

**As Reported by the Senate Judiciary--Criminal Justice Committee**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Sub. 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 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 115~~

address, or address verification requirement that was violated 116  
under the prohibition, or, if the most serious sexually oriented 117  
offense or child-victim oriented offense that was the basis of the 118  
registration, notice of intent to reside, change of address, or 119  
address verification requirement that was violated under the 120  
prohibition is a comparable category of offense committed in 121  
another jurisdiction, the offender is guilty of a felony of the 122  
same degree as that offense committed in the other jurisdiction 123  
would constitute if committed in this state. 124

~~(ii)(iii)~~ If the most serious sexually oriented offense or 125  
child-victim oriented offense that was the basis of the 126  
registration, notice of intent to reside, change of address 127  
notification, or address verification requirement that was 128  
violated under the prohibition is a felony of the fourth or fifth 129  
degree or a misdemeanor if committed by an adult or a comparable 130  
category of offense committed in another jurisdiction, the 131  
offender is guilty of a felony of the ~~fourth~~ third degree. 132

~~(iii)~~ ~~If the most serious sexually oriented offense or~~ 133  
~~child victim oriented offense that was the basis of the~~ 134  
~~registration, notice of intent to reside, change of address~~ 135  
~~notification, or address verification requirement that was~~ 136  
~~violated under the prohibition is a misdemeanor of the first~~ 137  
~~degree if committed by an adult or a comparable category of~~ 138  
~~offense committed in another jurisdiction, the offender is guilty~~ 139  
~~of a felony of the fifth degree.~~ 140

~~(iv)~~ ~~If the most serious sexually oriented offense or~~ 141  
~~child victim oriented offense that was the basis of the~~ 142  
~~registration, notice of intent to reside, change of address~~ 143  
~~notification, or address verification requirement that was~~ 144  
~~violated under the prohibition is a misdemeanor other than a~~ 145  
~~misdemeanor of the first degree if committed by an adult or a~~ 146  
~~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)(~~ii~~)(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)(~~ii~~)(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, 212  
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 213  
the person as a result of the person being adjudicated a 214  
delinquent child and being classified a juvenile offender 215  
registrant or ~~as~~ an out-of-state juvenile offender registrant, 216  
both of the following apply: 217

(1) If the violation occurs while the person is under 218  
eighteen years of age, the person is subject to proceedings under 219  
Chapter 2152. of the Revised Code based on the violation. 220

(2) If the violation occurs while the person is eighteen 221  
years of age or older, the person is subject to criminal 222  
prosecution based on the violation. 223

(C) Whoever violates division (C) of section 2950.13 of the 224  
Revised Code is guilty of a misdemeanor of the first degree. 225

**Section 2.** That existing section 2950.99 of the Revised Code 226  
is hereby repealed. 227

**Section 3.** The amendment to section 2950.99 of the Revised 228  
Code that is made by Sections 1 and 2 of this act and the 229  
enactment of section 2950.131 of the Revised Code by Section 1 of 230  
the act shall take effect on January 1, 2008. 231

**Section 4.** Sections 1 to 3 of this act shall take effect July 232  
1, 2007. 233

**Section 5.** This act is hereby declared to be an emergency 234  
measure necessary for the immediate preservation of the public 235  
peace, health, and safety. The reason for such necessity is that 236  
the changes to the state's Sex Offender Registration and 237  
Notification Law made by this act are crucially needed to provide 238  
increased protection and security for the state's residents from 239  
persons who have been convicted of, or found to be delinquent for 240



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