outside of the 11437  
specified geographical notification area or outside of the school 11438  
district where the delinquent child resides, the superintendent of 11439  
the board of education of a school district that governs the 11440  
school that the delinquent child attends and the principal of the 11441

school that the delinquent child attends. 11442

(4)(a) The appointing or hiring officer of each chartered 11443  
nonpublic school located within the specified geographical 11444  
notification area and within the county served by the sheriff or 11445  
of each other school located within the specified geographical 11446  
notification area and within the county served by the sheriff and 11447  
that is not operated by a board of education described in division 11448  
(A)(3) of this section; 11449

(b) Regardless of the location of the school, the appointing 11450  
or hiring officer of a chartered nonpublic school that the 11451  
delinquent child attends. 11452

(5) The director, head teacher, elementary principal, or site 11453  
administrator of each preschool program governed by Chapter 3301. 11454  
of the Revised Code that is located within the specified 11455  
geographical notification area and within the county served by the 11456  
sheriff; 11457

(6) The administrator of each child day-care center or type A 11458  
family day-care home that is located within the specified 11459  
geographical notification area and within the county served by the 11460  
sheriff, and the provider of each certified type B family day-care 11461  
home that is located within the specified geographical 11462  
notification area and within the county served by the sheriff. As 11463  
used in this division, "child day-care center," "type A family 11464  
day-care home," and "certified type B family day-care home" have 11465  
the same meanings as in section 5104.01 of the Revised Code. 11466

(7) The president or other chief administrative officer of 11467  
each institution of higher education, as defined in section 11468  
2907.03 of the Revised Code, that is located within the specified 11469  
geographical notification area and within the county served by the 11470  
sheriff, and the chief law enforcement officer of the state 11471  
university law enforcement agency or campus police department 11472

established under section 3345.04 or 1713.50 of the Revised Code, 11473  
if any, that serves that institution; 11474

(8) The sheriff of each county that includes any portion of 11475  
the specified geographical notification area; 11476

(9) If the offender or delinquent child resides within the 11477  
county served by the sheriff, the chief of police, marshal, or 11478  
other chief law enforcement officer of the municipal corporation 11479  
in which the offender or delinquent child resides or, if the 11480  
offender or delinquent child resides in an unincorporated area, 11481  
the constable or chief of the police department or police district 11482  
police force of the township in which the offender or delinquent 11483  
child resides; 11484

(10) Volunteer organizations in which contact with minors or 11485  
other vulnerable individuals might occur or any organization, 11486  
company, or individual who requests notification as provided in 11487  
division (J) of this section. 11488

(B) The notice required under division (A) of this section 11489  
shall include all of the following information regarding the 11490  
subject offender or delinquent child: 11491

(1) The offender's or delinquent child's name; 11492

(2) The address or addresses of the offender's or public 11493  
registry-qualified juvenile offender registrant's 11494  
residence, school, institution of higher education, or place of employment, 11495  
as applicable, or the ~~delinquent child's~~ residence address or 11496  
addresses of a delinquent child who is not a public 11497  
registry-qualified juvenile offender registrant; 11498

(3) The sexually oriented offense or child-victim oriented 11499  
offense of which the offender was convicted, to which the offender 11500  
pleaded guilty, or for which the child was adjudicated a 11501  
delinquent child; 11502

(4) ~~All of the following statements that are applicable:~~ 11503

~~(a) A statement that identifies the category specified in 11504  
division (F)(1)(a), (b), or (c) of this section that includes the 11505  
offender ~~has been adjudicated a sexual predator, a statement that~~ 11506  
~~the offender has been convicted of or pleaded guilty to an~~ 11507  
~~aggravated sexually oriented offense, a statement that the~~ 11508  
~~delinquent child has been adjudicated a sexual predator and that,~~ 11509  
~~as of the date of the notice, the court has not entered a~~ 11510  
~~determination that the delinquent child no longer is a sexual~~ 11511  
~~predator, or a statement that the sentencing or reviewing judge~~ 11512  
~~has determined that the offender or delinquent child is a habitual~~ 11513  
~~sex offender and that, as of the date of the notice, the~~ 11514  
~~determination regarding a delinquent child has not been removed~~ 11515  
~~pursuant to section 2152.84 or 2152.85 of the Revised Code or~~ 11516  
~~delinquent child and that subjects the offender or delinquent~~ 11517  
~~child to this section;~~ 11518~~

~~(b) A statement that the offender has been adjudicated a 11519  
child victim predator, a statement that the delinquent child has 11520  
been adjudicated a child victim predator and that, as of the date 11521  
of the notice, the court has not entered a determination that the 11522  
delinquent child no longer is a child victim predator, or a 11523  
statement that the sentencing or reviewing judge has determined 11524  
that the offender or delinquent child is a habitual child victim 11525  
offender and that, as of the date of the notice, the determination 11526  
regarding a delinquent child has not been removed pursuant to 11527  
section 2152.84 or 2152.85 of the Revised Code;~~ 11528

(5) The offender's or delinquent child's photograph. 11529

(C) If a sheriff with whom an offender or delinquent child 11530  
registers under section 2950.04, 2950.041, or 2950.05 of the 11531  
Revised Code or to whom the offender or delinquent child most 11532  
recently sent a notice of intent to reside under section 2950.04 11533  
or 2950.041 of the Revised Code is required by division (A) of 11534

this section to provide notices regarding an offender or 11535  
delinquent child and if, pursuant to that requirement, the sheriff 11536  
provides a notice to a sheriff of one or more other counties in 11537  
accordance with division (A)(8) of this section, the sheriff of 11538  
each of the other counties who is provided notice under division 11539  
(A)(8) of this section shall provide the notices described in 11540  
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 11541  
each person or entity identified within those divisions that is 11542  
located within the specified geographical notification area and 11543  
within the county served by the sheriff in question. 11544

(D)(1) A sheriff required by division (A) or (C) of this 11545  
section to provide notices regarding an offender or delinquent 11546  
child shall provide the notice to the neighbors that are described 11547  
in division (A)(1) of this section and the notices to law 11548  
enforcement personnel that are described in divisions (A)(8) and 11549  
(9) of this section as soon as practicable, but no later than five 11550  
days after the offender sends the notice of intent to reside to 11551  
the sheriff and again no later than five days after the offender 11552  
or delinquent child registers with the sheriff or, if the sheriff 11553  
is required by division (C) of this section to provide the 11554  
notices, no later than five days after the sheriff is provided the 11555  
notice described in division (A)(8) of this section. 11556

A sheriff required by division (A) or (C) of this section to 11557  
provide notices regarding an offender or delinquent child shall 11558  
provide the notices to all other specified persons that are 11559  
described in divisions (A)(2) to (7) and (A)(10) of this section 11560  
as soon as practicable, but not later than seven days after the 11561  
offender or delinquent child registers with the sheriff or, if the 11562  
sheriff is required by division (C) of this section to provide the 11563  
notices, no later than five days after the sheriff is provided the 11564  
notice described in division (A)(8) of this section. 11565

(2) If an offender or delinquent child in relation to whom 11566

division (A) of this section applies verifies the offender's or 11567  
delinquent child's current residence, school, institution of 11568  
higher education, or place of employment address, as applicable, 11569  
with a sheriff pursuant to section 2950.06 of the Revised Code, 11570  
the sheriff may provide a written notice containing the 11571  
information set forth in division (B) of this section to the 11572  
persons identified in divisions (A)(1) to ~~(9)~~(10) of this section. 11573  
If a sheriff provides a notice pursuant to this division to the 11574  
sheriff of one or more other counties in accordance with division 11575  
(A)(8) of this section, the sheriff of each of the other counties 11576  
who is provided the notice under division (A)(8) of this section 11577  
may provide, but is not required to provide, a written notice 11578  
containing the information set forth in division (B) of this 11579  
section to the persons identified in divisions (A)(1) to (7) and 11580  
(A)(9) and (10) of this section. 11581

(3) A sheriff may provide notice under division (A)(1)(a) or 11582  
(b) of this section, and may provide notice under division 11583  
(A)(1)(c) of this section to a building manager or person 11584  
authorized to exercise management and control of a building, by 11585  
mail, by personal contact, or by leaving the notice at or under 11586  
the entry door to a residential unit. For purposes of divisions 11587  
(A)(1)(a) and (b) of this section, and the portion of division 11588  
(A)(1)(c) of this section relating to the provision of notice to 11589  
occupants of a multi-unit building by mail or personal contact, 11590  
the provision of one written notice per unit is deemed as 11591  
providing notice to all occupants of that unit. 11592

(E) All information that a sheriff possesses regarding a 11593  
~~sexual predator, a habitual sex offender, a child victim predator,~~ 11594  
~~or a habitual child victim offender~~ an offender or delinquent 11595  
child who is in a category specified in division (F)(1)(a), (b), 11596  
or (c) of this section that is described in division (B) of this 11597  
section and that must be provided in a notice required under 11598



division (A) or (C) of this section or that may be provided in a 11599  
notice authorized under division (D)(2) of this section is a 11600  
public record that is open to inspection under section 149.43 of 11601  
the Revised Code. 11602

The sheriff shall not cause to be publicly disseminated by 11603  
means of the internet any of the information described in this 11604  
division that is provided by a ~~sexual predator, habitual sex~~ 11605  
~~offender, child victim predator, or habitual child victim offender~~ 11606  
~~who is a juvenile offender registrant, except when the act that is~~ 11607  
~~the basis of the child's classification as a juvenile offender~~ 11608  
~~registrant is a violation of, or an attempt to commit a violation~~ 11609  
~~of, section 2903.01, 2903.02, or 2905.01 of the Revised Code that~~ 11610  
~~was committed with a purpose to gratify the sexual needs or~~ 11611  
~~desires of the child, a violation of section 2907.02 of the~~ 11612  
~~Revised Code, or an attempt to commit a violation of that section~~ 11613  
delinquent child unless that child is in a category specified in 11614  
division (F)(1)(a), (b), or (c) of this section. 11615

(F)(1) ~~The~~ Except as provided in division (F)(2) of this 11616  
section, the duties to provide the notices described in divisions 11617  
(A) and (C) of this section apply regarding any offender or 11618  
delinquent child who is in any of the following categories, ~~if the~~ 11619  
~~other criteria set forth in division (A) or (C) of this section,~~ 11620  
~~whichever is applicable, are satisfied:~~ 11621

(a) ~~The offender or delinquent child has been adjudicated a~~ 11622  
~~sexual predator relative to the sexually oriented offense for~~ 11623  
~~which the offender or delinquent child has the duty to register~~ 11624  
~~under section 2950.04 of the Revised Code or has been adjudicated~~ 11625  
~~a child victim predator relative to the child victim oriented~~ 11626  
~~offense for which the offender or child has the duty to register~~ 11627  
~~under section 2950.041 of the Revised Code, and the court has not~~ 11628  
~~subsequently determined pursuant to section 2152.84 or 2152.85 of~~ 11629  
~~the Revised Code regarding a delinquent child that the delinquent~~ 11630

~~child no longer is a sexual predator or no longer is a~~ 11631  
~~child victim predator, whichever is applicable.~~ 11632

~~(b) The offender or delinquent child has been determined~~ 11633  
~~pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091,~~ 11634  
~~division (B) of section 2152.83, section 2152.84, or section~~ 11635  
~~2152.85 of the Revised Code to be a habitual sex offender or a~~ 11636  
~~habitual child victim offender, the court has imposed a~~ 11637  
~~requirement under that division or section subjecting the habitual~~ 11638  
~~sex offender or habitual child victim offender to this section,~~ 11639  
~~and the determination has not been removed pursuant to section~~ 11640  
~~2152.84 or 2152.85 of the Revised Code regarding a delinquent~~ 11641  
~~child.~~ 11642

~~(c) The sexually oriented offense for which the offender has~~ 11643  
~~the duty to register under section 2950.04 of the Revised Code is~~ 11644  
~~an aggravated sexually oriented offense, regardless of whether the~~ 11645  
~~offender has been adjudicated a sexual predator relative to the~~ 11646  
~~offense or has been determined to be a habitual sex offender is a~~ 11647  
~~tier III sex offender/child-victim offender, or the delinquent~~ 11648  
~~child is a public registry-qualified juvenile offender registrant,~~ 11649  
~~and a juvenile court has not removed pursuant to section 2950.15~~ 11650  
~~of the Revised Code the delinquent child's duty to comply with~~ 11651  
~~sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised~~ 11652  
~~Code.~~ 11653

(b) The delinquent child is a tier III sex 11654  
offender/child-victim offender who is not a public-registry 11655  
qualified juvenile offender registrant, the delinquent child was 11656  
subjected to this section prior to the effective date of this 11657  
amendment as a sexual predator, habitual sex offender, 11658  
child-victim predator, or habitual child-victim offender, as those 11659  
terms were defined in section 2950.01 of the Revised Code as it 11660  
existed prior to the effective date of this amendment, and a 11661  
juvenile court has not removed pursuant to section 2152.84 or 11662

2152.85 of the Revised Code the delinquent child's duty to comply 11663  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 11664  
Revised Code. 11665

(c) The delinquent child is a tier III sex 11666  
offender/child-victim offender who is not a public 11667  
registry-qualified juvenile offender registrant, the delinquent 11668  
child was classified a juvenile offender registrant on or after 11669  
the effective date of this amendment, the court has imposed a 11670  
requirement under section 2152.82, 2152.83, or 2152.84 of the 11671  
Revised Code subjecting the delinquent child to this section, and 11672  
a juvenile court has not removed pursuant to section 2152.84 or 11673  
2152.85 of the Revised Code the delinquent child's duty to comply 11674  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 11675  
Revised Code. 11676

~~(2) The notification provisions of this section do not apply~~ 11677  
~~regarding a person who is convicted of or pleads guilty to, has~~ 11678  
~~been convicted of or pleaded guilty to, or is adjudicated a~~ 11679  
~~delinquent child for committing, a sexually oriented offense or a~~ 11680  
~~child victim oriented offense, who is not in the category~~ 11681  
~~specified in either division (F)(1)(a) or (c) of this section, and~~ 11682  
~~who is determined pursuant to division (C)(2) or (E) of section~~ 11683  
~~2950.09 or 2950.091, division (B) of section 2152.83, section~~ 11684  
~~2152.84, or section 2152.85 of the Revised Code to be a habitual~~ 11685  
~~sex offender or habitual child victim offender unless the~~ 11686  
~~sentencing or reviewing court imposes a requirement in the~~ 11687  
~~offender's sentence and in the judgment of conviction that~~ 11688  
~~contains the sentence or in the delinquent child's adjudication,~~ 11689  
~~or imposes a requirement as described in division (C)(2) of~~ 11690  
~~section 2950.09 or 2950.091 of the Revised Code, that subjects the~~ 11691  
~~offender or the delinquent child to the provisions of this~~ 11692  
~~section.~~ 11693

(2) The notification provisions of this section do not apply 11694

to a person described in division (F)(1)(a), (b), or (c) of this 11695  
section if that person would not be subject to the notification 11696  
provisions of this section that were in the version of this 11697  
section that existed immediately prior to the effective date of 11698  
this amendment. 11699

(G)(1) The department of job and family services shall 11700  
compile, maintain, and update in January and July of each year, a 11701  
list of all agencies, centers, or homes of a type described in 11702  
division (A)(2) or (6) of this section that contains the name of 11703  
each agency, center, or home of that type, the county in which it 11704  
is located, its address and telephone number, and the name of an 11705  
administrative officer or employee of the agency, center, or home. 11706  
The 11707

(2) The department of education shall compile, maintain, and 11708  
update in January and July of each year, a list of all boards of 11709  
education, schools, or programs of a type described in division 11710  
(A)(3), (4), or (5) of this section that contains the name of each 11711  
board of education, school, or program of that type, the county in 11712  
which it is located, its address and telephone number, the name of 11713  
the superintendent of the board or of an administrative officer or 11714  
employee of the school or program, and, in relation to a board of 11715  
education, the county or counties in which each of its schools is 11716  
located and the address of each such school. ~~The~~ 11717

(3) The Ohio board of regents shall compile, maintain, and 11718  
update in January and July of each year, a list of all 11719  
institutions of a type described in division (A)(7) of this 11720  
section that contains the name of each such institution, the 11721  
county in which it is located, its address and telephone number, 11722  
and the name of its president or other chief administrative 11723  
officer. A 11724

(4) A sheriff required by division (A) or (C) of this 11725  
section, or authorized by division (D)(2) of this section, to 11726

provide notices regarding an offender or delinquent child, or a 11727  
designee of a sheriff of that type, may request the department of 11728  
job and family services, department of education, or Ohio board of 11729  
regents, by telephone, in person, or by mail, to provide the 11730  
sheriff or designee with the names, addresses, and telephone 11731  
numbers of the appropriate persons and entities to whom the 11732  
notices described in divisions (A)(2) to (7) of this section are 11733  
to be provided. Upon receipt of a request, the department or board 11734  
shall provide the requesting sheriff or designee with the names, 11735  
addresses, and telephone numbers of the appropriate persons and 11736  
entities to whom those notices are to be provided. 11737

(H)(1) Upon the motion of the offender or the prosecuting 11738  
attorney of the county in which the offender was convicted of or 11739  
pleaded guilty to the sexually oriented offense or child-victim 11740  
oriented offense for which the offender is subject to community 11741  
notification under this section, or upon the motion of the 11742  
sentencing judge or that judge's successor in office, the judge 11743  
may schedule a hearing to determine whether the interests of 11744  
justice would be served by suspending the community notification 11745  
requirement under this section in relation to the offender. The 11746  
judge may dismiss the motion without a hearing but may not issue 11747  
an order suspending the community notification requirement without 11748  
a hearing. At the hearing, all parties are entitled to be heard, 11749  
and the judge shall consider all of the factors set forth in 11750  
division ~~(B)(3)(K)~~ of this section ~~2950.09 of the Revised Code.~~ 11751  
If, at the conclusion of the hearing, the judge finds that the 11752  
offender has proven by clear and convincing evidence that the 11753  
offender is unlikely to commit in the future a sexually oriented 11754  
offense or a child-victim oriented offense and if the judge finds 11755  
that suspending the community notification requirement is in the 11756  
interests of justice, the judge may suspend the application of 11757  
this section in relation to the offender. The order shall contain 11758  
both of these findings. 11759

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 11791  
sexually violent predator; 11792

(b) A person who is convicted of or pleads guilty to a 11793  
sexually oriented offense that is a violation of division 11794  
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 11795  
after ~~the effective date of this amendment~~ January 2, 2007, and 11796  
either who is ~~sentenced~~ sentenced under section 2971.03 of the 11797  
Revised Code or upon whom a sentence of life without parole is 11798  
imposed under division (B) of section 2907.02 of the Revised Code; 11799

(c) A person who is convicted of or pleads guilty to a 11800  
sexually oriented offense that is attempted rape committed on or 11801  
after ~~the effective date of this amendment~~ January 2, 2007, and 11802  
who also is convicted of or pleads guilty to a specification of 11803  
the type described in section 2941.1418, 2941.1419, or 2941.1420 11804  
of the Revised Code; 11805

(d) ~~A habitual sex offender or habitual child victim oriented~~ 11806  
~~offender who is subject to community notification who, subsequent~~ 11807  
~~to being subjected to community notification, has pleaded guilty~~ 11808  
~~to or been convicted of a sexually oriented offense or a~~ 11809  
~~child victim oriented offense~~ person who is convicted of or pleads 11810  
guilty to an offense described in division (B)(3)(a), (b), (c), or 11811  
(d) of section 2971.03 of the Revised Code and who is sentenced 11812  
for that offense pursuant to that division; 11813

(e) ~~A sexual predator or child victim predator who is not~~ 11814  
~~adjudicated a sexually violent predator~~ An offender who is in a 11815  
category specified in division (F)(1)(a), (b), or (c) of this 11816  
section and who, subsequent to being subjected to community 11817  
notification, has pleaded guilty to or been convicted of a 11818  
sexually oriented offense or child-victim oriented offense. 11819

(I) If a person is convicted of ~~or~~ or pleads guilty to, ~~or~~ has 11820  
been convicted of, or has pleaded guilty to, ~~either~~ a sexually 11821

oriented offense ~~that is not a registration exempt sexually~~ 11822  
~~oriented offense~~ or a child-victim oriented offense, or a person 11823  
is or has been adjudicated a delinquent child for committing 11824  
~~either a sexually oriented offense that is not a~~ 11825  
~~registration exempt sexually oriented offense~~ or a child-victim 11826  
oriented offense and is classified a juvenile offender registrant 11827  
or is an out-of-state juvenile offender registrant based on that 11828  
adjudication, and if the offender or delinquent child is not in 11829  
any category specified in division (F)(1)(a), (b), or (c) of this 11830  
section, the sheriff with whom the offender or delinquent child 11831  
has most recently registered under section 2950.04, 2950.041, or 11832  
2950.05 of the Revised Code and the sheriff to whom the offender 11833  
or delinquent child most recently sent a notice of intent to 11834  
reside under section 2950.04 or 2950.041 of the Revised Code, 11835  
within the period of time specified in division (D) of this 11836  
section, shall provide a written notice containing the information 11837  
set forth in division (B) of this section to the executive 11838  
director of the public children services agency that has 11839  
jurisdiction within the specified geographical notification area 11840  
and that is located within the county served by the sheriff. 11841

(J) Each sheriff shall allow a volunteer organization or 11842  
other organization, company, or individual who wishes to receive 11843  
the notice described in division (A)(10) of this section regarding 11844  
a specific offender or delinquent child or notice regarding all 11845  
offenders and delinquent children who are located in the specified 11846  
geographical notification area to notify the sheriff by electronic 11847  
mail or through the sheriff's web site of this election. The 11848  
sheriff shall promptly inform the bureau of criminal 11849  
identification and investigation of these requests in accordance 11850  
with the forwarding procedures adopted by the attorney general 11851  
pursuant to section 2950.13 of the Revised Code. 11852

(K) In making a determination under division (H)(1) of this 11853



section as to whether to suspend the community notification 11854  
requirement under this section for an offender, the judge shall 11855  
consider all relevant factors, including, but not limited to, all 11856  
of the following: 11857

(1) The offender's age; 11858

(2) The offender's prior criminal or delinquency record 11859  
regarding all offenses, including, but not limited to, all 11860  
sexually oriented offenses or child-victim oriented offenses; 11861

(3) The age of the victim of the sexually oriented offense or 11862  
child-victim oriented offense the offender committed; 11863

(4) Whether the sexually oriented offense or child-victim 11864  
oriented offense the offender committed involved multiple victims; 11865

(5) Whether the offender used drugs or alcohol to impair the 11866  
victim of the sexually oriented offense or child-victim oriented 11867  
the offender committed or to prevent the victim from resisting; 11868

(6) If the offender previously has been convicted of, pleaded 11869  
guilty to, or been adjudicated a delinquent child for committing 11870  
an act that if committed by an adult would be a criminal offense, 11871  
whether the offender completed any sentence or dispositional order 11872  
imposed for the prior offense or act and, if the prior offense or 11873  
act was a sexually oriented offense or a child-victim oriented 11874  
offense, whether the offender or delinquent child participated in 11875  
available programs for sex offenders or child-victim offenders; 11876

(7) Any mental illness or mental disability of the offender; 11877

(8) The nature of the offender's sexual conduct, sexual 11878  
contact, or interaction in a sexual context with the victim of the 11879  
sexually oriented offense the offender committed or the nature of 11880  
the offender's interaction in a sexual context with the victim of 11881  
the child-victim oriented offense the offender committed, 11882  
whichever is applicable, and whether the sexual conduct, sexual 11883

contact, or interaction in a sexual context was part of a 11884  
demonstrated pattern of abuse; 11885

(9) Whether the offender, during the commission of the 11886  
sexually oriented offense or child-victim oriented offense the 11887  
offender committed, displayed cruelty or made one or more threats 11888  
of cruelty; 11889

(10) Any additional behavioral characteristics that 11890  
contribute to the offender's conduct. 11891

(L) As used in this section, "specified geographical 11892  
notification area" means the geographic area or areas within which 11893  
the attorney general, by rule adopted under section 2950.13 of the 11894  
Revised Code, requires the notice described in division (B) of 11895  
this section to be given to the persons identified in divisions 11896  
(A)(2) to (8) of this section. 11897

**Sec. 2950.12.** (A) Except as provided in division (B) of this 11898  
section, any of the following persons shall be immune from 11899  
liability in a civil action to recover damages for injury, death, 11900  
or loss to person or property allegedly caused by an act or 11901  
omission in connection with a power, duty, responsibility, or 11902  
authorization under this chapter or under rules adopted under 11903  
authority of this chapter: 11904

(1) An officer or employee of the bureau of criminal 11905  
identification and investigation; 11906

(2) The attorney general, a chief of police, marshal, or 11907  
other chief law enforcement officer of a municipal corporation, a 11908  
sheriff, a constable or chief of police of a township police 11909  
department or police district police force, and a deputy, officer, 11910  
or employee of the office of the attorney general, the law 11911  
enforcement agency served by the marshal or the municipal or 11912  
township chief, the office of the sheriff, or the constable; 11913

- (3) A prosecutor and an officer or employee of the office of a prosecutor; 11914  
11915
- (4) A supervising officer and an officer or employee of the adult parole authority of the department of rehabilitation and correction; 11916  
11917  
11918
- (5) A supervising officer and an officer or employee of the department of youth services; 11919  
11920
- (6) A supervisor and a caseworker or employee of a public children services agency acting pursuant to section 5153.16 of the Revised Code; 11921  
11922  
11923
- (7) A managing officer of a state correctional institution and an officer or employee of the department of rehabilitation and correction; 11924  
11925  
11926
- (8) A person identified in division (A)(2), (3), (4), (5), (6), or (7) of section 2950.11 of the Revised Code, an organization or person identified in division (A)(10) of that section, or the agent of that person or organization; 11927  
11928  
11929  
11930
- (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. 11931  
11932  
11933  
11934
- (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: 11935  
11936  
11937  
11938
- (1) The act or omission was manifestly outside the scope of the person's employment or official responsibilities. 11939  
11940
- (2) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner. 11941  
11942
- (3) Liability for the act or omission is expressly imposed by 11943

a section of the Revised Code. 11944

**Sec. 2950.13.** (A) The attorney general shall do all of the 11945  
following: 11946

(1) No later than July 1, 1997, establish and maintain a 11947  
state registry of sex offenders and child-victim offenders that is 11948  
housed at the bureau of criminal identification and investigation 11949  
and that contains all of the registration, change of residence, 11950  
school, institution of higher education, or place of employment 11951  
address, and verification information the bureau receives pursuant 11952  
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 11953  
Code regarding a each person who is convicted of ~~or~~, pleads guilty 11954  
to, ~~or~~ has been convicted of, or has pleaded guilty to, ~~either~~ a 11955  
sexually oriented offense ~~that is not a registration-exempt~~ 11956  
~~sexually oriented offense~~ or a child-victim oriented offense ~~or a~~ 11957  
and each person who is or has been adjudicated a delinquent child 11958  
for committing ~~either~~ a sexually oriented offense ~~that is not a~~ 11959  
~~registration-exempt sexually oriented offense~~ or a child-victim 11960  
oriented offense and is classified a juvenile offender registrant 11961  
or is an out-of-state juvenile offender registrant based on that 11962  
adjudication, ~~and~~ all of the information the bureau receives 11963  
pursuant to section 2950.14 of the Revised Code, and any notice of 11964  
an order terminating or modifying an offender's or delinquent 11965  
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 11966  
and 2950.06 of the Revised Code the bureau receives pursuant to 11967  
section 2152.84, 2152.85, or 2950.15 of the Revised Code. For a 11968  
person who was convicted of or pleaded guilty to the sexually 11969  
oriented offense or child-victim related offense, the registry 11970  
also shall indicate whether the person was convicted of or pleaded 11971  
guilty to the offense in a criminal prosecution or in a serious 11972  
youthful offender case. The registry shall not be open to 11973  
inspection by the public or by any person other than a person 11974  
identified in division (A) of section 2950.08 of the Revised Code. 11975

In addition to the information and material previously identified 11976  
in this division, the registry shall include all of the following 11977  
regarding each person who is listed in the registry: 11978

11979  
(a) A citation for, and the name of, all sexually oriented 11980  
offenses or child-victim oriented offenses of which the person was 11981  
convicted, to which the person pleaded guilty, or for which the 11982  
person was adjudicated a delinquent child and that resulted in a 11983  
registration duty, and the date on which those offenses were 11984  
committed; 11985

(b) The text of the sexually oriented offenses or 11986  
child-victim oriented offenses identified in division (A)(1)(a) of 11987  
this section as those offenses existed at the time the person was 11988  
convicted of, pleaded guilty to, or was adjudicated a delinquent 11989  
child for committing those offenses, or a link to a database that 11990  
sets forth the text of those offenses; 11991

(c) A statement as to whether the offender is a tier I sex 11992  
offender/child-victim offender, a tier II sex 11993  
offender/child-victim offender, or a tier III sex 11994  
offender/child-victim offender for the sexually oriented offense 11995  
or child-victim oriented offense identified in division (A)(1)(a) 11996  
of this section; 11997

(d) The community supervision status of the person, 11998  
including, but not limited to, whether the person is serving a 11999  
community control sanction and the nature of any such sanction, 12000  
whether the person is under supervised release and the nature of 12001  
the release, or regarding a juvenile, whether the juvenile is 12002  
under any type of release authorized under Chapter 2152. or 5139. 12003  
of the Revised Code and the nature of any such release; 12004

(e) The offense and delinquency history of the person, as 12005  
determined from information gathered or provided under sections 12006

109.57 and 2950.14 of the Revised Code; 12007

(f) The bureau of criminal identification and investigation 12008  
tracking number assigned to the person if one has been so 12009  
assigned, the federal bureau of investigation number assigned to 12010  
the person if one has been assigned and the bureau of criminal 12011  
identification and investigation is aware of the number, and any 12012  
other state identification number assigned to the person of which 12013  
the bureau is aware; 12014

(g) Fingerprints and palmprints of the person; 12015

(h) A DNA specimen, as defined in section 109.573 of the 12016  
Revised Code, from the person; 12017

(i) Whether the person has any outstanding arrest warrants; 12018

(j) Whether the person is in compliance with the person's 12019  
duties under this chapter. 12020

(2) In consultation with local law enforcement 12021  
representatives and no later than July 1, 1997, adopt rules that 12022  
contain guidelines necessary for the implementation of this 12023  
chapter; 12024

(3) In consultation with local law enforcement 12025  
representatives, adopt rules for the implementation and 12026  
administration of the provisions contained in section 2950.11 of 12027  
the Revised Code that pertain to the notification of neighbors of 12028  
an offender or a delinquent child who has committed a sexually 12029  
oriented offense ~~that is not a registration exempt sexually~~ 12030  
~~oriented offense and has been adjudicated a sexual predator or~~ 12031  
~~determined to be a habitual sex offender, an offender who has~~ 12032  
~~committed an aggravated sexually oriented offense, or an offender~~ 12033  
~~or delinquent child who has committed or~~ a child-victim oriented 12034  
offense and ~~has been adjudicated a child victim predator or~~ 12035  
~~determined to be a habitual child victim offender, and is in a~~ 12036  
category specified in division (F)(1) of that section and rules 12037

that prescribe a manner in which victims of either a sexually 12038  
oriented offense ~~that is not a registration exempt sexually~~ 12039  
~~oriented offense~~ or a child-victim oriented offense committed by 12040  
an offender or a delinquent child who ~~has been adjudicated a~~ 12041  
~~sexual predator or determined to be a habitual sex offender, an~~ 12042  
~~offender who has committed an aggravated sexually oriented~~ 12043  
~~offense, or an offender or delinquent child who has committed a~~ 12044  
~~child victim oriented offense and has been adjudicated a~~ 12045  
~~child victim predator or determined to be a habitual child victim~~ 12046  
~~offender~~ is in a category specified in division (B)(1) of section 12047  
2950.10 of the Revised Code may make a request that specifies that 12048  
the victim would like to be provided the notices described in 12049  
divisions (A)(1) and (2) of section 2950.10 of the Revised Code; 12050

(4) In consultation with local law enforcement 12051  
representatives and through the bureau of criminal identification 12052  
and investigation, prescribe the forms to be used by judges and 12053  
officials pursuant to section 2950.03 or 2950.032 of the Revised 12054  
Code to advise offenders and delinquent children of their duties 12055  
of filing a notice of intent to reside, registration, notification 12056  
of a change of residence, school, institution of higher education, 12057  
or place of employment address and registration of the new, 12058  
school, institution of higher education, or place of employment 12059  
address, as applicable, and address verification under sections 12060  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 12061  
prescribe the forms to be used by sheriffs relative to those 12062  
duties of filing a notice of intent to reside, registration, 12063  
change of residence, school, institution of higher education, or 12064  
place of employment address notification, and address 12065  
verification; 12066

(5) Make copies of the forms prescribed under division (A)(4) 12067  
of this section available to judges, officials, and sheriffs; 12068

(6) Through the bureau of criminal identification and 12069

investigation, provide the notifications, the information and 12070  
materials, and the documents that the bureau is required to 12071  
provide to appropriate law enforcement officials and to the 12072  
federal bureau of investigation pursuant to sections 2950.04, 12073  
2950.041, 2950.05, and 2950.06 of the Revised Code; 12074

(7) Through the bureau of criminal identification and 12075  
investigation, maintain the verification forms returned under the 12076  
address verification mechanism set forth in section 2950.06 of the 12077  
Revised Code; 12078

(8) In consultation with representatives of the officials, 12079  
judges, and sheriffs, adopt procedures for officials, judges, and 12080  
sheriffs to use to forward information, photographs, and 12081  
fingerprints to the bureau of criminal identification and 12082  
investigation pursuant to the requirements of sections 2950.03, 12083  
2950.04, 2950.041, 2950.05, ~~and~~ 2950.06, and 2950.11 of the 12084  
Revised Code; 12085

(9) In consultation with the director of education, the 12086  
director of job and family services, and the director of 12087  
rehabilitation and correction, adopt rules that contain guidelines 12088  
to be followed by boards of education of a school district, 12089  
chartered nonpublic schools or other schools not operated by a 12090  
board of education, preschool programs, child day-care centers, 12091  
type A family day-care homes, certified type B family day-care 12092  
homes, and institutions of higher education regarding the proper 12093  
use and administration of information received pursuant to section 12094  
2950.11 of the Revised Code relative to an offender or delinquent 12095  
child who has ~~been adjudicated a sexual predator or child victim~~ 12096  
~~predator or determined to be a habitual sex offender or habitual~~ 12097  
~~child victim offender, or an offender who has committed an~~ 12098  
~~aggravated sexually oriented offense~~ committed a sexually oriented 12099  
offense or a child-victim oriented offense and is in a category 12100  
specified in division (F)(1) of that section; 12101



(10) In consultation with local law enforcement 12102  
representatives and no later than July 1, 1997, adopt rules that 12103  
designate a geographic area or areas within which the notice 12104  
described in division (B) of section 2950.11 of the Revised Code 12105  
must be given to the persons identified in divisions (A)(2) to (8) 12106  
and (A)(10) of that section; 12107

(11) Through the bureau of criminal identification and 12108  
investigation, not later than January 1, 2004, establish and 12109  
operate on the internet a sex offender and child-victim offender 12110  
database that contains information for every offender who has 12111  
committed ~~either a sexually oriented offense that is not a~~ 12112  
~~registration-exempt sexually oriented offense~~ or a child-victim 12113  
oriented offense and ~~who~~ registers in any county in this state 12114  
pursuant to section 2950.04 or 2950.041 of the Revised Code and 12115  
for every delinquent child who has committed a sexually oriented 12116  
offense, is a public registry-qualified juvenile offender 12117  
registrant, and registers in any county in this state pursuant to 12118  
either such section. The bureau shall not include on the database 12119  
the identity of any offender's or public registry-qualified 12120  
juvenile offender registrant's victim, any offender's or public 12121  
registry-qualified juvenile offender registrant's social security 12122  
number, the name of any school or institution of higher education 12123  
attended by any offender or public registry-qualified juvenile 12124  
offender registrant, the name of the place of employment of any 12125  
offender or public registry-qualified juvenile offender 12126  
registrant, any tracking or identification number described in 12127  
division (A)(1)(f) of this section, or any information described 12128  
in division (C)(7) of section 2950.04 or 2950.041 of the Revised 12129  
Code. The bureau shall provide on the database, for each offender 12130  
and each public registry-qualified juvenile offender registrant, 12131  
at least the information specified in divisions (A)(11)(a) to (h) 12132  
of this section. Otherwise, the bureau shall determine the 12133  
information to be provided on the database for each offender and 12134

public registry-qualified juvenile offender registrant and shall 12135  
obtain that information from the information contained in the 12136  
state registry of sex offenders and child-victim offenders 12137  
described in division (A)(1) of this section, which information, 12138  
while in the possession of the sheriff who provided it, is a 12139  
public record open for inspection as described in section 2950.081 12140  
of the Revised Code. ~~The information provided for each offender~~ 12141  
~~shall include at least the information set forth in division (B)~~ 12142  
~~of section 2950.11 of the Revised Code.~~ The database is a public 12143  
record open for inspection under section 149.43 of the Revised 12144  
Code, and it shall be searchable by offender or public 12145  
registry-qualified juvenile offender registrant name, by county, 12146  
by zip code, and by school district. The database shall provide a 12147  
link to the web site of each sheriff who has established and 12148  
operates on the internet a sex offender and child-victim offender 12149  
database that contains information for offenders and public 12150  
registry-qualified juvenile offender registrants who register in 12151  
that county pursuant to section 2950.04 or 2950.041 of the Revised 12152  
Code, with the link being a direct link to the sex offender and 12153  
child-victim offender database for the sheriff. The bureau shall 12154  
provide on the database, for each offender and public 12155  
registry-qualified juvenile offender registrant, at least the 12156  
following information: 12157

(a) The information described in divisions (A)(1)(a), (b), 12158  
(c), and (d) of this section relative to the offender or public 12159  
registry-qualified juvenile offender registrant; 12160

(b) The address of the offender's or public 12161  
registry-qualified juvenile offender registrant's school, 12162  
institution of higher education, or place of employment provided 12163  
in a registration form; 12164

(c) The information described in division (C)(6) of section 12165  
2950.04 or 2950.041 of the Revised Code; 12166

(d) A chart describing which sexually oriented offenses and 12167  
child-victim oriented offenses are included in the definitions of 12168  
tier I sex offender/child-victim offender, tier II sex 12169  
offender/child-victim offender, and tier III sex 12170  
offender/child-victim offender; 12171

(e) Fingerprints and palm prints of the offender or public 12172  
registry-qualified juvenile offender registrant and a DNA specimen 12173  
from the offender or public registry-qualified juvenile offender 12174  
registrant; 12175

(f) The information set forth in division (B) of section 12176  
2950.11 of the Revised Code; 12177

(g) Any outstanding arrest warrants for the offender or 12178  
public registry-qualified juvenile offender registrant; 12179

(h) The offender's or public registry-qualified juvenile 12180  
offender registrant's compliance status with duties under this 12181  
chapter. 12182

(12) ~~Upon the request of any sheriff, provide technical~~ 12183  
~~guidance to the requesting sheriff~~ Develop software to be used by 12184  
sheriffs in establishing on the internet a sex offender and 12185  
child-victim offender database for the public dissemination of 12186  
some or all of the information and materials described in division 12187  
(A) of section 2950.081 of the Revised Code that are public 12188  
records under that division, that are not prohibited from 12189  
inclusion by division (B) of that section, and that pertain to 12190  
offenders and public registry-qualified juvenile offender 12191  
registrants who register in ~~that~~ the sheriff's county pursuant to 12192  
section 2950.04 or 2950.041 of the Revised Code and for the public 12193  
dissemination of information the sheriff receives pursuant to 12194  
section 2950.14 of the Revised Code and, upon the request of any 12195  
sheriff, provide technical guidance to the requesting sheriff in 12196  
establishing on the internet such a database; 12197

(13) Through the bureau of criminal identification and 12198  
investigation, not later than January 1, 2004, establish and 12199  
operate on the internet a database that enables local law 12200  
enforcement representatives to remotely search by electronic means 12201  
the state registry of sex offenders and child-victim offenders 12202  
described in division (A)(1) of this section and any information 12203  
and materials the bureau receives pursuant to sections 2950.04, 12204  
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 12205  
database shall enable local law enforcement representatives to 12206  
obtain detailed information regarding each offender and delinquent 12207  
child who is included in the registry, including, but not limited 12208  
to the offender's or delinquent child's name, aliases, residence 12209  
address, name and address of any place of employment, school, 12210  
institution of higher education, if applicable, ~~motor vehicle~~ 12211  
license plate number ~~if~~ of each vehicle identified in division 12212  
(C)(5) of section 2950.04 or 2950.041 of the Revised Code to the 12213  
extent applicable, victim preference if available, date of most 12214  
recent release from confinement if applicable, fingerprints, and 12215  
palmprints, all of the information and material described in 12216  
division (A)(1)(a) to (h) of this section regarding the offender 12217  
or delinquent child, and other identification parameters the 12218  
bureau considers appropriate. The database is not a public record 12219  
open for inspection under section 149.43 of the Revised Code and 12220  
shall be available only to law enforcement representatives as 12221  
described in this division. Information obtained by local law 12222  
enforcement representatives through use of this database is not 12223  
open to inspection by the public or by any person other than a 12224  
person identified in division (A) of section 2950.08 of the 12225  
Revised Code. 12226

(14) Through the bureau of criminal identification and 12227  
investigation, maintain a list of requests for notice about a 12228  
specified offender or delinquent child or specified geographical 12229  
notification area made pursuant to division (J) of section 2950.11 12230

of the Revised Code and, when an offender or delinquent child 12231  
changes residence to another county, forward any requests for 12232  
information about that specific offender or delinquent child to 12233  
the appropriate sheriff; 12234

(15) Through the bureau of criminal identification and 12235  
investigation, establish and operate a system for the immediate 12236  
notification by electronic means of the appropriate officials in 12237  
other states specified in this division each time an offender or 12238  
delinquent child registers a residence, school, institution of 12239  
higher education, or place of employment address under section 12240  
2950.04 or 2950.041 of the revised Code or provides a notice of a 12241  
change of address or registers a new address under division (A) or 12242  
(B) of section 2950.05 of the Revised Code. The immediate 12243  
notification by electronic means shall be provided to the 12244  
appropriate officials in each state in which the offender or 12245  
delinquent child is required to register a residence, school, 12246  
institution of higher education, or place of employment address. 12247  
The notification shall contain the offender's or delinquent 12248  
child's name and all of the information the bureau receives from 12249  
the sheriff with whom the offender or delinquent child registered 12250  
the address or provided the notice of change of address or 12251  
registered the new address. 12252

(B) The attorney general in consultation with local law 12253  
enforcement representatives, may adopt rules that establish one or 12254  
more categories of neighbors of an offender or delinquent child 12255  
who, in addition to the occupants of residential premises and 12256  
other persons specified in division (A)(1) of section 2950.11 of 12257  
the Revised Code, must be given the notice described in division 12258  
(B) of that section. 12259

(C) No person, other than a local law enforcement 12260  
representative, shall knowingly do any of the following: 12261

(1) Gain or attempt to gain access to the database 12262

established and operated by the attorney general, through the 12263  
bureau of criminal identification and investigation, pursuant to 12264  
division (A)(13) of this section. 12265

(2) Permit any person to inspect any information obtained 12266  
through use of the database described in division (C)(1) of this 12267  
section, other than as permitted under that division. 12268

(D) As used in this section, "local law enforcement 12269  
representatives" means representatives of the sheriffs of this 12270  
state, representatives of the municipal chiefs of police and 12271  
marshals of this state, and representatives of the township 12272  
constables and chiefs of police of the township police departments 12273  
or police district police forces of this state. 12274

Sec. 2950.131. If, on or after the effective date of this 12275  
section, the United States attorney general or an office 12276  
established under the authority of the United States attorney 12277  
general adopts any regulation, guideline, or standard that 12278  
interprets or applies the federal Sex Offender Registration and 12279  
Notification Act, Pub. L. No. 109-249, to require additional sex 12280  
offender registration and notification than otherwise required by 12281  
Chapter 2950. of the Revised Code, as amended by this act, or 12282  
notifies the attorney general of this state that the amendments 12283  
made by this act are not in substantial compliance with the 12284  
federal Sex Offender Registration and Notification Act or 12285  
regulations, guidelines or standards interpreting or applying the 12286  
federal Sex Offender Registration and Notification Act, the 12287  
attorney general of this state within one hundred eighty days 12288  
after notification or the adoption of any regulation, guideline or 12289  
standard that interprets or applies the federal Sex Offender 12290  
Registration and Notification Act, shall adopt rules in accordance 12291  
with Chapter 119. of the Revised Code to require additional sex 12292  
offender registration or notification so that Ohio's sex offender 12293

registration and notification requirements are consistent with, 12294  
and not less stringent than, the federal Sex Offender Registration 12295  
and Notification Act and any regulation, guideline or standard 12296  
that interprets or applies the federal Sex Offender Registration 12297  
and Notification Act. 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 and the terms and 12332  
conditions of release of the offender or 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

(2) Whether the eligible offender has maintained financial 12472  
responsibility for a motor vehicle as required by section 4509.101 12473  
of the Revised Code; 12474

(3) Whether the eligible offender has satisfied any child or 12475  
spousal support obligations, if applicable; 12476

(4) Whether the eligible offender has paid all local, state, 12477  
and federal income taxes, and has timely filed all associated 12478  
income tax returns, as required by local, state, or federal law; 12479

(5) Whether there is evidence that the eligible offender has 12480

adequately addressed sex offending or child-victim offending 12481  
behaviors; 12482

(6) Whether the eligible offender has maintained a residence 12483  
for a substantial period of time; 12484

(7) Whether the eligible offender has maintained employment 12485  
or, if the eligible offender has not been employed while under a 12486  
duty to comply with sections 2950.04, 2950.041, 2950.05, and 12487  
2950.06 of the Revised Code, whether the eligible offender has 12488  
satisfied the offender's financial obligations through other 12489  
manners of support such as disability payments, a pension, spousal 12490  
or child support, or scholarships or grants; 12491

(8) Whether the eligible offender has adequately addressed 12492  
any drug or alcohol abuse or addiction; 12493

(9) Letters of reference; 12494

(10) Documentation of the eligible offender's service to the 12495  
community or to specific individuals in need. 12496

(H)(1) The court, without a hearing, may issue an order 12497  
denying the eligible offender's motion to terminate the eligible 12498  
offender's duty to comply with sections 2950.04, 2950.041, 12499  
2950.05, and 2950.06 of the Revised Code if the court, based on 12500  
the evidence submitted with the motion pursuant to division (D) of 12501  
this section and the written report submitted pursuant to division 12502  
(E) of this section and after considering the factors described in 12503  
division (G) of this section, finds that those duties should not 12504  
be terminated. 12505

(2) If the prosecutor does not file an objection to the 12506  
eligible offender's application as provided in division (F)(2) of 12507  
this section, the court, without a hearing, may issue an order 12508  
that terminates the eligible offender's duty to comply with 12509  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 12510  
Code if the court, based on the evidence submitted with the motion 12511

pursuant to division (D) of this section and the written report 12512  
submitted pursuant to division (E) of this section and after 12513  
considering the factors described in division (G) of this section, 12514  
finds that those duties should be terminated. 12515

(3) If the court does not issue an order under division 12516  
(H)(1) or (2) of this section, the court shall hold a hearing to 12517  
determine whether to grant or deny the motion. At the hearing, the 12518  
Rules of Civil Procedure or, if the hearing is in a juvenile 12519  
court, the Rules of Juvenile Procedure apply, except to the extent 12520  
that those Rules would by their nature be clearly inapplicable. At 12521  
the hearing, the eligible offender has the burden of going forward 12522  
with the evidence and the burden of proof by a preponderance of 12523  
the evidence. If, after considering the evidence submitted with 12524  
the motion pursuant to division (D) of this section, the written 12525  
report submitted pursuant to division (E) of this section, and the 12526  
factors described in division (G) of this section, the court finds 12527  
that the eligible offender has satisfied the burden of proof, the 12528  
court shall issue an order that terminates the eligible offender's 12529  
duty to comply with sections 2950.04, 2950.041, 2950.05, and 12530  
2950.06 of the Revised Code. If the court finds that the eligible 12531  
offender has not satisfied the burden of proof, the court shall 12532  
issue an order denying the motion. 12533

(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. 2953.32.** (A)(1) Except as provided in section 2953.61 of 12566  
the Revised Code, a first offender may apply to the sentencing 12567  
court if convicted in this state, or to a court of common pleas if 12568  
convicted in another state or in a federal court, for the sealing 12569  
of the conviction record. Application may be made at the 12570  
expiration of three years after the offender's final discharge if 12571  
convicted of a felony, or at the expiration of one year after the 12572  
offender's final discharge if convicted of a misdemeanor. 12573

(2) Any person who has been arrested for any misdemeanor 12574  
offense and who has effected a bail forfeiture may apply to the 12575  
court in which the misdemeanor criminal case was pending when bail 12576  
was forfeited for the sealing of the record of the case. Except as 12577  
provided in section 2953.61 of the Revised Code, the application 12578  
may be filed at any time after the expiration of one year from the 12579  
date on which the bail forfeiture was entered upon the minutes of 12580  
the court or the journal, whichever entry occurs first. 12581

(B) Upon the filing of an application under this section, the 12582  
court shall set a date for a hearing and shall notify the 12583  
prosecutor for the case of the hearing on the application. The 12584  
prosecutor may object to the granting of the application by filing 12585  
an objection with the court prior to the date set for the hearing. 12586  
The prosecutor shall specify in the objection the reasons for 12587  
believing a denial of the application is justified. The court 12588  
shall direct its regular probation officer, a state probation 12589  
officer, or the department of probation of the county in which the 12590  
applicant resides to make inquiries and written reports as the 12591  
court requires concerning the applicant. 12592

(C)(1) The court shall do each of the following: 12593

(a) Determine whether the applicant is a first offender or 12594  
whether the forfeiture of bail was agreed to by the applicant and 12595  
the prosecutor in the case. If the applicant applies as a first 12596  
offender pursuant to division (A)(1) of this section and has two 12597  
or three convictions that result from the same indictment, 12598  
information, or complaint, from the same plea of guilty, or from 12599  
the same official proceeding, and result from related criminal 12600  
acts that were committed within a three-month period but do not 12601  
result from the same act or from offenses committed at the same 12602  
time, in making its determination under this division, the court 12603  
initially shall determine whether it is not in the public interest 12604  
for the two or three convictions to be counted as one conviction. 12605



If the court determines that it is not in the public interest for 12606  
the two or three convictions to be counted as one conviction, the 12607  
court shall determine that the applicant is not a first offender; 12608  
if the court does not make that determination, the court shall 12609  
determine that the offender is a first offender. 12610

(b) Determine whether criminal proceedings are pending 12611  
against the applicant; 12612

(c) If the applicant is a first offender who applies pursuant 12613  
to division (A)(1) of this section, determine whether the 12614  
applicant has been rehabilitated to the satisfaction of the court; 12615

(d) If the prosecutor has filed an objection in accordance 12616  
with division (B) of this section, consider the reasons against 12617  
granting the application specified by the prosecutor in the 12618  
objection; 12619

(e) Weigh the interests of the applicant in having the 12620  
records pertaining to the applicant's conviction sealed against 12621  
the legitimate needs, if any, of the government to maintain those 12622  
records. 12623

(2) If the court determines, after complying with division 12624  
(C)(1) of this section, that the applicant is a first offender or 12625  
the subject of a bail forfeiture, that no criminal proceeding is 12626  
pending against the applicant, and that the interests of the 12627  
applicant in having the records pertaining to the applicant's 12628  
conviction or bail forfeiture sealed are not outweighed by any 12629  
legitimate governmental needs to maintain those records, and that 12630  
the rehabilitation of an applicant who is a first offender 12631  
applying pursuant to division (A)(1) of this section has been 12632  
attained to the satisfaction of the court, the court, except as 12633  
provided in division (G) of this section, shall order all official 12634  
records pertaining to the case sealed and, except as provided in 12635  
division (F) of this section, all index references to the case 12636

deleted and, in the case of bail forfeitures, shall dismiss the 12637  
charges in the case. The proceedings in the case shall be 12638  
considered not to have occurred and the conviction or bail 12639  
forfeiture of the person who is the subject of the proceedings 12640  
shall be sealed, except that upon conviction of a subsequent 12641  
offense, the sealed record of prior conviction or bail forfeiture 12642  
may be considered by the court in determining the sentence or 12643  
other appropriate disposition, including the relief provided for 12644  
in sections 2953.31 to 2953.33 of the Revised Code. 12645

(3) Upon the filing of an application under this section, the 12646  
applicant, unless indigent, shall pay a fee of fifty dollars. The 12647  
court shall pay thirty dollars of the fee into the state treasury. 12648  
It shall pay twenty dollars of the fee into the county general 12649  
revenue fund if the sealed conviction or bail forfeiture was 12650  
pursuant to a state statute, or into the general revenue fund of 12651  
the municipal corporation involved if the sealed conviction or 12652  
bail forfeiture was pursuant to a municipal ordinance. 12653

(D) Inspection of the sealed records included in the order 12654  
may be made only by the following persons or for the following 12655  
purposes: 12656

(1) By a law enforcement officer or prosecutor, or the 12657  
assistants of either, to determine whether the nature and 12658  
character of the offense with which a person is to be charged 12659  
would be affected by virtue of the person's previously having been 12660  
convicted of a crime; 12661

(2) By the parole or probation officer of the person who is 12662  
the subject of the records, for the exclusive use of the officer 12663  
in supervising the person while on parole or under a community 12664  
control sanction or a post-release control sanction, and in making 12665  
inquiries and written reports as requested by the court or adult 12666  
parole authority; 12667

- (3) Upon application by the person who is the subject of the records, by the persons named in the application;
- (4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;
- (5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;
- (6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction as part of a background investigation of a person who applies for employment with the agency as a law enforcement officer or with the department as a corrections officer;
- (7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;
- (8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;
- (9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded;
- (10) By the bureau of criminal identification and investigation, an authorized employee of the bureau, a sheriff, or an authorized employee of a sheriff in connection with a criminal records check described in section 311.41 of the Revised Code;

(11) By the attorney general or an authorized employee of the 12698  
attorney general or a court for purposes of determining a person's 12699  
classification pursuant to Chapter 2950. of the Revised Code. 12700

When the nature and character of the offense with which a 12701  
person is to be charged would be affected by the information, it 12702  
may be used for the purpose of charging the person with an 12703  
offense. 12704

(E) In any criminal proceeding, proof of any otherwise 12705  
admissible prior conviction may be introduced and proved, 12706  
notwithstanding the fact that for any such prior conviction an 12707  
order of sealing previously was issued pursuant to sections 12708  
2953.31 to 2953.36 of the Revised Code. 12709

(F) The person or governmental agency, office, or department 12710  
that maintains sealed records pertaining to convictions or bail 12711  
forfeitures that have been sealed pursuant to this section may 12712  
maintain a manual or computerized index to the sealed records. The 12713  
index shall contain only the name of, and alphanumeric identifiers 12714  
that relate to, the persons who are the subject of the sealed 12715  
records, the word "sealed," and the name of the person, agency, 12716  
office, or department that has custody of the sealed records, and 12717  
shall not contain the name of the crime committed. The index shall 12718  
be made available by the person who has custody of the sealed 12719  
records only for the purposes set forth in divisions (C), (D), and 12720  
(E) of this section. 12721

(G) Notwithstanding any provision of this section or section 12722  
2953.33 of the Revised Code that requires otherwise, a board of 12723  
education of a city, local, exempted village, or joint vocational 12724  
school district that maintains records of an individual who has 12725  
been permanently excluded under sections 3301.121 and 3313.662 of 12726  
the Revised Code is permitted to maintain records regarding a 12727  
conviction that was used as the basis for the individual's 12728  
permanent exclusion, regardless of a court order to seal the 12729

record. An order issued under this section to seal the record of a 12730  
conviction does not revoke the adjudication order of the 12731  
superintendent of public instruction to permanently exclude the 12732  
individual who is the subject of the sealing order. An order 12733  
issued under this section to seal the record of a conviction of an 12734  
individual may be presented to a district superintendent as 12735  
evidence to support the contention that the superintendent should 12736  
recommend that the permanent exclusion of the individual who is 12737  
the subject of the sealing order be revoked. Except as otherwise 12738  
authorized by this division and sections 3301.121 and 3313.662 of 12739  
the Revised Code, any school employee in possession of or having 12740  
access to the sealed conviction records of an individual that were 12741  
the basis of a permanent exclusion of the individual is subject to 12742  
section 2953.35 of the Revised Code. 12743

**Sec. 2967.12.** (A) Except as provided in division (G) of this 12744  
section, at least three weeks before the adult parole authority 12745  
recommends any pardon or commutation of sentence, or grants any 12746  
parole, the authority shall send a notice of the pendency of the 12747  
pardon, commutation, or parole, setting forth the name of the 12748  
person on whose behalf it is made, the offense of which the person 12749  
was convicted or to which the person pleaded guilty, the time of 12750  
conviction or the guilty plea, and the term of the person's 12751  
sentence, to the prosecuting attorney and the judge of the court 12752  
of common pleas of the county in which the indictment against the 12753  
person was found. If there is more than one judge of that court of 12754  
common pleas, the authority shall send the notice to the presiding 12755  
judge. The department of rehabilitation and correction, at the 12756  
same time that it provides the notice to the prosecuting attorney 12757  
and judge under this division, also shall post on the database it 12758  
maintains pursuant to section 5120.66 of the Revised Code the 12759  
offender's name and all of the information specified in division 12760  
(A)(1)(c)(iii) of that section. 12761

(B) If a request for notification has been made pursuant to 12762  
section 2930.16 of the Revised Code, the adult parole authority 12763  
also shall give notice to the victim or the victim's 12764  
representative prior to recommending any pardon or commutation of 12765  
sentence for, or granting any parole to, the person. The authority 12766  
shall provide the notice at the same time as the notice required 12767  
by division (A) of this section and shall include in the notice 12768  
the information required to be set forth in that notice. The 12769  
notice also shall inform the victim or the victim's representative 12770  
that the victim or representative may send a written statement 12771  
relative to the victimization and the pending action to the adult 12772  
parole authority and that, if the authority receives any written 12773  
statement prior to recommending a pardon or commutation or 12774  
granting a parole for a person, the authority will consider the 12775  
statement before it recommends a pardon or commutation or grants a 12776  
parole. If the person is being considered for parole, the notice 12777  
shall inform the victim or the victim's representative that a full 12778  
board hearing of the parole board may be held and that the victim 12779  
or victim's representative may contact the office of victims' 12780  
services for further information. If the person being considered 12781  
for parole was convicted of or pleaded guilty to violating section 12782  
2903.01 or 2903.02 of the Revised Code, the notice shall inform 12783  
the victim of that offense, the victim's representative, or a 12784  
member of the victim's immediate family that the victim, the 12785  
victim's representative, and the victim's immediate family have 12786  
the right to give testimony at a full board hearing of the parole 12787  
board and that the victim or victim's representative may contact 12788  
the office of victims' services for further information. As used 12789  
in this division, "the victim's immediate family" means the 12790  
mother, father, spouse, sibling, or child of the victim. 12791

(C) When notice of the pendency of any pardon, commutation of 12792  
sentence, or parole has been given to a judge or prosecutor or 12793  
posted on the database as provided in division (A) of this section 12794

and a hearing on the pardon, commutation, or parole is continued 12795  
to a date certain, the authority shall provide notice of the 12796  
further consideration of the pardon, commutation, or parole at 12797  
least ten days before the further consideration. The notice of the 12798  
further consideration shall be provided to the proper judge and 12799  
prosecuting attorney by mail at least ten days before the further 12800  
consideration, and, if the initial notice was posted on the 12801  
database as provided in division (A) of this section, the notice 12802  
of the further consideration shall be posted on the database at 12803  
least ten days before the further consideration. When notice of 12804  
the pendency of any pardon, commutation, or parole has been given 12805  
as provided in division (B) of this section and the hearing on it 12806  
is continued to a date certain, the authority shall give notice of 12807  
the further consideration to the victim or the victim's 12808  
representative in accordance with section 2930.03 of the Revised 12809  
Code. 12810

(D) In case of an application for the pardon or commutation 12811  
of sentence of a person sentenced to capital punishment, the 12812  
governor may modify the requirements of notification and 12813  
publication if there is not sufficient time for compliance with 12814  
the requirements before the date fixed for the execution of 12815  
sentence. 12816

(E) If an offender is serving a prison term imposed under 12817  
division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or 12818  
(c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the 12819  
Revised Code and if the parole board terminates its control over 12820  
the offender's service of that term pursuant to section 2971.04 of 12821  
the Revised Code, the parole board immediately shall provide 12822  
written notice of its termination of control or the transfer of 12823  
control to the entities and persons specified in section 2971.04 12824  
of the Revised Code. 12825

(F) The failure of the adult parole authority to comply with 12826

the notice or posting provisions of division (A), (B), or (C) of 12827  
this section or the failure of the parole board to comply with the 12828  
notice provisions of division (E) of this section do not give any 12829  
rights or any grounds for appeal or post-conviction relief to the 12830  
person serving the sentence. 12831

(G) Divisions (A), (B), and (C) of this section do not apply 12832  
to any release of a person that is of the type described in 12833  
division (B)(2)(b) of section 5120.031 of the Revised Code. 12834

(H) In addition to and independent of the right of a victim 12835  
to make a statement as described in division (A) of this section 12836  
or pursuant to section 2930.17 of the Revised Code or to otherwise 12837  
make a statement, the authority for a judge or prosecuting 12838  
attorney to furnish statements and information, make 12839  
recommendations, and give testimony as described in division (A) 12840  
of this section, the right of a prosecuting attorney, judge, or 12841  
victim to give testimony or submit a statement at a full parole 12842  
board hearing pursuant to section 5149.101 of the Revised Code, 12843  
and any other right or duty of a person to present information or 12844  
make a statement, any person may send to the adult parole 12845  
authority at any time prior to the authority's recommending a 12846  
pardon or commutation or granting a parole for the offender a 12847  
written statement relative to the offense and the pending action. 12848

**Sec. 2967.121.** (A) Subject to division (C) of this section, 12849  
at least two weeks before any convict who is serving a sentence 12850  
for committing a felony of the first, second, or third degree is 12851  
released from confinement in any state correctional institution 12852  
pursuant to a pardon, commutation of sentence, parole, or 12853  
completed prison term, the adult parole authority shall send 12854  
notice of the release to the prosecuting attorney of the county in 12855  
which the indictment of the convict was found. 12856

(B) The notice required by division (A) of this section may 12857



be contained in a weekly list of all felons of the first, second, 12858  
or third degree who are scheduled for release. The notice shall 12859  
contain all of the following: 12860

(1) The name of the convict being released; 12861

(2) The date of the convict's release; 12862

(3) The offense for the violation of which the convict was 12863  
convicted and incarcerated; 12864

(4) The date of the convict's conviction pursuant to which 12865  
the convict was incarcerated; 12866

(5) The sentence imposed for that conviction; 12867

(6) The length of any supervision that the convict will be 12868  
under; 12869

(7) The name, business address, and business phone number of 12870  
the convict's supervising officer; 12871

(8) The address at which the convict will reside. 12872

(C) Divisions (A) and (B) of this section do not apply to the 12873  
release from confinement of an offender if the offender is serving 12874  
a prison term imposed under division (A)(3), (B)(1)(a), (b), or 12875  
(c), ~~or~~ (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of 12876  
section 2971.03 of the Revised Code, if the court pursuant to 12877  
section 2971.05 of the Revised Code modifies the requirement that 12878  
the offender serve that entire term in a state correctional 12879  
institution, and if the release from confinement is pursuant to 12880  
that modification. In a case of that type, the court that modifies 12881  
the requirement promptly shall provide written notice of the 12882  
modification and the order that modifies the requirement or 12883  
revises the modification to the offender, the department of 12884  
rehabilitation and correction, the prosecuting attorney, and any 12885  
state agency or political subdivision that is affected by the 12886  
order. 12887

<b>Sec. 2971.01.</b> As used in this chapter:	12888
(A) "Mandatory prison term" has the same meaning as in	12889
section 2929.01 of the Revised Code.	12890
(B) "Designated homicide, assault, or kidnapping offense"	12891
means any of the following:	12892
(1) A violation of section 2903.01, 2903.02, 2903.11, or	12893
2905.01 of the Revised Code or a violation of division (A) of	12894
section 2903.04 of the Revised Code;	12895
(2) An attempt to commit or complicity in committing a	12896
violation listed in division (B)(1) of this section, if the	12897
attempt or complicity is a felony.	12898
(C) "Examiner" has the same meaning as in section 2945.371 of	12899
the Revised Code.	12900
(D) "Peace officer" has the same meaning as in section	12901
2935.01 of the Revised Code.	12902
(E) "Prosecuting attorney" means the prosecuting attorney who	12903
prosecuted the case of the offender in question or the successor	12904
in office to that prosecuting attorney.	12905
(F) "Sexually oriented offense" and "child-victim oriented	12906
offense" have the same meanings as in section 2950.01 of the	12907
Revised Code.	12908
(G) "Sexually violent offense" means any of the following:	12909
(1) A violent sex offense;	12910
(2) A designated homicide, assault, or kidnapping offense	12911
that the offender commits with a sexual motivation.	12912
(H)(1) "Sexually violent predator" means a person who, on or	12913
after January 1, 1997, commits a sexually violent offense and is	12914
likely to engage in the future in one or more sexually violent	12915
offenses.	12916

(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:

(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.

(b) The person has a documented history from childhood, into the juvenile developmental years, that exhibits sexually deviant behavior.

(c) Available information or evidence suggests that the person chronically commits offenses with a sexual motivation.

(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.

(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.

(f) Any other relevant evidence.

(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.

(J) "Sexual motivation" means a purpose to gratify the sexual

needs or desires of the offender. 12947

(K) "Sexual motivation specification" means a specification, 12948  
as described in section 2941.147 of the Revised Code, that charges 12949  
that a person charged with a designated homicide, assault, or 12950  
kidnapping offense committed the offense with a sexual motivation. 12951

(L) "Violent sex offense" means any of the following: 12952

(1) A violation of section 2907.02, 2907.03, or 2907.12 or of 12953  
division (A)(4) or (B) of section 2907.05 of the Revised Code; 12954

(2) A felony violation of a former law of this state that is 12955  
substantially equivalent to a violation listed in division (L)(1) 12956  
of this section or of an existing or former law of the United 12957  
States or of another state that is substantially equivalent to a 12958  
violation listed in division (L)(1) of this section; 12959

(3) An attempt to commit or complicity in committing a 12960  
violation listed in division (L)(1) or (2) of this section if the 12961  
attempt or complicity is a felony. 12962

**Sec. 2971.03.** (A) Notwithstanding divisions (A), (B), (C), 12963  
and (F) of section 2929.14, section 2929.02, 2929.03, 2929.06, 12964  
2929.13, or another section of the Revised Code, other than 12965  
divisions (D) and (E) of section 2929.14 of the Revised Code, that 12966  
authorizes or requires a specified prison term or a mandatory 12967  
prison term for a person who is convicted of or pleads guilty to a 12968  
felony or that specifies the manner and place of service of a 12969  
prison term or term of imprisonment, the court shall impose a 12970  
sentence upon a person who is convicted of or pleads guilty to a 12971  
violent sex offense and who also is convicted of or pleads guilty 12972  
to a sexually violent predator specification that was included in 12973  
the indictment, count in the indictment, or information charging 12974  
that offense, and upon a person who is convicted of or pleads 12975  
guilty to a designated homicide, assault, or kidnapping offense 12976

and also is convicted of or pleads guilty to both a sexual 12977  
motivation specification and a sexually violent predator 12978  
specification that were included in the indictment, count in the 12979  
indictment, or information charging that offense, as follows: 12980

(1) If the offense for which the sentence is being imposed is 12981  
aggravated murder and if the court does not impose upon the 12982  
offender a sentence of death, it shall impose upon the offender a 12983  
term of life imprisonment without parole. If the court sentences 12984  
the offender to death and the sentence of death is vacated, 12985  
overturned, or otherwise set aside, the court shall impose upon 12986  
the offender a term of life imprisonment without parole. 12987

(2) If the offense for which the sentence is being imposed is 12988  
murder; or if the offense is rape committed in violation of 12989  
division (A)(1)(b) of section 2907.02 of the Revised Code when the 12990  
offender purposely compelled the victim to submit by force or 12991  
threat of force, when the victim was less than ten years of age, 12992  
when the offender previously has been convicted of or pleaded 12993  
guilty to either rape committed in violation of that division or a 12994  
violation of an existing or former law of this state, another 12995  
state, or the United States that is substantially similar to 12996  
division (A)(1)(b) of section 2907.02 of the Revised Code, or when 12997  
the offender during or immediately after the commission of the 12998  
rape caused serious physical harm to the victim; or if the offense 12999  
is an offense other than aggravated murder or murder for which a 13000  
term of life imprisonment may be imposed, it shall impose upon the 13001  
offender a term of life imprisonment without parole. 13002

(3)(a) Except as otherwise provided in division (A)(3)(b), 13003  
(c), (d), or (e) or (A)(4) of this section, if the offense for 13004  
which the sentence is being imposed is an offense other than 13005  
aggravated murder, murder, or rape and other than an offense for 13006  
which a term of life imprisonment may be imposed, it shall impose 13007  
an indefinite prison term consisting of a minimum term fixed by 13008

the court from among the range of terms available as a definite 13009  
term for the offense, but not less than two years, and a maximum 13010  
term of life imprisonment. 13011

(b) Except as otherwise provided in division (A)(4) of this 13012  
section, if the offense for which the sentence is being imposed is 13013  
kidnapping that is a felony of the first degree, it shall impose 13014  
an indefinite prison term as follows: 13015

(i) If the kidnapping is committed on or after the effective 13016  
date of this amendment and the victim of the offense is less than 13017  
thirteen years of age, except as otherwise provided in this 13018  
division, it shall impose an indefinite prison term consisting of 13019  
a minimum term of fifteen years and a maximum term of life 13020  
imprisonment. If the kidnapping is committed on or after the 13021  
effective date of this amendment, the victim of the offense is 13022  
less than thirteen years of age, and the offender released the 13023  
victim in a safe place unharmed, it shall impose an indefinite 13024  
prison term consisting of a minimum term of ten years and a 13025  
maximum term of life imprisonment. 13026

(ii) If the kidnapping is committed prior to the effective 13027  
date of this amendment or division (A)(3)(b)(i) of this section 13028  
does not apply, it shall impose an indefinite term consisting of a 13029  
minimum term fixed by the court that is not less than ten years, 13030  
and a maximum term of life imprisonment. 13031

(c) Except as otherwise provided in division (A)(4) of this 13032  
section, if the offense for which the sentence is being imposed is 13033  
kidnapping that is a felony of the second degree, it shall impose 13034  
an indefinite prison term consisting of a minimum term fixed by 13035  
the court that is not less than eight years, and a maximum term of 13036  
life imprisonment. 13037

(d) Except as otherwise provided in division (A)(4) of this 13038  
section, if the offense for which the sentence is being imposed is 13039

rape for which a term of life imprisonment is not imposed under 13040  
division (A)(2) of this section or division (B) of section 2907.02 13041  
of the Revised Code, it shall impose an indefinite prison term as 13042  
follows: 13043

(i) If the rape is committed on or after ~~the effective date~~ 13044  
~~of this amendment~~ January 2, 2007, in violation of division 13045  
(A)(1)(b) of section 2907.02 of the Revised Code, it shall impose 13046  
an indefinite prison term consisting of a minimum term of 13047  
twenty-five years and a maximum term of life imprisonment. 13048

(ii) If the rape is committed prior to ~~the effective date of~~ 13049  
~~this amendment~~ January 2, 2007, or the rape is committed on or 13050  
after ~~the effective date of this amendment~~ January 2, 2007, other 13051  
than in violation of division (A)(1)(b) of section 2907.02 of the 13052  
Revised Code, it shall impose an indefinite prison term consisting 13053  
of a minimum term fixed by the court that is not less than ten 13054  
years, and a maximum term of life imprisonment. 13055

(e) Except as otherwise provided in division (A)(4) of this 13056  
section, if the offense for which sentence is being imposed is 13057  
attempted rape, it shall impose an indefinite prison term as 13058  
follows: 13059

(i) Except as otherwise provided in division (A)(3)(e)(ii), 13060  
(iii), or (iv) of this section, it shall impose an indefinite 13061  
prison term pursuant to division (A)(3)(a) of this section. 13062

(ii) If the attempted rape for which sentence is being 13063  
imposed was committed on or after ~~the effective date of this~~ 13064  
~~amendment~~ January 2, 2007, and if the offender also is convicted 13065  
of or pleads guilty to a specification of the type described in 13066  
section 2941.1418 of the Revised Code, it shall impose an 13067  
indefinite prison term consisting of a minimum term of five years 13068  
and a maximum term of twenty-five years. 13069

(iii) If the attempted rape for which sentence is being 13070

imposed was committed on or after ~~the effective date of this~~ 13071  
~~amendment~~ January 2, 2007, and if the offender also is convicted 13072  
of or pleads guilty to a specification of the type described in 13073  
section 2941.1419 of the Revised Code, it shall impose an 13074  
indefinite prison term consisting of a minimum term of ten years 13075  
and a maximum of life imprisonment. 13076

(iv) If the attempted rape for which sentence is being 13077  
imposed was committed on or after ~~the effective date of this~~ 13078  
~~amendment~~ January 2, 2007, and if the offender also is convicted 13079  
of or pleads guilty to a specification of the type described in 13080  
section 2941.1420 of the Revised Code, it shall impose an 13081  
indefinite prison term consisting of a minimum term of fifteen 13082  
years and a maximum of life imprisonment. 13083

(4) For any offense for which the sentence is being imposed, 13084  
if the offender previously has been convicted of or pleaded guilty 13085  
to a violent sex offense and also to a sexually violent predator 13086  
specification that was included in the indictment, count in the 13087  
indictment, or information charging that offense, or previously 13088  
has been convicted of or pleaded guilty to a designated homicide, 13089  
assault, or kidnapping offense and also to both a sexual 13090  
motivation specification and a sexually violent predator 13091  
specification that were included in the indictment, count in the 13092  
indictment, or information charging that offense, it shall impose 13093  
upon the offender a term of life imprisonment without parole. 13094

(B)(1) Notwithstanding section 2929.13, division (A), (B), 13095  
(C), or (F) of section 2929.14, or another section of the Revised 13096  
Code other than division (B) of section 2907.02 or divisions (D) 13097  
and (E) of section 2929.14 of the Revised Code that authorizes or 13098  
requires a specified prison term or a mandatory prison term for a 13099  
person who is convicted of or pleads guilty to a felony or that 13100  
specifies the manner and place of service of a prison term or term 13101  
of imprisonment, if a person is convicted of or pleads guilty to a 13102



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, if division (A) of this section does not apply regarding the person, and if 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, the court shall impose upon the person an indefinite prison term consisting of one of the following:

(a) Except as otherwise required in division (B)(1)(b) or (c) of this section, a minimum term of ten years and a maximum term of life imprisonment.

(b) If the victim was less than ten years of age, a minimum term of fifteen years and a maximum of life imprisonment.

(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 13135  
does not apply regarding the person, the court shall impose upon 13136  
the person an indefinite prison term consisting of one of the 13137  
following: 13138

(a) If the person also is convicted of or pleads guilty to a 13139  
specification of the type described in section 2941.1418 of the 13140  
Revised Code, the court shall impose upon the person an indefinite 13141  
prison term consisting of a minimum term of five years and a 13142  
maximum term of twenty-five years. 13143

(b) If the person also is convicted of or pleads guilty to a 13144  
specification of the type described in section 2941.1419 of the 13145  
Revised Code, the court shall impose upon the person an indefinite 13146  
prison term consisting of a minimum term of ten years and a 13147  
maximum term of life imprisonment. 13148

(c) If the person also is convicted of or pleads guilty to a 13149  
specification of the type described in section 2941.1420 of the 13150  
Revised Code, the court shall impose upon the person an indefinite 13151  
prison term consisting of a minimum term of fifteen years and a 13152  
maximum term of life imprisonment. 13153

(3) Notwithstanding section 2929.13, division (A), (B), (C), 13154  
or (F) of section 2929.14, or another section of the Revised Code 13155  
other than divisions (D) and (E) of section 2929.14 of the Revised 13156  
Code that authorizes or requires a specified prison term or a 13157  
mandatory prison term for a person who is convicted of or pleads 13158  
guilty to a felony or that specifies the manner and place of 13159  
service of a prison term or term of imprisonment, if a person is 13160  
convicted of or pleads guilty to an offense described in division 13161  
(B)(3)(a), (b), (c), or (d) of this section committed on or after 13162  
the effective date of this amendment, if the person also is 13163  
convicted of or pleads guilty to a sexual motivation specification 13164  
that was included in the indictment, count in the indictment, or 13165  
information charging that offense, and if division (A) of this 13166

section does not apply regarding the person, the court shall 13167  
impose upon the person an indefinite prison term consisting of one 13168  
of the following: 13169

(a) An indefinite prison term consisting of a minimum of ten 13170  
years and a maximum term of life imprisonment if the offense for 13171  
which the sentence is being imposed is kidnapping, the victim of 13172  
the offense is less than thirteen years of age, and the offender 13173  
released the victim in a safe place unharmed; 13174

(b) An indefinite prison term consisting of a minimum of 13175  
fifteen years and a maximum term of life imprisonment if the 13176  
offense for which the sentence is being imposed is kidnapping when 13177  
the victim of the offense is less than thirteen years of age and 13178  
division (B)(3)(a) of this section does not apply; 13179

(c) An indefinite term consisting of a minimum of thirty 13180  
years and a maximum term of life imprisonment if the offense for 13181  
which the sentence is being imposed is aggravated murder, when the 13182  
victim of the offense is less than thirteen years of age, a 13183  
sentence of death or life imprisonment without parole is not 13184  
imposed for the offense, and division (A)(2)(b)(ii) of section 13185  
2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), 13186  
(D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or 13187  
division (A) or (B) of section 2929.06 of the Revised Code 13188  
requires that the sentence for the offense be imposed pursuant to 13189  
this division; 13190

(d) An indefinite prison term consisting of a minimum of 13191  
thirty years and a maximum term of life imprisonment if the 13192  
offense for which the sentence is being imposed is murder when the 13193  
victim of the offense is less than thirteen years of age. 13194

(C)(1) If the offender is sentenced to a prison term pursuant 13195  
to division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or 13196  
(c), or (B)(3)(a), (b), (c), or (d) of this section, the parole 13197

board shall have control over the offender's service of the term 13198  
during the entire term unless the parole board terminates its 13199  
control in accordance with section 2971.04 of the Revised Code. 13200

(2) Except as provided in division (C)(3) of this section, an 13201  
offender sentenced to a prison term or term of life imprisonment 13202  
without parole pursuant to division (A) of this section shall 13203  
serve the entire prison term or term of life imprisonment in a 13204  
state correctional institution. The offender is not eligible for 13205  
judicial release under section 2929.20 of the Revised Code. 13206

(3) For a prison term imposed pursuant to division (A)(3), 13207  
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 13208  
(c), or (d) of this section, the court, in accordance with section 13209  
2971.05 of the Revised Code, may terminate the prison term or 13210  
modify the requirement that the offender serve the entire term in 13211  
a state correctional institution if all of the following apply: 13212

(a) The offender has served at least the minimum term imposed 13213  
as part of that prison term. 13214

(b) The parole board, pursuant to section 2971.04 of the 13215  
Revised Code, has terminated its control over the offender's 13216  
service of that prison term. 13217

(c) The court has held a hearing and found, by clear and 13218  
convincing evidence, one of the following: 13219

(i) In the case of termination of the prison term, that the 13220  
offender is unlikely to commit a sexually violent offense in the 13221  
future; 13222

(ii) In the case of modification of the requirement, that the 13223  
offender does not represent a substantial risk of physical harm to 13224  
others. 13225

(4) An offender who has been sentenced to a term of life 13226  
imprisonment without parole pursuant to division (A)(1), (2), or 13227

(4) of this section shall not be released from the term of life 13228  
imprisonment or be permitted to serve a portion of it in a place 13229  
other than a state correctional institution. 13230

(D) If a court sentences an offender to a prison term or term 13231  
of life imprisonment without parole pursuant to division (A) of 13232  
this section and the court also imposes on the offender one or 13233  
more additional prison terms pursuant to division (D) of section 13234  
2929.14 of the Revised Code, all of the additional prison terms 13235  
shall be served consecutively with, and prior to, the prison term 13236  
or term of life imprisonment without parole imposed upon the 13237  
offender pursuant to division (A) of this section. 13238

(E) If the offender is convicted of or pleads guilty to two 13239  
or more offenses for which a prison term or term of life 13240  
imprisonment without parole is required to be imposed pursuant to 13241  
division (A) of this section, divisions (A) to (D) of this section 13242  
shall be applied for each offense. All minimum terms imposed upon 13243  
the offender pursuant to division (A)(3) or (B) of this section 13244  
for those offenses shall be aggregated and served consecutively, 13245  
as if they were a single minimum term imposed under that division. 13246

(F)(1) If an offender is convicted of or pleads guilty to a 13247  
violent sex offense and also is convicted of or pleads guilty to a 13248  
sexually violent predator specification that was included in the 13249  
indictment, count in the indictment, or information charging that 13250  
offense, or is convicted of or pleads guilty to a designated 13251  
homicide, assault, or kidnapping offense and also is convicted of 13252  
or pleads guilty to both a sexual motivation specification and a 13253  
sexually violent predator specification that were included in the 13254  
indictment, count in the indictment, or information charging that 13255  
offense, the conviction of or plea of guilty to the offense and 13256  
the sexually violent predator specification automatically 13257  
classifies the offender as a ~~sexual predator~~ tier III sex 13258  
offender/child-victim offender for purposes of Chapter 2950. of 13259

the Revised Code. ~~If~~ 13260

(2) If an offender is convicted of or pleads guilty to 13261  
committing on or after ~~the effective date of this amendment~~ 13262  
January 2, 2007, a violation of division (A)(1)(b) of section 13263  
2907.02 of the Revised Code and either the offender is sentenced 13264  
under section 2971.03 of the Revised Code or a sentence of life 13265  
without parole is imposed under division (B) of section 2907.02 of 13266  
the Revised Code, the conviction of or plea of guilty to the 13267  
offense automatically classifies the offender as a ~~sexual predator~~ 13268  
tier III sex offender/child-victim offender for purposes of 13269  
Chapter 2950. of the Revised Code. ~~If~~ 13270

(3) If a person is convicted of or pleads guilty to 13271  
committing on or after ~~the effective date of this amendment~~ 13272  
January 2, 2007, attempted rape and also is convicted of or pleads 13273  
guilty to a specification of the type described in section 13274  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code, the 13275  
conviction of or plea of guilty to the offense and the 13276  
specification automatically classify the offender as a ~~sexual~~ 13277  
~~predator~~ tier III sex offender/child-victim offender for purposes 13278  
of ~~this chapter~~ Chapter 2950. of the Revised Code. The 13279  
~~classification pursuant to this division of an offender as a~~ 13280  
~~sexual predator for purposes of Chapter 2950. of the Revised Code~~ 13281  
~~is permanent and continues until the offender's death as described~~ 13282  
~~in division (D)(2) of section 2950.09 of the Revised Code.~~ 13283

(4) If a person is convicted of or pleads guilty to one of 13284  
the offenses described in division (B)(3)(a), (b), (c), or (d) of 13285  
this section and a sexual motivation specification related to the 13286  
offense and the victim of the offense is less than thirteen years 13287  
of age, the conviction of or plea of guilty to the offense 13288  
automatically classifies the offender as a tier III sex 13289  
offender/child-victim offender for purposes of Chapter 2950. of 13290  
the Revised Code. 13291

**Sec. 2971.04.** (A) If an offender is serving a prison term 13292  
imposed under division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ 13293  
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 13294  
2971.03 of the Revised Code, at any time after the offender has 13295  
served the minimum term imposed under that sentence, the parole 13296  
board may terminate its control over the offender's service of the 13297  
prison term. The parole board initially shall determine whether to 13298  
terminate its control over the offender's service of the prison 13299  
term upon the completion of the offender's service of the minimum 13300  
term under the sentence and shall make subsequent determinations 13301  
at least once every two years after that first determination. The 13302  
parole board shall not terminate its control over the offender's 13303  
service of the prison term unless it finds at a hearing that the 13304  
offender does not represent a substantial risk of physical harm to 13305  
others. Prior to determining whether to terminate its control over 13306  
the offender's service of the prison term, the parole board shall 13307  
request the department of rehabilitation and correction to prepare 13308  
pursuant to section 5120.61 of the Revised Code an update of the 13309  
most recent risk assessment and report relative to the offender. 13310  
The offender has the right to be present at any hearing held under 13311  
this section. At the hearing, the offender and the prosecuting 13312  
attorney may make a statement and present evidence as to whether 13313  
the parole board should terminate its control over the offender's 13314  
service of the prison term. In making its determination as to 13315  
whether to terminate its control over the offender's service of 13316  
the prison term, the parole board may follow the standards and 13317  
guidelines adopted by the department of rehabilitation and 13318  
correction under section 5120.49 of the Revised Code and shall 13319  
consider the updated risk assessment and report relating to the 13320  
offender prepared by the department pursuant to section 5120.61 of 13321  
the Revised Code in response to the request made under this 13322  
division and any statements or evidence submitted by the offender 13323

or the prosecuting attorney. If the parole board terminates its control over an offender's service of a prison term imposed under division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code, it shall recommend to the court modifications to the requirement that the offender serve the entire term in a state correctional institution. The court is not bound by the recommendations submitted by the parole board.

(B) If the parole board terminates its control over an offender's service of a prison term imposed pursuant to division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code, the parole board immediately shall provide written notice of its termination of control to the department of rehabilitation and correction, the court, and the prosecuting attorney, and, after the board's termination of its control, the court shall have control over the offender's service of that prison term.

After the transfer, the court shall have control over the offender's service of that prison term for the offender's entire life, subject to the court's termination of the term pursuant to section 2971.05 of the Revised Code.

(C) If control over the offender's service of the prison term is transferred to the court, all of the following apply:

(1) The offender shall not be released solely as a result of the transfer of control over the service of that prison term.

(2) The offender shall not be permitted solely as a result of the transfer to serve a portion of that term in a place other than a state correctional institution.

(3) The offender shall continue serving that term in a state correctional institution, subject to the following:

(a) A release pursuant to a pardon, commutation, or reprieve;



(b) A modification or termination of the term by the court 13355  
pursuant to this chapter. 13356

**Sec. 2971.05.** (A)(1) After control over an offender's service 13357  
of a prison term imposed pursuant to division (A)(3), (B)(1)(a), 13358  
(b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or 13359  
(d) of section 2971.03 of the Revised Code has been transferred 13360  
pursuant to section 2971.04 of the Revised Code to the court, the 13361  
court shall schedule, within thirty days of any of the following, 13362  
a hearing on whether to modify in accordance with division (C) of 13363  
this section the requirement that the offender serve the entire 13364  
prison term in a state correctional institution or to terminate 13365  
the prison term in accordance with division (D) of this section: 13366  
13367

(a) Control over the offender's service of a prison term is 13368  
transferred pursuant to section 2971.04 of the Revised Code to the 13369  
court, and no hearing to modify the requirement has been held; 13370

(b) Two years elapse after the most recent prior hearing held 13371  
pursuant to division (A)(1) or (2) of this section; 13372

(c) The prosecuting attorney, the department of 13373  
rehabilitation and correction, or the adult parole authority 13374  
requests the hearing, and recommends that the requirement be 13375  
modified or that the offender's prison term be terminated. 13376

(2) After control over the offender's service of a prison 13377  
term has been transferred pursuant to section 2971.04 of the 13378  
Revised Code to the court, the court, within thirty days of either 13379  
of the following, shall conduct a hearing on whether to modify in 13380  
accordance with division (C) of this section the requirement that 13381  
the offender serve the entire prison term in a state correctional 13382  
institution, whether to continue, revise, or revoke an existing 13383  
modification of that requirement, or whether to terminate the term 13384  
in accordance with division (D) of this section: 13385

(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 prison term in a state correctional institution, whether to continue, revise, or revoke an existing modification of that requirement, or whether to terminate the sentence in accordance with division (D) of this section:

(a) The offender requests the hearing;

(b) Upon the court's own motion;

(c) One or more examiners who have conducted a psychological examination and assessment of the offender file a statement that states that there no longer is a likelihood that the offender will engage in the future in a sexually violent offense.

(B)(1) Before a court holds a hearing pursuant to division (A) of this section, the court shall provide notice of the date, time, place, and purpose of the hearing to the offender, the prosecuting attorney, the department of rehabilitation and correction, and the adult parole authority and shall request the department to prepare pursuant to section 5120.61 of the Revised

Code an update of the most recent risk assessment and report 13417  
relative to the offender. The offender has the right to be present 13418  
at any hearing held under this section. At the hearing, the 13419  
offender and the prosecuting attorney may make a statement and 13420  
present evidence as to whether the requirement that the offender 13421  
serve the entire prison term in a state correctional institution 13422  
should or should not be modified, whether the existing 13423  
modification of the requirement should be continued, revised, or 13424  
revoked, and whether the prison term should or should not be 13425  
terminated. 13426

(2) At a hearing held pursuant to division (A) of this 13427  
section, the court may and, if the hearing is held pursuant to 13428  
division (A)(1)(a), (1)(b), or (3)(c) of this section, shall 13429  
determine by clear and convincing evidence whether the offender is 13430  
unlikely to commit a sexually violent offense in the future. 13431

(3) At the conclusion of the hearing held pursuant to 13432  
division (A) of this section, the court may order that the 13433  
requirement that the offender serve the entire prison term in a 13434  
state correctional institution be continued, that the requirement 13435  
be modified pursuant to division (C) of this section, that an 13436  
existing modification be continued, revised, or revoked pursuant 13437  
to division (C) of this section, or that the prison term be 13438  
terminated pursuant to division (D) of this section. 13439

(C)(1) If, at the conclusion of a hearing held pursuant to 13440  
division (A) of this section, the court determines by clear and 13441  
convincing evidence that the offender will not represent a 13442  
substantial risk of physical harm to others, the court may modify 13443  
the requirement that the offender serve the entire prison term 13444  
imposed under division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ 13445  
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 13446  
2971.03 of the Revised Code in a state correctional institution in 13447  
a manner that the court considers appropriate. If the court 13448

modifies the requirement for an offender whose prison term was 13449  
imposed pursuant to division (A)(3) of section 2971.03 of the 13450  
Revised Code, the court shall order the adult parole authority to 13451  
supervise the offender and shall require that the authority's 13452  
supervision of the offender be pursuant to division (E) of this 13453  
section. If the court modifies the requirement for an offender 13454  
whose prison term was imposed pursuant to division (B)(1)(a), (b), 13455  
or (c) ~~or~~, (2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of 13456  
section 2971.03 of the Revised Code, the court shall order the 13457  
adult parole authority to supervise the offender and may require 13458  
that the authority's supervision of the offender be pursuant to 13459  
division (E) of this section. 13460

(2) The modification of the requirement does not terminate 13461  
the prison term but serves only to suspend the requirement that 13462  
the offender serve the entire term in a state correctional 13463  
institution. The prison term shall remain in effect for the 13464  
offender's entire life unless the court terminates the prison term 13465  
pursuant to division (D) of this section. The offender shall 13466  
remain under the jurisdiction of the court for the offender's 13467  
entire life unless the court so terminates the prison term. The 13468  
modification of the requirement does not terminate the 13469  
classification of the offender, as described in division (F) of 13470  
section 2971.03 of the Revised Code, as a sexual predator for 13471  
purposes of Chapter 2950. of the Revised Code, and the offender is 13472  
subject to supervision, including supervision under division (E) 13473  
of this section if the court required the supervision of the 13474  
offender to be pursuant to that division. 13475

(3) If the court revokes the modification under 13476  
consideration, the court shall order that the offender be returned 13477  
to the custody of the department of rehabilitation and correction 13478  
to continue serving the prison term to which the modification 13479  
applied, and section 2971.06 of the Revised Code applies regarding 13480

the offender. 13481

(D)(1) If, at the conclusion of a hearing held pursuant to 13482  
division (A) of this section, the court determines by clear and 13483  
convincing evidence that the offender is unlikely to commit a 13484  
sexually violent offense in the future, the court may terminate 13485  
the offender's prison term imposed under division (A)(3), 13486  
(B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or (B)(3)(a), 13487  
(b), (c), or (d) of section 2971.03 of the Revised Code, subject 13488  
to the offender satisfactorily completing the period of 13489  
conditional release required by this division and, if applicable, 13490  
compliance with division (E) of this section. If the court 13491  
terminates the prison term, the court shall place the offender on 13492  
conditional release for five years, notify the adult parole 13493  
authority of its determination and of the termination of the 13494  
prison term, and order the adult parole authority to supervise the 13495  
offender during the five-year period of conditional release or, if 13496  
division (E) applies to the offender, to supervise the offender 13497  
pursuant to and for the period of time specified in that division. 13498  
If the court terminates the prison term for an offender whose 13499  
prison term was imposed pursuant to division (A)(3) of section 13500  
2971.03 of the Revised Code, the court shall require that the 13501  
authority's supervision of the offender be pursuant to division 13502  
(E) of this section. If the court terminates the prison term for 13503  
an offender whose prison term was imposed pursuant to division 13504  
(B)(1)(a), (b), or (c) ~~or~~, (2)(a), (b), or (c), or (3)(a), (b), 13505  
(c), or (d) of section 2971.03 of the Revised Code, the court may 13506  
require that the authority's supervision of the offender be 13507  
pursuant to division (E) of this section. Upon receipt of a notice 13508  
from a court pursuant to this division, the adult parole authority 13509  
shall supervise the offender who is the subject of the notice 13510  
during the five-year period of conditional release, periodically 13511  
notify the court of the offender's activities during that 13512  
five-year period of conditional release, and file with the court 13513

no later than thirty days prior to the expiration of the five-year 13514  
period of conditional release a written recommendation as to 13515  
whether the termination of the offender's prison term should be 13516  
finalized, whether the period of conditional release should be 13517  
extended, or whether another type of action authorized pursuant to 13518  
this chapter should be taken. 13519

(2) Upon receipt of a recommendation of the adult parole 13520  
authority filed pursuant to division (D)(1) of this section, the 13521  
court shall hold a hearing to determine whether to finalize the 13522  
termination of the offender's prison term, to extend the period of 13523  
conditional release, or to take another type of action authorized 13524  
pursuant to this chapter. The court shall hold the hearing no 13525  
later than the date on which the five-year period of conditional 13526  
release terminates and shall provide notice of the date, time, 13527  
place, and purpose of the hearing to the offender and to the 13528  
prosecuting attorney. At the hearing, the offender, the 13529  
prosecuting attorney, and the adult parole authority employee who 13530  
supervised the offender during the period of conditional release 13531  
may make a statement and present evidence. 13532

If the court determines at the hearing to extend an 13533  
offender's period of conditional release, it may do so for 13534  
additional periods of one year in the same manner as the original 13535  
period of conditional release, and, except as otherwise described 13536  
in this division, all procedures and requirements that applied to 13537  
the original period of conditional release apply to the additional 13538  
period of extended conditional release unless the court modifies a 13539  
procedure or requirement. If an offender's period of conditional 13540  
release is extended as described in this division, all references 13541  
to a five-year period of conditional release that are contained in 13542  
division (D)(1) of this section shall be construed, in applying 13543  
the provisions of that division to the extension, as being 13544  
references to the one-year period of the extension of the 13545

conditional release. 13546

If the court determines at the hearing to take another type 13547  
of action authorized pursuant to this chapter, it may do so in the 13548  
same manner as if the action had been taken at any other stage of 13549  
the proceedings under this chapter. As used in this division, 13550  
"another type of action" includes the revocation of the 13551  
conditional release and the return of the offender to a state 13552  
correctional institution to continue to serve the prison term. 13553

If the court determines at the hearing to finalize the 13554  
termination of the offender's prison term, it shall notify the 13555  
department of rehabilitation and correction, the department shall 13556  
enter into its records a final release and issue to the offender a 13557  
certificate of final release, and the prison term thereafter shall 13558  
be considered completed and terminated in every way. 13559

(3) The termination of an offender's prison term pursuant to 13560  
division (D)(1) or (2) of this section does not affect the 13561  
classification of the offender, as described in division (F) of 13562  
section 2971.03 of the Revised Code, as a ~~sexual predator tier III~~ 13563  
sex offender/child-victim offender for purposes of Chapter 2950. 13564  
of the Revised Code, does not terminate the adult parole 13565  
authority's supervision of the offender, and, if the court had 13566  
required the supervision of the offender to be pursuant to 13567  
division (E) of this section, does not terminate the supervision 13568  
of the offender with an active global positioning system device, 13569  
pursuant to that division. ~~The classification of the offender as a~~ 13570  
~~sexual predator is permanent and continues until the offender's~~ 13571  
~~death as described in division (D)(2) of section 2950.09 of the~~ 13572  
~~Revised Code.~~ 13573

(E) If a prison term imposed upon an offender pursuant to 13574  
division (A)(3) of section 2971.03 of the Revised Code is modified 13575  
as provided in division (C) of this section or terminated as 13576  
provided in division (D) of this section, the adult parole 13577

authority shall supervise the offender with an active global 13578  
positioning system device during any time period in which the 13579  
offender is not incarcerated in a state correctional institution. 13580  
If a prison term imposed upon an offender pursuant to division 13581  
(B)(1)(a), (b), or (c) ~~or~~ (2)(a), (b), or (c), or (3)(a), (b), 13582  
(c), or (d) of section 2971.03 of the Revised Code is modified as 13583  
provided in division (C) of this section or terminated as provided 13584  
in division (D) of this section, and if the court requires that 13585  
the adult parole authority's supervision of the offender be 13586  
pursuant to this division, the authority shall supervise the 13587  
offender with an active global positioning system device during 13588  
any time period in which the offender is not incarcerated in a 13589  
state correctional institution. If the adult parole authority is 13590  
required to supervise the offender with an active global 13591  
positioning system device as described in this division, unless 13592  
the court removes the offender's classification as a sexually 13593  
violent predator regarding an offender whose prison term was 13594  
imposed under division (A)(3) of section 2971.03 of the Revised 13595  
Code or terminates the requirement that supervision of the 13596  
offender be pursuant to this division regarding an offender whose 13597  
prison term was imposed under division (B)(1)(a), (b), or (c) ~~or~~ 13598  
(2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of section 13599  
2971.03 of the Revised Code, the offender is subject to 13600  
supervision with an active global positioning system pursuant to 13601  
this division for the offender's entire life. The costs of 13602  
administering the supervision of offenders with an active global 13603  
positioning system device pursuant to this division shall be paid 13604  
out of funds from the reparations fund, created pursuant to 13605  
section 2743.191 of the Revised Code. This division shall only 13606  
apply to a sexually violent predator sentenced pursuant to 13607  
division (A)(3) of section 2971.03 of the Revised Code who is 13608  
released from the custody of the department of rehabilitation and 13609  
correction on or after September 29, 2005, or an offender 13610



sentenced pursuant to division (B)(1) or (2) of section 2971.03 of 13611  
the Revised Code on or after ~~the effective date of this amendment~~ 13612  
January 2, 2007. 13613

**Sec. 2971.06.** If an offender is serving a prison term imposed 13614  
under division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), 13615  
or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the 13616  
Revised Code, if, pursuant to section 2971.05 of the Revised Code, 13617  
the court modifies the requirement that the offender serve the 13618  
entire prison term in a state correctional institution or places 13619  
the offender on conditional release, and if, at any time after the 13620  
offender has been released from serving the term in an 13621  
institution, the department of rehabilitation and correction or 13622  
the prosecuting attorney learns or obtains information indicating 13623  
that the offender has violated a term or condition of the 13624  
modification or conditional release or believes there is a 13625  
substantial likelihood that the offender has committed or is about 13626  
to commit a sexually violent offense, all of the following apply: 13627  
13628

(A) The department or the prosecuting attorney may contact a 13629  
peace officer, parole officer, or probation officer and request 13630  
the officer to take the offender into custody. If the department 13631  
contacts a peace officer, parole officer, or probation officer and 13632  
requests that the offender be taken into custody, the department 13633  
shall notify the prosecuting attorney that it made the request and 13634  
shall provide the reasons for which it made the request. Upon 13635  
receipt of a request that an offender be taken into custody, a 13636  
peace officer, parole officer, or probation officer shall take the 13637  
offender in question into custody and promptly shall notify the 13638  
department and the prosecuting attorney, in writing, that the 13639  
offender was taken into custody. After the offender has been taken 13640  
into custody, the department or the prosecuting attorney shall 13641  
notify the court of the violation or the belief that there is a 13642

substantial likelihood that the offender has committed or is about 13643  
to commit a sexually violent offense, and the prosecuting attorney 13644  
may request that the court, pursuant to section 2971.05 of the 13645  
Revised Code, revise the modification. An offender may be held in 13646  
custody under this provision for no longer than thirty days, 13647  
pending a determination pursuant to section 2971.05 of the Revised 13648  
Code of whether the modification of the requirement that the 13649  
offender serve the entire prison term in a state correctional 13650  
institution should be revised. If the court fails to make a 13651  
determination under that section regarding the prosecuting 13652  
attorney's request within thirty days after the offender was taken 13653  
into custody, the offender shall be released from custody and 13654  
shall be subject to the same terms and conditions as existed under 13655  
the then-existing modification of the requirement that the 13656  
offender serve the entire prison term in a state correctional 13657  
institution, provided that if the act that resulted in the 13658  
offender being taken into custody under this division is a 13659  
criminal offense and if the offender is arrested for that act, the 13660  
offender may be retained in custody in accordance with the 13661  
applicable law. 13662

(B) If the offender is not taken into custody pursuant to 13663  
division (A) of this section, the department or the prosecuting 13664  
attorney shall notify the court of the known or suspected 13665  
violation or of the belief that there is a substantial likelihood 13666  
that the offender has committed or is about to commit a sexually 13667  
violent offense. If the department provides the notification to 13668  
the court, it also shall notify the prosecuting attorney that it 13669  
provided the notification and shall provide the reasons for which 13670  
it provided the notification. The prosecuting attorney may request 13671  
that the court, pursuant to section 2971.05 of the Revised Code, 13672  
revise the modification. 13673

**Sec. 2971.07.** (A) This chapter does not apply to any offender 13674

unless the offender is one of the following: 13675

(1) The offender is convicted of or pleads guilty to a 13676  
violent sex offense and also is convicted of or pleads guilty to a 13677  
sexually violent predator specification that was included in the 13678  
indictment, count in the indictment, or information charging that 13679  
offense,~~unless the.~~ 13680

(2) The offender is convicted of or pleads guilty to a 13681  
designated homicide, assault, or kidnapping offense and also is 13682  
convicted of or pleads guilty to both a sexual motivation 13683  
specification and a sexually violent predator specification that 13684  
were included in the indictment, count in the indictment, or 13685  
information charging that offense,~~unless the.~~ 13686

(3) The offender is convicted of or pleads guilty to a 13687  
violation of division (A)(1)(b) of section 2907.02 of the Revised 13688  
Code committed on or after ~~the effective date of this amendment~~ 13689  
January 2, 2007, and the court does not sentence the offender to a 13690  
term of life without parole pursuant to division (B) of section 13691  
2907.02 of the Revised Code or division (B) of that section 13692  
prohibits the court from sentencing the offender pursuant to 13693  
section 2971.03 of the Revised Code,~~or unless the.~~ 13694

(4) The offender is convicted of or pleads guilty to 13695  
attempted rape committed on or after ~~the effective date of this~~ 13696  
~~amendment~~ January 2, 2007, and also is convicted of or pleads 13697  
guilty to a specification of the type described in section 13698  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code. 13699

(5) The offender is convicted of or pleads guilty to a 13700  
violation of section 2905.01 of the Revised Code and also is 13701  
convicted of or pleads guilty to a sexual motivation specification 13702  
that was included in the indictment, count in the indictment, or 13703  
information charging that offense, and that section requires a 13704  
court to sentence the offender pursuant to section 2971.03 of the 13705

Revised Code. 13706

(6) The offender is convicted of or pleads guilty to 13707  
aggravated murder and also is convicted of or pleads guilty to a 13708  
sexual motivation specification that was included in the 13709  
indictment, count in the indictment, or information charging that 13710  
offense, and division (A)(2)(b)(ii) of section 2929.022, division 13711  
(A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), 13712  
or (E)(1)(d) of section 2929.03, or division (A) or (B) of section 13713  
2929.06 of the Revised Code requires a court to sentence the 13714  
offender pursuant to division (B)(3) of section 2971.03 of the 13715  
Revised Code. 13716

(7) The offender is convicted of or pleads guilty to murder 13717  
and also is convicted of or pleads guilty to a sexual motivation 13718  
specification that was included in the indictment, count in the 13719  
indictment, or information charging that offense, and division 13720  
(B)(2) of section 2929.02 of the Revised Code requires a court to 13721  
sentence the offender pursuant to section 2971.03 of the Revised 13722  
Code. 13723

(B) This chapter does not limit or affect a court that 13724  
sentences an offender who is convicted of or pleads guilty to a 13725  
violent sex offense and also is convicted of or pleads guilty to a 13726  
sexually violent predator specification, a court that sentences an 13727  
offender who is convicted of or pleads guilty to a designated 13728  
homicide, assault, or kidnapping offense and also is convicted of 13729  
or pleads guilty to both a sexual motivation specification and a 13730  
sexually violent predator specification, a court that sentences an 13731  
offender who is convicted of or pleads guilty to a violation of 13732  
division (A)(1)(b) of section 2907.02 of the Revised Code 13733  
committed on or after the effective date of this amendment 13734  
pursuant to section 2971.03 of the Revised Code, or a court that 13735  
sentences an offender who is convicted of or pleads guilty to 13736  
attempted rape committed on or after the effective date of this 13737

~~amendment and also is convicted of or pleads guilty to a~~ 13738  
~~specification of the type described in section 2941.1418,~~ 13739  
~~2941.1419, or 2941.1420 of the Revised Code in imposing upon the~~ 13740  
an offender described in divisions (A)(1) to (9) of this section 13741  
any financial sanction under section 2929.18 or any other section 13742  
of the Revised Code, or, except as specifically provided in this 13743  
chapter, any other sanction that is authorized or required for the 13744  
offense or violation by any other provision of law. 13745

(C) If an offender is sentenced to a prison term under 13746  
division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or 13747  
(c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the 13748  
Revised Code and if, pursuant to section 2971.05 of the Revised 13749  
Code, the court modifies the requirement that the offender serve 13750  
the entire prison term in a state correctional institution or 13751  
places the offender on conditional release that involves the 13752  
placement of the offender under the supervision of the adult 13753  
parole authority, authorized field officers of the authority who 13754  
are engaged within the scope of their supervisory duties or 13755  
responsibilities may search, with or without a warrant, the person 13756  
of the offender, the place of residence of the offender, and a 13757  
motor vehicle, another item of tangible or intangible personal 13758  
property, or any other real property in which the offender has the 13759  
express or implied permission of a person with a right, title, or 13760  
interest to use, occupy, or possess if the field officer has 13761  
reasonable grounds to believe that the offender is not abiding by 13762  
the law or otherwise is not complying with the terms and 13763  
conditions of the offender's modification or release. The 13764  
authority shall provide each offender with a written notice that 13765  
informs the offender that authorized field officers of the 13766  
authority who are engaged within the scope of their supervisory 13767  
duties or responsibilities may conduct those types of searches 13768  
during the period of the modification or release if they have 13769  
reasonable grounds to believe that the offender is not abiding by 13770

the law or otherwise is not complying with the terms and 13771  
conditions of the offender's modification or release. 13772

**Sec. 5120.49.** The department of rehabilitation and 13773  
correction, by rule adopted under Chapter 119. of the Revised 13774  
Code, shall prescribe standards and guidelines to be used by the 13775  
parole board in determining, pursuant to section 2971.04 of the 13776  
Revised Code, whether it should terminate its control over an 13777  
offender's service of a prison term imposed upon the offender 13778  
under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 13779  
(c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the 13780  
Revised Code ~~for conviction of or a plea of guilty to a violent~~ 13781  
~~sex offense and a sexually violent predator specification or for~~ 13782  
~~conviction of or a plea of guilty to a designated homicide,~~ 13783  
~~assault, or kidnapping offense and both a sexual motivation~~ 13784  
~~specification and a sexually violent predator specification,~~ 13785  
~~imposed upon the offender under division (B)(1)(a), (b), or (c) of~~ 13786  
~~section 2971.03 of the Revised Code for conviction of or a plea of~~ 13787  
~~guilty to a violation of division (A)(1)(b) of section 2907.02 of~~ 13788  
~~the Revised Code committed on or after the effective date of this~~ 13789  
~~amendment, or imposed upon the offender under division (B)(2)(a),~~ 13790  
~~(b), or (c) of section 2971.03 of the Revised Code for conviction~~ 13791  
~~of or a plea of guilty to attempted rape committed on or after the~~ 13792  
~~effective date of this amendment and a conviction of or plea of~~ 13793  
~~guilty to a specification of the type described in section~~ 13794  
~~2941.1418, 2941.1419, or 2941.1420 of the Revised Code. The rules~~ 13795  
shall include provisions that specify that the parole board may 13796  
not terminate its control over an offender's service of a prison 13797  
term imposed upon the offender under ~~either~~ any of the specified 13798  
divisions until after the offender has served the minimum term 13799  
imposed as part of that prison term and until the parole board has 13800  
determined that the offender does not represent a substantial risk 13801  
of physical harm to others. 13802

**Sec. 5120.61.** (A)(1) Not later than ninety days after January 1, 1997, the department of rehabilitation and correction shall adopt standards that it will use under this section to assess a the following criminal offenders and may periodically revise the standards:

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

(b) A criminal 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~~ January 2, 2007, and either who is 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,or;

(c) A criminal offender who 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;

(d) A criminal offender who is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code and also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging that offense, and who is sentenced pursuant to section 2971.03 of the Revised Code;

(e) A criminal offender who is convicted of or pleads guilty to aggravated murder and also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging that

offense, and who pursuant to division (A)(2)(b)(ii) of section 13834  
2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), 13835  
(D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or 13836  
division (A) or (B) of section 2929.06 of the Revised Code is 13837  
sentenced pursuant to division (B)(3) of section 2971.03 of the 13838  
Revised Code; 13839

(f) A criminal offender who is convicted of or pleads guilty 13840  
to murder and also is convicted of or pleads guilty to a sexual 13841  
motivation specification that was included in the indictment, 13842  
count in the indictment, or information charging that offense, and 13843  
who pursuant to division (B)(2) of section 2929.02 of the Revised 13844  
Code is sentenced pursuant to section 2971.03 of the Revised Code. 13845  
The department may periodically revise the standards. 13846

(2) When the department is requested by the parole board or 13847  
the court to provide a risk assessment report of the offender 13848  
under section 2971.04 or 2971.05 of the Revised Code, it shall 13849  
assess the offender and complete the assessment as soon as 13850  
possible after the offender has commenced serving the prison term 13851  
or term of life imprisonment without parole imposed under division 13852  
(A), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or 13853  
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 13854  
Code. Thereafter, the department shall update a risk assessment 13855  
report pertaining to an offender as follows: 13856

(a) Periodically, in the discretion of the department, 13857  
provided that each report shall be updated no later than two years 13858  
after its initial preparation or most recent update; 13859

(b) Upon the request of the parole board for use in 13860  
determining pursuant to section 2971.04 of the Revised Code 13861  
whether it should terminate its control over an offender's service 13862  
of a prison term imposed upon the offender under division (A)(3), 13863  
(B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or (c), or (B)(3)(a), 13864  
(b), (c), or (d) of section 2971.03 of the Revised Code; 13865



(c) Upon the request of the court. 13866

(3) After the department of rehabilitation and correction 13867  
assesses an offender pursuant to division (A)(2) of this section, 13868  
it shall prepare a report that contains its risk assessment for 13869  
the offender or, if a risk assessment report previously has been 13870  
prepared, it shall update the risk assessment report. 13871

(4) The department of rehabilitation and correction shall 13872  
provide each risk assessment report that it prepares or updates 13873  
pursuant to this section regarding an offender to all of the 13874  
following: 13875

(a) The parole board for its use in determining pursuant to 13876  
section 2971.04 of the Revised Code whether it should terminate 13877  
its control over an offender's service of a prison term imposed 13878  
upon the offender under division (A)(3), (B)(1)(a), (b), or (c), 13879  
~~or~~ (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of 13880  
section 2971.03 of the Revised Code, if the parole board has not 13881  
terminated its control over the offender; 13882

(b) The court for use in determining, pursuant to section 13883  
2971.05 of the Revised Code, whether to modify the requirement 13884  
that the offender serve the entire prison term imposed upon the 13885  
offender under division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ 13886  
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 13887  
2971.03 of the Revised Code in a state correctional institution, 13888  
whether to revise any modification previously made, or whether to 13889  
terminate the prison term; 13890

(c) The prosecuting attorney who prosecuted the case, or the 13891  
successor in office to that prosecuting attorney; 13892

(d) The offender. 13893

(B) When the department of rehabilitation and correction 13894  
provides a risk assessment report regarding an offender to the 13895  
parole board or court pursuant to division (A)(4)(a) or (b) of 13896

this section, the department, prior to the parole board's or 13897  
court's hearing, also shall provide to the offender or to the 13898  
offender's attorney of record a copy of the report and a copy of 13899  
any other relevant documents the department possesses regarding 13900  
the offender that the department does not consider to be 13901  
confidential. 13902

(C) As used in this section: 13903

(1) "Adjudicated a sexually violent predator" has the same 13904  
meaning as in section 2929.01 of the Revised Code, and a person is 13905  
"adjudicated a sexually violent predator" in the same manner and 13906  
the same circumstances as are described in that section. 13907

(2) "Designated homicide, assault, or kidnapping offense" and 13908  
"violent sex offense" have the same meanings as in section 2971.01 13909  
of the Revised Code. 13910

**Sec. 5120.66.** (A) Within ninety days after November 23, 2005, 13911  
but not before January 1, 2006, the department of rehabilitation 13912  
and correction shall establish and operate on the internet a 13913  
database that contains all of the following: 13914

(1) For each inmate in the custody of the department under a 13915  
sentence imposed for a conviction of or plea of guilty to any 13916  
offense, all of the following information: 13917

(a) The inmate's name; 13918

(b) For each offense for which the inmate was sentenced to a 13919  
prison term or term of imprisonment and is in the department's 13920  
custody, the name of the offense, the Revised Code section of 13921  
which the offense is a violation, the gender of each victim of the 13922  
offense if those facts are known, whether each victim of the 13923  
offense was an adult or child if those facts are known, the range 13924  
of the possible prison terms or term of imprisonment that could 13925  
have been imposed for the offense, the actual prison term or term 13926

of imprisonment imposed for the offense, the county in which the 13927  
offense was committed, the date on which the inmate began serving 13928  
the prison term or term of imprisonment imposed for the offense, 13929  
and either the date on which the inmate will be eligible for 13930  
parole relative to the offense if the prison term or term of 13931  
imprisonment is an indefinite term or life term or the date on 13932  
which the term ends if the prison term is a definite term; 13933

(c) All of the following information that is applicable 13934  
regarding the inmate: 13935

(i) If known to the department prior to the conduct of any 13936  
hearing for judicial release of the defendant pursuant to section 13937  
2929.20 of the Revised Code in relation to any prison term or term 13938  
of imprisonment the inmate is serving for any offense, notice of 13939  
the fact that the inmate will be having a hearing regarding a 13940  
possible grant of judicial release, the date of the hearing, and 13941  
the right of any person pursuant to division (J) of that section 13942  
to submit to the court a written statement regarding the possible 13943  
judicial release; 13944

(ii) If the inmate is serving a prison term pursuant to 13945  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 13946  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 13947  
~~Code as a sexually violent predator who committed a sexually~~ 13948  
~~violent offense, a prison term pursuant to division (B)(1)(a),~~ 13949  
~~(b), or (c) of section 2971.03 of the Revised Code imposed for a~~ 13950  
~~violation of division (A)(1)(b) of section 2907.02 of the Revised~~ 13951  
~~Code committed on or after the effective date of this amendment, a~~ 13952  
~~prison term pursuant to division (B)(2)(a) of section 2971.03 of~~ 13953  
~~the Revised Code imposed for attempted rape committed on or after~~ 13954  
~~the effective date of this amendment and a specification of the~~ 13955  
~~type described in section 2941.1418 of the Revised Code, a prison~~ 13956  
~~term pursuant to division (B)(2)(b) of section 2971.03 of the~~ 13957  
~~Revised Code imposed for attempted rape committed on or after the~~ 13958

~~effective date of this amendment and a specification of the type~~ 13959  
~~described in section 2941.1419 of the Revised Code, or a prison~~ 13960  
~~term pursuant to division (B)(2)(c) of section 2971.03 of the~~ 13961  
~~Revised Code imposed for attempted rape committed on or after the~~ 13962  
~~effective date of this amendment and a specification of the type~~ 13963  
~~described in section 2941.1420 of the Revised Code, prior to the~~ 13964  
conduct of any hearing pursuant to section 2971.05 of the Revised 13965  
Code to determine whether to modify the requirement that the 13966  
inmate serve the entire prison term in a state correctional 13967  
facility in accordance with division (C) of that section, whether 13968  
to continue, revise, or revoke any existing modification of that 13969  
requirement, or whether to terminate the prison term in accordance 13970  
with division (D) of that section, notice of the fact that the 13971  
inmate will be having a hearing regarding those determinations and 13972  
of the date of the hearing; 13973

(iii) At least three weeks before the adult parole authority 13974  
recommends a pardon or commutation of sentence for the inmate or 13975  
at least three weeks prior to a hearing before the adult parole 13976  
authority regarding a grant of parole to the inmate in relation to 13977  
any prison term or term of imprisonment the inmate is serving for 13978  
any offense, notice of the fact that the inmate might be under 13979  
consideration for a pardon or commutation of sentence or will be 13980  
having a hearing regarding a possible grant of parole, of the date 13981  
of any hearing regarding a possible grant of parole, and of the 13982  
right of any person to submit a written statement regarding the 13983  
pending action; 13984

(iv) At least three weeks before the inmate has a hearing 13985  
regarding a transfer to transitional control under section 2967.26 13986  
of the Revised Code in relation to any prison term or term of 13987  
imprisonment the inmate is serving for any offense, notice of the 13988  
pendency of the transfer, of the date of the possible transfer, 13989  
and of the right of any person to submit a statement regarding the 13990

possible transfer; 13991

(v) Prompt notice of the inmate's escape from any facility in 13992  
which the inmate was incarcerated and of the capture of the inmate 13993  
after an escape; 13994

(vi) Notice of the inmate's death while in confinement; 13995

(vii) Prior to the release of the inmate from confinement, 13996  
notice of the fact that the inmate will be released, of the date 13997  
of the release, and, if applicable, of the standard terms and 13998  
conditions of the release; 13999

(viii) Notice of the inmate's judicial release. 14000

(2) Information as to where a person can send written 14001  
statements of the types referred to in divisions (A)(1)(c)(i), 14002  
(iii), and (iv) of this section. 14003

(B)(1) The department shall update the database required 14004  
under division (A) of this section every twenty-four hours to 14005  
ensure that the information it contains is accurate and current. 14006

(2) The database required under division (A) of this section 14007  
is a public record open for inspection under section 149.43 of the 14008  
Revised Code. The department shall make the database searchable by 14009  
inmate name and by the county and zip code where the offender 14010  
intends to reside after release from a state correctional 14011  
institution if this information is known to the department. 14012

(3) The database required under division (A) of this section 14013  
may contain information regarding inmates who are listed in the 14014  
database in addition to the information described in that 14015  
division. 14016

(4) No information included on the database required under 14017  
division (A) of this section shall identify or enable the 14018  
identification of any victim of any offense committed by an 14019  
inmate. 14020

(C) The failure of the department to comply with the requirements of division (A) or (B) of this section does not give any rights or any grounds for appeal or post-conviction relief to any inmate.

(D) This section, and the related provisions of sections 2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted in the act in which this section was enacted, shall be known as "Laura's Law."

**Sec. 5139.13.** (A) The department of youth services shall do all of the following:

(1) Control and manage all institutions for the rehabilitation of delinquent children and youthful offenders that are operated by the state, except where the control and management of an institution is vested by law in another agency;

(2) Provide treatment and training for children committed to the department and assigned by the department to various institutions under its control and management, including, but not limited to, for a child committed to it for an act that is ~~either a sexually oriented offense that is not a registration exempt~~ ~~sexually oriented offense~~ or a child-victim oriented offense, treatment that is appropriate for a child who commits an act that is a sexually oriented offense ~~that is not a registration exempt~~ ~~sexually oriented offense~~ or a child-victim oriented offense and that is intended to ensure that the child does not commit any subsequent act that is a sexually oriented offense or a child-victim oriented offense;

(3) Establish and maintain appropriate reception centers for the reception of children committed to the department and employ competent persons to have charge of those centers and to conduct investigations;

(4) Establish and maintain any other facilities necessary for 14051  
the training, treatment, and rehabilitation of children committed 14052  
to the department. 14053

(B) As used in this section, "sexually oriented offense" and 14054  
"child-victim oriented offense" have the same meanings as in 14055  
section 2950.01 of the Revised Code. 14056

**Sec. 5149.10.** (A) The parole board shall consist of up to 14057  
twelve members, one of whom shall be designated as chairperson by 14058  
the director of the department of rehabilitation and correction 14059  
and who shall continue as chairperson until a successor is 14060  
designated, and any other personnel that are necessary for the 14061  
orderly performance of the duties of the board. In addition to the 14062  
rules authorized by section 5149.02 of the Revised Code, the chief 14063  
of the adult parole authority, subject to the approval of the 14064  
chief of the division of parole and community services and subject 14065  
to this section, shall adopt rules governing the proceedings of 14066  
the parole board. The rules shall provide for the convening of 14067  
full board hearings, the procedures to be followed in full board 14068  
hearings, and general procedures to be followed in other hearings 14069  
of the board and by the board's hearing officers. The rules also 14070  
shall require agreement by a majority of all the board members to 14071  
any recommendation of clemency transmitted to the governor. 14072

When the board members sit as a full board, the chairperson 14073  
shall preside. The chairperson shall also allocate the work of the 14074  
parole board among the board members. The full board shall meet at 14075  
least once each month. In the case of a tie vote on the full 14076  
board, the chief of the adult parole authority shall cast the 14077  
deciding vote. The chairperson may designate a person to serve in 14078  
the chairperson's place. 14079

Except as otherwise provided in division (B) of this section, 14080  
no person shall be appointed a member of the board who is not 14081

qualified by education or experience in correctional work, 14082  
including law enforcement, prosecution of offenses, advocating for 14083  
the rights of victims of crime, probation, or parole, in law, in 14084  
social work, or in a combination of the three categories. 14085

(B) The director of rehabilitation and correction, in 14086  
consultation with the governor, shall appoint one member of the 14087  
board, who shall be a person who has been a victim of crime or who 14088  
is a member of a victim's family or who represents an organization 14089  
that advocates for the rights of victims of crime. After 14090  
appointment, this member shall be an unclassified employee of the 14091  
department of rehabilitation and correction. 14092

The initial appointment shall be for a term ending four years 14093  
after ~~the effective date of this amendment~~ July 1, 1996. 14094  
Thereafter, the term of office of the member appointed under this 14095  
division shall be for four years, with each term ending on the 14096  
same day of the same month as did the term that it succeeds. The 14097  
member shall hold office from the date of appointment until the 14098  
end of the term for which the member was appointed and may be 14099  
reappointed. Vacancies shall be filled in the manner provided for 14100  
original appointments. Any member appointed under this division to 14101  
fill a vacancy occurring prior to the expiration date of the term 14102  
for which the member's predecessor was appointed shall hold office 14103  
as a member for the remainder of that term. The member appointed 14104  
under this division shall continue in office subsequent to the 14105  
expiration date of the member's term until the member's successor 14106  
takes office or until a period of sixty days has elapsed, 14107  
whichever occurs first. 14108

The member appointed under this division shall be compensated 14109  
in the same manner as other board members and shall be reimbursed 14110  
for actual and necessary expenses incurred in the performance of 14111  
the members' duties. The member may vote on all cases heard by the 14112  
full board under section 5149.101 of the Revised Code, has such 14113



duties as are assigned by the chairperson of the board, and shall 14114  
coordinate the member's activities with the office of victims' 14115  
services created under section 5120.60 of the Revised Code. 14116

As used in this division, "crime," "member of the victim's 14117  
family," and "victim" have the meanings given in section 2930.01 14118  
of the Revised Code. 14119

(C) The chairperson shall submit all recommendations for or 14120  
against clemency directly to the governor. 14121

(D) The chairperson shall transmit to the chief of the adult 14122  
parole authority all determinations for or against parole made by 14123  
the board. Parole determinations are final and are not subject to 14124  
review or change by the chief. 14125

(E) In addition to its duties pertaining to parole and 14126  
clemency, if an offender is sentenced to a prison term pursuant to 14127  
division (A)(3), (B)(1)(a), (b), or (c), ~~or~~ (B)(2)(a), (b), or 14128  
(c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the 14129  
Revised Code, the parole board shall have control over the 14130  
offender's service of the prison term during the entire term 14131  
unless the board terminates its control in accordance with section 14132  
2971.04 of the Revised Code. The parole board may terminate its 14133  
control over the offender's service of the prison term only in 14134  
accordance with section 2971.04 of the Revised Code. 14135

**Sec. 5321.01.** As used in this chapter: 14136

(A) "Tenant" means a person entitled under a rental agreement 14137  
to the use and occupancy of residential premises to the exclusion 14138  
of others. 14139

(B) "Landlord" means the owner, lessor, or sublessor of 14140  
residential premises, the agent of the owner, lessor, or 14141  
sublessor, or any person authorized by the owner, lessor, or 14142  
sublessor to manage the premises or to receive rent from a tenant 14143

under a rental agreement. 14144

(C) "Residential premises" means a dwelling unit for 14145  
residential use and occupancy and the structure of which it is a 14146  
part, the facilities and appurtenances in it, and the grounds, 14147  
areas, and facilities for the use of tenants generally or the use 14148  
of which is promised the tenant. "Residential premises" includes a 14149  
dwelling unit that is owned or operated by a college or 14150  
university. "Residential premises" does not include any of the 14151  
following: 14152

(1) Prisons, jails, workhouses, and other places of 14153  
incarceration or correction, including, but not limited to, 14154  
halfway houses or residential arrangements that are used or 14155  
occupied as a requirement of a community control sanction, a 14156  
post-release control sanction, or parole; 14157

(2) Hospitals and similar institutions with the primary 14158  
purpose of providing medical services, and homes licensed pursuant 14159  
to Chapter 3721. of the Revised Code; 14160

(3) Tourist homes, hotels, motels, recreational vehicle 14161  
parks, recreation camps, combined park-camps, temporary 14162  
park-camps, and other similar facilities where circumstances 14163  
indicate a transient occupancy; 14164

(4) Elementary and secondary boarding schools, where the cost 14165  
of room and board is included as part of the cost of tuition; 14166

(5) Orphanages and similar institutions; 14167

(6) Farm residences furnished in connection with the rental 14168  
of land of a minimum of two acres for production of agricultural 14169  
products by one or more of the occupants; 14170

(7) Dwelling units subject to sections 3733.41 to 3733.49 of 14171  
the Revised Code; 14172

(8) Occupancy by an owner of a condominium unit; 14173

(9) Occupancy in a facility licensed as an SRO facility	14174
pursuant to Chapter 3731. of the Revised Code, if the facility is	14175
owned or operated by an organization that is exempt from taxation	14176
under section 501(c)(3) of the "Internal Revenue Code of 1986,"	14177
100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or	14178
group of entities in which such an organization has a controlling	14179
interest, and if either of the following applies:	14180
(a) The occupancy is for a period of less than sixty days.	14181
(b) The occupancy is for participation in a program operated	14182
by the facility, or by a public entity or private charitable	14183
organization pursuant to a contract with the facility, to provide	14184
either of the following:	14185
(i) Services licensed, certified, registered, or approved by	14186
a governmental agency or private accrediting organization for the	14187
rehabilitation of mentally ill persons, developmentally disabled	14188
persons, adults or juveniles convicted of criminal offenses, or	14189
persons suffering from substance abuse;	14190
(ii) Shelter for juvenile runaways, victims of domestic	14191
violence, or homeless persons.	14192
(10) Emergency shelters operated by organizations exempt from	14193
federal income taxation under section 501(c)(3) of the "Internal	14194
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as	14195
amended, for persons whose circumstances indicate a transient	14196
occupancy, including homeless people, victims of domestic	14197
violence, and juvenile runaways.	14198
(D) "Rental agreement" means any agreement or lease, written	14199
or oral, which establishes or modifies the terms, conditions,	14200
rules, or any other provisions concerning the use and occupancy of	14201
residential premises by one of the parties.	14202
(E) "Security deposit" means any deposit of money or property	14203
to secure performance by the tenant under a rental agreement.	14204

(F) "Dwelling unit" means a structure or the part of a 14205  
structure that is used as a home, residence, or sleeping place by 14206  
one person who maintains a household or by two or more persons who 14207  
maintain a common household. 14208

(G) "Controlled substance" has the same meaning as in section 14209  
3719.01 of the Revised Code. 14210

(H) "Student tenant" means a person who occupies a dwelling 14211  
unit owned or operated by the college or university at which the 14212  
person is a student, and who has a rental agreement that is 14213  
contingent upon the person's status as a student. 14214

(I) "Recreational vehicle park," "recreation camp," "combined 14215  
park-camp," and "temporary park-camp" have the same meanings as in 14216  
section 3729.01 of the Revised Code. 14217

(J) "Community control sanction" has the same meaning as in 14218  
section 2929.01 of the Revised Code. 14219

(K) "Post-release control sanction" has the same meaning as 14220  
in section 2967.01 of the Revised Code. 14221

(L) "School premises" has the same meaning as in section 14222  
2925.01 of the Revised Code. 14223

(M) "Sexually oriented offense" and "child-victim oriented 14224  
offense" have the same meanings as in section 2950.01 of the 14225  
Revised Code. 14226

(N) "Preschool or child day-care center premises" has the the 14227  
same meaning as in section 2950.034 of the Revised Code. 14228

**Sec. 5321.03.** (A) Notwithstanding section 5321.02 of the 14229  
Revised Code, a landlord may bring an action under Chapter 1923. 14230  
of the Revised Code for possession of the premises if: 14231

(1) The tenant is in default in the payment of rent; 14232

(2) The violation of the applicable building, housing, 14233

health, or safety code that the tenant complained of was primarily 14234  
caused by any act or lack of reasonable care by the tenant, or by 14235  
any other person in the tenant's household, or by anyone on the 14236  
premises with the consent of the tenant; 14237

(3) Compliance with the applicable building, housing, health, 14238  
or safety code would require alteration, remodeling, or demolition 14239  
of the premises which would effectively deprive the tenant of the 14240  
use of the dwelling unit; 14241

(4) A tenant is holding over the tenant's term. 14242

(5) The residential premises are located within one thousand 14243  
feet of any school premises or preschool or child day-care center 14244  
premises, and both of the following apply regarding the tenant or 14245  
other occupant who resides in or occupies the premises: 14246

(a) The tenant's or other occupant's name appears on the 14247  
state registry of sex offenders and child-victim offenders 14248  
maintained under section 2950.13 of the Revised Code. 14249

(b) The state registry of sex offenders and child-victim 14250  
offenders indicates that the tenant or other occupant was 14251  
convicted of or pleaded guilty to ~~either a sexually oriented~~ 14252  
~~offense that is not a registration exempt sexually oriented~~ 14253  
~~offense~~ or a child-victim oriented offense in a criminal 14254  
prosecution and was not sentenced to a serious youthful offender 14255  
dispositional sentence for that offense. 14256

(B) The maintenance of an action by the landlord under this 14257  
section does not prevent the tenant from recovering damages for 14258  
any violation by the landlord of the rental agreement or of 14259  
section 5321.04 of the Revised Code. 14260

(C) This section does not apply to a dwelling unit occupied 14261  
by a student tenant. 14262

**Sec. 5321.051.** (A)(1) No tenant of any residential premises 14263

located within one thousand feet of any school premises or 14264  
preschool or child day-care center premises shall allow any person 14265  
to occupy those residential premises if both of the following 14266  
apply regarding the person: 14267

(a) The person's name appears on the state registry of sex 14268  
offenders and child-victim offenders maintained under section 14269  
2950.13 of the Revised Code. 14270

(b) The state registry of sex offenders and child-victim 14271  
offenders indicates that the person was convicted of or pleaded 14272  
guilty to either a sexually oriented offense that is not a 14273  
registration-exempt sexually oriented offense or a child-victim 14274  
oriented offense in a criminal prosecution and was not sentenced 14275  
to a serious youthful offender dispositional sentence for that 14276  
offense. 14277

(2) If a tenant allows occupancy in violation of this section 14278  
or a person establishes a residence or occupies residential 14279  
premises in violation of section ~~2950.031~~ 2950.034 of the Revised 14280  
Code, the landlord for the residential premises that are the 14281  
subject of the rental agreement or other tenancy may terminate the 14282  
rental agreement or other tenancy of the tenant and all other 14283  
occupants. 14284

(B) If a landlord is authorized to terminate a rental 14285  
agreement or other tenancy pursuant to division (A) of this 14286  
section but does not so terminate the rental agreement or other 14287  
tenancy, the landlord is not liable in a tort or other civil 14288  
action in damages for any injury, death, or loss to person or 14289  
property that allegedly results from that decision. 14290

**Section 2.** That existing sections 109.42, 109.57, 311.171, 14291  
1923.01, 1923.02, 2151.23, 2151.357, 2152.02, 2152.19, 2152.191, 14292  
2152.22, 2152.82, 2152.821, 2152.83, 2152.84, 2152.85, 2152.851, 14293  
2743.191, 2901.07, 2903.211, 2905.01, 2905.02, 2905.03, 2905.05, 14294

2907.01, 2907.02, 2907.05, 2921.34, 2929.01, 2929.02, 2929.022, 14295  
2929.03, 2929.06, 2929.13, 2929.14, 2929.19, 2929.23, 2930.16, 14296  
2941.148, 2950.01, 2950.02, 2950.03, 2950.031, 2950.04, 2950.041, 14297  
2950.05, 2950.06, 2950.07, 2950.08, 2950.081, 2950.10, 2950.11, 14298  
2950.12, 2950.13, 2950.14, 2953.32, 2967.12, 2967.121, 2971.01, 14299  
2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 5120.49, 5120.61, 14300  
5120.66, 5139.13, 5149.10, 5321.01, 5321.03, and 5321.051 and 14301  
sections 2152.811, 2950.021, 2950.09, and 2950.091 of the Revised 14302  
Code are hereby repealed. 14303

**Section 3.** All appropriation items in this section are hereby 14304  
appropriated as designated out of moneys in the state treasury to 14305  
the credit of the General Revenue Fund. For all appropriations 14306  
made in this act, the amounts in the first column are for fiscal 14307  
year 2008, and the amounts in the second column are for fiscal 14308  
year 2009. The appropriations made in this act are in addition to 14309  
any other appropriations made for the FY 2008-2009 biennium. 14310  
14311

#### Appropriations

AGO ATTORNEY GENERAL APPROPRIATION 14312

General Revenue Fund 14313

GRF 055-XXX Adam Walsh Act	\$	250,000	\$	250,000	14314
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Implementation

TOTAL GRF General Revenue Fund	\$	250,000	\$	250,000	14315
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TOTAL ALL BUDGET FUND GROUPS	\$	250,000	\$	250,000	14316
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**Section 4.** Within the limits set forth in this act, the 14318  
Director of Budget and Management shall establish accounts 14319  
indicating the source and amount of money for each appropriation 14320  
made in this act and shall determine the form and manner in which 14321  
appropriation accounts shall be maintained. Expenditures from 14322  
appropriations contained in this act shall be accounted for as 14323  
though made in Am. Sub. H.B. 119 of the 127th General Assembly. 14324

The appropriations made in this act are subject to all 14325  
provisions of Am. Sub. H.B. 119 of the 127th General Assembly that 14326  
are generally applicable to such appropriations. 14327

**Section 5.** The amendments to sections 109.42, 109.57, 14328  
311.171, 2151.23, 2152.02, 2152.19, 2152.191, 2152.22, 2152.82, 14329  
2152.821, 2152.83, 2152.84, 2152.85, 2152.851, 2743.191, 2901.07, 14330  
2903.211, 2905.01, 2905.02, 2905.03, 2905.05, 2907.01, 2907.02, 14331  
2907.05, 2921.34, 2929.01, 2929.02, 2929.022, 2929.03, 2929.06, 14332  
2929.13, 2929.14, 2929.19, 2929.23, 2930.16, 2941.148, 2950.01, 14333  
2950.02, 2950.03, 2950.04, 2950.041, 2950.05, 2950.06, 2950.07, 14334  
2950.08, 2950.081, 2950.10, 2950.11, 2950.12, 2950.13, 2950.14, 14335  
2967.12, 2967.121, 2971.01, 2971.03, 2971.04, 2971.05, 2971.06, 14336  
2971.07, 5120.49, 5120.61, 5120.66, 5139.13, and 5149.10 of the 14337  
Revised Code that are made by Sections 1 and 2 of this act, the 14338  
enactment of sections 2152.831, 2152.86, 2950.011, 2950.15, and 14339  
2950.16 of the Revised Code by Section 1 of the act, and the 14340  
repeal of sections 2152.811, 2950.021, 2950.09, and 2950.091 of 14341  
the Revised Code by Section 2 of this act shall take effect on 14342  
January 1, 2008. 14343

The amendments to sections 1923.01, 1923.02, 2151.357, 14344  
2950.031, 2953.32, 5321.01, 5321.03, and 5321.051 of the Revised 14345  
Code that are made by Sections 1 and 2 of this act and the 14346  
enactment of sections 2950.032, 2950.033, 2950.042, 2950.043, and 14347  
2950.131 and new section 2950.031 of the Revised Code by Section 1 14348  
of this act shall take effect on July 1, 2007. 14349

**Section 6.** Sections 1 to 5 of this act shall take effect on 14350  
July 1, 2007. 14351

**Section 7.** This act is hereby declared to be an emergency 14352  
measure necessary for the immediate preservation of the public 14353  
peace, health, and safety. The reason for such necessity is that 14354



the changes to the state's Sex Offender Registration and 14355  
Notification Law made by this act are crucially needed to provide 14356  
increased protection and security for the state's residents from 14357  
persons who have been convicted of, or found to be delinquent 14358  
children for committing, a sexually oriented offense or a 14359  
child-victim oriented offense and to conform that Law by July 1, 14360  
2007, to recently enacted requirements of federal law. Therefore 14361  
this act shall take immediate effect. 14362

**Section 8.** Section 2907.01 of the Revised Code is presented 14363  
in this act as a composite of the section as amended by both Am. 14364  
Sub. H.B. 23 and Am. Sub. H.B. 95 of the 126th General Assembly. 14365  
Section 2929.01 of the Revised Code is presented in this act as a 14366  
composite of the section as amended by both Am. Sub. H.B. 461 and 14367  
Am. Sub. S.B. 260 of the 126th General Assembly. Section 2929.13 14368  
of the Revised Code is presented in this act as a composite of the 14369  
section as amended by Am. Sub. H.B. 461, Am. Sub. S.B. 260, and 14370  
Sub. S.B. 281 of the 126th General Assembly. Section 2929.14 of 14371  
the Revised Code is presented in this act as a composite of the 14372  
section as amended by Am. Sub. H.B. 461, Am. Sub. S.B. 260, and 14373  
Sub. S.B. 281 all of the 126th General Assembly. Section 2929.19 14374  
of the Revised Code is presented in this act as a composite of the 14375  
section as amended by both Am. Sub. H.B. 461 and Am. Sub. S.B. 260 14376  
of the 126th General Assembly. The General Assembly, applying the 14377  
principle stated in division (B) of section 1.52 of the Revised 14378  
Code that amendments are to be harmonized if reasonably capable of 14379  
simultaneous operation, finds that the composites are the 14380  
resulting versions of the sections in effect prior to the 14381  
effective date of the sections as presented in this act. 14382