

As Introduced

**127th General Assembly
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S. B. No. 159

Senator Coughlin

Cosponsors: Senators Clancy, Mumper

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A B I L L

To amend section 2950.99 of the Revised Code to make 1
a violation of the prohibition against certain sex 2
offenders residing within 1,000 feet of any school 3
premises a felony of the fifth degree. 4

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

Section 1. That section 2950.99 of the Revised Code be 5
amended to read as follows: 6

Sec. 2950.99. (A)(1)(a) Except as otherwise provided in 7
division (A)(1)(b) of this section, whoever violates a prohibition 8
in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 9
Code shall be punished as follows: 10

(i) If the most serious sexually oriented offense or 11
child-victim oriented offense that was the basis of the 12
registration, notice of intent to reside, change of address 13
notification, or address verification requirement that was 14
violated under the prohibition is aggravated murder, murder, or a 15
felony of the first, second, or third degree if committed by an 16
adult or a comparable category of offense committed in another 17
jurisdiction, the offender is guilty of a felony of the third 18
degree. 19

(ii) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is a felony of the fourth or fifth degree if committed by an adult or a comparable category of offense committed in another jurisdiction, or if the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is a misdemeanor if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the same degree or a misdemeanor of the same degree as the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address, or address verification requirement that was violated under the prohibition or, if the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address, or address verification requirement that was violated under the prohibition was a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the same degree or a misdemeanor of the same degree as that offense committed in the other jurisdiction would constitute or would have constituted if it had been committed in this state.

(b) If the offender previously has been convicted of or pleaded guilty to, or previously has been adjudicated a delinquent child for committing, a violation of a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, whoever violates a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code shall be punished as

follows: 53

(i) If the most serious sexually oriented offense or 54
child-victim oriented offense that was the basis of the 55
registration, notice of intent to reside, change of address 56
notification, or address verification requirement that was 57
violated under the prohibition is aggravated murder, murder, or a 58
felony of the first, second, third, or fourth degree if committed 59
by an adult or a comparable category of offense committed in 60
another jurisdiction, the offender is guilty of a felony of the 61
third degree. 62

(ii) If the most serious sexually oriented offense or 63
child-victim oriented offense that was the basis of the 64
registration, notice of intent to reside, change of address 65
notification, or address verification requirement that was 66
violated under the prohibition is a felony of the fifth degree if 67
committed by an adult or a comparable category of offense 68
committed in another jurisdiction, the offender is guilty of a 69
felony of the fourth degree. 70

(iii) If the most serious sexually oriented offense or 71
child-victim oriented offense that was the basis of the 72
registration, notice of intent to reside, change of address 73
notification, or address verification requirement that was 74
violated under the prohibition is a misdemeanor of the first 75
degree if committed by an adult or a comparable category of 76
offense committed in another jurisdiction, the offender is guilty 77
of a felony of the fifth degree. 78

(iv) If the most serious sexually oriented offense or 79
child-victim oriented offense that was the basis of the 80
registration, notice of intent to reside, change of address 81
notification, or address verification requirement that was 82
violated under the prohibition is a misdemeanor other than a 83
misdemeanor of the first degree if committed by an adult or a 84

comparable category of offense committed in another jurisdiction, 85
the offender is guilty of a misdemeanor that is one degree higher 86
than the most serious sexually oriented offense or child-victim 87
oriented offense that was the basis of the registration, change of 88
address, or address verification requirement that was violated 89
under the prohibition or, if the most serious sexually oriented 90
offense or child-victim oriented offense that was the basis of the 91
registration, notice of intent to reside, change of address, or 92
address verification requirement that was violated under the 93
prohibition was a comparable category of offense committed in 94
another jurisdiction, the offender is guilty of a misdemeanor that 95
is one degree higher than the most serious sexually oriented 96
offense or child-victim oriented offense committed in the other 97
jurisdiction would constitute or would have constituted if it had 98
been committed in this state. 99

(2) In addition to any penalty or sanction imposed under 100
division (A)(1) of this section or any other provision of law for 101
a violation of a prohibition in section 2950.04, 2950.041, 102
2950.05, or 2950.06 of the Revised Code, if the offender or 103
delinquent child is subject to a community control sanction, is on 104
parole, is subject to one or more post-release control sanctions, 105
or is subject to any other type of supervised release at the time 106
of the violation, the violation shall constitute a violation of 107
the terms and conditions of the community control sanction, 108
parole, post-release control sanction, or other type of supervised 109
release. 110

(3) As used in division (A)(1) of this section, "comparable 111
category of offense committed in another jurisdiction" means a 112
sexually oriented offense or child-victim oriented offense that 113
was the basis of the registration, notice of intent to reside, 114
change of address notification, or address verification 115
requirement that was violated, that is a violation of an existing 116

or former law of another state or the United States, an existing 117
or former law applicable in a military court or in an Indian 118
tribal court, or an existing or former law of any nation other 119
than the United States, and that, if it had been committed in this 120
state, would constitute or would have constituted aggravated 121
murder, murder, or a felony of the first, second, or third degree 122
for purposes of division (A)(1)(a)(i) of this section, a felony of 123
the fourth or fifth degree or a misdemeanor for purposes of 124
division (A)(1)(a)(ii) of this section, aggravated murder, murder, 125
or a felony of the first, second, third, or fourth degree for 126
purposes of division (A)(1)(b)(i) of this section, a felony of the 127
fifth degree for purposes of division (A)(1)(b)(ii) of this 128
section, a misdemeanor of the first degree for purposes of 129
division (A)(1)(b)(iii) of this section, or a misdemeanor other 130
than a misdemeanor of the first degree for purposes of division 131
(A)(1)(b)(iv) of this section. 132

(B) If a person violates a prohibition in section 2950.04, 133
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 134
the person as a result of the person being adjudicated a 135
delinquent child and being classified a juvenile offender 136
registrant or as an out-of-state juvenile offender registrant, 137
both of the following apply: 138

(1) If the violation occurs while the person is under 139
eighteen years of age, the person is subject to proceedings under 140
Chapter 2152. of the Revised Code based on the violation. 141

(2) If the violation occurs while the person is eighteen 142
years of age or older, the person is subject to criminal 143
prosecution based on the violation. 144

(C) Whoever violates division (C) of section 2950.13 of the 145
Revised Code is guilty of a misdemeanor of the first degree. 146

(D) Whoever violates division (A) of section 2950.031 of the 147

Revised Code is guilty of a felony of the fifth degree. 148

Section 2. That existing section 2950.99 of the Revised Code 149

is hereby repealed. 150