

As Introduced

**128th General Assembly
Regular Session
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S. B. No. 42

Senator Schaffer

Cosponsors: Senators Wagoner, Gibbs, Coughlin, Stewart

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A B I L L

To amend sections 2950.02, 2950.034, and 2950.04 of 1
the Revised Code to specify that the restriction 2
against offenders convicted of a sexually oriented 3
offense or child-victim oriented offense living 4
near school, preschool, or child day-care premises 5
applies regardless of when the offense was 6
committed or the offender began living in the 7
residence and that a registration requirement for 8
children adjudicated delinquent for a sexually 9
oriented offense and classified a juvenile 10
offender registrant applies regardless of when the 11
offense was committed. 12

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

Section 1. That sections 2950.02, 2950.034, and 2950.04 of 13
the Revised Code be amended to read as follows: 14

Sec. 2950.02. (A) The general assembly hereby determines and 15
declares that it recognizes and finds all of the following: 16

(1) If the public is provided adequate notice and information 17
about offenders and delinquent children who commit sexually 18
oriented offenses or who commit child-victim oriented offenses, 19

members of the public and communities can develop constructive 20
plans to prepare themselves and their children for the offender's 21
or delinquent child's release from imprisonment, a prison term, or 22
other confinement or detention. This allows members of the public 23
and communities to meet with members of law enforcement agencies 24
to prepare and obtain information about the rights and 25
responsibilities of the public and the communities and to provide 26
education and counseling to their children. 27

(2) Sex offenders and child-victim offenders pose a risk of 28
engaging in further sexually abusive behavior even after being 29
released from imprisonment, a prison term, or other confinement or 30
detention, and protection of members of the public from sex 31
offenders and child-victim offenders is a paramount governmental 32
interest. 33

(3) The penal, juvenile, and mental health components of the 34
justice system of this state are largely hidden from public view, 35
and a lack of information from any component may result in the 36
failure of the system to satisfy this paramount governmental 37
interest of public safety described in division (A)(2) of this 38
section. 39

(4) Overly restrictive confidentiality and liability laws 40
governing the release of information about sex offenders and 41
child-victim offenders have reduced the willingness to release 42
information that could be appropriately released under the public 43
disclosure laws and have increased risks of public safety. 44

(5) A person who is found to be a sex offender or a 45
child-victim offender has a reduced expectation of privacy because 46
of the public's interest in public safety and in the effective 47
operation of government. 48

(6) The release of information about sex offenders and 49
child-victim offenders to public agencies and the general public 50

will further the governmental interests of public safety and 51
public scrutiny of the criminal, juvenile, and mental health 52
systems as long as the information released is rationally related 53
to the furtherance of those goals. 54

(B) The general assembly hereby declares that, in providing 55
in this chapter for registration regarding offenders and certain 56
delinquent children who have committed sexually oriented offenses 57
or who have committed child-victim oriented offenses, for a 58
limited restriction on the locales at which offenders who have 59
committed any such offenses may reside, and for community 60
notification regarding tier III sex offenders/child-victim 61
offenders who are criminal offenders, public registry-qualified 62
juvenile offender registrants, and certain other juvenile offender 63
registrants who are about to be or have been released from 64
imprisonment, a prison term, or other confinement or detention and 65
who will live in or near a particular neighborhood or who 66
otherwise will live in or near a particular neighborhood, it is 67
the general assembly's intent to protect the safety and general 68
welfare of the people of this state. The general assembly further 69
declares that it is the policy of this state to require the 70
exchange in accordance with this chapter of relevant information 71
about sex offenders and child-victim offenders among public 72
agencies and officials and, to authorize the release in accordance 73
with this chapter of necessary and relevant information about sex 74
offenders and child-victim offenders to members of the general 75
public as a means of assuring public protection, and to provide a 76
limited residency restriction and other safeguards under this 77
chapter from the potential acts of sex offenders and child-victim 78
offenders, and that the exchange or release of that information 79
is, and the residency restriction and other safeguards, are not 80
punitive. 81

Sec. 2950.034. (A) ~~No~~ Regardless of whether the person 82

committed the offense prior to, on, or after the effective date of 83
this amendment, no person who has been convicted of, is convicted 84
of, has pleaded guilty to, or pleads guilty to a sexually oriented 85
offense or a child-victim oriented offense shall ~~establish~~ do any 86
of the following: 87

(1) Establish a residence ~~or occupy residential premises~~ 88
within one thousand feet of any school premises or any preschool 89
or child day-care center premises; 90

(2) Regardless of whether the occupancy began prior to, on, 91
or after the effective date of this amendment, occupy residential 92
premises within one thousand feet of any school premises or any 93
preschool or child day-care center premises. 94

(B) If a person to whom division (A) of this section applies 95
violates division (A) of this section by establishing a residence 96
or occupying residential premises within one thousand feet of any 97
school premises or any preschool or child day-care center 98
premises, an owner or lessee of real property that is located 99
within one thousand feet of those school premises or preschool or 100
child day-care center premises, or the prosecuting attorney, 101
village solicitor, city or township director of law, similar chief 102
legal officer of a municipal corporation or township, or official 103
designated as a prosecutor in a municipal corporation that has 104
jurisdiction over the place at which the person establishes the 105
residence or occupies the residential premises in question, has a 106
cause of action for injunctive relief against the person. The 107
plaintiff shall not be required to prove irreparable harm in order 108
to obtain the relief. 109

(C) As used in this section: 110

(1) "Child day-care center" has the same meaning as in 111
section 5104.01 of the Revised Code. 112

(2) "Preschool" means any public or private institution or 113

center that provides early childhood instructional or educational 114
services to children who are at least three years of age but less 115
than six years of age and who are not enrolled in or are not 116
eligible to be enrolled in kindergarten, whether or not those 117
services are provided in a child day-care setting. "Preschool" 118
does not include any place that is the permanent residence of the 119
person who is providing the early childhood instructional or 120
educational services to the children described in this division. 121

(3) "Preschool or child day-care center premises" means all 122
of the following: 123

(a) Any building in which any preschool or child day-care 124
center activities are conducted if the building has signage that 125
indicates that the building houses a preschool or child day-care 126
center, is clearly visible and discernable without obstruction, 127
and meets any local zoning ordinances which may apply; 128

(b) The parcel of real property on which a preschool or child 129
day-care center is situated if the parcel of real property has 130
signage that indicates that a preschool or child day-care center 131
is situated on the parcel, is clearly visible and discernable 132
without obstruction, and meets any local zoning ordinances which 133
may apply; 134

(c) Any grounds, play areas, and other facilities of a 135
preschool or child day-care center that are regularly used by the 136
children served by the preschool or child day-care center if the 137
grounds, play areas, or other facilities have signage that 138
indicates that they are regularly used by children served by the 139
preschool or child day-care center, is clearly visible and 140
discernable without obstruction, and meets any local zoning 141
ordinances which may apply. 142

Sec. 2950.04. (A)(1)(a) Immediately after a sentencing 143
hearing is held on or after January 1, 2008, for an offender who 144

is convicted of or pleads guilty to a sexually oriented offense 145
and is sentenced to a prison term, a term of imprisonment, or any 146
other type of confinement and before the offender is transferred 147
to the custody of the department of rehabilitation and correction 148
or to the official in charge of the jail, workhouse, state 149
correctional institution, or other institution where the offender 150
will be confined, the offender shall register personally with the 151
sheriff, or the sheriff's designee, of the county in which the 152
offender was convicted of or pleaded guilty to the sexually 153
oriented offense. 154

(b) Immediately after a dispositional hearing is held on or 155
after January 1, 2008, for a child who is adjudicated a delinquent 156
child for committing a sexually oriented offense, is classified a 157
juvenile offender registrant based on that adjudication, and is 158
committed to the custody of the department of youth services or to 159
a secure facility that is not operated by the department and 160
before the child is transferred to the custody of the department 161
of youth services or the secure facility to which the delinquent 162
child is committed, the delinquent child shall register personally 163
with the sheriff, or the sheriff's designee, of the county in 164
which the delinquent child was classified a juvenile offender 165
registrant based on that sexually oriented offense. 166

(c) A law enforcement officer shall be present at the 167
sentencing hearing or dispositional hearing described in division 168
(A)(1)(a) or (b) of this section to immediately transport the 169
offender or delinquent child who is the subject of the hearing to 170
the sheriff, or the sheriff's designee, of the county in which the 171
offender or delinquent child is convicted, pleads guilty, or is 172
adjudicated a delinquent child. 173

(d) After an offender who has registered pursuant to division 174
(A)(1)(a) of this section is released from a prison term, a term 175
of imprisonment, or any other type of confinement, the offender 176

shall register as provided in division (A)(2) of this section. 177
After a delinquent child who has registered pursuant to division 178
(A)(1)(b) of this section is released from the custody of the 179
department of youth services or from a secure facility that is not 180
operated by the department, the delinquent child shall register as 181
provided in division (A)(3) of this section. 182

(2) Regardless of when the sexually oriented offense was 183
committed, each offender who is convicted of, pleads guilty to, 184
has been convicted of, or has pleaded guilty to a sexually 185
oriented offense shall comply with the following registration 186
requirements described in divisions (A)(2)(a), (b), (c), (d), and 187
(e) of this section: 188

(a) The offender shall register personally with the sheriff, 189
or the sheriff's designee, of the county within three days of the 190
offender's coming into a county in which the offender resides or 191
temporarily is domiciled for more than three days. 192

(b) The offender shall register personally with the sheriff, 193
or the sheriff's designee, of the county immediately upon coming 194
into a county in which the offender attends a school or 195
institution of higher education on a full-time or part-time basis 196
regardless of whether the offender resides or has a temporary 197
domicile in this state or another state. 198

(c) The offender shall register personally with the sheriff, 199
or the sheriff's designee, of the county in which the offender is 200
employed if the offender resides or has a temporary domicile in 201
this state and has been employed in that county for more than 202
three days or for an aggregate period of fourteen or more days in 203
that calendar year. 204

(d) The offender shall register personally with the sheriff, 205
or the sheriff's designee, of the county in which the offender 206
then is employed if the offender does not reside or have a 207

temporary domicile in this state and has been employed at any 208
location or locations in this state more than three days or for an 209
aggregate period of fourteen or more days in that calendar year. 210

(e) The offender shall register with the sheriff, or the 212
sheriff's designee, or other appropriate person of the other state 213
immediately upon entering into any state other than this state in 214
which the offender attends a school or institution of higher 215
education on a full-time or part-time basis or upon being employed 216
in any state other than this state for more than three days or for 217
an aggregate period of fourteen or more days in that calendar year 218
regardless of whether the offender resides or has a temporary 219
domicile in this state, the other state, or a different state. 220

(3)(a) ~~Each~~ Regardless of when the sexually oriented offense 222
was committed, each child who is adjudicated a delinquent child 223
for committing a sexually oriented offense and who is classified a 224
juvenile offender registrant based on that adjudication shall 225
register personally with the sheriff, or the sheriff's designee, 226
of the county within three days of the delinquent child's coming 227
into a county in which the delinquent child resides or temporarily 228
is domiciled for more than three days. 229

(b) In addition to the registration duty imposed under 230
division (A)(3)(a) of this section, each public registry-qualified 231
juvenile offender registrant shall comply with the following 232
additional registration requirements: 233

(i) The public registry-qualified juvenile offender 234
registrant shall register personally with the sheriff, or the 235
sheriff's designee, of the county immediately upon coming into a 236
county in which the registrant attends a school or institution of 237
higher education on a full-time or part-time basis regardless of 238
whether the registrant resides or has a temporary domicile in this 239

state or another state. 240

(ii) The public registry-qualified juvenile offender 241
registrant shall register personally with the sheriff, or the 242
sheriff's designee, of the county in which the registrant is 243
employed if the registrant resides or has a temporary domicile in 244
this state and has been employed in that county for more than 245
three days or for an aggregate period of fourteen or more days in 246
that calendar year. 247

(iii) The public registry-qualified juvenile offender 248
registrant shall register personally with the sheriff, or the 249
sheriff's designee, of the county in which the registrant then is 250
employed if the registrant does not reside or have a temporary 251
domicile in this state and has been employed at any location or 252
locations in this state more than three days or for an aggregate 253
period of fourteen or more days in that calendar year. 254

(iv) The public registry-qualified juvenile offender 255
registrant shall register with the sheriff, or the sheriff's 256
designee, or other appropriate person of the other state 257
immediately upon entering into any state other than this state in 258
which the registrant attends a school or institution of higher 259
education on a full-time or part-time basis or upon being employed 260
in any state other than this state for more than three days or for 261
an aggregate period of fourteen or more days in that calendar year 262
regardless of whether the registrant resides or has a temporary 263
domicile in this state, the other state, or a different state. 264
265

(c) If the delinquent child is committed for the sexually 266
oriented offense to the department of youth services or to a 267
secure facility that is not operated by the department, this duty 268
begins when the delinquent child is discharged or released in any 269
manner from custody in a department of youth services secure 270
facility or from the secure facility that is not operated by the 271

department if pursuant to the discharge or release the delinquent 272
child is not committed to any other secure facility of the 273
department or any other secure facility. 274

(4) Regardless of when the sexually oriented offense was 275
committed, each person who is convicted, pleads guilty, or is 276
adjudicated a delinquent child in a court in another state, in a 277
federal court, military court, or Indian tribal court, or in a 278
court in any nation other than the United States for committing a 279
sexually oriented offense shall comply with the following 280
registration requirements if, at the time the offender or 281
delinquent child moves to and resides in this state or temporarily 282
is domiciled in this state for more than three days, the offender 283
or public registry-qualified juvenile offender registrant enters 284
this state to attend a school or institution of higher education, 285
or the offender or public registry-qualified juvenile offender 286
registrant is employed in this state for more than the specified 287
period of time, the offender or delinquent child has a duty to 288
register as a sex offender or child-victim offender under the law 289
of that other jurisdiction as a result of the conviction, guilty 290
plea, or adjudication: 291

(a) Each offender and delinquent child shall register 292
personally with the sheriff, or the sheriff's designee, of the 293
county within three days of the offender's or delinquent child's 294
coming into the county in which the offender or delinquent child 295
resides or temporarily is domiciled for more than three days. 296

(b) Each offender or public registry-qualified juvenile 297
offender registrant shall register personally with the sheriff, or 298
the sheriff's designee, of the county immediately upon coming into 299
a county in which the offender or public registry-qualified 300
juvenile offender registrant attends a school or institution of 301
higher education on a full-time or part-time basis regardless of 302
whether the offender or public registry-qualified juvenile 303

offender registrant resides or has a temporary domicile in this 304
state or another state. 305

(c) Each offender or public registry-qualified juvenile 306
offender registrant shall register personally with the sheriff, or 307
the sheriff's designee, of the county in which the offender or 308
public registry-qualified juvenile offender registrant is employed 309
if the offender resides or has a temporary domicile in this state 310
and has been employed in that county for more than three days or 311
for an aggregate period of fourteen days or more in that calendar 312
year. 313

(d) Each offender or public registry-qualified juvenile 314
offender registrant shall register personally with the sheriff, or 315
the sheriff's designee, of the county in which the offender or 316
public registry-qualified juvenile offender registrant then is 317
employed if the offender or public registry-qualified juvenile 318
offender registrant does not reside or have a temporary domicile 319
in this state and has been employed at any location or locations 320
in this state for more than three days or for an aggregate period 321
of fourteen or more days in that calendar year. 322

(5) An offender or a delinquent child who is a public 323
registry-qualified juvenile offender registrant is not required to 324
register under division (A)(2), (3), or (4) of this section if a 325
court issues an order terminating the offender's or delinquent 326
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 327
and 2950.06 of the Revised Code pursuant to section 2950.15 of the 328
Revised Code. A delinquent child who is a juvenile offender 329
registrant but is not a public registry-qualified juvenile 330
offender registrant is not required to register under any of those 331
divisions if a juvenile court issues an order declassifying the 332
delinquent child as a juvenile offender registrant pursuant to 333
section 2152.84 or 2152.85 of the Revised Code. 334

(B) An offender or delinquent child who is required by 335

division (A) of this section to register in this state personally 336
shall obtain from the sheriff or from a designee of the sheriff a 337
registration form that conforms to division (C) of this section, 338
shall complete and sign the form, and shall return the completed 339
form together with the offender's or delinquent child's 340
photograph, copies of travel and immigration documents, and any 341
other required material to the sheriff or the designee. The 342
sheriff or designee shall sign the form and indicate on the form 343
the date on which it is so returned. The registration required 344
under this division is complete when the offender or delinquent 345
child returns the form, containing the requisite information, 346
photograph, other required material, signatures, and date, to the 347
sheriff or designee. 348

(C) The registration form to be used under divisions (A) and 349
(B) of this section shall include or contain all of the following 350
for the offender or delinquent child who is registering: 351

(1) The offender's or delinquent child's name and any aliases 352
used by the offender or delinquent child; 353

(2) The offender's or delinquent child's social security 354
number and date of birth, including any alternate social security 355
numbers or dates of birth that the offender or delinquent child 356
has used or uses; 357

(3) Regarding an offender or delinquent child who is 358
registering under a duty imposed under division (A)(1) of this 359
section, a statement that the offender is serving a prison term, 360
term of imprisonment, or any other type of confinement or a 361
statement that the delinquent child is in the custody of the 362
department of youth services or is confined in a secure facility 363
that is not operated by the department; 364

(4) Regarding an offender or delinquent child who is 365
registering under a duty imposed under division (A)(2), (3), or 366

(4) of this section as a result of the offender or delinquent 367
child residing in this state or temporarily being domiciled in 368
this state for more than three days, the current residence address 369
of the offender or delinquent child who is registering, the name 370
and address of the offender's or delinquent child's employer if 371
the offender or delinquent child is employed at the time of 372
registration or if the offender or delinquent child knows at the 373
time of registration that the offender or delinquent child will be 374
commencing employment with that employer subsequent to 375
registration, any other employment information, such as the 376
general area where the offender or delinquent child is employed, 377
if the offender or delinquent child is employed in many locations, 378
and the name and address of the offender's or public 379
registry-qualified juvenile offender registrant's school or 380
institution of higher education if the offender or public 381
registry-qualified juvenile offender registrant attends one at the 382
time of registration or if the offender or public 383
registry-qualified juvenile offender registrant knows at the time 384
of registration that the offender or public registry-qualified 385
juvenile offender registrant will be commencing attendance at that 386
school or institution subsequent to registration; 387

(5) Regarding an offender or public registry-qualified 388
juvenile offender registrant who is registering under a duty 389
imposed under division (A)(2), (3), or (4) of this section as a 390
result of the offender or public registry-qualified juvenile 391
offender registrant attending a school or institution of higher 392
education in this state on a full-time or part-time basis or being 393
employed in this state or in a particular county in this state, 394
whichever is applicable, for more than three days or for an 395
aggregate of fourteen or more days in any calendar year, the name 396
and current address of the school, institution of higher 397
education, or place of employment of the offender or public 398
registry-qualified juvenile offender registrant who is 399

registering, including any other employment information, such as 400
the general area where the offender or public registry-qualified 401
juvenile offender registrant is employed, if the offender or 402
public registry-qualified juvenile offender registrant is employed 403
in many locations; 404

(6) The identification license plate number of each vehicle 405
the offender or delinquent child owns, of each vehicle registered 406
in the offender's or delinquent child's name, of each vehicle the 407
offender or delinquent child operates as a part of employment, and 408
of each other vehicle that is regularly available to be operated 409
by the offender or delinquent child; a description of where each 410
vehicle is habitually parked, stored, docked, or otherwise kept; 411
and, if required by the bureau of criminal identification and 412
investigation, a photograph of each of those vehicles; 413
414

(7) If the offender or delinquent child has a driver's or 415
commercial driver's license or permit issued by this state or any 416
other state or a state identification card issued under section 417
4507.50 or 4507.51 of the Revised Code or a comparable 418
identification card issued by another state, the driver's license 419
number, commercial driver's license number, or state 420
identification card number; 421

(8) If the offender or delinquent child was convicted of, 422
pleaded guilty to, or was adjudicated a delinquent child for 423
committing the sexually oriented offense resulting in the 424
registration duty in a court in another state, in a federal court, 425
military court, or Indian tribal court, or in a court in any 426
nation other than the United States, a DNA specimen, as defined in 427
section 109.573 of the Revised Code, from the offender or 428
delinquent child, a citation for, and the name of, the sexually 429
oriented offense resulting in the registration duty, and a 430
certified copy of a document that describes the text of that 431

sexually oriented offense; 432

(9) A description of each professional and occupational 433
license, permit, or registration, including those licenses, 434
permits, and registrations issued under Title XLVII of the Revised 435
Code, held by the offender or delinquent child; 436

(10) Any email addresses, internet identifiers, or telephone 437
numbers registered to or used by the offender or delinquent child; 438

(11) Any other information required by the bureau of criminal 439
identification and investigation. 440

(D) After an offender or delinquent child registers with a 441
sheriff, or the sheriff's designee, pursuant to this section, the 442
sheriff, or the sheriff's designee, shall forward the signed, 443
written registration form, photograph, and other material to the 444
bureau of criminal identification and investigation in accordance 445
with the forwarding procedures adopted pursuant to section 2950.13 446
of the Revised Code. If an offender registers a school, 447
institution of higher education, or place of employment address, 448
or provides a school or institution of higher education address 449
under division (C)(4) of this section, the sheriff also shall 450
provide notice to the law enforcement agency with jurisdiction 451
over the premises of the school, institution of higher education, 452
or place of employment of the offender's name and that the 453
offender has registered that address as a place at which the 454
offender attends school or an institution of higher education or 455
at which the offender is employed. The bureau shall include the 456
information and materials forwarded to it under this division in 457
the state registry of sex offenders and child_victim offenders 458
established and maintained under section 2950.13 of the Revised 459
Code. 460

(E) No person who is required to register pursuant to 461
divisions (A) and (B) of this section, and no person who is 462

required to send a notice of intent to reside pursuant to division 463
(G) of this section, shall fail to register or send the notice of 464
intent as required in accordance with those divisions or that 465
division. 466

(F) An offender or delinquent child who is required to 467
register pursuant to divisions (A) and (B) of this section shall 468
register pursuant to this section for the period of time specified 469
in section 2950.07 of the Revised Code, with the duty commencing 470
on the date specified in division (A) of that section. 471

(G) If an offender or delinquent child who is required by 472
division (A) of this section to register is a tier III sex 473
offender/child-victim offender, the offender or delinquent child 474
also shall send the sheriff, or the sheriff's designee, of the 475
county in which the offender or delinquent child intends to reside 476
written notice of the offender's or delinquent child's intent to 477
reside in the county. The offender or delinquent child shall send 478
the notice of intent to reside at least twenty days prior to the 479
date the offender or delinquent child begins to reside in the 480
county. The notice of intent to reside shall contain the following 481
information: 482

(1) The offender's or delinquent child's name; 483

(2) The address or addresses at which the offender or 484
delinquent child intends to reside; 485

(3) The sexually oriented offense of which the offender was 486
convicted, to which the offender pleaded guilty, or for which the 487
child was adjudicated a delinquent child. 488

(H) If, immediately prior to January 1, 2008, an offender or 489
delinquent child who was convicted of, pleaded guilty to, or was 490
adjudicated a delinquent child for committing a sexually oriented 491
offense or a child-victim oriented offense as those terms were 492
defined in section 2950.01 of the Revised Code prior to January 1, 493

2008, was required by division (A) of this section or section 494
2950.041 of the Revised Code to register and if, on or after 495
January 1, 2008, that offense is a sexually oriented offense as 496
that term is defined in section 2950.01 of the Revised Code on and 497
after January 1, 2008, the duty to register that is imposed 498
pursuant to this section on and after January 1, 2008, shall be 499
considered, for purposes of section 2950.07 of the Revised Code 500
and for all other purposes, to be a continuation of the duty 501
imposed upon the offender or delinquent child prior to January 1, 502
2008, under this section or section 2950.041 of the Revised Code. 503

Section 2. That existing sections 2950.02, 2950.034, and 504
2950.04 of the Revised Code are hereby repealed. 505