

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 367

Senator Schaffer

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A B I L L

To enact sections 2909.13, 2909.14, and 2909.15 of
the Revised Code to establish a registry for arson
offenders. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2909.13, 2909.14, and 2909.15 of the
Revised Code be enacted to read as follows: 4
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Sec. 2909.13. As used in sections 2909.13 to 2909.15 of the
Revised Code: 6
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(A) "Arson-related offense" means any of the following
violations or offenses committed by a person, regardless of the
person's age: 8
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(1) A violation of section 2909.02 or 2909.03 of the Revised
Code; 11
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(2) Any attempt to commit, conspiracy to commit, or
complicity in committing either offense listed in division (A)(1)
of this section. 13
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(B) "Arson offender" means any of the following: 16

(1) A person who on or after the effective date of this
section is convicted of or pleads guilty to an arson-related
offense; 17
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(2) A person who on the effective date of this section has 20
been convicted of or pleaded guilty to an arson-related offense 21
and is confined in a jail, workhouse, state correctional 22
institution, or other institution, serving a prison term, term of 23
imprisonment, or other term of confinement for the offense; 24

(3) A person who on or after the effective date of this 25
section is charged with committing, attempting to commit, 26
conspiring to commit, or complicity in committing a violation of 27
section 2909.02 or 2909.03 of the Revised Code and who pleads 28
guilty to a violation of any provision of Chapter 2909. of the 29
Revised Code other than section 2909.02 or 2909.03 of the Revised 30
Code. 31

(C) "Community control sanction," "jail," and "prison" have 32
the same meanings as in section 2929.01 of the Revised Code. 33

(D) "Firefighter" has the same meaning as in section 4765.01 34
of the Revised Code. 35

(E) "Juvenile arson offender" means a person who on or after 36
the effective date of this section is adjudicated a delinquent 37
child for committing, attempting to commit, conspiring to commit, 38
or complicity in committing an act that would be a violation of 39
section 2909.02 or 2909.03 of the Revised Code if committed by an 40
adult or has been adjudicated a delinquent child for committing, 41
attempting to commit, conspiring to commit, or complicity in 42
committing an act that would be a violation of section 2909.02 or 43
2909.03 of the Revised Code if committed by an adult and who is 44
confined in a secure correctional facility on the effective date 45
of this section. 46

(F) "Post-release control sanction" and "supervised release" 47
have the same meanings as in section 2950.01 of the Revised Code. 48

(G) "Secure correctional facility" means a facility under the 49
direction of the department of youth services that is designed to 50

physically restrict the movement and activities of juveniles 51
placed by a dispositional order of a juvenile court. 52

Sec. 2909.14. (A) Each arson offender or juvenile arson 53
offender shall be provided notice of the arson offender's or 54
juvenile arson offender's duty to register personally with the 55
attorney general or the attorney general's designee. A parent, 56
guardian, or custodian of a juvenile arson offender also shall be 57
provided notice of the juvenile arson offender's duty to register. 58
The following persons shall provide the notice at the following 59
times: 60

(1) On or after the effective date of this section, the 61
official in charge of a jail, workhouse, state correctional 62
institution, or other institution in which an arson offender is 63
serving a prison term, term of imprisonment, or other term of 64
confinement, or the official's designee, shall provide the notice 65
to the arson offender before the arson offender is released 66
pursuant to any type of supervised release or before the arson 67
offender is otherwise released from the prison term, term of 68
imprisonment, or other term of confinement. 69

(2) If an arson offender is sentenced on or after the 70
effective date of this section for an arson-related offense and 71
the judge does not sentence the arson offender to a prison term, 72
term of imprisonment, or other term of confinement in a jail, 73
workhouse, state correctional institution, or other institution 74
for that offense, the judge shall provide the notice to the arson 75
offender at the time of the arson offender's sentencing. 76

(3) On or after the effective date of this section, the 77
official in charge of a secure correctional facility in which a 78
juvenile arson offender is confined, or the official's designee, 79
shall provide the notice to the juvenile arson offender before the 80
juvenile arson offender is released pursuant to any type of 81

supervised release or before the juvenile arson offender is 82
otherwise released from the secure correctional facility. 83

(4) If a person is adjudicated a juvenile arson offender on 84
or after the effective date of this section and the juvenile court 85
does not commit the juvenile arson offender to a secure 86
correctional facility at the dispositional hearing, the juvenile 87
court shall provide the notice to the juvenile arson offender at 88
the dispositional hearing. 89

(5) If notice is provided to a juvenile arson offender under 90
division (A)(3) or (4) of this section, the person providing the 91
notice also shall provide the notice to the delinquent child's 92
parent, guardian, or custodian. 93

(B)(1) The judge, official, or official's designee providing 94
the notice under divisions (A)(1) and (2) of this section shall 95
require the arson offender to read and sign a form stating that 96
the arson offender has received and understands the notice. If the 97
arson offender is unable to read, the judge, official, or 98
official's designee shall inform the arson offender of the arson 99
offender's duties as set forth in the notice and shall certify on 100
the form that the judge, official, or official's designee informed 101
the arson offender of the arson offender's duties and that the 102
arson offender indicated an understanding of those duties. 103

(2) The juvenile court, official, or official's designee 104
providing the notice to a juvenile arson offender and the 105
delinquent child's parent, guardian, or custodian under divisions 106
(A)(3), (4), and (5) of this section shall require the juvenile 107
arson offender and parent, guardian, or custodian to read and sign 108
a form stating that they have received and understand the notice. 109
If a juvenile arson offender, parent, guardian, or custodian is 110
unable to read, the juvenile court, official, or official's 111
designee shall inform the juvenile arson offender and parent, 112
guardian, or custodian of the juvenile arson offender's duties as 113

set forth in the notice and shall certify on the form that the 114
juvenile court, official, or official's designee informed the 115
juvenile arson offender and the parent, guardian, or custodian of 116
the juvenile arson offender's duties and that the juvenile arson 117
offender and the parent, guardian, or custodian indicated an 118
understanding of those duties. 119

(C) The attorney general shall prescribe the notice and the 120
form provided under division (B) of this section. The notice shall 121
include notice of the arson offender's or juvenile arson 122
offender's duties to reregister annually. 123

(D) The person providing the notice under division (B) of 124
this section shall provide a copy of the notice and signed form to 125
the arson offender or the juvenile arson offender's parent, 126
guardian, or custodian. The person providing the notice also shall 127
provide a copy of the signed form to the attorney general in 128
accordance with rules adopted by the attorney general pursuant to 129
Chapter 119. of the Revised Code. 130

Sec. 2909.15. (A) Each arson offender and juvenile arson 131
offender who has received notice pursuant to section 2909.14 of 132
the Revised Code shall register personally with the attorney 133
general or the attorney general's designee within the following 134
time periods: 135

(1) An arson offender who receives notice under division 136
(A)(1) of section 2909.14 of the Revised Code shall register 137
within ten days after the arson offender is released from a jail, 138
workhouse, state correctional institution, or other institution, 139
unless the arson offender is being transferred to the custody of 140
another jail, workhouse, state correctional institution, or other 141
institution. The arson offender is not required to register with 142
the attorney general prior to release. 143

(2) An arson offender who receives notice under division 144

(A)(2) of section 2929.14 of the Revised Code shall register 145
within ten days after the sentencing hearing. 146

(3) A juvenile arson offender who receives notice under 147
division (A)(3) of section 2929.14 of the Revised Code shall 148
register within ten days after the juvenile arson offender's 149
release from a secure correctional facility, unless the juvenile 150
arson offender is being transferred to the custody of another 151
secure correctional facility. If the juvenile arson offender has 152
been transferred to a jail, workhouse, state correctional 153
institution, or other institution after the juvenile court's 154
original order of disposition, the juvenile arson offender shall 155
register within ten days after the juvenile arson offender's 156
release from the jail, workhouse, state correctional institution, 157
or other institution, unless the juvenile arson offender is being 158
transferred to the custody of another jail, workhouse, state 159
correctional institution, or other institution. The juvenile arson 160
offender is not required to register with the attorney general 161
prior to release. 162

(4) A juvenile arson offender who receives notice under 163
division (A)(4) of section 2929.14 of the Revised Code shall 164
register within ten days after the dispositional hearing. 165

(B) Any person who is convicted of, pleads guilty to, has 166
been convicted of, has pleaded guilty to, or is or has been 167
adjudicated a delinquent child for a violation of any existing or 168
former municipal ordinance or law of another state or the United 169
States, or any existing or former law applicable in a military 170
court or in an Indian tribal court, that is or was substantially 171
equivalent to a violation of section 2909.02 or 2909.03 of the 172
Revised Code shall register personally with the attorney general 173
or the attorney general's designee within ten days after residing 174
in or occupying a dwelling in this state for more than three 175
consecutive days and shall reregister annually under division (D) 176

<u>of this section.</u>	177
<u>(C)(1) An arson offender or juvenile arson offender, or</u>	178
<u>person required to register as an arson offender or juvenile arson</u>	179
<u>offender pursuant to division (B) of this section, shall register</u>	180
<u>personally with the attorney general or the attorney general's</u>	181
<u>designee. The registrant shall provide all of the following</u>	182
<u>information and materials to the attorney general or attorney</u>	183
<u>general's designee:</u>	184
<u>(a) The arson offender's or juvenile arson offender's full</u>	185
<u>name and any alias used and the full name of the delinquent</u>	186
<u>child's parent, guardian, or custodian;</u>	187
<u>(b) The arson offender's or juvenile arson offender's</u>	188
<u>address;</u>	189
<u>(c) The arson offender's or juvenile arson offender's social</u>	190
<u>security number;</u>	191
<u>(d) Any driver's license number, commercial driver's license</u>	192
<u>number, or state identification card number issued to the arson</u>	193
<u>offender or juvenile arson offender by this or another state;</u>	194
<u>(e) The offense that the arson offender was convicted of or</u>	195
<u>pleaded guilty to or which comprised the acts that were the basis</u>	196
<u>for the juvenile arson offender's adjudication as a delinquent</u>	197
<u>child;</u>	198
<u>(f) The name and address of any place where the arson</u>	199
<u>offender or juvenile arson offender is employed;</u>	200
<u>(g) The name and address of any school or institution of</u>	201
<u>higher education that the arson offender or juvenile arson</u>	202
<u>offender is attending;</u>	203
<u>(h) The identification license plate number of each vehicle</u>	204
<u>owned or operated by the arson offender or juvenile arson offender</u>	205
<u>or registered in the arson offender's or juvenile arson offender's</u>	206

name, the vehicle identification number of each vehicle, and a 207
description of each vehicle; 208

(i) A description of any scars, tattoos, or other 209
distinguishing marks on the arson offender or juvenile arson 210
offender; 211

(j) Any other information required by the attorney general. 212

(2) The arson offender or juvenile arson offender shall 213
provide fingerprints and palm prints at the time of registration. 214
The attorney general or the attorney general's designee shall 215
obtain a photograph of the arson offender or juvenile arson 216
offender at the time of registration. 217

(D)(1) Each arson offender or juvenile arson offender shall 218
be required to reregister annually, in person, within ten days of 219
the arson offender's or juvenile arson offender's initial 220
registration date. The registrant shall amend any information 221
required under division (C) of this section that has changed since 222
the registrant's last registration and provide any additional 223
registration information required by the attorney general. The 224
attorney general or the attorney general's designee shall obtain a 225
new photograph of the arson offender or juvenile arson offender 226
annually when the offender reregisters. 227

(2)(a) Except as provided in division (D)(2)(b) of this 228
section, an arson offender's duty to reregister annually shall 229
continue until the arson offender's death. 230

(b) The judge may limit an arson offender's duty to 231
reregister at an arson offender's sentencing hearing to not less 232
than ten years if the judge receives a request from the prosecutor 233
and the investigating law enforcement agency to consider limiting 234
the arson offender's registration period. 235

(c) A juvenile arson offender shall reregister annually until 236
the juvenile arson offender is twenty-five years of age. If a 237

juvenile arson offender who is less than twenty-five years of age 238
is adjudicated delinquent for, convicted of, or pleads guilty to 239
another arson-related offense, the juvenile arson offender's duty 240
to reregister annually shall continue until the offender's death. 241

(3) The official in charge of a secure correctional facility, 242
jail, workhouse, state correctional institution, or other 243
institution shall notify the attorney general in accordance with 244
rules adopted by the attorney general pursuant to Chapter 119. of 245
the Revised Code if a registered arson offender or juvenile arson 246
offender is confined in the secure correctional facility, jail, 247
workhouse, state correctional institution, or other institution. 248

(E) The bureau of criminal identification and investigation 249
shall establish and maintain a registry of arson offenders and 250
juvenile arson offenders that includes the information and 251
materials obtained by the attorney general under division (C) of 252
this section. The bureau shall make the registry available to the 253
fire marshal's office, state and local law enforcement officers, 254
and firefighters through the Ohio law enforcement gateway or its 255
successor. The registry of arson offenders and juvenile arson 256
offenders maintained by the bureau is not a public record under 257
section 149.43 of the Revised Code. 258

(F) The attorney general shall collect a registration fee of 259
fifty dollars and an annual reregistration fee of twenty-five 260
dollars from each arson offender or juvenile arson offender. The 261
fees shall be used for the maintenance of the registry of arson 262
offenders and juvenile arson offenders. The attorney general may 263
waive a fee for an indigent arson offender or juvenile arson 264
offender. 265

(G) Whoever fails to register or reregister as required by 266
this section is guilty of a felony of the fifth degree. If the 267
violation occurs while the person is under eighteen years of age, 268
the person is subject to proceedings under Chapter 2152. of the 269

Revised Code based on the violation. If an arson offender or 270
juvenile arson offender is subject to a community control 271
sanction, is on parole, is subject to one or more post-release 272
control sanctions, or is subject to any other type of supervised 273
release at the time of the violation, the violation shall 274
constitute a violation of the terms and conditions of the 275
community control sanction, parole, post-release control sanction, 276
or other type of supervised released. If a juvenile arson 277
offender's failure occurs while the offender is less than eighteen 278
years of age, unless the child is emancipated as defined in 279
section 2919.121 of the Revised Code, the failure of the parent, 280
guardian, or custodian to ensure that the juvenile arson offender 281
registers with the attorney general as required under this section 282
is a violation of this section and may result in the prosecution 283
of the parent, guardian, or custodian for that violation. 284