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Sub. 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, Bacon, Beck, Belcher, Blessing, Boose, Boyd, Carney,
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Grossman, Hackett, Hite, Hottinger, Lehner, Letson, Mallory, Patten, Pillich,
Pryor, Sayre, Snitchler, Uecker, Walter, Weddington, Winburn**

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A B I L L

To amend sections 2907.06, 2950.13, and 2950.99 and 1
to enact sections 2950.035 and 2950.044 of the 2
Revised Code to prohibit Tier III sex 3
offender/child victim offenders who have committed 4
specified offenses against a victim under 16 years 5
of age from knowingly being present on school 6
premises or preschool or child day-care center 7
premises and to increase the penalty for a first 8
offense of sexual imposition to a misdemeanor of 9
the first degree in specified circumstances. 10

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

Section 1. That sections 2907.06, 2950.13, and 2950.99 be 11
amended and sections 2950.035 and 2950.044 of the Revised Code be 12
enacted to read as follows: 13

Sec. 2907.06. (A) No person shall have sexual contact with 14

another, not the spouse of the offender; cause another, not the 15
spouse of the offender, to have sexual contact with the offender; 16
or cause two or more other persons to have sexual contact when any 17
of the following applies: 18

(1) The offender knows that the sexual contact is offensive 19
to the other person, or one of the other persons, or is reckless 20
in that regard. 21

(2) The offender knows that the other person's, or one of the 22
other person's, ability to appraise the nature of or control the 23
offender's or touching person's conduct is substantially impaired. 24

(3) The offender knows that the other person, or one of the 25
other persons, submits because of being unaware of the sexual 26
contact. 27

(4) The other person, or one of the other persons, is 28
thirteen years of age or older but less than sixteen years of age, 29
whether or not the offender knows the age of such person, and the 30
offender is at least eighteen years of age and four or more years 31
older than such other person. 32

(5) The offender is a mental health professional, the other 33
person or one of the other persons is a mental health client or 34
patient of the offender, and the offender induces the other person 35
who is the client or patient to submit by falsely representing to 36
the other person who is the client or patient that the sexual 37
contact is necessary for mental health treatment purposes. 38

(B) No person shall be convicted of a violation of this 39
section solely upon the victim's testimony unsupported by other 40
evidence. 41

(C)(1) Whoever violates this section is guilty of sexual 42
imposition₇. 43

(2) A violation of division (A)(1), (2), or (3) of this 44

section is a misdemeanor of the third degree. If the offender 45
previously has been convicted of a violation of this section or of 46
section 2907.02, 2907.03, 2907.04, 2907.05, or 2907.12 of the 47
Revised Code, a violation of division (A)(1), (2), or (3) of this 48
section is a misdemeanor of the first degree. 49

(3) A violation of division (A)(4) or (5) of this section is 50
a misdemeanor of the first degree. 51

Sec. 2950.035. (A) No person who is eighteen years of age or 52
older, who is convicted of, pleads guilty to, has been convicted 53
of, or has pleaded guilty to any sexually oriented offense listed 54
in division (G)(1)(a), (c), (d), or (e) of section 2950.01 of the 55
Revised Code, whose victim was under sixteen years of age at the 56
time of the commission of that offense, and who is classified a 57
tier III sex offender/child-victim offender relative to that 58
offense shall knowingly be present on school premises or preschool 59
or child day-care center premises. 60

(B) No person who is eighteen years of age or older, who is 61
convicted of, pleads guilty to, has been convicted of, or has 62
pleaded guilty to a violation of division (B) of section 2907.05 63
of the Revised Code, and who is classified a tier III sex 64
offender/child-victim offender relative to that offense, shall 65
knowingly be present on school premises or preschool or child 66
day-care center premises. 67

(C) It is an affirmative defense to a charge under division 68
(A) or (B) of this section that the person who is knowingly 69
present on school premises or preschool or child day-care center 70
premises is a parent or guardian of a child who attends the 71
related school, preschool, or child day-care facility and is on 72
the premises for a legitimate purpose. A defendant may not assert 73
an affirmative defense under this division if the defendant 74
previously has been convicted of or pleaded guilty to two or more 75

violations of this section. 76

(D) Any registered elector who is unable because of division 77
(A) or (B) of this section to vote at a polling place located on 78
school premises or preschool or child day-care center premises may 79
vote at the board of elections by absent voter's ballot or by any 80
other method of voting permitted by the Revised Code. 81

(E) As used in this section: 82

(1) "Legitimate purpose" means any of the following: 83

(a) Picking up or dropping off the parent or guardian's child 84
prior to the start of or after the end of the school day or 85
preschool or child day-care session; 86

(b) Picking up or dropping off the parent or guardian's child 87
prior to the start of or after the end of a school-sponsored or 88
preschool or child day-care-sponsored activity, event, or program 89
in which the child is a participant; 90

(c) Attending a school-sponsored or preschool or child 91
day-care-sponsored activity, event, or program in which the parent 92
or guardian's child is a participant; 93

(d) Picking up the parent or guardian's child in the event of 94
an emergency, when the child is ill, or for a medical appointment, 95
or dropping off the child following a medical appointment; 96

(e) Attending a parent-teacher conference or other meeting 97
requested by a teacher, principal, administrator, or preschool or 98
child day-care worker. 99

(2) "Preschool or child day-care center premises" has the 100
same meaning as in section 2950.034 of the Revised Code. 101

Sec. 2950.044. A sheriff, or sheriff's designee, shall 102
provide written notice to any person who is classified as a tier 103
III sex offender/child-victim offender and who is prohibited from 104

knowingly being on school premises or preschool or child day-care center premises under division (A) or (B) of section 2950.035 of the Revised Code of the prohibitions contained in section 2950.035 of the Revised Code. The written notice shall include a statement of the legitimate purposes specified under division (E)(1) of section 2950.035 of the Revised Code for which the offender may be present on school premises or preschool or child day-care center premises.

A sheriff or sheriff's designee shall provide the notice to a tier III sex offender/child-victim offender subject to the prohibition under division (A) or (B) of section 2950.035 of the Revised Code at the time of the offender's initial registration under section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, or, if the offender is registered with a sheriff or sheriff's designee under Chapter 2950. of the Revised Code as of the effective date of this section, a sheriff or sheriff's designee shall provide the notice to the offender at the time of a sheriff's or sheriff designee's next contact with the offender under Chapter 2950. of the Revised Code.

Sec. 2950.13. (A) The attorney general shall do all of the following:

(1) No later than July 1, 1997, establish and maintain a state registry of sex offenders and child-victim offenders that is housed at the bureau of criminal identification and investigation and that contains all of the registration, change of residence, school, institution of higher education, or place of employment address, and verification information the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code regarding each person who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and each

person who is or has been adjudicated a delinquent child for 136
committing a sexually oriented offense or a child-victim oriented 137
offense and is classified a juvenile offender registrant or is an 138
out-of-state juvenile offender registrant based on that 139
adjudication, all of the information the bureau receives pursuant 140
to section 2950.14 of the Revised Code, and any notice of an order 141
terminating or modifying an offender's or delinquent child's duty 142
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 143
the Revised Code the bureau receives pursuant to section 2152.84, 144
2152.85, or 2950.15 of the Revised Code. For a person who was 145
convicted of or pleaded guilty to the sexually oriented offense or 146
child-victim related offense, the registry also shall indicate 147
whether the person was convicted of or pleaded guilty to the 148
offense in a criminal prosecution or in a serious youthful 149
offender case. The registry shall not be open to inspection by the 150
public or by any person other than a person identified in division 151
(A) of section 2950.08 of the Revised Code. In addition to the 152
information and material previously identified in this division, 153
the registry shall include all of the following regarding each 154
person who is listed in the registry: 155

(a) A citation for, and the name of, all sexually oriented 156
offenses or child-victim oriented offenses of which the person was 157
convicted, to which the person pleaded guilty, or for which the 158
person was adjudicated a delinquent child and that resulted in a 159
registration duty, and the date on which those offenses were 160
committed and a statement as to whether any of those offenses are 161
an offense included under the prohibition in division (A) or (B) 162
of section 2950.035 of the Revised Code; 163

(b) The text of the sexually oriented offenses or 164
child-victim oriented offenses identified in division (A)(1)(a) of 165
this section as those offenses existed at the time the person was 166
convicted of, pleaded guilty to, or was adjudicated a delinquent 167

child for committing those offenses, or a link to a database that 168
sets forth the text of those offenses; 169

(c) A statement as to whether the person is a tier I sex 170
offender/child-victim offender, a tier II sex 171
offender/child-victim offender, or a tier III sex 172
offender/child-victim offender for the sexually oriented offenses 173
or child-victim oriented offenses identified in division (A)(1)(a) 174
of this section; 175

(d) The community supervision status of the person, 176
including, but not limited to, whether the person is serving a 177
community control sanction and the nature of any such sanction, 178
whether the person is under supervised release and the nature of 179
the release, or regarding a juvenile, whether the juvenile is 180
under any type of release authorized under Chapter 2152. or 5139. 181
of the Revised Code and the nature of any such release; 182

(e) The offense and delinquency history of the person, as 183
determined from information gathered or provided under sections 184
109.57 and 2950.14 of the Revised Code; 185

(f) The bureau of criminal identification and investigation 186
tracking number assigned to the person if one has been so 187
assigned, the federal bureau of investigation number assigned to 188
the person if one has been assigned and the bureau of criminal 189
identification and investigation is aware of the number, and any 190
other state identification number assigned to the person of which 191
the bureau is aware; 192

(g) Fingerprints and palmprints of the person; 193

(h) A DNA specimen, as defined in section 109.573 of the 194
Revised Code, from the person; 195

(i) Whether the person has any outstanding arrest warrants; 196

(j) Whether the person is in compliance with the person's 197

duties under this chapter.	198
(2) In consultation with local law enforcement	199
representatives and no later than July 1, 1997, adopt rules that	200
contain guidelines necessary for the implementation of this	201
chapter;	202
(3) In consultation with local law enforcement	203
representatives, adopt rules for the implementation and	204
administration of the provisions contained in section 2950.11 of	205
the Revised Code that pertain to the notification of neighbors of	206
an offender or a delinquent child who has committed a sexually	207
oriented offense or a child-victim oriented offense and and is in	208
a category specified in division (F)(1) of that section and rules	209
that prescribe a manner in which victims of a sexually oriented	210
offense or a child-victim oriented offense committed by an	211
offender or a delinquent child who is in a category specified in	212
division (B)(1) of section 2950.10 of the Revised Code may make a	213
request that specifies that the victim would like to be provided	214
the notices described in divisions (A)(1) and (2) of section	215
2950.10 of the Revised Code;	216
(4) In consultation with local law enforcement	217
representatives and through the bureau of criminal identification	218
and investigation, prescribe the forms to be used by judges and	219
officials pursuant to section 2950.03 or 2950.032 of the Revised	220
Code to advise offenders and delinquent children of their duties	221
of filing a notice of intent to reside, registration, notification	222
of a change of residence, school, institution of higher education,	223
or place of employment address and registration of the new r	224
school, institution of higher education, or place of employment	225
address, as applicable, and address verification under sections	226
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and	227
prescribe the forms to be used by sheriffs relative to those	228
duties of filing a notice of intent to reside, registration,	229

change of residence, school, institution of higher education, or	230
place of employment address notification, and address	231
verification;	232
(5) Make copies of the forms prescribed under division (A)(4)	233
of this section available to judges, officials, and sheriffs;	234
(6) Through the bureau of criminal identification and	235
investigation, provide the notifications, the information and	236
materials, and the documents that the bureau is required to	237
provide to appropriate law enforcement officials and to the	238
federal bureau of investigation pursuant to sections 2950.04,	239
2950.041, 2950.05, and 2950.06 of the Revised Code;	240
(7) Through the bureau of criminal identification and	241
investigation, maintain the verification forms returned under the	242
address verification mechanism set forth in section 2950.06 of the	243
Revised Code;	244
(8) In consultation with representatives of the officials,	245
judges, and sheriffs, adopt procedures for officials, judges, and	246
sheriffs to use to forward information, photographs, and	247
fingerprints to the bureau of criminal identification and	248
investigation pursuant to the requirements of sections 2950.03,	249
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised	250
Code;	251
(9) In consultation with the director of education, the	252
director of job and family services, and the director of	253
rehabilitation and correction, adopt rules that contain guidelines	254
to be followed by boards of education of a school district,	255
chartered nonpublic schools or other schools not operated by a	256
board of education, preschool programs, child day-care centers,	257
type A family day-care homes, certified type B family day-care	258
homes, and institutions of higher education regarding the proper	259
use and administration of information received pursuant to section	260

2950.11 of the Revised Code relative to an offender or delinquent 261
child who has committed a sexually oriented offense or a 262
child-victim oriented offense and is in a category specified in 263
division (F)(1) of that section; 264

(10) In consultation with local law enforcement 265
representatives and no later than July 1, 1997, adopt rules that 266
designate a geographic area or areas within which the notice 267
described in division (B) of section 2950.11 of the Revised Code 268
must be given to the persons identified in divisions (A)(2) to (8) 269
and (A)(10) of that section; 270

(11) Through the bureau of criminal identification and 271
investigation, not later than January 1, 2004, establish and 272
operate on the internet a sex offender and child-victim offender 273
database that contains information for every offender who has 274
committed a sexually oriented offense or a child-victim oriented 275
offense and registers in any county in this state pursuant to 276
section 2950.04 or 2950.041 of the Revised Code and for every 277
delinquent child who has committed a sexually oriented offense, is 278
a public registry-qualified juvenile offender registrant, and 279
registers in any county in this state pursuant to either such 280
section. The bureau shall not include on the database the identity 281
of any offender's or public registry-qualified juvenile offender 282
registrant's victim, any offender's or public registry-qualified 283
juvenile offender registrant's social security number, the name of 284
any school or institution of higher education attended by any 285
offender or public registry-qualified juvenile offender 286
registrant, the name of the place of employment of any offender or 287
public registry-qualified juvenile offender registrant, any 288
tracking or identification number described in division (A)(1)(f) 289
of this section, or any information described in division (C)(7) 290
of section 2950.04 or 2950.041 of the Revised Code. The bureau 291
shall provide on the database, for each offender and each public 292

registry-qualified juvenile offender registrant, at least the 293
information specified in divisions (A)(11)(a) to (h) of this 294
section. Otherwise, the bureau shall determine the information to 295
be provided on the database for each offender and public 296
registry-qualified juvenile offender registrant and shall obtain 297
that information from the information contained in the state 298
registry of sex offenders and child-victim offenders described in 299
division (A)(1) of this section, which information, while in the 300
possession of the sheriff who provided it, is a public record open 301
for inspection as described in section 2950.081 of the Revised 302
Code. The bureau shall include in the public record the identity 303
of any registered offender who is subject to the prohibitions 304
under section 2950.035 of the Revised Code. The database is a 305
public record open for inspection under section 149.43 of the 306
Revised Code, and it shall be searchable by offender or public 307
registry-qualified juvenile offender registrant name, by county, 308
by zip code, and by school district. The database shall provide a 309
link to the web site of each sheriff who has established and 310
operates on the internet a sex offender and child-victim offender 311
database that contains information for offenders and public 312
registry-qualified juvenile offender registrants who register in 313
that county pursuant to section 2950.04 or 2950.041 of the Revised 314
Code, with the link being a direct link to the sex offender and 315
child-victim offender database for the sheriff. The bureau shall 316
provide on the database, for each offender and public 317
registry-qualified juvenile offender registrant, at least the 318
following information: 319

(a) The information described in divisions (A)(1)(a), (b), 320
(c), and (d) of this section relative to the offender or public 321
registry-qualified juvenile offender registrant; 322

(b) The address of the offender's or public 323
registry-qualified juvenile offender registrant's school, 324

institution of higher education, or place of employment provided	325
in a registration form;	326
(c) The information described in division (C)(6) of section	327
2950.04 or 2950.041 of the Revised Code;	328
(d) A chart describing which sexually oriented offenses and	329
child-victim oriented offenses are included in the definitions of	330
tier I sex offender/child-victim offender, tier II sex	331
offender/child-victim offender, and tier III sex	332
offender/child-victim offender;	333
(e) Fingerprints and palm-prints <u>palprints</u> of the offender	334
or public registry-qualified juvenile offender registrant and a	335
DNA specimen from the offender or public registry-qualified	336
juvenile offender registrant;	337
(f) The information set forth in division (B) of section	338
2950.11 of the Revised Code;	339
(g) Any outstanding arrest warrants for the offender or	340
public registry-qualified juvenile offender registrant;	341
(h) The offender's or public registry-qualified juvenile	342
offender registrant's compliance status with duties under this	343
chapter.	344
(12) Develop software to be used by sheriffs in establishing	345
on the internet a sex offender and child-victim offender database	346
for the public dissemination of some or all of the information and	347
materials described in division (A) of section 2950.081 of the	348
Revised Code that are public records under that division, that are	349
not prohibited from inclusion by division (B) of that section, and	350
that pertain to offenders and public registry-qualified juvenile	351
offender registrants who register in the sheriff's county pursuant	352
to section 2950.04 or 2950.041 of the Revised Code and for the	353
public dissemination of information the sheriff receives pursuant	354
to section 2950.14 of the Revised Code and, upon the request of	355

any sheriff, provide technical guidance to the requesting sheriff 356
in establishing on the internet such a database; 357

(13) Through the bureau of criminal identification and 358
investigation, not later than January 1, 2004, establish and 359
operate on the internet a database that enables local law 360
enforcement representatives to remotely search by electronic means 361
the state registry of sex offenders and child-victim offenders 362
described in division (A)(1) of this section and any information 363
and materials the bureau receives pursuant to sections 2950.04, 364
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 365
database shall enable local law enforcement representatives to 366
obtain detailed information regarding each offender and delinquent 367
child who is included in the registry, including, but not limited 368
to the offender's or delinquent child's name, aliases, residence 369
address, name and address of any place of employment, school, 370
institution of higher education, if applicable, license plate 371
number of each vehicle identified in division (C)(5) of section 372
2950.04 or 2950.041 of the Revised Code to the extent applicable, 373
victim preference if available, date of most recent release from 374
confinement if applicable, fingerprints, and palmprints, all of 375
the information and material described in ~~division~~ divisions 376
(A)(1)(a) to (h) of this section regarding the offender or 377
delinquent child, and other identification parameters the bureau 378
considers appropriate. The database is not a public record open 379
for inspection under section 149.43 of the Revised Code and shall 380
be available only to law enforcement representatives as described 381
in this division. Information obtained by local law enforcement 382
representatives through use of this database is not open to 383
inspection by the public or by any person other than a person 384
identified in division (A) of section 2950.08 of the Revised Code. 385

(14) Through the bureau of criminal identification and 386
investigation, maintain a list of requests for notice about a 387

specified offender or delinquent child or specified geographical 388
notification area made pursuant to division (J) of section 2950.11 389
of the Revised Code and, when an offender or delinquent child 390
changes residence to another county, forward any requests for 391
information about that specific offender or delinquent child to 392
the appropriate sheriff; 393

(15) Through the bureau of criminal identification and 394
investigation, establish and operate a system for the immediate 395
notification by electronic means of the appropriate officials in 396
other states specified in this division each time an offender or 397
delinquent child registers a residence, school, institution of 398
higher education, or place of employment address under section 399
2950.04 or 2950.041 of the ~~revised~~ Revised Code or provides a 400
notice of a change of address or registers a new address under 401
division (A) or (B) of section 2950.05 of the Revised Code. The 402
immediate notification by electronic means shall be provided to 403
the appropriate officials in each state in which the offender or 404
delinquent child is required to register a residence, school, 405
institution of higher education, or place of employment address. 406
The notification shall contain the offender's or delinquent 407
child's name and all of the information the bureau receives from 408
the sheriff with whom the offender or delinquent child registered 409
the address or provided the notice of change of address or 410
registered the new address. 411

(B) The attorney general in consultation with local law 412
enforcement representatives, may adopt rules that establish one or 413
more categories of neighbors of an offender or delinquent child 414
who, in addition to the occupants of residential premises and 415
other persons specified in division (A)(1) of section 2950.11 of 416
the Revised Code, must be given the notice described in division 417
(B) of that section. 418

(C) No person, other than a local law enforcement 419

representative, shall knowingly do any of the following: 420

(1) Gain or attempt to gain access to the database 421
established and operated by the attorney general, through the 422
bureau of criminal identification and investigation, pursuant to 423
division (A)(13) of this section. 424

(2) Permit any person to inspect any information obtained 425
through use of the database described in division (C)(1) of this 426
section, other than as permitted under that division. 427

(D) As used in this section, "local law enforcement 428
representatives" means representatives of the sheriffs of this 429
state, representatives of the municipal chiefs of police and 430
marshals of this state, and representatives of the township 431
constables and chiefs of police of the township police departments 432
or police district police forces of this state. 433

Sec. 2950.99. (A)(1)(a) Except as otherwise provided in 434
division (A)(1)(b) of this section, whoever violates a prohibition 435
in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 436
Code shall be punished as follows: 437

(i) If the most serious sexually oriented offense that was 438
the basis of the registration, notice of intent to reside, change 439
of address notification, or address verification requirement that 440
was violated under the prohibition is aggravated murder or murder 441
if committed by an adult or a comparable category of offense 442
committed in another jurisdiction, the offender is guilty of a 443
felony of the first degree. 444

(ii) If the most serious sexually oriented offense or 445
child-victim oriented offense that was the basis of the 446
registration, notice of intent to reside, change of address 447
notification, or address verification requirement that was 448
violated under the prohibition is a felony of the first, second, 449

third, or fourth degree if committed by an adult or a comparable 450
category of offense committed in another jurisdiction, the 451
offender is guilty of a felony of the same degree as the most 452
serious sexually oriented offense or child-victim oriented offense 453
that was the basis of the registration, notice of intent to 454
reside, change of address, or address verification requirement 455
that was violated under the prohibition, or, if the most serious 456
sexually oriented offense or child-victim oriented offense that 457
was the basis of the registration, notice of intent to reside, 458
change of address, or address verification requirement that was 459
violated under the prohibition is a comparable category of offense 460
committed in another jurisdiction, the offender is guilty of a 461
felony of the same degree as that offense committed in the other 462
jurisdiction would constitute if committed in this state. 463

(iii) If the most serious sexually oriented offense or 464
child-victim oriented offense that was the basis of the 465
registration, notice of intent to reside, change of address 466
notification, or address verification requirement that was 467
violated under the prohibition is a felony of the fifth degree or 468
a misdemeanor if committed by an adult or a comparable category of 469
offense committed in another jurisdiction, the offender is guilty 470
of a felony of the fourth degree. 471

(b) If the offender previously has been convicted of or 472
pleaded guilty to, or previously has been adjudicated a delinquent 473
child for committing, a violation of a prohibition in section 474
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 475
whoever violates a prohibition in section 2950.04, 2950.041, 476
2950.05, or 2950.06 of the Revised Code shall be punished as 477
follows: 478

(i) If the most serious sexually oriented offense that was 479
the basis of the registration, notice of intent to reside, change 480
of address notification, or address verification requirement that 481

was violated under the prohibition is aggravated murder or murder 482
if committed by an adult or a comparable category of offense 483
committed in another jurisdiction, the offender is guilty of a 484
felony of the first degree. 485

(ii) If the most serious sexually oriented offense or 486
child-victim oriented offense that was the basis of the 487
registration, notice of intent to reside, change of address 488
notification, or address verification requirement that was 489
violated under the prohibition is a felony of the first, second, 490
or third degree if committed by an adult or a comparable category 491
of offense committed in another jurisdiction, the offender is 492
guilty of a felony of the same degree as the most serious sexually 493
oriented offense or child-victim oriented offense that was the 494
basis of the registration, notice of intent to reside, change of 495
address, or address verification requirement that was violated 496
under the prohibition, or, if the most serious sexually oriented 497
offense or child-victim oriented offense that was the basis of the 498
registration, notice of intent to reside, change of address, or 499
address verification requirement that was violated under the 500
prohibition is a comparable category of offense committed in 501
another jurisdiction, the offender is guilty of a felony of the 502
same degree as that offense committed in the other jurisdiction 503
would constitute if committed in this state. 504

(iii) If the most serious sexually oriented offense or 505
child-victim oriented offense that was the basis of the 506
registration, notice of intent to reside, change of address 507
notification, or address verification requirement that was 508
violated under the prohibition is a felony of the fourth or fifth 509
degree if committed by an adult or a comparable category of 510
offense committed in another jurisdiction, the offender is guilty 511
of a felony of the third degree. 512

(iv) If the most serious sexually oriented offense or 513

child-victim oriented offense that was the basis of the 514
registration, notice of intent to reside, change of address 515
notification, or address verification requirement that was 516
violated under the prohibition is a misdemeanor if committed by an 517
adult or a comparable category of offense committed in another 518
jurisdiction, the offender is guilty of a felony of the fourth 519
degree. 520

(2)(a) In addition to any penalty or sanction imposed under 521
division (A)(1) of this section or any other provision of law for 522
a violation of a prohibition in section 2950.04, 2950.041, 523
2950.05, or 2950.06 of the Revised Code, if the offender or 524
delinquent child is subject to a community control sanction, is on 525
parole, is subject to one or more post-release control sanctions, 526
or is subject to any other type of supervised release at the time 527
of the violation, the violation shall constitute a violation of 528
the terms and conditions of the community control sanction, 529
parole, post-release control sanction, or other type of supervised 530
release. 531

(b) In addition to any penalty or sanction imposed under 532
division (A)(1)(b)(i), (ii), or (iii) of this section or any other 533
provision of law for a violation of a prohibition in section 534
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the 535
offender previously has been convicted of or pleaded guilty to, or 536
previously has been adjudicated a delinquent child for committing, 537
a violation of a prohibition in section 2950.04, 2950.041, 538
2950.05, or 2950.06 of the Revised Code when the most serious 539
sexually oriented offense or child-victim oriented offense that 540
was the basis of the requirement that was violated under the 541
prohibition is a felony if committed by an adult or a comparable 542
category of offense committed in another jurisdiction, the court 543
imposing a sentence upon the offender shall impose a definite 544
prison term of no less than three years. The definite prison term 545

imposed under this section is not restricted by division (B) of 546
section 2929.14 of the Revised Code and shall not be reduced to 547
less than three years pursuant to Chapter 2967. or any other 548
provision of the Revised Code. 549

(3) As used in division (A)(1) of this section, "comparable 550
category of offense committed in another jurisdiction" means a 551
sexually oriented offense or child-victim oriented offense that 552
was the basis of the registration, notice of intent to reside, 553
change of address notification, or address verification 554
requirement that was violated, that is a violation of an existing 555
or former law of another state or the United States, an existing 556
or former law applicable in a military court or in an Indian 557
tribal court, or an existing or former law of any nation other 558
than the United States, and that, if it had been committed in this 559
state, would constitute or would have constituted aggravated 560
murder or murder for purposes of division (A)(1)(a)(i) of this 561
section, a felony of the first, second, third, or fourth degree 562
for purposes of division (A)(1)(a)(ii) of this section, a felony 563
of the fifth degree or a misdemeanor for purposes of division 564
(A)(1)(a)(iii) of this section, aggravated murder or murder for 565
purposes of division (A)(1)(b)(i) of this section, a felony of the 566
first, second, or third degree for purposes of division 567
(A)(1)(b)(ii) of this section, a felony of the fourth or fifth 568
degree for purposes of division (A)(1)(b)(iii) of this section, or 569
a misdemeanor for purposes of division (A)(1)(b)(iv) of this 570
section. 571

(B) If a person violates a prohibition in section 2950.04, 572
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 573
the person as a result of the person being adjudicated a 574
delinquent child and being classified a juvenile offender 575
registrant or an out-of-state juvenile offender registrant, both 576
of the following apply: 577

(1) If the violation occurs while the person is under 578
eighteen years of age, the person is subject to proceedings under 579
Chapter 2152. of the Revised Code based on the violation. 580

(2) If the violation occurs while the person is eighteen 581
years of age or older, the person is subject to criminal 582
prosecution based on the violation. 583

(C) Whoever violates division (C) of section 2950.13 of the 584
Revised Code is guilty of a misdemeanor of the first degree. 585

(D) Whoever violates section 2950.035 of the Revised Code is 586
guilty of a misdemeanor of the second degree on a first offense, a 587
misdemeanor of the first degree on a second offense, and a felony 588
of the fifth degree on each subsequent offense. 589

Section 2. That existing sections 2907.06, 2950.13, and 590
2950.99 of the Revised Code are hereby repealed. 591