

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 13**

**Representatives Garrison, Harris**

**Cosponsors: Representatives Yuko, Newcomb, Hagan, Murray, Phillips,  
Williams, B., DeBose, Bolon, Okey, Luckie, Fende, Lundy, Williams, S.,  
Heard, Chandler**

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**A BILL**

To amend section 2950.99 and to enact section 1  
2950.035 of the Revised Code to prohibit Tier III 2  
sex offender/child victim offenders who have 3  
committed specified offenses against a victim 4  
under 16 years of age from knowingly being present 5  
on school premises or preschool or child day-care 6  
center premises. 7

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

**Section 1.** That section 2950.99 be amended and section 8  
2950.035 of the Revised Code be enacted to read as follows: 9

**Sec. 2950.035.** (A) No person who is eighteen years of age or 10  
older, who is convicted of, pleads guilty to, has been convicted 11  
of, or has pleaded guilty to any sexually oriented offense listed 12  
in division (G)(1)(a), (c), (d), or (e) of section 2950.01 of the 13  
Revised Code, whose victim was under sixteen years of age at the 14  
time of the commission of that offense, and who is classified a 15  
tier III sex offender/child-victim offender relative to that 16  
offense shall knowingly be present on school premises or preschool 17

or child day-care center premises. 18

(B) No person who is eighteen years of age or older, who is 19  
convicted of, pleads guilty to, has been convicted of, or has 20  
pleaded guilty to a violation of division (B) of section 2907.05 21  
of the Revised Code, and who is classified a tier III sex 22  
offender/child-victim offender relative to that offense, shall 23  
knowingly be present on school premises or preschool or child 24  
day-care center premises. 25

(C) As used in this section, "preschool or child day-care 26  
center premises" has the same meaning as in section 2950.034 of 27  
the Revised Code. 28

**Sec. 2950.99.** (A)(1)(a) Except as otherwise provided in 29  
division (A)(1)(b) of this section, whoever violates a prohibition 30  
in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 31  
Code shall be punished as follows: 32

(i) If the most serious sexually oriented offense that was 33  
the basis of the registration, notice of intent to reside, change 34  
of address notification, or address verification requirement that 35  
was violated under the prohibition is aggravated murder or murder 36  
if committed by an adult or a comparable category of offense 37  
committed in another jurisdiction, the offender is guilty of a 38  
felony of the first degree. 39

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

that was the basis of the registration, notice of intent to 49  
reside, change of address, or address verification requirement 50  
that was violated under the prohibition, or, if the most serious 51  
sexually oriented offense or child-victim oriented offense that 52  
was the basis of the registration, notice of intent to reside, 53  
change of address, or address verification requirement that was 54  
violated under the prohibition is a comparable category of offense 55  
committed in another jurisdiction, the offender is guilty of a 56  
felony of the same degree as that offense committed in the other 57  
jurisdiction would constitute if committed in this state. 58

(iii) If the most serious sexually oriented offense or 59  
child-victim oriented offense that was the basis of the 60  
registration, notice of intent to reside, change of address 61  
notification, or address verification requirement that was 62  
violated under the prohibition is a felony of the fifth degree or 63  
a misdemeanor if committed by an adult or a comparable category of 64  
offense committed in another jurisdiction, the offender is guilty 65  
of a felony of the fourth degree. 66

(b) If the offender previously has been convicted of or 67  
pleaded guilty to, or previously has been adjudicated a delinquent 68  
child for committing, a violation of a prohibition in section 69  
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 70  
whoever violates a prohibition in section 2950.04, 2950.041, 71  
2950.05, or 2950.06 of the Revised Code shall be punished as 72  
follows: 73

(i) If the most serious sexually oriented offense that was 74  
the basis of the registration, notice of intent to reside, change 75  
of address notification, or address verification requirement that 76  
was violated under the prohibition is aggravated murder or murder 77  
if committed by an adult or a comparable category of offense 78  
committed in another jurisdiction, the offender is guilty of a 79  
felony of the first degree. 80

(ii) 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 first, second, or third 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 same degree as 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, 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 113  
jurisdiction, the offender is guilty of a felony of the fourth 114  
degree. 115

(2)(a) In addition to any penalty or sanction imposed under 116  
division (A)(1) of this section or any other provision of law for 117  
a violation of a prohibition in section 2950.04, 2950.041, 118  
2950.05, or 2950.06 of the Revised Code, if the offender or 119  
delinquent child is subject to a community control sanction, is on 120  
parole, is subject to one or more post-release control sanctions, 121  
or is subject to any other type of supervised release at the time 122  
of the violation, the violation shall constitute a violation of 123  
the terms and conditions of the community control sanction, 124  
parole, post-release control sanction, or other type of supervised 125  
release. 126

(b) In addition to any penalty or sanction imposed under 127  
division (A)(1)(b)(i), (ii), or (iii) of this section or any other 128  
provision of law for a violation of a prohibition in section 129  
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the 130  
offender previously has been convicted of or pleaded guilty to, or 131  
previously has been adjudicated a delinquent child for committing, 132  
a violation of a prohibition in section 2950.04, 2950.041, 133  
2950.05, or 2950.06 of the Revised Code when the most serious 134  
sexually oriented offense or child-victim oriented offense that 135  
was the basis of the requirement that was violated under the 136  
prohibition is a felony if committed by an adult or a comparable 137  
category of offense committed in another jurisdiction, the court 138  
imposing a sentence upon the offender shall impose a definite 139  
prison term of no less than three years. The definite prison term 140  
imposed under this section is not restricted by division (B) of 141  
section 2929.14 of the Revised Code and shall not be reduced to 142  
less than three years pursuant to Chapter 2967. or any other 143  
provision of the Revised Code. 144

(3) As used in division (A)(1) of this section, "comparable category of offense committed in another jurisdiction" means a 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, that is a violation of an existing or former law of another state or the United States, an existing or former law applicable in a military court or in an Indian tribal court, or an existing or former law of any nation other than the United States, and that, if it had been committed in this state, would constitute or would have constituted aggravated murder or murder for purposes of division (A)(1)(a)(i) of this section, a felony of the first, second, third, or fourth degree for purposes of division (A)(1)(a)(ii) of this section, a felony of the fifth degree or a misdemeanor for purposes of division (A)(1)(a)(iii) of this section, aggravated murder or murder for purposes of division (A)(1)(b)(i) of this section, a felony of the first, second, or third degree for purposes of division (A)(1)(b)(ii) of this section, a felony of the fourth or fifth degree for purposes of division (A)(1)(b)(iii) of this section, or a misdemeanor for purposes of division (A)(1)(b)(iv) of this section.

(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 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 177  
prosecution based on the violation. 178

(C) Whoever violates division (C) of section 2950.13 of the 179  
Revised Code is guilty of a misdemeanor of the first degree. 180

(D) Whoever violates section 2950.035 of the Revised Code is 181  
guilty of a felony of the fifth degree. 182

**Section 2.** That existing section 2950.99 of the Revised Code 183  
is hereby repealed. 184