

As Introduced

**127th General Assembly
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S. B. No. 97

Senator Stivers

Cosponsors: Senators Schaffer, Faber, Clancy, Bocchieri, Mumper, Austria

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A B I L L

To amend section 2950.99 and to enact section 1
2950.131 of the Revised Code to modify the 2
penalties for violations of the Sexual Offender 3
Registration and Notification Law, to require the 4
inclusion of specified information on the 5
statewide and county sheriffs' internet sex 6
offender and child-victim offender databases, and 7
to declare an emergency. 8

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

Section 1. That section 2950.99 be amended and section 9
2950.131 of the Revised Code be enacted to read as follows: 10

Sec. 2950.131. (A) By January 1, 2008, the bureau of criminal 11
identification and investigation, with the assistance of the 12
office of criminal justice services, shall include on the internet 13
sex offender and child-victim offender database established and 14
operated pursuant to division (A)(11) of section 2950.13 of the 15
Revised Code a link to educational information for the public on 16
current research about sex offenders and child-victim offenders. 17
Each sheriff who has established on the internet a sex offender 18
and child-victim offender database shall include a link to this 19

information on the sheriff's internet database. 20

(B) By January 1, 2008, the internet sex offender and 21
child-victim offender database established and operated pursuant 22
to division (A)(11) of section 2950.13 of the Revised Code and 23
each sheriff's internet sex offender and child-victim offender 24
database is required to inform offenders and tier III juvenile 25
offender registrants that they may contact the sheriff of the 26
county in which the offender or delinquent child registered an 27
address if the offender or delinquent child believes that 28
information contained on the internet sex offender and 29
child-victim offender database or sheriff's internet sex offender 30
and child-victim offender database pertaining to the offender or 31
delinquent child is incorrect. 32

Sec. 2950.99. (A)(1)(a) Except as otherwise provided in 33
division (A)(1)(b) of this section, whoever violates a prohibition 34
in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 35
Code shall be punished as follows: 36

(i) If the most serious sexually oriented offense or 37
child-victim oriented offense that was the basis of the 38
registration, notice of intent to reside, change of address 39
notification, or address verification requirement that was 40
violated under the prohibition is aggravated murder, murder, or a 41
felony of the first, second, ~~or~~ third, or fourth degree if 42
committed by an adult or a comparable category of offense 43
committed in another jurisdiction, the offender is guilty of a 44
felony of the ~~third~~ same degree as the most serious sexually 45
oriented offense or child-victim oriented offense that was the 46
basis of the registration, notice of intent to reside, change of 47
address, or address verification requirement that was violated 48
under the prohibition, or, if the most serious sexually oriented 49
offense or child-victim oriented offense that was the basis of the 50

registration, notice of intent to reside, change of address, or 51
address verification requirement that was violated under the 52
prohibition is a comparable category of offense committed in 53
another jurisdiction, the offender is guilty of a felony of the 54
same degree as that offense committed in the other jurisdiction 55
would constitute if committed in this state. 56

(ii) If the most serious sexually oriented offense or 57
child-victim oriented offense that was the basis of the 58
registration, notice of intent to reside, change of address 59
notification, or address verification requirement that was 60
violated under the prohibition is a felony of the ~~fourth or fifth~~ 61
degree or a misdemeanor if committed by an adult or a comparable 62
category of offense committed in another jurisdiction, ~~or if the~~ 63
~~most serious sexually oriented offense or child victim oriented~~ 64
~~offense that was the basis of the registration, notice of intent~~ 65
~~to reside, change of address notification, or address verification~~ 66
~~requirement that was violated under the prohibition is a~~ 67
~~misdemeanor if committed by an adult or a comparable category of~~ 68
~~offense committed in another jurisdiction, the offender is guilty~~ 69
~~of a felony of the same fourth degree or a misdemeanor of the same~~ 70
~~degree as 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, or~~ 73
~~address verification requirement that was violated under the~~ 74
~~prohibition or, if the most serious sexually oriented offense or~~ 75
~~child victim oriented offense that was the basis of the~~ 76
~~registration, notice of intent to reside, change of address, or~~ 77
~~address verification requirement that was violated under the~~ 78
~~prohibition was a comparable category of offense committed in~~ 79
~~another jurisdiction, the offender is guilty of a felony of the~~ 80
~~same degree or a misdemeanor of the same degree as that offense~~ 81
~~committed in the other jurisdiction would constitute or would have~~ 82
~~constituted if it had been committed in this state.~~ 83

(b) If the offender previously has been convicted of or 84
pleaded guilty to, or previously has been adjudicated a delinquent 85
child for committing, a violation of a prohibition in section 86
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 87
whoever violates a prohibition in section 2950.04, 2950.041, 88
2950.05, or 2950.06 of the Revised Code shall be punished as 89
follows: 90

(i) If the most serious sexually oriented offense or 91
child-victim oriented offense that was the basis of the 92
registration, notice of intent to reside, change of address 93
notification, or address verification requirement that was 94
violated under the prohibition is aggravated murder, murder, or a 95
felony of the first, second, or third, ~~or fourth~~ degree if 96
committed by an adult or a comparable category of offense 97
committed in another jurisdiction, the offender is guilty of a 98
felony of the ~~third~~ same degree as the most serious sexually 99
oriented offense or child-victim oriented offense that was the 100
basis of the registration, notice of intent to reside, change of 101
address, or address verification requirement that was violated 102
under the prohibition, or, if the most serious sexually oriented 103
offense or child-victim oriented offense that was the basis of the 104
registration, notice of intent to reside, change of address, or 105
address verification requirement that was violated under the 106
prohibition in a comparable category of offense committed in 107
another jurisdiction, the offender is guilty of a felony of the 108
same degree as that offense committed in the other jurisdiction 109
would constitute if committed in this state. 110

(ii) If the most serious sexually oriented offense or 111
child-victim oriented offense that was the basis of the 112
registration, notice of intent to reside, change of address 113
notification, or address verification requirement that was 114
violated under the prohibition is a felony of the fourth or fifth 115

degree ~~or a misdemeanor~~ if committed by an adult or a comparable 116
category of offense committed in another jurisdiction, the 117
offender is guilty of a felony of the ~~fourth~~ third degree. 118

~~(iii) If the most serious sexually oriented offense or 119
child victim oriented offense that was the basis of the 120
registration, notice of intent to reside, change of address 121
notification, or address verification requirement that was 122
violated under the prohibition is a misdemeanor of the first 123
degree if committed by an adult or a comparable category of 124
offense committed in another jurisdiction, the offender is guilty 125
of a felony of the fifth degree. 126~~

~~(iv) If the most serious sexually oriented offense or 127
child victim oriented offense that was the basis of the 128
registration, notice of intent to reside, change of address 129
notification, or address verification requirement that was 130
violated under the prohibition is a misdemeanor other than a 131
misdemeanor of the first degree if committed by an adult or a 132
comparable category of offense committed in another jurisdiction, 133
the offender is guilty of a misdemeanor that is one degree higher 134
than the most serious sexually oriented offense or child victim 135
oriented offense that was the basis of the registration, change of 136
address, or address verification requirement that was violated 137
under the prohibition or, if the most serious sexually oriented 138
offense or child victim oriented offense that was the basis of the 139
registration, notice of intent to reside, change of address, or 140
address verification requirement that was violated under the 141
prohibition was a comparable category of offense committed in 142
another jurisdiction, the offender is guilty of a misdemeanor that 143
is one degree higher than the most serious sexually oriented 144
offense or child victim oriented offense committed in the other 145
jurisdiction would constitute or would have constituted if it had 146
been committed in this state. 147~~

(2)(a) In addition to any penalty or sanction imposed under 148
division (A)(1) of this section or any other provision of law for 149
a violation of a prohibition in section 2950.04, 2950.041, 150
2950.05, or 2950.06 of the Revised Code, if the offender or 151
delinquent child is subject to a community control sanction, is on 152
parole, is subject to one or more post-release control sanctions, 153
or is subject to any other type of supervised release at the time 154
of the violation, the violation shall constitute a violation of 155
the terms and conditions of the community control sanction, 156
parole, post-release control sanction, or other type of supervised 157
release. 158

(b) In addition to any penalty or sanction imposed under 159
division (A)(1) of this section or any other provision of law for 160
a violation of a prohibition in section 2950.04, 2950.041, 161
2950.05, or 2950.06 of the Revised Code, if the offender 162
previously has been convicted of or pleaded guilty to, or 163
previously has been adjudicated a delinquent child for committing, 164
a violation of a prohibition in section 2950.04, 2950.041, 165
2950.05, or 2950.06 of the Revised Code, the court imposing a 166
sentence upon the offender shall impose a definite prison term of 167
no less than three years. The definite prison term imposed under 168
this section is not restricted by division (B) of section 2929.14 169
of the Revised Code and shall not be reduced to less than three 170
years pursuant to Chapter 2967. or any other provision of the 171
Revised Code. 172

(3) As used in division (A)(1) of this section, "comparable 173
category of offense committed in another jurisdiction" means a 174
sexually oriented offense or child-victim oriented offense that 175
was the basis of the registration, notice of intent to reside, 176
change of address notification, or address verification 177
requirement that was violated, that is a violation of an existing 178
or former law of another state or the United States, an existing 179

or former law applicable in a military court or in an Indian 180
tribal court, or an existing or former law of any nation other 181
than the United States, and that, if it had been committed in this 182
state, would constitute or would have constituted aggravated 183
murder, murder, or a felony of the first, second, ~~or~~ third, or 184
fourth degree for purposes of division (A)(1)(a)(i) of this 185
section, a felony of the ~~fourth or~~ fifth degree or a misdemeanor 186
for purposes of division (A)(1)(a)(ii) of this section, aggravated 187
murder, murder, or a felony of the first, second, or ~~third, or~~ 188
~~fourth~~ degree for purposes of division (A)(1)(b)(i) of this 189
section, or a felony of the fourth or fifth degree or a 190
misdemeanor for purposes of division (A)(1)(b)(ii) of this 191
section, ~~a misdemeanor of the first degree for purposes of~~ 192
~~division (A)(1)(b)(iii) of this section, or a misdemeanor other~~ 193
~~than a misdemeanor of the first degree for purposes of division~~ 194
~~(A)(1)(b)(iv) of this section.~~ 195

(B) If a person violates a prohibition in section 2950.04, 196
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 197
the person as a result of the person being adjudicated a 198
delinquent child and being classified a juvenile offender 199
registrant, a tier III juvenile offender registrant, or ~~as~~ an 200
out-of-state juvenile offender registrant, both of the following 201
apply: 202

(1) If the violation occurs while the person is under 203
eighteen years of age, the person is subject to proceedings under 204
Chapter 2152. of the Revised Code based on the violation. 205

(2) If the violation occurs while the person is eighteen 206
years of age or older, the person is subject to criminal 207
prosecution based on the violation. 208

(C) Whoever violates division (C) of section 2950.13 of the 209
Revised Code is guilty of a misdemeanor of the first degree. 210

Section 2. That existing section 2950.99 of the Revised Code 211
is hereby repealed. 212

Section 3. The amendment to section 2950.99 of the Revised 213
Code that is made by Sections 1 and 2 of this act and the 214
enactment of section 2950.131 of the Revised Code by Section 1 of 215
the act shall take effect on January 1, 2008. 216

Section 4. Sections 1 to 3 of this act shall take effect July 217
1, 2007. 218

Section 5. This act is hereby declared to be an emergency 219
measure necessary for the immediate preservation of the public 220
peace, health, and safety. The reason for such necessity is that 221
the changes to the state's Sex Offender Registration and 222
Notification Law made by this act are crucially needed to provide 223
increased protection and security for the state's residents from 224
persons who have been convicted of, or found to be delinquent for 225
committing, a sexually oriented offense or a child-victim oriented 226
offense and to conform that Law by July 1, 2007, to recently 227
enacted requirements of federal law. Therefore, this act shall go 228
into immediate effect. 229