

As Introduced

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Representatives Heard, Harris

**Cosponsors: Representatives Phillips, Williams, S., Newcomb, Mallory,
DeBose, Murray, Williams, B., Okey, Luckie**

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A B I L L

To amend sections 2950.034 and 2950.99 of the Revised 1
Code to provide that any person required to 2
register under Ohio's Sex Offender Registration 3
and Notification Law who establishes or occupies 4
residential premises within one thousand feet of 5
any school premises, recreation center, 6
playground, or other place where it is reasonable 7
to expect children to frequent or linger is guilty 8
of a misdemeanor of the first degree and to 9
require a court to order a violator to vacate the 10
premises as part of any injunctive relief granted 11
for the violation. 12

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

Section 1. That sections 2950.034 and 2950.99 of the Revised 13
Code be amended to read as follows: 14

Sec. 2950.034. (A) No person who ~~has been convicted of,~~ is 15
~~convicted of, has pleaded guilty to, or pleads guilty to a~~ 16
~~sexually oriented offense or a child victim oriented offense~~ 17
required to register pursuant to section 2950.04 or 2950.041 of 18

the Revised Code shall establish a residence or occupy residential premises within one thousand feet of any school premises ~~or~~, preschool or child day-care center premises, recreation center, playground, or other place where it is reasonable to expect children to frequent or linger.

(B) If a person to whom division (A) of this section applies violates division (A) of this section by establishing a residence or occupying residential premises within one thousand feet of any school premises ~~or~~, preschool or child day-care center premises, recreation center, playground, or other place where it is reasonable to expect children to frequent or linger, an owner or lessee of real property that is located within one thousand feet of those school premises or preschool or child day-care center premises or that recreation center, playground, or other place where it is reasonable to expect children to frequent or linger, or the prosecuting attorney, village solicitor, city or township director of law, similar chief legal officer of a municipal corporation or township, or official designated as a prosecutor in a municipal corporation that has jurisdiction over the place at which the person establishes the residence or occupies the residential premises in question, has a cause of action for injunctive relief against the person. The plaintiff shall not be required to prove irreparable harm in order to obtain the relief. In addition to any other injunctive relief granted pursuant to this division, the court shall order any person in violation of division (A) of this section to vacate the person's residence established or residential premises occupied in violation of division (A) of this section. The court may punish as contempt of court a person's failure to comply with a court order issued under this division within thirty days after being served with the order. The thirty-day period for a person to comply with a court order issued under this division shall not run during the pendency of the person's appeal of the court order.

(C) As used in this section:	52
(1) "Child day-care center" has the same meaning as in section 5104.01 of the Revised Code.	53 54
(2) "Preschool" means any public or private institution or center that provides early childhood instructional or educational services to children who are at least three years of age but less than six years of age and who are not enrolled in or are not eligible to be enrolled in kindergarten, whether or not those services are provided in a child day-care setting. "Preschool" does not include any place that is the permanent residence of the person who is providing the early childhood instructional or educational services to the children described in this division.	55 56 57 58 59 60 61 62 63
(3) "Preschool or child day-care center premises" means all of the following:	64 65
(a) Any building in which any preschool or child day-care center activities are conducted if the building has signage that indicates that the building houses a preschool or child day-care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply;	66 67 68 69 70
(b) The parcel of real property on which a preschool or child day-care center is situated if the parcel of real property has signage that indicates that a preschool or child day-care center is situated on the parcel, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply;	71 72 73 74 75 76
(c) Any grounds, play areas, and other facilities of a preschool or child day-care center that are regularly used by the children served by the preschool or child day-care center if the grounds, play areas, or other facilities have signage that indicates that they are regularly used by children served by the preschool or child day-care center, is clearly visible and	77 78 79 80 81 82

discernable without obstruction, and meets any local zoning 83
ordinances which may apply. 84

Sec. 2950.99. (A)(1)(a) Except as otherwise provided in 85
division (A)(1)(b) of this section, whoever violates a prohibition 86
in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 87
Code shall be punished as follows: 88

(i) If the most serious sexually oriented offense that was 89
the basis of the registration, notice of intent to reside, change 90
of address notification, or address verification requirement that 91
was violated under the prohibition is aggravated murder or murder 92
if committed by an adult or a comparable category of offense 93
committed in another jurisdiction, the offender is guilty of a 94
felony of the first degree. 95

(ii) If the most serious sexually oriented offense or 96
child-victim oriented offense that was the basis of the 97
registration, notice of intent to reside, change of address 98
notification, or address verification requirement that was 99
violated under the prohibition is a felony of the first, second, 100
third, or fourth degree if committed by an adult or a comparable 101
category of offense committed in another jurisdiction, the 102
offender is guilty of a felony of the same degree as the most 103
serious sexually oriented offense or child-victim oriented offense 104
that was the basis of the registration, notice of intent to 105
reside, change of address, or address verification requirement 106
that was violated under the prohibition, or, if the most serious 107
sexually oriented offense or child-victim oriented offense that 108
was the basis of the registration, notice of intent to reside, 109
change of address, or address verification requirement that was 110
violated under the prohibition is a comparable category of offense 111
committed in another jurisdiction, the offender is guilty of a 112
felony of the same degree as that offense committed in the other 113

jurisdiction would constitute if committed in this state. 114

(iii) If the most serious sexually oriented offense or 115
child-victim oriented offense that was the basis of the 116
registration, notice of intent to reside, change of address 117
notification, or address verification requirement that was 118
violated under the prohibition is a felony of the fifth degree or 119
a misdemeanor if committed by an adult or a comparable category of 120
offense committed in another jurisdiction, the offender is guilty 121
of a felony of the fourth degree. 122

(b) If the offender previously has been convicted of or 123
pleaded guilty to, or previously has been adjudicated a delinquent 124
child for committing, a violation of a prohibition in section 125
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 126
whoever violates a prohibition in section 2950.04, 2950.041, 127
2950.05, or 2950.06 of the Revised Code shall be punished as 128
follows: 129

(i) If the most serious sexually oriented offense that was 130
the basis of the registration, notice of intent to reside, change 131
of address notification, or address verification requirement that 132
was violated under the prohibition is aggravated murder or murder 133
if committed by an adult or a comparable category of offense 134
committed in another jurisdiction, the offender is guilty of a 135
felony of the first degree. 136

(ii) If the most serious sexually oriented offense or 137
child-victim oriented offense that was the basis of the 138
registration, notice of intent to reside, change of address 139
notification, or address verification requirement that was 140
violated under the prohibition is a felony of the first, second, 141
or third degree if committed by an adult or a comparable category 142
of offense committed in another jurisdiction, the offender is 143
guilty of a felony of the same degree as the most serious sexually 144
oriented offense or child-victim oriented offense that was the 145

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.

(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 if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the third 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 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 degree.

(2)(a) In addition to any penalty or sanction imposed under division (A)(1) of this section or any other provision of law for a violation of a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the offender or delinquent child is subject to a community control sanction, is on parole, is subject to one or more post-release control sanctions,

or is subject to any other type of supervised release at the time 178
of the violation, the violation shall constitute a violation of 179
the terms and conditions of the community control sanction, 180
parole, post-release control sanction, or other type of supervised 181
release. 182

(b) In addition to any penalty or sanction imposed under 183
division (A)(1)(b)(i), (ii), or (iii) of this section or any other 184
provision of law for a violation of a prohibition in section 185
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the 186
offender previously has been convicted of or pleaded guilty to, or 187
previously has been adjudicated a delinquent child for committing, 188
a violation of a prohibition in section 2950.04, 2950.041, 189
2950.05, or 2950.06 of the Revised Code when the most serious 190
sexually oriented offense or child-victim oriented offense that 191
was the basis of the requirement that was violated under the 192
prohibition is a felony if committed by an adult or a comparable 193
category of offense committed in another jurisdiction, the court 194
imposing a sentence upon the offender shall impose a definite 195
prison term of no less than three years. The definite prison term 196
imposed under this section is not restricted by division (B) of 197
section 2929.14 of the Revised Code and shall not be reduced to 198
less than three years pursuant to Chapter 2967. or any other 199
provision of the Revised Code. 200

(3) As used in division (A)(1) of this section, "comparable 201
category of offense committed in another jurisdiction" means a 202
sexually oriented offense or child-victim oriented offense that 203
was the basis of the registration, notice of intent to reside, 204
change of address notification, or address verification 205
requirement that was violated, that is a violation of an existing 206
or former law of another state or the United States, an existing 207
or former law applicable in a military court or in an Indian 208
tribal court, or an existing or former law of any nation other 209

than the United States, and that, if it had been committed in this 210
state, would constitute or would have constituted aggravated 211
murder or murder for purposes of division (A)(1)(a)(i) of this 212
section, a felony of the first, second, third, or fourth degree 213
for purposes of division (A)(1)(a)(ii) of this section, a felony 214
of the fifth degree or a misdemeanor for purposes of division 215
(A)(1)(a)(iii) of this section, aggravated murder or murder for 216
purposes of division (A)(1)(b)(i) of this section, a felony of the 217
first, second, or third degree for purposes of division 218
(A)(1)(b)(ii) of this section, a felony of the fourth or fifth 219
degree for purposes of division (A)(1)(b)(iii) of this section, or 220
a misdemeanor for purposes of division (A)(1)(b)(iv) of this 221
section. 222

(B) If a person violates a prohibition in section 2950.04, 223
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 224
the person as a result of the person being adjudicated a 225
delinquent child and being classified a juvenile offender 226
registrant or an out-of-state juvenile offender registrant, both 227
of the following apply: 228

(1) If the violation occurs while the person is under 229
eighteen years of age, the person is subject to proceedings under 230
Chapter 2152. of the Revised Code based on the violation. 231

(2) If the violation occurs while the person is eighteen 232
years of age or older, the person is subject to criminal 233
prosecution based on the violation. 234

(C) Whoever violates division (C) of section 2950.13 of the 235
Revised Code is guilty of a misdemeanor of the first degree. 236

(D) Whoever violates division (A) of section 2950.034 of the 237
Revised Code is guilty of a misdemeanor of the first degree. 238

Section 2. That existing sections 2950.034 and 2950.99 of the 239
Revised Code are hereby repealed. 240