

As Introduced

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S. B. No. 30

Senator Schaffer

Cosponsors: Senators Gibbs, Hughes, Miller, D.

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A B I L L

To enact sections 2909.13, 2909.14, and 2909.15 of  
the Revised Code to establish a registry for arson  
offenders.

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

Section 1. That sections 2909.13, 2909.14, and 2909.15 of the  
Revised Code be enacted to read as follows:

Sec. 2909.13. As used in sections 2909.13 to 2909.15 of the  
Revised Code:

(A) "Arson-related offense" means any of the following  
violations or offenses committed by a person, regardless of the  
person's age:

(1) A violation of section 2909.02 or 2909.03 of the Revised  
Code;

(2) Any attempt to commit, conspiracy to commit, or  
complicity in committing either offense listed in division (A)(1)  
of this section.

(B) "Arson offender" means any of the following:

(1) A person who on or after the effective date of this  
section is convicted of or pleads guilty to an arson-related

offense; 19

(2) A person who on the effective date of this section has 20  
been convicted of or pleaded guilty to an arson-related offense 21  
and is confined in a jail, workhouse, state correctional 22  
institution, or other institution, serving a prison term, term of 23  
imprisonment, or other term of confinement for the offense; 24

(3) A person who on or after the effective date of this 25  
section is charged with committing, attempting to commit, 26  
conspiring to commit, or complicity in committing a violation of 27  
section 2909.02 or 2909.03 of the Revised Code and who pleads 28  
guilty to a violation of any provision of Chapter 2909. of the 29  
Revised Code other than section 2909.02 or 2909.03 of the Revised 30  
Code. 31

(C) "Community control sanction," "jail," and "prison" have 32  
the same meanings as in section 2929.01 of the Revised Code. 33

(D) "Firefighter" has the same meaning as in section 4765.01 34  
of the Revised Code. 35

(E) "Juvenile arson offender" means a person who on or after 36  
the effective date of this section is adjudicated a delinquent 37  
child for committing, attempting to commit, conspiring to commit, 38  
or complicity in committing a violation of section 2909.02 or 39  
2909.03 of the Revised Code or has been adjudicated a delinquent 40  
child for committing, attempting to commit, conspiring to commit, 41  
or complicity in committing a violation of section 2909.02 or 42  
2909.03 of the Revised Code and who is confined in a secure 43  
correctional facility on the effective date of this section. 44

(F) "Post-release control sanction" and "supervised release" 45  
have the same meanings as in section 2950.01 of the Revised Code. 46

(G) "Secure correctional facility" means a facility under the 47  
direction of the department of youth services that is designed to 48  
physically restrict the movement and activities of juveniles 49

placed by a dispositional order of a juvenile court. 50

Sec. 2909.14. (A) Each arson offender or juvenile arson 51  
offender shall be provided notice of the arson offender's or 52  
juvenile arson offender's duty to register personally with the 53  
attorney general or the attorney general's designee. A parent, 54  
guardian, or custodian of a juvenile arson offender also shall be 55  
provided notice of the juvenile arson offender's duty to register. 56  
The following persons shall provide the notice at the following 57  
times: 58

(1) On or after the effective date of this section, the 59  
official in charge of a jail, workhouse, state correctional 60  
institution, or other institution in which an arson offender is 61  
serving a prison term, term of imprisonment, or other term of 62  
confinement, or the official's designee, shall provide the notice 63  
to the arson offender before the arson offender is released 64  
pursuant to any type of supervised release or before the arson 65  
offender is otherwise released from the prison term, term of 66  
imprisonment, or other term of confinement. 67

(2) If an arson offender is sentenced on or after the 68  
effective date of this section for an arson-related offense and 69  
the judge does not sentence the arson offender to a prison term, 70  
term of imprisonment, or other term of confinement in a jail, 71  
workhouse, state correctional institution, or other institution 72  
for that offense, the judge shall provide the notice to the arson 73  
offender at the time of the arson offender's sentencing. 74

(3) On or after the effective date of this section, the 75  
official in charge of a secure correctional facility in which a 76  
juvenile arson offender is confined, or the official's designee, 77  
shall provide the notice to the juvenile arson offender before the 78  
juvenile arson offender is released pursuant to any type of 79  
supervised release or before the juvenile arson offender is 80

otherwise released from the secure correctional facility. 81

(4) If a person is adjudicated a juvenile arson offender on 82  
or after the effective date of this section and the juvenile court 83  
does not commit the juvenile arson offender to a secure 84  
correctional facility at the dispositional hearing, the juvenile 85  
court shall provide the notice to the juvenile arson offender at 86  
the dispositional hearing. 87

(5) If notice is provided to a juvenile arson offender under 88  
division (A)(3) or (4) of this section, the person providing the 89  
notice also shall provide the notice to the delinquent child's 90  
parent, guardian, or custodian. 91

(B)(1) The judge, official, or official's designee providing 92  
the notice under divisions (A)(1) and (2) of this section shall 93  
require the arson offender to read and sign a form stating that 94  
the arson offender has received and understands the notice. If the 95  
arson offender is unable to read, the judge, official, or 96  
official's designee shall inform the arson offender of the arson 97  
offender's duties as set forth in the notice and shall certify on 98  
the form that the judge, official, or official's designee informed 99  
the arson offender of the arson offender's duties and that the 100  
arson offender indicated an understanding of those duties. 101

(2) The juvenile court, official, or official's designee 102  
providing the notice to a juvenile arson offender and the 103  
delinquent child's parent, guardian, or custodian under divisions 104  
(A)(3), (4), and (5) of this section shall require the juvenile 105  
arson offender and parent, guardian, or custodian to read and sign 106  
a form stating that they have received and understand the notice. 107  
If a juvenile arson offender, parent, guardian, or custodian is 108  
unable to read, the juvenile court, official, or official's 109  
designee shall inform the juvenile arson offender and parent, 110  
guardian, or custodian of the juvenile arson offender's duties as 111  
set forth in the notice and shall certify on the form that the 112

juvenile court, official, or official's designee informed the 113  
juvenile arson offender and the parent, guardian, or custodian of 114  
the juvenile arson offender's duties and that the juvenile arson 115  
offender and the parent, guardian, or custodian indicated an 116  
understanding of those duties. 117

(C) The attorney general shall prescribe the notice and the 118  
form provided under division (B) of this section. The notice shall 119  
include notice of the arson offender's or juvenile arson 120  
offender's duties to reregister annually. 121

(D) The person providing the notice under division (B) of 122  
this section shall provide a copy of the notice and signed form to 123  
the arson offender or the juvenile arson offender's parent, 124  
guardian, or custodian. The person providing the notice also shall 125  
provide a copy of the signed form to the attorney general in 126  
accordance with rules adopted by the attorney general pursuant to 127  
Chapter 119. of the Revised Code. 128

**Sec. 2909.15.** (A) Each arson offender and juvenile arson 129  
offender who has received notice pursuant to section 2909.14 of 130  
the Revised Code shall register personally with the attorney 131  
general or the attorney general's designee within the following 132  
time periods: 133

(1) An arson offender who receives notice under division 134  
(A)(1) of section 2909.14 of the Revised Code shall register 135  
within ten days after the arson offender is released from a jail, 136  
workhouse, state correctional institution, or other institution, 137  
unless the arson offender is being transferred to the custody of 138  
another jail, workhouse, state correctional institution, or other 139  
institution. The arson offender is not required to register with 140  
the attorney general prior to release. 141

(2) An arson offender who receives notice under division 142  
(A)(2) of section 2929.14 of the Revised Code shall register 143

within ten days after the sentencing hearing. 144

(3) A juvenile arson offender who receives notice under 145  
division (A)(3) of section 2929.14 of the Revised Code shall 146  
register within ten days after the juvenile arson offender's 147  
release from a secure correctional facility, unless the juvenile 148  
arson offender is being transferred to the custody of another 149  
secure correctional facility. If the juvenile arson offender has 150  
been transferred to a jail, workhouse, state correctional 151  
institution, or other institution after the juvenile court's 152  
original order of disposition, the juvenile arson offender shall 153  
register within ten days after the juvenile arson offender's 154  
release from the jail, workhouse, state correctional institution, 155  
or other institution, unless the juvenile arson offender is being 156  
transferred to the custody of another jail, workhouse, state 157  
correctional institution, or other institution. The juvenile arson 158  
offender is not required to register with the attorney general 159  
prior to release. 160

(4) A juvenile arson offender who receives notice under 161  
division (A)(4) of section 2929.14 of the Revised Code shall 162  
register within ten days after the dispositional hearing. 163

(B) Any person who is convicted of, pleads guilty to, has 164  
been convicted of, has pleaded guilty to, or is or has been 165  
adjudicated a delinquent child for a violation of any existing or 166  
former municipal ordinance or law of another state or the United 167  
States, or any existing or former law applicable in a military 168  
court or in an Indian tribal court, that is or was substantially 169  
equivalent to a violation of section 2909.02 or 2909.03 of the 170  
Revised Code shall register personally with the attorney general 171  
or the attorney general's designee within ten days after residing 172  
in or occupying a dwelling in this state for more than three 173  
consecutive days and shall reregister annually under division (D) 174  
of this section. 175

(C)(1) An arson offender or juvenile arson offender, or person required to register as an arson offender or juvenile arson offender pursuant to division (B) of this section, shall register personally with the attorney general or the attorney general's designee. The registrant shall provide all of the following information and materials to the attorney general or attorney general's designee: 176  
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(a) The arson offender's or juvenile arson offender's full name and any alias used and the full name of the delinquent child's parent, guardian, or custodian; 183  
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(b) The arson offender's or juvenile arson offender's address; 186  
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(c) The arson offender's or juvenile arson offender's social security number; 188  
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(d) Any driver's license number, commercial driver's license number, or state identification card number issued to the arson offender or juvenile arson offender by this or another state; 190  
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(e) The offense that the arson offender was convicted of or pleaded guilty to or which comprised the acts that were the basis for the juvenile arson offender's adjudication as a delinquent child; 193  
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(f) The name and address of any place where the arson offender or juvenile arson offender is employed; 197  
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(g) The name and address of any school or institution of higher education that the arson offender or juvenile arson offender is attending; 199  
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(h) The identification license plate number of each vehicle owned or operated by the arson offender or juvenile arson offender or registered in the arson offender's or juvenile arson offender's name, the vehicle identification number of each vehicle, and a 202  
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<u>description of each vehicle;</u>	206
<u>(i) A description of any scars, tattoos, or other</u>	207
<u>distinguishing marks on the arson offender or juvenile arson</u>	208
<u>offender;</u>	209
<u>(j) Any other information required by the attorney general.</u>	210
<u>(2) The arson offender or juvenile arson offender shall</u>	211
<u>provide fingerprints and palm prints at the time of registration.</u>	212
<u>The attorney general or the attorney general's designee shall</u>	213
<u>obtain a photograph of the arson offender or juvenile arson</u>	214
<u>offender at the time of registration.</u>	215
<u>(D)(1) Each arson offender or juvenile arson offender shall</u>	216
<u>be required to reregister annually, in person, within ten days of</u>	217
<u>the arson offender's or juvenile arson offender's initial</u>	218
<u>registration date. The registrant shall amend any information</u>	219
<u>required under division (C) of this section that has changed since</u>	220
<u>the registrant's last registration and provide any additional</u>	221
<u>registration information required by the attorney general. The</u>	222
<u>attorney general or the attorney general's designee shall obtain a</u>	223
<u>new photograph of the arson offender or juvenile arson offender</u>	224
<u>annually when the offender reregisters.</u>	225
<u>(2)(a) Except as provided in division (D)(2)(b) of this</u>	226
<u>section, an arson offender's duty to reregister annually shall</u>	227
<u>continue until the arson offender's death.</u>	228
<u>(b) The judge may limit an arson offender's duty to</u>	229
<u>reregister at an arson offender's sentencing hearing to not less</u>	230
<u>than ten years if the judge receives a request from the prosecutor</u>	231
<u>and the investigating law enforcement agency to consider limiting</u>	232
<u>the arson offender's registration period.</u>	233
<u>(c) A juvenile arson offender shall reregister annually until</u>	234
<u>the juvenile arson offender is twenty-five years of age. If a</u>	235
<u>juvenile arson offender who is less than twenty-five years of age</u>	236

is adjudicated delinquent for, convicted of, or pleads guilty to 237  
another arson-related offense, the juvenile arson offender's duty 238  
to reregister annually shall continue until the offender's death. 239

(3) The official in charge of a secure correctional facility, 240  
jail, workhouse, state correctional institution, or other 241  
institution shall notify the attorney general in accordance with 242  
rules adopted by the attorney general pursuant to Chapter 119. of 243  
the Revised Code if a registered arson offender or juvenile arson 244  
offender is confined in the secure correctional facility, jail, 245  
workhouse, state correctional institution, or other institution. 246

(E) The bureau of criminal identification and investigation 247  
shall establish and maintain a registry of arson offenders and 248  
juvenile arson offenders that includes the information and 249  
materials obtained by the attorney general under division (C) of 250  
this section. The bureau shall make the registry available to the 251  
fire marshal's office, state and local law enforcement officers, 252  
and firefighters through the Ohio law enforcement gateway or its 253  
successor. The registry of arson offenders and juvenile arson 254  
offenders maintained by the bureau is not a public record under 255  
section 149.43 of the Revised Code. 256

(F) The attorney general shall collect a registration fee of 257  
fifty dollars and an annual reregistration fee of twenty-five 258  
dollars from each arson offender or juvenile arson offender. The 259  
fees shall be used for the maintenance of the registry of arson 260  
offenders and juvenile arson offenders. The attorney general may 261  
waive a fee for an indigent arson offender or juvenile arson 262  
offender. 263

(G) Whoever fails to register or reregister as required by 264  
this section is guilty of a felony of the fifth degree. If the 265  
violation occurs while the person is under eighteen years of age, 266  
the person is subject to proceedings under Chapter 2152. of the 267  
Revised Code based on the violation. If an arson offender or 268

juvenile arson offender is subject to a community control 269  
sanction, is on parole, is subject to one or more post-release 270  
control sanctions, or is subject to any other type of supervised 271  
release at the time of the violation, the violation shall 272  
constitute a violation of the terms and conditions of the 273  
community control sanction, parole, post-release control sanction, 274  
or other type of supervised released. If a juvenile arson 275  
offender's failure occurs while the offender is less than eighteen 276  
years of age, unless the child is emancipated as defined in 277  
section 2919.121 of the Revised Code, the failure of the parent, 278  
guardian, or custodian to ensure that the juvenile arson offender 279  
registers with the attorney general as required under this section 280  
is a violation of this section and may result in the prosecution 281  
of the parent, guardian, or custodian for that violation. 282