

As Passed by the Senate

**127th General Assembly
Regular Session
2007-2008**

Sub. S. B. No. 97

Senator Stivers

**Cosponsors: Senators Schaffer, Faber, Clancy, Bocchieri, Mumper, Austria,
Goodman, Harris, Padgett, Spada, Wilson, Cates**

—

A BILL

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 public 25
registry-qualified juvenile offender registrants that they may 26
contact the sheriff of the county in which the offender or 27
delinquent child registered an address if the offender or 28
delinquent child believes that information contained on the 29
internet sex offender and child-victim offender database or 30
sheriff's internet sex offender and child-victim offender database 31
pertaining to the offender or 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 that was 37
the basis of the registration, notice of intent to reside, change 38
of address notification, or address verification requirement that 39
was violated under the prohibition is aggravated murder or murder 40
if committed by an adult or a comparable category of offense 41
committed in another jurisdiction, the offender is guilty of a 42
felony of the first degree. 43

(ii) If the most serious sexually oriented offense or 44
child-victim oriented offense that was the basis of the 45
registration, notice of intent to reside, change of address 46
notification, or address verification requirement that was 47
violated under the prohibition is ~~aggravated murder, murder, or a~~ 48
felony of the first, second, ~~or~~ third, or fourth degree if 49

committed by an adult or a comparable category of offense 50
committed in another jurisdiction, the offender is guilty of a 51
felony of the ~~third~~ same degree as the most serious sexually 52
oriented offense or child-victim oriented offense that was the 53
basis of the registration, notice of intent to reside, change of 54
address, or address verification requirement that was violated 55
under the prohibition, or, if the most serious sexually oriented 56
offense or child-victim oriented offense that was the basis of the 57
registration, notice of intent to reside, change of address, or 58
address verification requirement that was violated under the 59
prohibition is a comparable category of offense committed in 60
another jurisdiction, the offender is guilty of a felony of the 61
same degree as that offense committed in the other jurisdiction 62
would constitute if committed in this state. 63

~~(ii)(iii)~~ If the most serious sexually oriented offense or 64
child-victim oriented offense that was the basis of the 65
registration, notice of intent to reside, change of address 66
notification, or address verification requirement that was 67
violated under the prohibition is a felony of the ~~fourth or fifth~~ 68
degree or a misdemeanor if committed by an adult or a comparable 69
category of offense committed in another jurisdiction, ~~or if the~~ 70
~~most serious sexually oriented offense or child victim oriented~~ 71
~~offense that was the basis of the registration, notice of intent~~ 72
~~to reside, change of address notification, or address verification~~ 73
~~requirement that was violated under the prohibition is a~~ 74
~~misdemeanor if committed by an adult or a comparable category of~~ 75
~~offense committed in another jurisdiction, the offender is guilty~~ 76
of a felony of the same fourth degree ~~or a misdemeanor of the same~~ 77
degree ~~as the most serious sexually oriented offense or~~ 78
~~child victim oriented offense that was the basis of the~~ 79
~~registration, notice of intent to reside, change of address, or~~ 80
~~address verification requirement that was violated under the~~ 81
~~prohibition or, if the most serious sexually oriented offense or~~ 82

~~child victim oriented offense that was the basis of the 83
registration, notice of intent to reside, change of address, or 84
address verification requirement that was violated under the 85
prohibition was a comparable category of offense committed in 86
another jurisdiction, the offender is guilty of a felony of the 87
same degree or a misdemeanor of the same degree as that offense 88
committed in the other jurisdiction would constitute or would have 89
constituted if it had been committed in this state. 90~~

(b) If the offender previously has been convicted of or 91
pleaded guilty to, or previously has been adjudicated a delinquent 92
child for committing, a violation of a prohibition in section 93
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 94
whoever violates a prohibition in section 2950.04, 2950.041, 95
2950.05, or 2950.06 of the Revised Code shall be punished as 96
follows: 97

(i) If the most serious sexually oriented offense that was 98
the basis of the registration, notice of intent to reside, change 99
of address notification, or address verification requirement that 100
was violated under the prohibition is aggravated murder or murder 101
if committed by an adult or a comparable category of offense 102
committed in another jurisdiction, the offender is guilty of a 103
felony of the first degree. 104

(ii) If the most serious sexually oriented offense or 105
child-victim oriented offense that was the basis of the 106
registration, notice of intent to reside, change of address 107
notification, or address verification requirement that was 108
violated under the prohibition is ~~aggravated murder, murder, or a 109
felony of the first, second, or third, or fourth degree if 110
committed by an adult or a comparable category of offense 111
committed in another jurisdiction, the offender is guilty of a 112
felony of the ~~third~~ same degree as the most serious sexually 113
oriented offense or child-victim oriented offense that was the 114~~

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 is a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the same degree as that offense committed in the other jurisdiction would constitute if committed in this state.

~~(ii)(iii)~~ 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 or 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 ~~fourth~~ third degree.

~~(iii) 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 of the first degree if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the fifth degree.~~

~~(iv) 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 other than a misdemeanor of the first degree if committed by an adult or a~~

~~comparable category of offense committed in another jurisdiction, 147
the offender is guilty of a misdemeanor that is one degree higher 148
than the most serious sexually oriented offense or child victim 149
oriented offense that was the basis of the registration, change of 150
address, or address verification requirement that was violated 151
under the prohibition or, if the most serious sexually oriented 152
offense or child victim oriented offense that was the basis of the 153
registration, notice of intent to reside, change of address, or 154
address verification requirement that was violated under the 155
prohibition was a comparable category of offense committed in 156
another jurisdiction, the offender is guilty of a misdemeanor that 157
is one degree higher than the most serious sexually oriented 158
offense or child victim oriented offense committed in the other 159
jurisdiction would constitute or would have constituted if it had 160
been committed in this state. 161~~

(2)(a) In addition to any penalty or sanction imposed under 162
division (A)(1) of this section or any other provision of law for 163
a violation of a prohibition in section 2950.04, 2950.041, 164
2950.05, or 2950.06 of the Revised Code, if the offender or 165
delinquent child is subject to a community control sanction, is on 166
parole, is subject to one or more post-release control sanctions, 167
or is subject to any other type of supervised release at the time 168
of the violation, the violation shall constitute a violation of 169
the terms and conditions of the community control sanction, 170
parole, post-release control sanction, or other type of supervised 171
release. 172

(b) In addition to any penalty or sanction imposed under 173
division (A)(1) of this section or any other provision of law for 174
a violation of a prohibition in section 2950.04, 2950.041, 175
2950.05, or 2950.06 of the Revised Code, if the offender 176
previously has been convicted of or pleaded guilty to, or 177
previously has been adjudicated a delinquent child for committing, 178

a violation of a prohibition in section 2950.04, 2950.041, 179
2950.05, or 2950.06 of the Revised Code, the court imposing a 180
sentence upon the offender shall impose a definite prison term of 181
no less than three years. The definite prison term imposed under 182
this section is not restricted by division (B) of section 2929.14 183
of the Revised Code and shall not be reduced to less than three 184
years pursuant to Chapter 2967. or any other provision of the 185
Revised Code. 186

(3) As used in division (A)(1) of this section, "comparable 187
category of offense committed in another jurisdiction" means a 188
sexually oriented offense or child-victim oriented offense that 189
was the basis of the registration, notice of intent to reside, 190
change of address notification, or address verification 191
requirement that was violated, that is a violation of an existing 192
or former law of another state or the United States, an existing 193
or former law applicable in a military court or in an Indian 194
tribal court, or an existing or former law of any nation other 195
than the United States, and that, if it had been committed in this 196
state, would constitute or would have constituted aggravated 197
murder, or murder for purposes of division (A)(1)(a)(i) of this 198
section, or a felony of the first, second, or third, or fourth 199
degree for purposes of division (A)(1)(a)(~~i~~)(ii) of this section, 200
a felony of the ~~fourth~~ or fifth degree or a misdemeanor for 201
purposes of division (A)(1)(a)(~~ii~~)(iii) of this section, 202
aggravated murder, or murder for purposes of division (A)(1)(b)(i) 203
of this section, or a felony of the first, second, or third, or 204
~~fourth~~ degree for purposes of division (A)(1)(b)(~~i~~)(ii) of this 205
section, or a felony of the fourth or fifth degree or a 206
misdemeanor for purposes of division (A)(1)(b)(~~ii~~)(iii) of this 207
section, ~~a misdemeanor of the first degree for purposes of 208~~
~~division (A)(1)(b)(iii) of this section, or a misdemeanor other 209~~
~~than a misdemeanor of the first degree for purposes of division 210~~
~~(A)(1)(b)(iv) of this section. 211~~

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

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

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

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

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

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

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

Section 5. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that the changes to the state's Sex Offender Registration and Notification Law made by this act are crucially needed to provide increased protection and security for the state's residents from persons who have been convicted of, or found to be delinquent for

committing, a sexually oriented offense or a child-victim oriented	241
offense and to conform that Law by July 1, 2007, to recently	242
enacted requirements of federal law. Therefore, this act shall go	243
into immediate effect.	244