

As Introduced

130th General Assembly
Regular Session
2013-2014

S. B. No. 144

Senator Seitz

—

A BILL

To amend sections 109.57, 109.572, 109.578, 311.171, 1
1923.02, 2151.23, 2151.357, 2152.02, 2152.14, 2
2152.191, 2152.22, 2152.82, 2152.83, 2152.831, 3
2152.84, 2152.85, 2152.851, 2901.07, 2907.02, 4
2929.01, 2929.13, 2929.19, 2929.23, 2950.01, 5
2950.011, 2950.02, 2950.03, 2950.031, 2950.032, 6
2950.033, 2950.034, 2950.04, 2950.041, 2950.043, 7
2950.05, 2950.06, 2950.07, 2950.081, 2950.10, 8
2950.11, 2950.13, 2950.131, 2950.14, 2950.15, 9
2950.99, 2971.03, 2971.05, 5321.03, and 5321.051, 10
to enact sections 2950.09 and 2950.091, and to 11
repeal section 2152.86 of the Revised Code to 12
adjust the provisions of the Sex Offender 13
Registration and Notification Law to reflect 14
decisions of the Ohio Supreme Court in *Hyle v.* 15
Porter (2008), 117 Ohio St.3d 165; *State v. Bodyke* 16
(2010), 126 Ohio St.3d 266; *State v. Williams* 17
(2011), 129 Ohio St.3d 344; *In re C.P.* (2012), 18
Slip Opinion No. 2012-Ohio-1446, *State ex rel.* 19
Jean-Baptiste v. Kirsch (2012), Slip Opinion No. 20
2012-Ohio-5697, and *State v. Howard* (2012), Slip 21
Opinion No. 2012-Ohio-5738; to clarify juvenile 22
court jurisdiction in serious youthful offender 23
proceedings; and to amend the versions of sections 24
109.57, 2950.11, and 2950.13 of the Revised Code 25

that are scheduled to take effect on January 1, 26
2014, to continue the provisions of this act on 27
and after that effective date. 28

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

Section 1. That sections 109.57, 109.572, 109.578, 311.171, 29
1923.02, 2151.23, 2151.357, 2152.02, 2152.14, 2152.191, 2152.22, 30
2152.82, 2152.83, 2152.831, 2152.84, 2152.85, 2152.851, 2901.07, 31
2907.02, 2929.01, 2929.13, 2929.19, 2929.23, 2950.01, 2950.011, 32
2950.02, 2950.03, 2950.031, 2950.032, 2950.033, 2950.034, 2950.04, 33
2950.041, 2950.043, 2950.05, 2950.06, 2950.07, 2950.081, 2950.10, 34
2950.11, 2950.13, 2950.131, 2950.14, 2950.15, 2950.99, 2971.03, 35
2971.05, 5321.03, and 5321.051 be amended and sections 2950.09 and 36
2950.091 of the Revised Code be enacted to read as follows: 37

Sec. 109.57. (A)(1) The superintendent of the bureau of 38
criminal identification and investigation shall procure from 39
wherever procurable and file for record photographs, pictures, 40
descriptions, fingerprints, measurements, and other information 41
that may be pertinent of all persons who have been convicted of 42
committing within this state a felony, any crime constituting a 43
misdemeanor on the first offense and a felony on subsequent 44
offenses, or any misdemeanor described in division (A)(1)(a), 45
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 46
all children under eighteen years of age who have been adjudicated 47
delinquent children for committing within this state an act that 48
would be a felony or an offense of violence if committed by an 49
adult or who have been convicted of or pleaded guilty to 50
committing within this state a felony or an offense of violence, 51
and of all well-known and habitual criminals. The person in charge 52
of any county, multicounty, municipal, municipal-county, or 53
multicounty-municipal jail or workhouse, community-based 54

correctional facility, halfway house, alternative residential 55
facility, or state correctional institution and the person in 56
charge of any state institution having custody of a person 57
suspected of having committed a felony, any crime constituting a 58
misdemeanor on the first offense and a felony on subsequent 59
offenses, or any misdemeanor described in division (A)(1)(a), 60
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 61
having custody of a child under eighteen years of age with respect 62
to whom there is probable cause to believe that the child may have 63
committed an act that would be a felony or an offense of violence 64
if committed by an adult shall furnish such material to the 65
superintendent of the bureau. Fingerprints, photographs, or other 66
descriptive information of a child who is under eighteen years of 67
age, has not been arrested or otherwise taken into custody for 68
committing an act that would be a felony or an offense of violence 69
who is not in any other category of child specified in this 70
division, if committed by an adult, has not been adjudicated a 71
delinquent child for committing an act that would be a felony or 72
an offense of violence if committed by an adult, has not been 73
convicted of or pleaded guilty to committing a felony or an 74
offense of violence, and is not a child with respect to whom there 75
is probable cause to believe that the child may have committed an 76
act that would be a felony or an offense of violence if committed 77
by an adult shall not be procured by the superintendent or 78
furnished by any person in charge of any county, multicounty, 79
municipal, municipal-county, or multicounty-municipal jail or 80
workhouse, community-based correctional facility, halfway house, 81
alternative residential facility, or state correctional 82
institution, except as authorized in section 2151.313 of the 83
Revised Code. 84

(2) Every clerk of a court of record in this state, other 85
than the supreme court or a court of appeals, shall send to the 86
superintendent of the bureau a weekly report containing a summary 87

of each case involving a felony, involving any crime constituting 88
a misdemeanor on the first offense and a felony on subsequent 89
offenses, involving a misdemeanor described in division (A)(1)(a), 90
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 91
involving an adjudication in a case in which a child under 92
eighteen years of age was alleged to be a delinquent child for 93
committing an act that would be a felony or an offense of violence 94
if committed by an adult. The clerk of the court of common pleas 95
shall include in the report and summary the clerk sends under this 96
division all information described in divisions (A)(2)(a) to (f) 97
of this section regarding a case before the court of appeals that 98
is served by that clerk. The summary shall be written on the 99
standard forms furnished by the superintendent pursuant to 100
division (B) of this section and shall include the following 101
information: 102

(a) The incident tracking number contained on the standard 103
forms furnished by the superintendent pursuant to division (B) of 104
this section; 105

(b) The style and number of the case; 106

(c) The date of arrest, offense, summons, or arraignment; 107

(d) The date that the person was convicted of or pleaded 108
guilty to the offense, adjudicated a delinquent child for 109
committing the act that would be a felony or an offense of 110
violence if committed by an adult, found not guilty of the 111
offense, or found not to be a delinquent child for committing an 112
act that would be a felony or an offense of violence if committed 113
by an adult, the date of an entry dismissing the charge, an entry 114
declaring a mistrial of the offense in which the person is 115
discharged, an entry finding that the person or child is not 116
competent to stand trial, or an entry of a nolle prosequi, or the 117
date of any other determination that constitutes final resolution 118
of the case; 119

(e) A statement of the original charge with the section of 120
the Revised Code that was alleged to be violated; 121

(f) If the person or child was convicted, pleaded guilty, or 122
was adjudicated a delinquent child, the sentence or terms of 123
probation imposed or any other disposition of the offender or the 124
delinquent child. 125

If the offense involved the disarming of a law enforcement 126
officer or an attempt to disarm a law enforcement officer, the 127
clerk shall clearly state that fact in the summary, and the 128
superintendent shall ensure that a clear statement of that fact is 129
placed in the bureau's records. 130

(3) The superintendent shall cooperate with and assist 131
sheriffs, chiefs of police, and other law enforcement officers in 132
the establishment of a complete system of criminal identification 133
and in obtaining fingerprints and other means of identification of 134
all persons arrested on a charge of a felony, any crime 135
constituting a misdemeanor on the first offense and a felony on 136
subsequent offenses, or a misdemeanor described in division 137
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 138
Revised Code and of all children under eighteen years of age 139
arrested or otherwise taken into custody for committing an act 140
that would be a felony or an offense of violence if committed by 141
an adult. The superintendent also shall file for record the 142
fingerprint impressions of all persons confined in a county, 143
multicounty, municipal, municipal-county, or multicounty-municipal 144
jail or workhouse, community-based correctional facility, halfway 145
house, alternative residential facility, or state correctional 146
institution for the violation of state laws and of all children 147
under eighteen years of age who are confined in a county, 148
multicounty, municipal, municipal-county, or multicounty-municipal 149
jail or workhouse, community-based correctional facility, halfway 150
house, alternative residential facility, or state correctional 151

institution or in any facility for delinquent children for 152
committing an act that would be a felony or an offense of violence 153
if committed by an adult, and any other information that the 154
superintendent may receive from law enforcement officials of the 155
state and its political subdivisions. 156

(4) The superintendent shall carry out Chapter 2950. of the 157
Revised Code with respect to the registration of persons who are 158
convicted of or plead guilty to a sexually oriented offense or a 159
child-victim oriented offense and with respect to all other duties 160
imposed on the bureau under that chapter. 161

(5) The bureau shall perform centralized recordkeeping 162
functions for criminal history records and services in this state 163
for purposes of the national crime prevention and privacy compact 164
set forth in section 109.571 of the Revised Code and is the 165
criminal history record repository as defined in that section for 166
purposes of that compact. The superintendent or the 167
superintendent's designee is the compact officer for purposes of 168
that compact and shall carry out the responsibilities of the 169
compact officer specified in that compact. 170

(B) The superintendent shall prepare and furnish to every 171
county, multicounty, municipal, municipal-county, or 172
multicounty-municipal jail or workhouse, community-based 173
correctional facility, halfway house, alternative residential 174
facility, or state correctional institution and to every clerk of 175
a court in this state specified in division (A)(2) of this section 176
standard forms for reporting the information required under 177
division (A) of this section. The standard forms that the 178
superintendent prepares pursuant to this division may be in a 179
tangible format, in an electronic format, or in both tangible 180
formats and electronic formats. 181

(C)(1) The superintendent may operate a center for 182
electronic, automated, or other data processing for the storage 183

and retrieval of information, data, and statistics pertaining to 184
criminals and to children under eighteen years of age who are 185
adjudicated delinquent children for committing an act that would 186
be a felony or an offense of violence if committed by an adult, 187
criminal activity, crime prevention, law enforcement, and criminal 188
justice, and may establish and operate a statewide communications 189
network to be known as the Ohio law enforcement gateway to gather 190
and disseminate information, data, and statistics for the use of 191
law enforcement agencies and for other uses specified in this 192
division. The superintendent may gather, store, retrieve, and 193
disseminate information, data, and statistics that pertain to 194
children who are under eighteen years of age and that are gathered 195
pursuant to sections 109.57 to 109.61 of the Revised Code together 196
with information, data, and statistics that pertain to adults and 197
that are gathered pursuant to those sections. 198

(2) The superintendent or the superintendent's designee shall 199
gather information of the nature described in division (C)(1) of 200
this section that pertains to the offense and delinquency history 201
of a person who has been convicted of, pleaded guilty to, or been 202
adjudicated a delinquent child for committing a sexually oriented 203
offense or a child-victim oriented offense for inclusion in the 204
state registry of sex offenders and child-victim offenders 205
maintained pursuant to division (A)(1) of section 2950.13 of the 206
Revised Code and in the internet database operated pursuant to 207
division (A)(13) of that section and for possible inclusion in the 208
internet database operated pursuant to division (A)(11) of that 209
section. 210

(3) In addition to any other authorized use of information, 211
data, and statistics of the nature described in division (C)(1) of 212
this section, the superintendent or the superintendent's designee 213
may provide and exchange the information, data, and statistics 214
pursuant to the national crime prevention and privacy compact as 215

described in division (A)(5) of this section. 216

(4) The attorney general may adopt rules under Chapter 119. 217
of the Revised Code establishing guidelines for the operation of 218
and participation in the Ohio law enforcement gateway. The rules 219
may include criteria for granting and restricting access to 220
information gathered and disseminated through the Ohio law 221
enforcement gateway. The attorney general shall permit the state 222
medical board and board of nursing to access and view, but not 223
alter, information gathered and disseminated through the Ohio law 224
enforcement gateway. 225

The attorney general may appoint a steering committee to 226
advise the attorney general in the operation of the Ohio law 227
enforcement gateway that is comprised of persons who are 228
representatives of the criminal justice agencies in this state 229
that use the Ohio law enforcement gateway and is chaired by the 230
superintendent or the superintendent's designee. 231

(D)(1) The following are not public records under section 232
149.43 of the Revised Code: 233

(a) Information and materials furnished to the superintendent 234
pursuant to division (A) of this section; 235

(b) Information, data, and statistics gathered or 236
disseminated through the Ohio law enforcement gateway pursuant to 237
division (C)(1) of this section; 238

(c) Information and materials furnished to any board or 239
person under division (F) or (G) of this section. 240

(2) The superintendent or the superintendent's designee shall 241
gather and retain information so furnished under division (A) of 242
this section that pertains to the offense and delinquency history 243
of a person who has been convicted of, pleaded guilty to, or been 244
adjudicated a delinquent child for committing a sexually oriented 245
offense or a child-victim oriented offense for the purposes 246

described in division (C)(2) of this section. 247

(E)(1) The attorney general shall adopt rules, in accordance 248
with Chapter 119. of the Revised Code and subject to division 249
(E)(2) of this section, setting forth the procedure by which a 250
person may receive or release information gathered by the 251
superintendent pursuant to division (A) of this section. A 252
reasonable fee may be charged for this service. If a temporary 253
employment service submits a request for a determination of 254
whether a person the service plans to refer to an employment 255
position has been convicted of or pleaded guilty to an offense 256
listed or described in division (A)(1), (2), or (3) of section 257
109.572 of the Revised Code, the request shall be treated as a 258
single request and only one fee shall be charged. 259

(2) Except as otherwise provided in this division, a rule 260
adopted under division (E)(1) of this section may provide only for 261
the release of information gathered pursuant to division (A) of 262
this section that relates to the conviction of a person, or a 263
person's plea of guilty to, a criminal offense. The superintendent 264
shall not release, and the attorney general shall not adopt any 265
rule under division (E)(1) of this section that permits the 266
release of, any information gathered pursuant to division (A) of 267
this section that relates to an adjudication of a child as a 268
delinquent child, or that relates to a criminal conviction of a 269
person under eighteen years of age if the person's case was 270
transferred back to a juvenile court under division (B)(2) or (3) 271
of section 2152.121 of the Revised Code and the juvenile court 272
imposed a disposition or serious youthful offender disposition 273
upon the person under either division, unless either of the 274
following applies with respect to the adjudication or conviction: 275

(a) The adjudication or conviction was for a violation of 276
section 2903.01 or 2903.02 of the Revised Code. 277

(b) The adjudication or conviction was for a sexually 278

oriented offense, the juvenile court was required to classify the 279
child a juvenile offender registrant for that offense under 280
section 2152.82, or 2152.83, ~~or 2152.86~~ of the Revised Code, and 281
that classification has not been removed. 282

(F)(1) As used in division (F)(2) of this section, "head 283
start agency" means an entity in this state that has been approved 284
to be an agency for purposes of subchapter II of the "Community 285
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 286
as amended. 287

(2)(a) In addition to or in conjunction with any request that 288
is required to be made under section 109.572, 2151.86, 3301.32, 289
3301.541, division (C) of section 3310.58, or section 3319.39, 290
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 291
5153.111 of the Revised Code or that is made under section 292
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 293
board of education of any school district; the director of 294
developmental disabilities; any county board of developmental 295
disabilities; any provider or subcontractor as defined in section 296
5123.081 of the Revised Code; the chief administrator of any 297
chartered nonpublic school; the chief administrator of a 298
registered private provider that is not also a chartered nonpublic 299
school; the chief administrator of any home health agency; the 300
chief administrator of or person operating any child day-care 301
center, type A family day-care home, or type B family day-care 302
home licensed or certified under Chapter 5104. of the Revised 303
Code; the administrator of any type C family day-care home 304
certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 305
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 306
general assembly; the chief administrator of any head start 307
agency; the executive director of a public children services 308
agency; a private company described in section 3314.41, 3319.392, 309
3326.25, or 3328.20 of the Revised Code; or an employer described 310

in division (J)(2) of section 3327.10 of the Revised Code may 311
request that the superintendent of the bureau investigate and 312
determine, with respect to any individual who has applied for 313
employment in any position after October 2, 1989, or any 314
individual wishing to apply for employment with a board of 315
education may request, with regard to the individual, whether the 316
bureau has any information gathered under division (A) of this 317
section that pertains to that individual. On receipt of the 318
request, subject to division (E)(2) of this section, the 319
superintendent shall determine whether that information exists 320
and, upon request of the person, board, or entity requesting 321
information, also shall request from the federal bureau of 322
investigation any criminal records it has pertaining to that 323
individual. The superintendent or the superintendent's designee 324
also may request criminal history records from other states or the 325
federal government pursuant to the national crime prevention and 326
privacy compact set forth in section 109.571 of the Revised Code. 327
Within thirty days of the date that the superintendent receives a 328
request, subject to division (E)(2) of this section, the 329
superintendent shall send to the board, entity, or person a report 330
of any information that the superintendent determines exists, 331
including information contained in records that have been sealed 332
under section 2953.32 of the Revised Code, and, within thirty days 333
of its receipt, subject to division (E)(2) of this section, shall 334
send the board, entity, or person a report of any information 335
received from the federal bureau of investigation, other than 336
information the dissemination of which is prohibited by federal 337
law. 338

(b) When a board of education or a registered private 339
provider is required to receive information under this section as 340
a prerequisite to employment of an individual pursuant to division 341
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 342
may accept a certified copy of records that were issued by the 343

bureau of criminal identification and investigation and that are 344
presented by an individual applying for employment with the 345
district in lieu of requesting that information itself. In such a 346
case, the board shall accept the certified copy issued by the 347
bureau in order to make a photocopy of it for that individual's 348
employment application documents and shall return the certified 349
copy to the individual. In a case of that nature, a district or 350
provider only shall accept a certified copy of records of that 351
nature within one year after the date of their issuance by the 352
bureau. 353

(c) Notwithstanding division (F)(2)(a) of this section, in 354
the case of a request under section 3319.39, 3319.391, or 3327.10 355
of the Revised Code only for criminal records maintained by the 356
federal bureau of investigation, the superintendent shall not 357
determine whether any information gathered under division (A) of 358
this section exists on the person for whom the request is made. 359

(3) The state board of education may request, with respect to 360
any individual who has applied for employment after October 2, 361
1989, in any position with the state board or the department of 362
education, any information that a school district board of 363
education is authorized to request under division (F)(2) of this 364
section, and the superintendent of the bureau shall proceed as if 365
the request has been received from a school district board of 366
education under division (F)(2) of this section. 367

(4) When the superintendent of the bureau receives a request 368
for information under section 3319.291 of the Revised Code, the 369
superintendent shall proceed as if the request has been received 370
from a school district board of education and shall comply with 371
divisions (F)(2)(a) and (c) of this section. 372

(5) When a recipient of a classroom reading improvement grant 373
paid under section 3301.86 of the Revised Code requests, with 374
respect to any individual who applies to participate in providing 375

any program or service funded in whole or in part by the grant, 376
the information that a school district board of education is 377
authorized to request under division (F)(2)(a) of this section, 378
the superintendent of the bureau shall proceed as if the request 379
has been received from a school district board of education under 380
division (F)(2)(a) of this section. 381

(G) In addition to or in conjunction with any request that is 382
required to be made under section 3701.881, 3712.09, or 3721.121 383
of the Revised Code with respect to an individual who has applied 384
for employment in a position that involves providing direct care 385
to an older adult or adult resident, the chief administrator of a 386
home health agency, hospice care program, home licensed under 387
Chapter 3721. of the Revised Code, or adult day-care program 388
operated pursuant to rules adopted under section 3721.04 of the 389
Revised Code may request that the superintendent of the bureau 390
investigate and determine, with respect to any individual who has 391
applied after January 27, 1997, for employment in a position that 392
does not involve providing direct care to an older adult or adult 393
resident, whether the bureau has any information gathered under 394
division (A) of this section that pertains to that individual. 395

In addition to or in conjunction with any request that is 396
required to be made under section 173.27 of the Revised Code with 397
respect to an individual who has applied for employment in a 398
position that involves providing ombudsperson services to 399
residents of long-term care facilities or recipients of 400
community-based long-term care services, the state long-term care 401
ombudsperson, ombudsperson's designee, or director of health may 402
request that the superintendent investigate and determine, with 403
respect to any individual who has applied for employment in a 404
position that does not involve providing such ombudsperson 405
services, whether the bureau has any information gathered under 406
division (A) of this section that pertains to that applicant. 407

In addition to or in conjunction with any request that is 408
required to be made under section 173.394 of the Revised Code with 409
respect to an individual who has applied for employment in a 410
position that involves providing direct care to an individual, the 411
chief administrator of a community-based long-term care agency may 412
request that the superintendent investigate and determine, with 413
respect to any individual who has applied for employment in a 414
position that does not involve providing direct care, whether the 415
bureau has any information gathered under division (A) of this 416
section that pertains to that applicant. 417

In addition to or in conjunction with any request that is 418
required to be made under section 3712.09 of the Revised Code with 419
respect to an individual who has applied for employment in a 420
position that involves providing direct care to a pediatric 421
respite care patient, the chief administrator of a pediatric 422
respite care program may request that the superintendent of the 423
bureau investigate and determine, with respect to any individual 424
who has applied for employment in a position that does not involve 425
providing direct care to a pediatric respite care patient, whether 426
the bureau has any information gathered under division (A) of this 427
section that pertains to that individual. 428

On receipt of a request under this division, the 429
superintendent shall determine whether that information exists 430
and, on request of the individual requesting information, shall 431
also request from the federal bureau of investigation any criminal 432
records it has pertaining to the applicant. The superintendent or 433
the superintendent's designee also may request criminal history 434
records from other states or the federal government pursuant to 435
the national crime prevention and privacy compact set forth in 436
section 109.571 of the Revised Code. Within thirty days of the 437
date a request is received, subject to division (E)(2) of this 438
section, the superintendent shall send to the requester a report 439

of any information determined to exist, including information 440
contained in records that have been sealed under section 2953.32 441
of the Revised Code, and, within thirty days of its receipt, shall 442
send the requester a report of any information received from the 443
federal bureau of investigation, other than information the 444
dissemination of which is prohibited by federal law. 445

(H) Information obtained by a government entity or person 446
under this section is confidential and shall not be released or 447
disseminated. 448

(I) The superintendent may charge a reasonable fee for 449
providing information or criminal records under division (F)(2) or 450
(G) of this section. 451

(J) As used in this section: 452

(1) "Pediatric respite care program" and "pediatric respite 453
care patient" have the same meanings as in section 3712.01 of the 454
Revised Code. 455

(2) "Sexually oriented offense" and "child-victim oriented 456
offense" have the same meanings as in section 2950.01 of the 457
Revised Code. 458

(3) "Registered private provider" means a nonpublic school or 459
entity registered with the superintendent of public instruction 460
under section 3310.41 of the Revised Code to participate in the 461
autism scholarship program or section 3310.58 of the Revised Code 462
to participate in the Jon Peterson special needs scholarship 463
program. 464

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 465
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 466
a completed form prescribed pursuant to division (C)(1) of this 467
section, and a set of fingerprint impressions obtained in the 468
manner described in division (C)(2) of this section, the 469

superintendent of the bureau of criminal identification and 470
investigation shall conduct a criminal records check in the manner 471
described in division (B) of this section to determine whether any 472
information exists that indicates that the person who is the 473
subject of the request previously has been convicted of or pleaded 474
guilty to any of the following: 475

(a) A violation of section 2903.01, 2903.02, 2903.03, 476
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 477
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 478
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 479
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 480
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 481
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 482
2925.06, or 3716.11 of the Revised Code, felonious sexual 483
penetration in violation of former section 2907.12 of the Revised 484
Code, a violation of section 2905.04 of the Revised Code as it 485
existed prior to July 1, 1996, a violation of section 2919.23 of 486
the Revised Code that would have been a violation of section 487
2905.04 of the Revised Code as it existed prior to July 1, 1996, 488
had the violation been committed prior to that date, or a 489
violation of section 2925.11 of the Revised Code that is not a 490
minor drug possession offense; 491

(b) A violation of an existing or former law of this state, 492
any other state, or the United States that is substantially 493
equivalent to any of the offenses listed in division (A)(1)(a) of 494
this section; 495

(c) If the request is made pursuant to section 3319.39 of the 496
Revised Code for an applicant who is a teacher, any offense 497
specified in section 3319.31 of the Revised Code. 498

(2) On receipt of a request pursuant to section 3712.09 or 499
3721.121 of the Revised Code, a completed form prescribed pursuant 500
to division (C)(1) of this section, and a set of fingerprint 501

impressions obtained in the manner described in division (C)(2) of 502
this section, the superintendent of the bureau of criminal 503
identification and investigation shall conduct a criminal records 504
check with respect to any person who has applied for employment in 505
a position for which a criminal records check is required by those 506
sections. The superintendent shall conduct the criminal records 507
check in the manner described in division (B) of this section to 508
determine whether any information exists that indicates that the 509
person who is the subject of the request previously has been 510
convicted of or pleaded guilty to any of the following: 511

(a) A violation of section 2903.01, 2903.02, 2903.03, 512
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 513
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 514
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 515
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 516
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 517
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 518
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 519
2925.22, 2925.23, or 3716.11 of the Revised Code; 520

(b) An existing or former law of this state, any other state, 521
or the United States that is substantially equivalent to any of 522
the offenses listed in division (A)(2)(a) of this section. 523

(3) On receipt of a request pursuant to section 173.27, 524
173.394, 3701.881, 5111.032, 5111.033, 5111.034, 5123.081, or 525
5123.169 of the Revised Code, a completed form prescribed pursuant 526
to division (C)(1) of this section, and a set of fingerprint 527
impressions obtained in the manner described in division (C)(2) of 528
this section, the superintendent of the bureau of criminal 529
identification and investigation shall conduct a criminal records 530
check of the person for whom the request is made. The 531
superintendent shall conduct the criminal records check in the 532
manner described in division (B) of this section to determine 533

whether any information exists that indicates that the person who 534
is the subject of the request previously has been convicted of, 535
has pleaded guilty to, or has been found eligible for intervention 536
in lieu of conviction for any of the following, regardless of the 537
date of the conviction, the date of entry of the guilty plea, or 538
the date the person was found eligible for intervention in lieu of 539
conviction: 540

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 541
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 542
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 543
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 544
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 545
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 546
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 547
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 548
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 549
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 550
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 551
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 552
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 553
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 554
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 555
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 556
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 557
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 558
2927.12, or 3716.11 of the Revised Code; 559

(b) Felonious sexual penetration in violation of former 560
section 2907.12 of the Revised Code; 561

(c) A violation of section 2905.04 of the Revised Code as it 562
existed prior to July 1, 1996; 563

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 564
the Revised Code when the underlying offense that is the object of 565

the conspiracy, attempt, or complicity is one of the offenses 566
listed in divisions (A)(3)(a) to (c) of this section; 567

(e) A violation of an existing or former municipal ordinance 568
or law of this state, any other state, or the United States that 569
is substantially equivalent to any of the offenses listed in 570
divisions (A)(3)(a) to (d) of this section. 571

(4) On receipt of a request pursuant to section 2151.86 of 572
the Revised Code, a completed form prescribed pursuant to division 573
(C)(1) of this section, and a set of fingerprint impressions 574
obtained in the manner described in division (C)(2) of this 575
section, the superintendent of the bureau of criminal 576
identification and investigation shall conduct a criminal records 577
check in the manner described in division (B) of this section to 578
determine whether any information exists that indicates that the 579
person who is the subject of the request previously has been 580
convicted of or pleaded guilty to any of the following: 581

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 582
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 583
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 584
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 585
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 586
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 587
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 588
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 589
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 590
of the Revised Code, a violation of section 2905.04 of the Revised 591
Code as it existed prior to July 1, 1996, a violation of section 592
2919.23 of the Revised Code that would have been a violation of 593
section 2905.04 of the Revised Code as it existed prior to July 1, 594
1996, had the violation been committed prior to that date, a 595
violation of section 2925.11 of the Revised Code that is not a 596
minor drug possession offense, two or more OVI or OVUAC violations 597

committed within the three years immediately preceding the 598
submission of the application or petition that is the basis of the 599
request, or felonious sexual penetration in violation of former 600
section 2907.12 of the Revised Code; 601

(b) A violation of an existing or former law of this state, 602
any other state, or the United States that is substantially 603
equivalent to any of the offenses listed in division (A)(4)(a) of 604
this section. 605

(5) Upon receipt of a request pursuant to section 5104.012 or 606
5104.013 of the Revised Code, a completed form prescribed pursuant 607
to division (C)(1) of this section, and a set of fingerprint 608
impressions obtained in the manner described in division (C)(2) of 609
this section, the superintendent of the bureau of criminal 610
identification and investigation shall conduct a criminal records 611
check in the manner described in division (B) of this section to 612
determine whether any information exists that indicates that the 613
person who is the subject of the request has been convicted of or 614
pleaded guilty to any of the following: 615

(a) A violation of section 2903.01, 2903.02, 2903.03, 616
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 617
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 618
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 619
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 620
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 621
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 622
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 623
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 624
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 625
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 626
3716.11 of the Revised Code, felonious sexual penetration in 627
violation of former section 2907.12 of the Revised Code, a 628
violation of section 2905.04 of the Revised Code as it existed 629

prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A)(5)(a) of this section.

(6) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code,

felonious sexual penetration in violation of former section 662
2907.12 of the Revised Code, a violation of section 2905.04 of the 663
Revised Code as it existed prior to July 1, 1996, a violation of 664
section 2919.23 of the Revised Code that would have been a 665
violation of section 2905.04 of the Revised Code as it existed 666
prior to July 1, 1996, had the violation been committed prior to 667
that date, or a violation of section 2925.11 of the Revised Code 668
that is not a minor drug possession offense; 669

(b) A violation of an existing or former law of this state, 670
any other state, or the United States that is substantially 671
equivalent to any of the offenses listed in division (A)(6)(a) of 672
this section. 673

(7) On receipt of a request for a criminal records check from 674
an individual pursuant to section 4749.03 or 4749.06 of the 675
Revised Code, accompanied by a completed copy of the form 676
prescribed in division (C)(1) of this section and a set of 677
fingerprint impressions obtained in a manner described in division 678
(C)(2) of this section, the superintendent of the bureau of 679
criminal identification and investigation shall conduct a criminal 680
records check in the manner described in division (B) of this 681
section to determine whether any information exists indicating 682
that the person who is the subject of the request has been 683
convicted of or pleaded guilty to a felony in this state or in any 684
other state. If the individual indicates that a firearm will be 685
carried in the course of business, the superintendent shall 686
require information from the federal bureau of investigation as 687
described in division (B)(2) of this section. Subject to division 688
(F) of this section, the superintendent shall report the findings 689
of the criminal records check and any information the federal 690
bureau of investigation provides to the director of public safety. 691

(8) On receipt of a request pursuant to section 1321.37, 692
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 693

Code, a completed form prescribed pursuant to division (C)(1) of 694
this section, and a set of fingerprint impressions obtained in the 695
manner described in division (C)(2) of this section, the 696
superintendent of the bureau of criminal identification and 697
investigation shall conduct a criminal records check with respect 698
to any person who has applied for a license, permit, or 699
certification from the department of commerce or a division in the 700
department. The superintendent shall conduct the criminal records 701
check in the manner described in division (B) of this section to 702
determine whether any information exists that indicates that the 703
person who is the subject of the request previously has been 704
convicted of or pleaded guilty to any of the following: a 705
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 706
2925.03 of the Revised Code; any other criminal offense involving 707
theft, receiving stolen property, embezzlement, forgery, fraud, 708
passing bad checks, money laundering, or drug trafficking, or any 709
criminal offense involving money or securities, as set forth in 710
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 711
the Revised Code; or any existing or former law of this state, any 712
other state, or the United States that is substantially equivalent 713
to those offenses. 714

(9) On receipt of a request for a criminal records check from 715
the treasurer of state under section 113.041 of the Revised Code 716
or from an individual under section 4701.08, 4715.101, 4717.061, 717
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 718
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 719
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 720
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 721
4762.06, 4776.021, or 4779.091 of the Revised Code, accompanied by 722
a completed form prescribed under division (C)(1) of this section 723
and a set of fingerprint impressions obtained in the manner 724
described in division (C)(2) of this section, the superintendent 725
of the bureau of criminal identification and investigation shall 726

conduct a criminal records check in the manner described in 727
division (B) of this section to determine whether any information 728
exists that indicates that the person who is the subject of the 729
request has been convicted of or pleaded guilty to any criminal 730
offense in this state or any other state. Subject to division (F) 731
of this section, the superintendent shall send the results of a 732
check requested under section 113.041 of the Revised Code to the 733
treasurer of state and shall send the results of a check requested 734
under any of the other listed sections to the licensing board 735
specified by the individual in the request. 736

(10) On receipt of a request pursuant to section 1121.23, 737
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 738
Code, a completed form prescribed pursuant to division (C)(1) of 739
this section, and a set of fingerprint impressions obtained in the 740
manner described in division (C)(2) of this section, the 741
superintendent of the bureau of criminal identification and 742
investigation shall conduct a criminal records check in the manner 743
described in division (B) of this section to determine whether any 744
information exists that indicates that the person who is the 745
subject of the request previously has been convicted of or pleaded 746
guilty to any criminal offense under any existing or former law of 747
this state, any other state, or the United States. 748

(11) On receipt of a request for a criminal records check 749
from an appointing or licensing authority under section 3772.07 of 750
the Revised Code, a completed form prescribed under division 751
(C)(1) of this section, and a set of fingerprint impressions 752
obtained in the manner prescribed in division (C)(2) of this 753
section, the superintendent of the bureau of criminal 754
identification and investigation shall conduct a criminal records 755
check in the manner described in division (B) of this section to 756
determine whether any information exists that indicates that the 757
person who is the subject of the request previously has been 758

convicted of or pleaded guilty or no contest to any offense under 759
any existing or former law of this state, any other state, or the 760
United States that is a disqualifying offense as defined in 761
section 3772.07 of the Revised Code or substantially equivalent to 762
such an offense. 763

(12) On receipt of a request pursuant to section 2151.33 or 764
2151.412 of the Revised Code, a completed form prescribed pursuant 765
to division (C)(1) of this section, and a set of fingerprint 766
impressions obtained in the manner described in division (C)(2) of 767
this section, the superintendent of the bureau of criminal 768
identification and investigation shall conduct a criminal records 769
check with respect to any person for whom a criminal records check 770
is required by that section. The superintendent shall conduct the 771
criminal records check in the manner described in division (B) of 772
this section to determine whether any information exists that 773
indicates that the person who is the subject of the request 774
previously has been convicted of or pleaded guilty to any of the 775
following: 776

(a) A violation of section 2903.01, 2903.02, 2903.03, 777
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 778
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 779
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 780
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 781
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 782
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 783
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 784
2925.22, 2925.23, or 3716.11 of the Revised Code; 785

(b) An existing or former law of this state, any other state, 786
or the United States that is substantially equivalent to any of 787
the offenses listed in division (A)(12)(a) of this section. 788

(B) Subject to division (F) of this section, the 789
superintendent shall conduct any criminal records check to be 790

conducted under this section as follows: 791

(1) The superintendent shall review or cause to be reviewed 792
any relevant information gathered and compiled by the bureau under 793
division (A) of section 109.57 of the Revised Code that relates to 794
the person who is the subject of the criminal records check, 795
including, if the criminal records check was requested under 796
section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 797
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 798
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 799
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 800
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5123.169, or 801
5153.111 of the Revised Code, any relevant information contained 802
in records that have been sealed under section 2953.32 of the 803
Revised Code; 804

(2) If the request received by the superintendent asks for 805
information from the federal bureau of investigation, the 806
superintendent shall request from the federal bureau of 807
investigation any information it has with respect to the person 808
who is the subject of the criminal records check, including 809
fingerprint-based checks of national crime information databases 810
as described in 42 U.S.C. 671 if the request is made pursuant to 811
section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 812
any other Revised Code section requires fingerprint-based checks 813
of that nature, and shall review or cause to be reviewed any 814
information the superintendent receives from that bureau. If a 815
request under section 3319.39 of the Revised Code asks only for 816
information from the federal bureau of investigation, the 817
superintendent shall not conduct the review prescribed by division 818
(B)(1) of this section. 819

(3) The superintendent or the superintendent's designee may 820
request criminal history records from other states or the federal 821
government pursuant to the national crime prevention and privacy 822

compact set forth in section 109.571 of the Revised Code. 823

(4) The superintendent shall include in the results of the 824
criminal records check a list or description of the offenses 825
listed or described in division (A)(1), (2), (3), (4), (5), (6), 826
(7), (8), (9), (10), (11), or (12) of this section, whichever 827
division requires the superintendent to conduct the criminal 828
records check. The superintendent shall exclude from the results 829
any information the dissemination of which is prohibited by 830
federal law. 831

(5) The superintendent shall send the results of the criminal 832
records check to the person to whom it is to be sent not later 833
than the following number of days after the date the 834
superintendent receives the request for the criminal records 835
check, the completed form prescribed under division (C)(1) of this 836
section, and the set of fingerprint impressions obtained in the 837
manner described in division (C)(2) of this section: 838

(a) If the superintendent is required by division (A) of this 839
section (other than division (A)(3) of this section) to conduct 840
the criminal records check, thirty; 841

(b) If the superintendent is required by division (A)(3) of 842
this section to conduct the criminal records check, sixty. 843

(C)(1) The superintendent shall prescribe a form to obtain 844
the information necessary to conduct a criminal records check from 845
any person for whom a criminal records check is to be conducted 846
under this section. The form that the superintendent prescribes 847
pursuant to this division may be in a tangible format, in an 848
electronic format, or in both tangible and electronic formats. 849

(2) The superintendent shall prescribe standard impression 850
sheets to obtain the fingerprint impressions of any person for 851
whom a criminal records check is to be conducted under this 852
section. Any person for whom a records check is to be conducted 853

under this section shall obtain the fingerprint impressions at a 854
county sheriff's office, municipal police department, or any other 855
entity with the ability to make fingerprint impressions on the 856
standard impression sheets prescribed by the superintendent. The 857
office, department, or entity may charge the person a reasonable 858
fee for making the impressions. The standard impression sheets the 859
superintendent prescribes pursuant to this division may be in a 860
tangible format, in an electronic format, or in both tangible and 861
electronic formats. 862

(3) Subject to division (D) of this section, the 863
superintendent shall prescribe and charge a reasonable fee for 864
providing a criminal records check under this section. The person 865
requesting the criminal records check shall pay the fee prescribed 866
pursuant to this division. In the case of a request under section 867
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 868
2151.412, or 5111.032 of the Revised Code, the fee shall be paid 869
in the manner specified in that section. 870

(4) The superintendent of the bureau of criminal 871
identification and investigation may prescribe methods of 872
forwarding fingerprint impressions and information necessary to 873
conduct a criminal records check, which methods shall include, but 874
not be limited to, an electronic method. 875

(D) The results of a criminal records check conducted under 876
this section, other than a criminal records check specified in 877
division (A)(7) of this section, are valid for the person who is 878
the subject of the criminal records check for a period of one year 879
from the date upon which the superintendent completes the criminal 880
records check. If during that period the superintendent receives 881
another request for a criminal records check to be conducted under 882
this section for that person, the superintendent shall provide the 883
results from the previous criminal records check of the person at 884
a lower fee than the fee prescribed for the initial criminal 885

records check. 886

(E) When the superintendent receives a request for 887
information from a registered private provider, the superintendent 888
shall proceed as if the request was received from a school 889
district board of education under section 3319.39 of the Revised 890
Code. The superintendent shall apply division (A)(1)(c) of this 891
section to any such request for an applicant who is a teacher. 892

(F)(1) All information regarding the results of a criminal 893
records check conducted under this section that the superintendent 894
reports or sends under division (A)(7) or (9) of this section to 895
the director of public safety, the treasurer of state, or the 896
person, board, or entity that made the request for the criminal 897
records check shall relate to the conviction of the subject 898
person, or the subject person's plea of guilty to, a criminal 899
offense. 900

(2) Division (F)(1) of this section does not limit, restrict, 901
or preclude the superintendent's release of information that 902
relates to an adjudication of a child as a delinquent child, or 903
that relates to a criminal conviction of a person under eighteen 904
years of age if the person's case was transferred back to a 905
juvenile court under division (B)(2) or (3) of section 2152.121 of 906
the Revised Code and the juvenile court imposed a disposition or 907
serious youthful offender disposition upon the person under either 908
division, if either of the following applies with respect to the 909
adjudication or conviction: 910

(a) The adjudication or conviction was for a violation of 911
section 2903.01 or 2903.02 of the Revised Code. 912

(b) The adjudication or conviction was for a sexually 913
oriented offense, as defined in section 2950.01 of the Revised 914
Code, the juvenile court was required to classify the child a 915
juvenile offender registrant for that offense under section 916

2152.82, or 2152.83, ~~or 2152.86~~ of the Revised Code, and that 917
classification has not been removed. 918

(G) As used in this section: 919

(1) "Criminal records check" means any criminal records check 920
conducted by the superintendent of the bureau of criminal 921
identification and investigation in accordance with division (B) 922
of this section. 923

(2) "Minor drug possession offense" has the same meaning as 924
in section 2925.01 of the Revised Code. 925

(3) "OVI or OVUAC violation" means a violation of section 926
4511.19 of the Revised Code or a violation of an existing or 927
former law of this state, any other state, or the United States 928
that is substantially equivalent to section 4511.19 of the Revised 929
Code. 930

(4) "Registered private provider" means a nonpublic school or 931
entity registered with the superintendent of public instruction 932
under section 3310.41 of the Revised Code to participate in the 933
autism scholarship program or section 3310.58 of the Revised Code 934
to participate in the Jon Peterson special needs scholarship 935
program. 936

Sec. 109.578. (A) On receipt of a request pursuant to section 937
505.381, 737.081, 737.221, or 4765.301 of the Revised Code, a 938
completed form prescribed pursuant to division (C)(1) of this 939
section, and a set of fingerprint impressions obtained in the 940
manner described in division (C)(2) of this section, the 941
superintendent of the bureau of criminal identification and 942
investigation shall conduct a criminal records check in the manner 943
described in division (B) of this section to determine whether any 944
information exists that indicates that the person who is the 945
subject of the request previously has been convicted of or pleaded 946

guilty to any of the following: 947

(1) A felony; 948

(2) A violation of section 2909.03 of the Revised Code; 949

(3) A violation of an existing or former law of this state, 950
any other state, or the United States that is substantially 951
equivalent to any of the offenses listed in division (A)(1) or (2) 952
of this section. 953

(B) Subject to division (E) of this section, the 954
superintendent shall conduct any criminal records check pursuant 955
to division (A) of this section as follows: 956

(1) The superintendent shall review or cause to be reviewed 957
any relevant information gathered and compiled by the bureau under 958
division (A) of section 109.57 of the Revised Code that relates to 959
the person who is the subject of the request, including any 960
relevant information contained in records that have been sealed 961
under section 2953.32 of the Revised Code. 962

(2) If the request received by the superintendent asks for 963
information from the federal bureau of investigation, the 964
superintendent shall request from the federal bureau of 965
investigation any information it has with respect to the person 966
who is the subject of the request and shall review or cause to be 967
reviewed any information the superintendent receives from that 968
bureau. 969

(C)(1) The superintendent shall prescribe a form to obtain 970
the information necessary to conduct a criminal records check from 971
any person for whom a criminal records check is requested pursuant 972
to section 505.381, 737.081, 737.221, or 4765.301 of the Revised 973
Code. The form that the superintendent prescribes pursuant to this 974
division may be in a tangible format, in an electronic format, or 975
in both tangible and electronic formats. 976

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is requested pursuant to section 505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any person for whom a records check is requested pursuant to any of those sections shall obtain the fingerprint impressions at a county sheriff's office, a municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check requested under section 505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The person making the criminal records request shall pay the fee prescribed pursuant to this division.

(4) The superintendent may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check. The methods shall include, but are not limited to, an electronic method.

(D) A determination whether any information exists that indicates that a person previously has been convicted of or pleaded guilty to any offense listed or described in division (A) of this section and that the superintendent made with respect to information considered in a criminal records check in accordance with this section is valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent makes the determination. During the

period in which the determination in regard to a person is valid, 1009
if another request under this section is made for a criminal 1010
records check for that person, the superintendent shall provide 1011
the information that is the basis for the superintendent's initial 1012
determination at a lower fee than the fee prescribed for the 1013
initial criminal records check. 1014

(E)(1) All information regarding the results of a criminal 1015
records check conducted under this section that the superintendent 1016
reports or sends under this section to the person, board, or 1017
entity that made the request for the criminal records check shall 1018
relate to the conviction of the subject person, or the subject 1019
person's plea of guilty to, a criminal offense. 1020

(2) Division (E)(1) of this section does not limit, restrict, 1021
or preclude the superintendent's release of information that 1022
relates to an adjudication of a child as a delinquent child, or 1023
that relates to a criminal conviction of a person under eighteen 1024
years of age if the person's case was transferred back to a 1025
juvenile court under division (B)(2) or (3) of section 2152.121 of 1026
the Revised Code and the juvenile court imposed a disposition or 1027
serious youthful offender disposition upon the person under either 1028
division, if either of the following applies with respect to the 1029
adjudication or conviction: 1030

(a) The adjudication or conviction was for a violation of 1031
section 2903.01 or 2903.02 of the Revised Code. 1032

(b) The adjudication or conviction was for a sexually 1033
oriented offense, as defined in section 2950.01 of the Revised 1034
Code, the juvenile court was required to classify the child a 1035
juvenile offender registrant for that offense under section 1036
2152.82, or 2152.83, ~~or 2152.86~~ of the Revised Code, and that 1037
classification has not been removed. 1038

(F) As used in this section, "criminal records check" means 1039

any criminal records check conducted by the superintendent of the 1040
bureau of criminal identification and investigation in accordance 1041
with division (B) of this section. 1042

Sec. 311.171. (A) As used in this section: 1043

(1) "Federal poverty level" means the income level 1044
represented by the poverty guidelines as revised annually by the 1045
United States department of health and human services in 1046
accordance with section 673(2) of the "Omnibus Reconciliation Act 1047
of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family 1048
size equal to the size of the family of the person whose income is 1049
being determined. 1050

(2) "Registration year" of an offender means one of the 1051
following: 1052

(a) The twelve-month period beginning on the anniversary, 1053
occurring on or after January 1, 2004, of the date on which an 1054
offender's registration period began in accordance with section 1055
2950.07 of the Revised Code; 1056

(b) The twelve-month period beginning on the date on which an 1057
offender's registration period begins, on or after January 1, 1058
2004, in accordance with section 2950.07 of the Revised Code. 1059

(3) "Sexually oriented offense," "child-victim oriented 1060
offense," ~~and~~ "tier III sex offender/child-victim offender," 1061
"sexual predator," "child-victim predator," "habitual sex 1062
offender," "habitual child-victim offender," and "aggravated 1063
sexually oriented offense" have the same meanings as in section 1064
2950.01 of the Revised Code. 1065

(B) The sheriff may charge a fee each time a person does any 1066
of the following: 1067

(1) Registers under section 2950.04 or 2950.041 of the 1068
Revised Code; 1069

(2) Registers a new residence address under section 2950.05 1070
of the Revised Code; 1071

(3) Verifies a current residence address under section 1072
2950.06 of the Revised Code. 1073

(C) If the sheriff charges one or more fees provided for in 1074
division (B) of this section, all of the following apply: 1075

(1) The sheriff shall not require the payment of any fee from 1076
a delinquent child until the delinquent child reaches eighteen 1077
years of age. When a delinquent child reaches eighteen years of 1078
age and the sheriff charges a fee to the delinquent child, the 1079
provisions of this section applicable to "offenders" shall be 1080
construed to apply to the delinquent child. 1081

(2) For an offender who is a tier III sex 1082
offender/child-victim offender, a sexual predator, or a 1083
child-victim predator, or who has a duty to register as a result 1084
of committing an aggravated sexually oriented offense, the fees 1085
may not exceed a total of one hundred dollars for each 1086
registration year. 1087

(3) For an offender who is a habitual sex offender or a 1088
habitual child-victim offender, who is not described in division 1089
(C)(2) of this section, and for whom the sentencing judge has 1090
required community notification, the fees may not exceed a total 1091
of fifty dollars for each registration year. 1092

(4) For an offender who has been convicted of or pleaded 1093
guilty to a sexually oriented offense or a child-victim offense 1094
and who is not described in division (C)(2) or (3) of this 1095
section, the fees may not exceed a total of twenty-five dollars 1096
for each registration year. 1097

~~(4)~~(5) An offender who is required to pay a fee shall retain 1098
the receipts received under section 325.28 of the Revised Code for 1099
payments made during the offender's registration year to establish 1100

that the payment of any fee will exceed the maximum annual amount 1101
permissible under this division. 1102

~~(5)~~(6) The sheriff shall not refuse to register a person, 1103
register a new residence address of a person, or verify the 1104
current residence address of a person, who does not pay a fee the 1105
sheriff requires under this section. 1106

~~(6)~~(7) The sheriff shall report unpaid fees in accordance 1107
with division (C) of section 325.31 of the Revised Code, and the 1108
county may recover those fees in a civil action in the same manner 1109
as other money due the county. 1110

(D) Each time a person appears before the sheriff to provide 1111
any registration or verification specified in division (B) of this 1112
section for which the sheriff charges a fee, the sheriff shall 1113
determine whether the person is able to pay the fee. In making 1114
that determination, the sheriff shall determine whether the 1115
person's income is less than one hundred twenty-five per cent of 1116
the federal poverty level. A person whose income is equal to or 1117
greater than one hundred twenty-five per cent of the federal 1118
poverty level shall be considered able to pay the fee. 1119

(E) If a sheriff determines a person's income is less than 1120
one hundred twenty-five per cent of the federal poverty level, the 1121
sheriff shall waive payment of the fee. If the sheriff determines 1122
a person's income is equal to or greater than one hundred 1123
twenty-five per cent of the federal poverty level, the sheriff may 1124
allow the person to pay the fee in accordance with a payment 1125
schedule the sheriff establishes based on the person's ability to 1126
pay. The sheriff shall document any waiver or alternative fee 1127
arrangement in the official registration records of the sheriff's 1128
office and shall provide the offender with a written copy of any 1129
waiver or alternative fee arrangement. 1130

(F) All fees paid to a sheriff under this section shall be 1131

paid into the county treasury to the credit of the county general 1132
fund and shall be allocated to the sheriff to be used to defray 1133
the costs of registering sex offenders and child-victim offenders 1134
and providing community notification under Chapter 2950. of the 1135
Revised Code. 1136

(G) If an offender has registered with a sheriff and 1137
subsequently relocates to a different county during a registration 1138
year, the annual maximum amounts set forth in division (C) of this 1139
section shall apply to the sheriff in the new county, and that 1140
sheriff shall consider any payments already made by the offender 1141
for purposes of determining when the applicable maximum has been 1142
met for the offender's registration year. 1143

Sec. 1923.02. (A) Proceedings under this chapter may be had 1144
as follows: 1145

(1) Against tenants or manufactured home park residents 1146
holding over their terms; 1147

(2) Against tenants or manufactured home park residents in 1148
possession under an oral tenancy, who are in default in the 1149
payment of rent as provided in division (B) of this section; 1150

(3) In sales of real estate, on executions, orders, or other 1151
judicial process, when the judgment debtor was in possession at 1152
the time of the rendition of the judgment or decree, by virtue of 1153
which the sale was made; 1154

(4) In sales by executors, administrators, or guardians, and 1155
on partition, when any of the parties to the complaint were in 1156
possession at the commencement of the action, after the sales, so 1157
made on execution or otherwise, have been examined by the proper 1158
court and adjudged legal; 1159

(5) When the defendant is an occupier of lands or tenements, 1160
without color of title, and the complainant has the right of 1161

possession to them; 1162

(6) In any other case of the unlawful and forcible detention 1163
of lands or tenements. For purposes of this division, in addition 1164
to any other type of unlawful and forcible detention of lands or 1165
tenements, such a detention may be determined to exist when both 1166
of the following apply: 1167

(a) A tenant fails to vacate residential premises within 1168
three days after both of the following occur: 1169

(i) The tenant's landlord has actual knowledge of or has 1170
reasonable cause to believe that the tenant, any person in the 1171
tenant's household, or any person on the premises with the consent 1172
of the tenant previously has or presently is engaged in a 1173
violation of Chapter 2925. or 3719. of the Revised Code, or of a 1174
municipal ordinance that is substantially similar to any section 1175
in either of those chapters, which involves a controlled substance 1176
and which occurred in, is occurring in, or otherwise was or is 1177
connected with the premises, whether or not the tenant or other 1178
person has been charged with, has pleaded guilty to or been 1179
convicted of, or has been determined to be a delinquent child for 1180
an act that, if committed by an adult, would be a violation as 1181
described in this division. For purposes of this division, a 1182
landlord has "actual knowledge of or has reasonable cause to 1183
believe" that a tenant, any person in the tenant's household, or 1184
any person on the premises with the consent of the tenant 1185
previously has or presently is engaged in a violation as described 1186
in this division if a search warrant was issued pursuant to 1187
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 1188
affidavit presented to obtain the warrant named or described the 1189
tenant or person as the individual to be searched and particularly 1190
described the tenant's premises as the place to be searched, named 1191
or described one or more controlled substances to be searched for 1192
and seized, stated substantially the offense under Chapter 2925. 1193

or 3719. of the Revised Code or the substantially similar 1194
municipal ordinance that occurred in, is occurring in, or 1195
otherwise was or is connected with the tenant's premises, and 1196
states the factual basis for the affiant's belief that the 1197
controlled substances are located on the tenant's premises; the 1198
warrant was properly executed by a law enforcement officer and any 1199
controlled substance described in the affidavit was found by that 1200
officer during the search and seizure; and, subsequent to the 1201
search and seizure, the landlord was informed by that or another 1202
law enforcement officer of the fact that the tenant or person has 1203
or presently is engaged in a violation as described in this 1204
division and it occurred in, is occurring in, or otherwise was or 1205
is connected with the tenant's premises. 1206

(ii) The landlord gives the tenant the notice required by 1207
division (C) of section 5321.17 of the Revised Code. 1208

(b) The court determines, by a preponderance of the evidence, 1209
that the tenant, any person in the tenant's household, or any 1210
person on the premises with the consent of the tenant previously 1211
has or presently is engaged in a violation as described in 1212
division (A)(6)(a)(i) of this section. 1213

(7) In cases arising out of Chapter 5313. of the Revised 1214
Code. In those cases, the court has the authority to declare a 1215
forfeiture of the vendee's rights under a land installment 1216
contract and to grant any other claims arising out of the 1217
contract. 1218

(8) Against tenants who have breached an obligation that is 1219
imposed by section 5321.05 of the Revised Code, other than the 1220
obligation specified in division (A)(9) of that section, and that 1221
materially affects health and safety. Prior to the commencement of 1222
an action under this division, notice shall be given to the tenant 1223
and compliance secured with section 5321.11 of the Revised Code. 1224

(9) Against tenants who have breached an obligation imposed upon them by a written rental agreement; 1225
1226

(10) Against manufactured home park residents who have defaulted in the payment of rent or breached the terms of a rental agreement with a park operator. Nothing in this division precludes the commencement of an action under division (A)(12) of this section when the additional circumstances described in that division apply. 1227
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(11) Against manufactured home park residents who have committed two material violations of the rules of the manufactured home park, of the manufactured homes commission, or of applicable state and local health and safety codes and who have been notified of the violations in compliance with section 4781.45 of the Revised Code; 1233
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(12) Against a manufactured home park resident, or the estate of a manufactured home park resident, who as a result of death or otherwise has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of an action under this division and whose manufactured home or mobile home, or recreational vehicle that is parked in the manufactured home park, has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement with the park operator; 1239
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(13) Against occupants of self-service storage facilities, as defined in division (A) of section 5322.01 of the Revised Code, who have breached the terms of a rental agreement or violated section 5322.04 of the Revised Code; 1248
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(14) Against any resident or occupant who, pursuant to a rental agreement, resides in or occupies residential premises located within one thousand feet of any school premises or preschool or child day-care center premises in violation of 1252
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section 2950.034 of the Revised Code and to whom both of the 1256
following apply: 1257

(a) The resident's or occupant's name appears on the state 1258
registry of sex offenders and child-victim offenders maintained 1259
under section 2950.13 of the Revised Code. 1260

(b) The state registry of sex offenders and child-victim 1261
offenders indicates that the resident or occupant was convicted of 1262
or pleaded guilty to a sexually oriented offense or a child-victim 1263
oriented offense in a criminal prosecution and was not sentenced 1264
to a serious youthful offender dispositional sentence for that 1265
offense. 1266

(15) Against any tenant who permits any person to occupy 1267
residential premises located within one thousand feet of any 1268
school premises or preschool or child day-care center premises in 1269
violation of section 2950.034 of the Revised Code if both of the 1270
following apply to the person: 1271

(a) The person's name appears on the state registry of sex 1272
offenders and child-victim offenders maintained under section 1273
2950.13 of the Revised Code. 1274

(b) The state registry of sex offenders and child-victim 1275
offenders indicates that the person was convicted of or pleaded 1276
guilty to a sexually oriented offense or a child-victim oriented 1277
offense in a criminal prosecution and was not sentenced to a 1278
serious youthful offender dispositional sentence for that offense. 1279

(B) If a tenant or manufactured home park resident holding 1280
under an oral tenancy is in default in the payment of rent, the 1281
tenant or resident forfeits the right of occupancy, and the 1282
landlord may, at the landlord's option, terminate the tenancy by 1283
notifying the tenant or resident, as provided in section 1923.04 1284
of the Revised Code, to leave the premises, for the restitution of 1285
which an action may then be brought under this chapter. 1286

(C)(1) If a tenant or any other person with the tenant's permission resides in or occupies residential premises that are located within one thousand feet of any school premises and is a resident or occupant of the type described in division (A)(14) of this section or a person of the type described in division (A)(15) of this section, the landlord for those residential premises, upon discovery that the tenant or other person is a resident, occupant, or person of that nature, may terminate the rental agreement or tenancy for those residential premises by notifying the tenant and all other occupants, as provided in section 1923.04 of the Revised Code, to leave the premises.

(2) If a landlord is authorized to terminate a rental agreement or tenancy pursuant to division (C)(1) of this section but does not so terminate the rental agreement or tenancy, the landlord is not liable in a tort or other civil action in damages for any injury, death, or loss to person or property that allegedly result from that decision.

(D) This chapter does not apply to a student tenant as defined by division (H) of section 5321.01 of the Revised Code when the college or university proceeds to terminate a rental agreement pursuant to section 5321.031 of the Revised Code.

Sec. 2151.23. (A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows:

(1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have violated section 2151.87 of the Revised Code or an order issued under that section or to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child and, based on and in relation to the allegation pertaining to the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly or delinquent child

for being an habitual or chronic truant;	1318
(2) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state;	1319 1320 1321
(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;	1322 1323
(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to hospitalization by court order, as defined in section 5122.01 of the Revised Code;	1324 1325 1326 1327 1328 1329
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	1330 1331
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	1332 1333 1334 1335 1336 1337 1338 1339 1340 1341
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	1342 1343
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	1344 1345 1346 1347

(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	1348 1349 1350 1351
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	1352 1353
(11) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	1354 1355 1356 1357 1358 1359 1360
(12) Concerning an action commenced under section 121.38 of the Revised Code;	1361 1362
(13) To hear and determine violations of section 3321.38 of the Revised Code;	1363 1364
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	1365 1366 1367 1368 1369
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 <u>2152.851</u> and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 <u>2152.851</u> and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;	1370 1371 1372 1373 1374 1375 1376 1377
(16) To hear and determine a petition for a protection order	1378

against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age.

(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:

(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;

(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;

(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;

(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;

(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;

(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;

(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.

(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;

(9) To grant any relief normally available under the laws of 1409
this state to enforce a child custody determination made by a 1410
court of another state and registered in accordance with section 1411
3127.35 of the Revised Code. 1412

(C) The juvenile court, except as to juvenile courts that are 1413
a separate division of the court of common pleas or a separate and 1414
independent juvenile court, has jurisdiction to hear, determine, 1415
and make a record of any action for divorce or legal separation 1416
that involves the custody or care of children and that is filed in 1417
the court of common pleas and certified by the court of common 1418
pleas with all the papers filed in the action to the juvenile 1419
court for trial, provided that no certification of that nature 1420
shall be made to any juvenile court unless the consent of the 1421
juvenile judge first is obtained. After a certification of that 1422
nature is made and consent is obtained, the juvenile court shall 1423
proceed as if the action originally had been begun in that court, 1424
except as to awards for spousal support or support due and unpaid 1425
at the time of certification, over which the juvenile court has no 1426
jurisdiction. 1427

(D) The juvenile court, except as provided in divisions (G) 1428
and (I) of section 2301.03 of the Revised Code, has jurisdiction 1429
to hear and determine all matters as to custody and support of 1430
children duly certified by the court of common pleas to the 1431
juvenile court after a divorce decree has been granted, including 1432
jurisdiction to modify the judgment and decree of the court of 1433
common pleas as the same relate to the custody and support of 1434
children. 1435

(E) The juvenile court, except as provided in divisions (G) 1436
and (I) of section 2301.03 of the Revised Code, has jurisdiction 1437
to hear and determine the case of any child certified to the court 1438
by any court of competent jurisdiction if the child comes within 1439
the jurisdiction of the juvenile court as defined by this section. 1440

(F)(1) The juvenile court shall exercise its jurisdiction in 1441
child custody matters in accordance with sections 3109.04 and 1442
3127.01 to 3127.53 of the Revised Code and, as applicable, 1443
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 1444
Code. 1445

(2) The juvenile court shall exercise its jurisdiction in 1446
child support matters in accordance with section 3109.05 of the 1447
Revised Code. 1448

(G) Any juvenile court that makes or modifies an order for 1449
child support shall comply with Chapters 3119., 3121., 3123., and 1450
3125. of the Revised Code. If any person required to pay child 1451
support under an order made by a juvenile court on or after April 1452
15, 1985, or modified on or after December 1, 1986, is found in 1453
contempt of court for failure to make support payments under the 1454
order, the court that makes the finding, in addition to any other 1455
penalty or remedy imposed, shall assess all court costs arising 1456
out of the contempt proceeding against the person and require the 1457
person to pay any reasonable attorney's fees of any adverse party, 1458
as determined by the court, that arose in relation to the act of 1459
contempt. 1460

(H) If a child who is charged with an act that would be an 1461
offense if committed by an adult was fourteen years of age or 1462
older and under eighteen years of age at the time of the alleged 1463
act and if the case is transferred for criminal prosecution 1464
pursuant to section 2152.12 of the Revised Code, except as 1465
provided in section 2152.121 of the Revised Code, the juvenile 1466
court does not have jurisdiction to hear or determine the case 1467
subsequent to the transfer. The court to which the case is 1468
transferred for criminal prosecution pursuant to that section has 1469
jurisdiction subsequent to the transfer to hear and determine the 1470
case in the same manner as if the case originally had been 1471
commenced in that court, subject to section 2152.121 of the 1472

Revised Code, including, but not limited to, jurisdiction to 1473
accept a plea of guilty or another plea authorized by Criminal 1474
Rule 11 or another section of the Revised Code and jurisdiction to 1475
accept a verdict and to enter a judgment of conviction pursuant to 1476
the Rules of Criminal Procedure against the child for the 1477
commission of the offense that was the basis of the transfer of 1478
the case for criminal prosecution, whether the conviction is for 1479
the same degree or a lesser degree of the offense charged, for the 1480
commission of a lesser-included offense, or for the commission of 1481
another offense that is different from the offense charged. 1482

(I) If a person under eighteen years of age allegedly commits 1483
an act that would be a felony if committed by an adult and if the 1484
person is not taken into custody or apprehended for that act until 1485
after the person attains twenty-one years of age, the juvenile 1486
court does not have jurisdiction to hear or determine any portion 1487
of the case charging the person with committing that act. In those 1488
circumstances, divisions (A) and (B) of section 2152.12 of the 1489
Revised Code do not apply regarding the act, and the case charging 1490
the person with committing the act shall be a criminal prosecution 1491
commenced and heard in the appropriate court having jurisdiction 1492
of the offense as if the person had been eighteen years of age or 1493
older when the person committed the act. All proceedings 1494
pertaining to the act shall be within the jurisdiction of the 1495
court having jurisdiction of the offense, and that court has all 1496
the authority and duties in the case that it has in other criminal 1497
cases in that court. 1498

(J) In exercising its exclusive original jurisdiction under 1499
division (A)(16) of this section with respect to any proceedings 1500
brought under section 2151.34 or 3113.31 of the Revised Code in 1501
which the respondent is a child, the juvenile court retains all 1502
dispositionary powers consistent with existing rules of juvenile 1503
procedure and may also exercise its discretion to adjudicate 1504

proceedings as provided in sections 2151.34 and 3113.31 of the Revised Code, including the issuance of protection orders or the approval of consent agreements under those sections.

(K) Regardless of the person's age, the juvenile court retains jurisdiction over a person who has received a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code until the person successfully completes all the traditional juvenile dispositions imposed under the dispositional sentence or until the juvenile court pursuant to section 2152.14 of the Revised Code invokes the adult portion of the dispositional sentence imposed.

(L) Regardless of the person's age, the juvenile court retains jurisdiction over a person who has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense on or after January 1, 2002, for the purpose of imposing, modifying, or terminating an order under sections 2152.82, 2152.83, 2152.831, 2152.84, and 2152.85 of the Revised Code.

Sec. 2151.357. (A) If the court orders the records of a person sealed pursuant to section 2151.356 of the Revised Code, the person who is subject of the order properly may, and the court shall, reply that no record exists with respect to the person upon any inquiry in the matter, and the court, except as provided in division (D) of this section, shall do all of the following:

(1) Order that the proceedings in a case described in divisions (B) and (C) of section 2151.356 of the Revised Code be deemed never to have occurred;

(2) Except as provided in division (C) of this section, delete all index references to the case and the person so that the references are permanently irretrievable;

(3) Order that all original records of the case maintained by any public office or agency, except fingerprints held by a law enforcement agency, DNA specimens collected pursuant to section 2152.74 of the Revised Code, and DNA records derived from DNA specimens pursuant to section 109.573 of the Revised Code, be delivered to the court;

(4) Order each public office or agency, upon the delivering of records to the court under division (A)(3) of this section, to expunge remaining records of the case that are the subject of the sealing order that are maintained by that public office or agency, except fingerprints, DNA specimens, and DNA records described under division (A)(3) of this section;

(5) Send notice of the order to seal to any public office or agency that the court has reason to believe may have a record of the sealed record;

(6) Seal all of the records delivered to the court under division (A)(3) of this section, in a separate file in which only sealed records are maintained.

(B) Except as provided in division (D) of this section, an order to seal under section 2151.356 of the Revised Code applies to every public office or agency that has a record relating to the case, regardless of whether it receives notice of the hearing on the sealing of the record or a copy of the order. Except as provided in division (D) of this section, upon the written request of a person whose record has been sealed and the presentation of a copy of the order and compliance with division (A)(3) of this section, a public office or agency shall expunge its record relating to the case, except a record of the adjudication or arrest or taking into custody that is maintained for compiling statistical data and that does not contain any reference to the person who is the subject of the order.

(C) The court that maintains sealed records pursuant to this section may maintain a manual or computerized index of the sealed records and shall make the index available only for the purposes set forth in division (E) of this section.

(1) Each entry regarding a sealed record in the index of sealed records shall contain all of the following:

(a) The name of the person who is the subject of the sealed record;

(b) An alphanumeric identifier relating to the person who is the subject of the sealed record;

(c) The word "sealed";

(d) The name of the court that has custody of the sealed record.

(2) Any entry regarding a sealed record in the index of sealed records shall not contain either of the following:

(a) The social security number of the person who is subject of the sealed record;

(b) The name or a description of the act committed.

(D) Notwithstanding any provision of this section that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding an adjudication that the individual is a delinquent child that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal the record. An order issued under section 2151.356 of the Revised Code to seal the record of an adjudication that an individual is a delinquent child does not revoke the adjudication order of the superintendent of public instruction to permanently

exclude the individual who is the subject of the sealing order. An 1596
order to seal the record of an adjudication that an individual is 1597
a delinquent child may be presented to a district superintendent 1598
as evidence to support the contention that the superintendent 1599
should recommend that the permanent exclusion of the individual 1600
who is the subject of the sealing order be revoked. Except as 1601
otherwise authorized by this division and sections 3301.121 and 1602
3313.662 of the Revised Code, any school employee in possession of 1603
or having access to the sealed adjudication records of an 1604
individual that were the basis of a permanent exclusion of the 1605
individual is subject to division (F) of this section. 1606

(E) Inspection of records that have been ordered sealed under 1607
section 2151.356 of the Revised Code may be made only by the 1608
following persons or for the following purposes: 1609

(1) By the court; 1610

(2) If the records in question pertain to an act that would 1611
be an offense of violence that would be a felony if committed by 1612
an adult, by any law enforcement officer or any prosecutor, or the 1613
assistants of a law enforcement officer or prosecutor, for any 1614
valid law enforcement or prosecutorial purpose; 1615

(3) Upon application by the person who is the subject of the 1616
sealed records, by the person that is named in that application; 1617

(4) If the records in question pertain to an alleged 1618
violation of division (E)(1) of section 4301.69 of the Revised 1619
Code, by any law enforcement officer or any prosecutor, or the 1620
assistants of a law enforcement officer or prosecutor, for the 1621
purpose of determining whether the person is eligible for 1622
diversion under division (E)(2) of section 4301.69 of the Revised 1623
Code; 1624

(5) At the request of a party in a civil action that is based 1625
on a case the records for which are the subject of a sealing order 1626

issued under section 2151.356 of the Revised Code, as needed for 1627
the civil action. The party also may copy the records as needed 1628
for the civil action. The sealed records shall be used solely in 1629
the civil action and are otherwise confidential and subject to the 1630
provisions of this section. 1631

~~(6) By the attorney general or an authorized employee of the 1632
attorney general or the court for purposes of determining whether 1633
a child is a public registry qualified juvenile offender 1634
registrant, as defined in section 2950.01 of the Revised Code, for 1635
purposes of Chapter 2950. of the Revised Code. 1636~~

(F) No officer or employee of the state or any of its 1637
political subdivisions shall knowingly release, disseminate, or 1638
make available for any purpose involving employment, bonding, 1639
licensing, or education to any person or to any department, 1640
agency, or other instrumentality of the state or of any of its 1641
political subdivisions any information or other data concerning 1642
any arrest, taking into custody, complaint, indictment, 1643
information, trial, hearing, adjudication, or correctional 1644
supervision, the records of which have been sealed pursuant to 1645
section 2151.356 of the Revised Code and the release, 1646
dissemination, or making available of which is not expressly 1647
permitted by this section. Whoever violates this division is 1648
guilty of divulging confidential information, a misdemeanor of the 1649
fourth degree. 1650

(G) In any application for employment, license, or other 1651
right or privilege, any appearance as a witness, or any other 1652
inquiry, a person may not be questioned with respect to any arrest 1653
or taking into custody for which the records were sealed. If an 1654
inquiry is made in violation of this division, the person may 1655
respond as if the sealed arrest or taking into custody did not 1656
occur, and the person shall not be subject to any adverse action 1657
because of the arrest or taking into custody or the response. 1658

(H) The judgment rendered by the court under this chapter 1659
shall not impose any of the civil disabilities ordinarily imposed 1660
by conviction of a crime in that the child is not a criminal by 1661
reason of the adjudication, and no child shall be charged with or 1662
convicted of a crime in any court except as provided by this 1663
chapter. The disposition of a child under the judgment rendered or 1664
any evidence given in court shall not operate to disqualify a 1665
child in any future civil service examination, appointment, or 1666
application. Evidence of a judgment rendered and the disposition 1667
of a child under the judgment is not admissible to impeach the 1668
credibility of the child in any action or proceeding. Otherwise, 1669
the disposition of a child under the judgment rendered or any 1670
evidence given in court is admissible as evidence for or against 1671
the child in any action or proceeding in any court in accordance 1672
with the Rules of Evidence and also may be considered by any court 1673
as to the matter of sentence or to the granting of probation, and 1674
a court may consider the judgment rendered and the disposition of 1675
a child under that judgment for purposes of determining whether 1676
the child, for a future criminal conviction or guilty plea, is a 1677
repeat violent offender, as defined in section 2929.01 of the 1678
Revised Code. 1679

Sec. 2152.02. As used in this chapter: 1680

(A) "Act charged" means the act that is identified in a 1681
complaint, indictment, or information alleging that a child is a 1682
delinquent child. 1683

(B) "Admitted to a department of youth services facility" 1684
includes admission to a facility operated, or contracted for, by 1685
the department and admission to a comparable facility outside this 1686
state by another state or the United States. 1687

(C)(1) "Child" means a person who is under eighteen years of 1688
age, except as otherwise provided in divisions (C)(2) to (8) of 1689

this section. 1690

(2) Subject to division (C)(3) of this section, any person 1691
who violates a federal or state law or a municipal ordinance prior 1692
to attaining eighteen years of age shall be deemed a "child" 1693
irrespective of that person's age at the time the complaint with 1694
respect to that violation is filed or the hearing on the complaint 1695
is held. 1696

(3) Any person who, while under eighteen years of age, 1697
commits an act that would be a felony if committed by an adult and 1698
who is not taken into custody or apprehended for that act until 1699
after the person attains twenty-one years of age is not a child in 1700
relation to that act. 1701

(4) Except as otherwise provided in divisions (C)(5) and (7) 1702
of this section, any person whose case is transferred for criminal 1703
prosecution pursuant to section 2152.12 of the Revised Code shall 1704
be deemed after the transfer not to be a child in the transferred 1705
case. 1706

(5) Any person whose case is transferred for criminal 1707
prosecution pursuant to section 2152.12 of the Revised Code and 1708
who subsequently is convicted of or pleads guilty to a felony in 1709
that case, unless a serious youthful offender dispositional 1710
sentence is imposed on the child for that offense under division 1711
(B)(2) or (3) of section 2152.121 of the Revised Code and the 1712
adult portion of that sentence is not invoked pursuant to section 1713
2152.14 of the Revised Code, and any person who is adjudicated a 1714
delinquent child for the commission of an act, who has a serious 1715
youthful offender dispositional sentence imposed for the act 1716
pursuant to section 2152.13 of the Revised Code, and whose adult 1717
portion of the dispositional sentence is invoked pursuant to 1718
section 2152.14 of the Revised Code, shall be deemed after the 1719
conviction, plea, or invocation not to be a child in any case in 1720
which a complaint is filed against the person. 1721

(6) The juvenile court has jurisdiction over a person who is adjudicated a delinquent child or juvenile traffic offender prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, except as otherwise provided in this division, a person who is so adjudicated a delinquent child or juvenile traffic offender shall be deemed a "child" until the person attains twenty-one years of age. If a person is so adjudicated a delinquent child or juvenile traffic offender and the court makes a disposition of the person under this chapter, at any time after the person attains twenty-one years of age, the places at which the person may be held under that disposition are not limited to places authorized under this chapter solely for confinement of children, and the person may be confined under that disposition, in accordance with division (F)(2) of section 2152.26 of the Revised Code, in places other than those authorized under this chapter solely for confinement of children.

(7) The juvenile court has jurisdiction over any person whose case is transferred for criminal prosecution solely for the purpose of detaining the person as authorized in division (F)(1) or (4) of section 2152.26 of the Revised Code unless the person is convicted of or pleads guilty to a felony in the adult court.

(8) Any person who, while eighteen years of age, violates division (A)(1) or (2) of section 2919.27 of the Revised Code by violating a protection order issued or consent agreement approved under section 2151.34 or 3113.31 of the Revised Code shall be considered a child for the purposes of that violation of section 2919.27 of the Revised Code.

(D) "Chronic truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for seven or more consecutive school days, ten or more school days in one school

month, or fifteen or more school days in a school year. 1754

(E) "Community corrections facility," "public safety beds," 1755
"release authority," and "supervised release" have the same 1756
meanings as in section 5139.01 of the Revised Code. 1757

(F) "Delinquent child" includes any of the following: 1758

(1) Any child, except a juvenile traffic offender, who 1759
violates any law of this state or the United States, or any 1760
ordinance of a political subdivision of the state, that would be 1761
an offense if committed by an adult; 1762

(2) Any child who violates any lawful order of the court made 1763
under this chapter or under Chapter 2151. of the Revised Code 1764
other than an order issued under section 2151.87 of the Revised 1765
Code; 1766

(3) Any child who violates division (C) of section 2907.39, 1767
division (A) of section 2923.211, or division (C)(1) or (D) of 1768
section 2925.55 of the Revised Code; 1769

(4) Any child who is a habitual truant and who previously has 1770
been adjudicated an unruly child for being a habitual truant; 1771

(5) Any child who is a chronic truant. 1772

(G) "Discretionary serious youthful offender" means a person 1773
who is eligible for a discretionary SYO and who is not transferred 1774
to adult court under a mandatory or discretionary transfer. 1775

(H) "Discretionary SYO" means a case in which the juvenile 1776
court, in the juvenile court's discretion, may impose a serious 1777
youthful offender disposition under section 2152.13 of the Revised 1778
Code. 1779

(I) "Discretionary transfer" means that the juvenile court 1780
has discretion to transfer a case for criminal prosecution under 1781
division (B) of section 2152.12 of the Revised Code. 1782

(J) "Drug abuse offense," "felony drug abuse offense," and 1783

"minor drug possession offense" have the same meanings as in 1784
section 2925.01 of the Revised Code. 1785

(K) "Electronic monitoring" and "electronic monitoring 1786
device" have the same meanings as in section 2929.01 of the 1787
Revised Code. 1788

(L) "Economic loss" means any economic detriment suffered by 1789
a victim of a delinquent act or juvenile traffic offense as a 1790
direct and proximate result of the delinquent act or juvenile 1791
traffic offense and includes any loss of income due to lost time 1792
at work because of any injury caused to the victim and any 1793
property loss, medical cost, or funeral expense incurred as a 1794
result of the delinquent act or juvenile traffic offense. 1795
"Economic loss" does not include non-economic loss or any punitive 1796
or exemplary damages. 1797

(M) "Firearm" has the same meaning as in section 2923.11 of 1798
the Revised Code. 1799

(N) "Juvenile traffic offender" means any child who violates 1800
any traffic law, traffic ordinance, or traffic regulation of this 1801
state, the United States, or any political subdivision of this 1802
state, other than a resolution, ordinance, or regulation of a 1803
political subdivision of this state the violation of which is 1804
required to be handled by a parking violations bureau or a joint 1805
parking violations bureau pursuant to Chapter 4521. of the Revised 1806
Code. 1807

(O) A "legitimate excuse for absence from the public school 1808
the child is supposed to attend" has the same meaning as in 1809
section 2151.011 of the Revised Code. 1810

(P) "Mandatory serious youthful offender" means a person who 1811
is eligible for a mandatory SYO and who is not transferred to 1812
adult court under a mandatory or discretionary transfer and also 1813
includes, for purposes of imposition of a mandatory serious 1814

youthful dispositional sentence under section 2152.13 of the Revised Code, a person upon whom a juvenile court is required to impose such a sentence under division (B)(3) of section 2152.121 of the Revised Code.

(Q) "Mandatory SYO" means a case in which the juvenile court is required to impose a mandatory serious youthful offender disposition under section 2152.13 of the Revised Code.

(R) "Mandatory transfer" means that a case is required to be transferred for criminal prosecution under division (A) of section 2152.12 of the Revised Code.

(S) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.

(T) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.

(U) "Monitored time" and "repeat violent offender" have the same meanings as in section 2929.01 of the Revised Code.

(V) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(W) "Public record" has the same meaning as in section 149.43 of the Revised Code.

(X) "Serious youthful offender" means a person who is eligible for a mandatory SYO or discretionary SYO but who is not transferred to adult court under a mandatory or discretionary transfer and also includes, for purposes of imposition of a mandatory serious youthful dispositional sentence under section 2152.13 of the Revised Code, a person upon whom a juvenile court is required to impose such a sentence under division (B)(3) of section 2152.121 of the Revised Code.

(Y) "Sexually oriented offense," "juvenile offender registrant," "child-victim oriented offense," "tier I sex

offender/child-victim offender," "tier II sex 1845
offender/child-victim offender," "tier III sex 1846
offender/child-victim offender," "sexual predator," "habitual sex 1847
offender," "child-victim predator," and "~~public registry qualified~~ 1848
~~juvenile offender registrant~~" "habitual child-victim offender" 1849
have the same meanings as in section 2950.01 of the Revised Code. 1850

(Z) "Traditional juvenile" means a case that is not 1851
transferred to adult court under a mandatory or discretionary 1852
transfer, that is eligible for a disposition under sections 1853
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1854
that is not eligible for a disposition under section 2152.13 of 1855
the Revised Code. 1856

(AA) "Transfer" means the transfer for criminal prosecution 1857
of a case involving the alleged commission by a child of an act 1858
that would be an offense if committed by an adult from the 1859
juvenile court to the appropriate court that has jurisdiction of 1860
the offense. 1861

(BB) "Category one offense" means any of the following: 1862

(1) A violation of section 2903.01 or 2903.02 of the Revised 1863
Code; 1864

(2) A violation of section 2923.02 of the Revised Code 1865
involving an attempt to commit aggravated murder or murder. 1866

(CC) "Category two offense" means any of the following: 1867

(1) A violation of section 2903.03, 2905.01, 2907.02, 1868
2909.02, 2911.01, or 2911.11 of the Revised Code; 1869

(2) A violation of section 2903.04 of the Revised Code that 1870
is a felony of the first degree; 1871

(3) A violation of section 2907.12 of the Revised Code as it 1872
existed prior to September 3, 1996. 1873

(DD) "Non-economic loss" means nonpecuniary harm suffered by 1874

a victim of a delinquent act or juvenile traffic offense as a 1875
result of or related to the delinquent act or juvenile traffic 1876
offense, including, but not limited to, pain and suffering; loss 1877
of society, consortium, companionship, care, assistance, 1878
attention, protection, advice, guidance, counsel, instruction, 1879
training, or education; mental anguish; and any other intangible 1880
loss. 1881

Sec. 2152.14. (A)(1) The director of youth services may 1882
request the prosecuting attorney of the county in which is located 1883
the juvenile court that imposed a serious youthful offender 1884
dispositional sentence upon a person under section 2152.121 or 1885
2152.13 of the Revised Code to file a motion with that juvenile 1886
court to invoke the adult portion of the dispositional sentence if 1887
all of the following apply to the person: 1888

(a) The person is at least fourteen years of age. 1889

(b) The person is in the institutional custody, or an escapee 1890
from the custody, of the department of youth services. 1891

(c) The person is serving the juvenile portion of the serious 1892
youthful offender dispositional sentence. 1893

(2) The motion shall state that there is reasonable cause to 1894
believe that either of the following misconduct has occurred and 1895
shall state that at least one incident of misconduct of that 1896
nature occurred after the person reached fourteen years of age: 1897

(a) The person committed an act that is a violation of the 1898
rules of the institution and that could be charged as any felony 1899
or as a first degree misdemeanor offense of violence if committed 1900
by an adult. 1901

(b) The person has engaged in conduct that creates a 1902
substantial risk to the safety or security of the institution, the 1903
community, or the victim. 1904

(B) If a person is at least fourteen years of age, is serving the juvenile portion of a serious youthful offender dispositional sentence imposed under section 2152.121 or 2152.13 of the Revised Code, and is on parole or aftercare from a department of youth services facility, or on community control, the director of youth services, the juvenile court that imposed the serious youthful offender dispositional sentence on the person, or the probation department supervising the person may request the prosecuting attorney of the county in which is located the juvenile court to file a motion with the juvenile court to invoke the adult portion of the dispositional sentence. The prosecuting attorney may file a motion to invoke the adult portion of the dispositional sentence even if no request is made. The motion shall state that there is reasonable cause to believe that either of the following occurred and shall state that at least one incident of misconduct of that nature occurred after the person reached fourteen years of age:

(1) The person committed an act that is a violation of the conditions of supervision and that could be charged as any felony or as a first degree misdemeanor offense of violence if committed by an adult.

(2) The person has engaged in conduct that creates a substantial risk to the safety or security of the community or of the victim.

(C) If the prosecuting attorney declines a request to file a motion that was made by the department of youth services or the supervising probation department under division (A) or (B) of this section or fails to act on a request made under either division by the department within a reasonable time, the department of youth services or the supervising probation department may file a motion of the type described in division (A) or (B) of this section with the juvenile court to invoke the adult portion of the serious youthful offender dispositional sentence. If the prosecuting

attorney declines a request to file a motion that was made by the 1937
juvenile court under division (B) of this section or fails to act 1938
on a request from the court under that division within a 1939
reasonable time, the juvenile court may hold the hearing described 1940
in division (D) of this section on its own motion. 1941

(D) Upon the filing of a motion described in division (A), 1942
(B), or (C) of this section, the juvenile court may hold a hearing 1943
to determine whether to invoke the adult portion of a person's 1944
serious juvenile offender dispositional sentence. The juvenile 1945
court shall not invoke the adult portion of the dispositional 1946
sentence without a hearing. At the hearing the person who is the 1947
subject of the serious youthful offender disposition has the right 1948
to be present, to receive notice of the grounds upon which the 1949
adult sentence portion is sought to be invoked, to be represented 1950
by counsel including counsel appointed under Juvenile Rule 4(A), 1951
to be advised on the procedures and protections set forth in the 1952
Juvenile Rules, and to present evidence on the person's own 1953
behalf, including evidence that the person has a mental illness or 1954
is a mentally retarded person. The person may not waive the right 1955
to counsel. The hearing shall be open to the public. If the person 1956
presents evidence that the person has a mental illness or is a 1957
mentally retarded person, the juvenile court shall consider that 1958
evidence in determining whether to invoke the adult portion of the 1959
serious youthful offender dispositional sentence. 1960

(E)(1) The juvenile court may invoke the adult portion of a 1961
person's serious youthful offender dispositional sentence if the 1962
juvenile court finds all of the following on the record by clear 1963
and convincing evidence: 1964

(a) The person is serving the juvenile portion of a serious 1965
youthful offender dispositional sentence. 1966

(b) The person is at least fourteen years of age and has been 1967
admitted to a department of youth services facility, or criminal 1968

charges are pending against the person. 1969

(c) The person engaged in the conduct or acts charged under 1970
division (A), (B), or (C) of this section, and the person's 1971
conduct demonstrates that the person is unlikely to be 1972
rehabilitated during the remaining period of juvenile 1973
jurisdiction. 1974

(2) The court may modify the adult sentence the court invokes 1975
to consist of any lesser prison term that could be imposed for the 1976
offense and, in addition to the prison term or in lieu of the 1977
prison term if the prison term was not mandatory, any community 1978
control sanction that the offender was eligible to receive at 1979
sentencing. 1980

(F) If a juvenile court issues an order invoking the adult 1981
portion of a serious youthful offender dispositional sentence 1982
under division (E) of this section, the juvenile portion of the 1983
dispositional sentence shall terminate, and the department of 1984
youth services shall transfer the person to the department of 1985
rehabilitation and correction or place the person under another 1986
sanction imposed as part of the sentence. The juvenile court shall 1987
state in its order the total number of days that the person has 1988
been held in detention or in a facility operated by, or under 1989
contract with, the department of youth services under the juvenile 1990
portion of the dispositional sentence. The time the person must 1991
serve on a prison term imposed under the adult portion of the 1992
dispositional sentence shall be reduced by the total number of 1993
days specified in the order plus any additional days the person is 1994
held in a juvenile facility or in detention after the order is 1995
issued and before the person is transferred to the custody of the 1996
department of rehabilitation and correction. In no case shall the 1997
total prison term as calculated under this division exceed the 1998
maximum prison term available for an adult who is convicted of 1999
violating the same sections of the Revised Code. 2000

Any community control imposed as part of the adult sentence 2001
or as a condition of a judicial release from prison shall be under 2002
the supervision of the entity that provides adult probation 2003
services in the county. Any post-release control imposed after the 2004
offender otherwise is released from prison shall be supervised by 2005
the adult parole authority. 2006

(G) A child's attainment of eighteen or twenty-one years of 2007
age does not affect or terminate the ability or authority of the 2008
juvenile court to conduct a hearing or issue an order under this 2009
section. 2010

Sec. 2152.191. If a child is adjudicated a delinquent child 2011
for committing a sexually oriented offense or a child-victim 2012
oriented offense, if the child is fourteen years of age or older 2013
at the time of committing the offense, and if the child committed 2014
the offense on or after January 1, 2002, both of the following 2015
apply: 2016

(A) Sections 2152.82 to ~~2152.86~~ 2152.851 and Chapter 2950. of 2017
the Revised Code apply to the child and the adjudication. 2018

(B) In addition to any order of disposition it makes of the 2019
child under this chapter, the court may make any determination, 2020
adjudication, or order authorized under sections 2152.82 to 2021
~~2152.86~~ 2152.851 and Chapter 2950. of the Revised Code and shall 2022
make any determination, adjudication, or order required under 2023
those sections and that chapter. 2024

Sec. 2152.22. (A) When a child is committed to the legal 2025
custody of the department of youth services under this chapter, 2026
the juvenile court relinquishes control with respect to the child 2027
so committed, except as provided in divisions (B), (C), (D), and 2028
(H) of this section or in sections 2152.82 to ~~2152.86~~ 2152.851 of 2029
the Revised Code. Subject to divisions (B), (C), and (D) of this 2030

section, sections 2151.353 and 2151.412 to 2151.421 of the Revised Code, sections 2152.82 to ~~2152.86~~ 2152.851 of the Revised Code, and any other provision of law that specifies a different duration for a dispositional order, all other dispositional orders made by the court under this chapter shall be temporary and shall continue for a period that is designated by the court in its order, until terminated or modified by the court or until the child attains twenty-one years of age.

The department shall not release the child from a department facility and as a result shall not discharge the child or order the child's release on supervised release prior to the expiration of the minimum period specified by the court in division (A)(1) of section 2152.16 of the Revised Code and any term of commitment imposed under section 2152.17 of the Revised Code or prior to the child's attainment of twenty-one years of age, except upon the order of a court pursuant to division (B), (C), or (D) of this section or in accordance with section 5139.54 of the Revised Code.

(B)(1) Unless the court grants judicial release under division (D)(1)(b) of this section, the court that commits a delinquent child to the department of youth services may grant judicial release of the child to court supervision under this division during the first half of the prescribed minimum term for which the child was committed to the department or, if the child was committed to the department until the child attains twenty-one years of age, during the first half of the prescribed period of commitment that begins on the first day of commitment and ends on the child's twenty-first birthday, provided any commitment imposed under division (A), (B), (C), or (D) of section 2152.17 of the Revised Code has ended.

(2) If the department desires to release a child during a period specified in division (B)(1) of this section, it shall request the court that committed the child to grant a judicial

release of the child to court supervision under this division. 2063
During whichever of those periods is applicable, the child or the 2064
parents of the child also may request that court to grant a 2065
judicial release of the child to court supervision. Upon receipt 2066
of a request for a judicial release to court supervision under 2067
this division from the department, the child, or the child's 2068
parent, or upon its own motion, the court that committed the child 2069
shall do one of the following: approve the release by journal 2070
entry; schedule within thirty days after the request is received a 2071
time for a hearing on whether the child is to be released; or 2072
reject the request by journal entry without conducting a hearing. 2073

If the court rejects an initial request for a release under 2074
this division by the child or the child's parent, the child or the 2075
child's parent may make one additional request for a judicial 2076
release to court supervision within the applicable period. The 2077
additional request may be made no earlier than thirty days after 2078
the filing of the prior request for a judicial release to court 2079
supervision. Upon the filing of a second request for a judicial 2080
release to court supervision, the court shall either approve or 2081
disapprove the release by journal entry or schedule within thirty 2082
days after the request is received a time for a hearing on whether 2083
the child is to be released. 2084

(3) If a court schedules a hearing under division (B)(2) of 2085
this section, it may order the department to deliver the child to 2086
the court on the date set for the hearing and may order the 2087
department to present to the court a report on the child's 2088
progress in the institution to which the child was committed and 2089
recommendations for conditions of supervision of the child by the 2090
court after release. The court may conduct the hearing without the 2091
child being present. The court shall determine at the hearing 2092
whether the child should be granted a judicial release to court 2093
supervision. 2094

If the court approves the release under this division, it 2095
shall order its staff to prepare a written treatment and 2096
rehabilitation plan for the child that may include any conditions 2097
of the child's release that were recommended by the department and 2098
approved by the court. The committing court shall send the 2099
juvenile court of the county in which the child is placed a copy 2100
of the recommended plan. The court of the county in which the 2101
child is placed may adopt the recommended conditions set by the 2102
committing court as an order of the court and may add any 2103
additional consistent conditions it considers appropriate. If a 2104
child is granted a judicial release to court supervision, the 2105
release discharges the child from the custody of the department of 2106
youth services. 2107

(C)(1) Unless the court grants judicial release under 2108
division (D)(1)(b) of this section, the court that commits a 2109
delinquent child to the department of youth services may grant 2110
judicial release of the child to department of youth services 2111
supervision under this division during the second half of the 2112
prescribed minimum term for which the child was committed to the 2113
department or, if the child was committed to the department until 2114
the child attains twenty-one years of age, during the second half 2115
of the prescribed period of commitment that begins on the first 2116
day of commitment and ends on the child's twenty-first birthday, 2117
provided any commitment imposed under division (A), (B), (C), or 2118
(D) of section 2152.17 of the Revised Code has ended. 2119

(2) If the department desires to release a child during a 2120
period specified in division (C)(1) of this section, it shall 2121
request the court that committed the child to grant a judicial 2122
release to department of youth services supervision. During 2123
whichever of those periods is applicable, the child or the child's 2124
parent also may request the court that committed the child to 2125
grant a judicial release to department of youth services 2126

supervision. Upon receipt of a request for judicial release to 2127
department of youth services supervision, the child, or the 2128
child's parent, or upon its own motion at any time during that 2129
period, the court shall do one of the following: approve the 2130
release by journal entry; schedule a time within thirty days after 2131
receipt of the request for a hearing on whether the child is to be 2132
released; or reject the request by journal entry without 2133
conducting a hearing. 2134

If the court rejects an initial request for release under 2135
this division by the child or the child's parent, the child or the 2136
child's parent may make one or more subsequent requests for a 2137
release within the applicable period, but may make no more than 2138
one request during each period of ninety days that the child is in 2139
a secure department facility after the filing of a prior request 2140
for early release. Upon the filing of a request for release under 2141
this division subsequent to an initial request, the court shall 2142
either approve or disapprove the release by journal entry or 2143
schedule a time within thirty days after receipt of the request 2144
for a hearing on whether the child is to be released. 2145

(3) If a court schedules a hearing under division (C)(2) of 2146
this section, it may order the department to deliver the child to 2147
the court on the date set for the hearing and shall order the 2148
department to present to the court at that time a treatment plan 2149
for the child's post-institutional care. The court may conduct the 2150
hearing without the child being present. The court shall determine 2151
at the hearing whether the child should be granted a judicial 2152
release to department of youth services supervision. 2153

If the court approves the judicial release to department of 2154
youth services supervision, the department shall prepare a written 2155
treatment and rehabilitation plan for the child pursuant to 2156
division (F) of this section that shall include the conditions of 2157
the child's release. It shall send the committing court and the 2158

juvenile court of the county in which the child is placed a copy 2159
of the plan. The court of the county in which the child is placed 2160
may adopt the conditions set by the department as an order of the 2161
court and may add any additional consistent conditions it 2162
considers appropriate, provided that the court may not add any 2163
condition that decreases the level or degree of supervision 2164
specified by the department in its plan, that substantially 2165
increases the financial burden of supervision that will be 2166
experienced by the department, or that alters the placement 2167
specified by the department in its plan. If the court of the 2168
county in which the child is placed adds to the department's plan 2169
any additional conditions, it shall enter those additional 2170
conditions in its journal and shall send to the department a copy 2171
of the journal entry of the additional conditions. 2172

If the court approves the judicial release to department of 2173
youth services supervision, the actual date on which the 2174
department shall release the child is contingent upon the 2175
department finding a suitable placement for the child. If the 2176
child is to be returned to the child's home, the department shall 2177
return the child on the date that the court schedules for the 2178
child's release or shall bear the expense of any additional time 2179
that the child remains in a department facility. If the child is 2180
unable to return to the child's home, the department shall 2181
exercise reasonable diligence in finding a suitable placement for 2182
the child, and the child shall remain in a department facility 2183
while the department finds the suitable placement. 2184

(D)(1) Subject to division (D)(3) of this section, the court 2185
that commits a delinquent child to the department of youth 2186
services may grant judicial release of the child under this 2187
division at any time after the expiration of one of the following 2188
periods of time: 2189

(a) Except as otherwise provided in division (D)(1)(b) of 2190

this section, if the child was committed to the department for a 2191
prescribed minimum period and a maximum period not to exceed the 2192
child's attainment of twenty-one years, the court may grant 2193
judicial release of the child at any time after the expiration of 2194
the prescribed minimum term for which the child was committed to 2195
the department. 2196

(b) If the child was committed to the department for both one 2197
or more definite periods under division (A), (B), (C), or (D) of 2198
section 2152.17 of the Revised Code and a period of the type 2199
described in division (D)(1)(a) of this section, all of the 2200
prescribed minimum periods of commitment imposed under division 2201
(A), (B), (C), or (D) of section 2152.17 of the Revised Code and 2202
the prescribed period of commitment of the type described in 2203
division (D)(1)(a) of this section shall be aggregated for 2204
purposes of this division, and the court may grant judicial 2205
release of the child at any time after the expiration of one year 2206
after the child begins serving the aggregate period of commitment. 2207

(2) If a court grants a judicial release of a child under 2208
division (D)(1) of this section, the release shall be a judicial 2209
release to department of youth services supervision, if the 2210
release is granted during a period described in division (C)(1) of 2211
this section, and the second and third paragraphs of division 2212
(C)(3) of this section apply regarding the release. In all other 2213
cases, the release shall be a judicial release to court 2214
supervision, and the second paragraph of division (B)(3) of this 2215
section applies regarding the release. 2216

(3) A court at the time of making the disposition of a child 2217
shall provide notice in the order of disposition that the judge is 2218
retaining jurisdiction over the child for the purpose of a 2219
possible grant of judicial release of the child under division 2220
(D)(1) of this section. The failure of a court to provide this 2221
notice does not affect the authority of the court to grant a 2222

judicial release under that division and does not constitute 2223
grounds for setting aside the child's delinquent child 2224
adjudication or disposition or for granting any post-adjudication 2225
relief to the child. 2226

(4) The department of youth services, a child committed to 2227
the department, or the parents of the child, during a period 2228
specified in division (D)(1) of this section, may request the 2229
court that committed the child to grant a judicial release of the 2230
child under that division. Upon receipt of a request for judicial 2231
release of a child under this division from the department, the 2232
child, or the child's parent, or upon its own motion, the court 2233
that committed the child shall do one of the following: 2234

(a) Approve the request by journal entry; 2235

(b) Schedule within thirty days after the request is received 2236
a time for a hearing on whether the child is to be released; 2237

(c) Reject the request by journal entry without conducting a 2238
hearing. 2239

If the court rejects an initial request for a release under 2240
this division by the child or the child's parent, division (C)(2) 2241
of this section applies regarding the making of additional 2242
requests. 2243

If the court schedules a hearing under this division to 2244
consider the judicial release, the first paragraph of division 2245
(B)(3) of this section applies regarding the hearing. 2246

(E) If a child is released under division (B), (C), or (D) of 2247
this section and the court of the county in which the child is 2248
placed has reason to believe that the child's department is not in 2249
accordance with the conditions of the child's judicial release, 2250
the court of the county in which the child is placed shall 2251
schedule a time for a hearing to determine whether the child 2252
violated any of the post-release conditions, and, if the child was 2253

released under division (C) of this section or under division (D) 2254
of this section under department supervision, divisions (A) to (E) 2255
of section 5139.52 of the Revised Code apply regarding the child. 2256

If that court determines at the hearing that the child 2257
violated any of the post-release conditions, the court, if it 2258
determines that the violation was a serious violation, may order 2259
the child to be returned to the department for 2260
institutionalization, consistent with the original order of 2261
commitment of the child, or in any case may make any other 2262
disposition of the child authorized by law that the court 2263
considers proper. If the court of the county in which the child is 2264
placed orders the child to be returned to a department of youth 2265
services institution, the time during which the child was held in 2266
a secure department facility prior to the child's judicial release 2267
shall be considered as time served in fulfilling the prescribed 2268
period of institutionalization that is applicable to the child 2269
under the child's original order of commitment. If the court 2270
orders the child returned to a department institution, the child 2271
shall remain in institutional care for a minimum of three months 2272
or until the child successfully completes a revocation program of 2273
a duration of not less than thirty days operated either by the 2274
department or by an entity with which the department has 2275
contracted to provide a revocation program. 2276

(F) The department of youth services, prior to the release of 2277
a child pursuant to division (C) of this section or pursuant to 2278
division (D) of this section on department supervision, shall do 2279
all of the following: 2280

(1) After reviewing the child's rehabilitative progress 2281
history and medical and educational records, prepare a written 2282
treatment and rehabilitation plan for the child that includes 2283
conditions of the release; 2284

(2) Completely discuss the conditions of the plan prepared 2285

pursuant to division (F)(1) of this section and the possible 2286
penalties for violation of the plan with the child and the child's 2287
parents, guardian, or legal custodian; 2288

(3) Have the plan prepared pursuant to division (F)(1) of 2289
this section signed by the child, the child's parents, legal 2290
guardian, or custodian, and any authority or person that is to 2291
supervise, control, and provide supportive assistance to the child 2292
at the time of the child's release pursuant to division (C) or (D) 2293
of this section; 2294

(4) Prior to the child's release, file a copy of the 2295
treatment plan prepared pursuant to division (F)(1) of this 2296
section with the committing court and the juvenile court of the 2297
county in which the child is to be placed. 2298

(G) The department of youth services shall file a written 2299
progress report with the committing court regarding each child 2300
released pursuant to division (C) of this section or released 2301
pursuant to division (D) of this section on judicial release to 2302
department supervision at least once every thirty days unless 2303
specifically directed otherwise by the court. The report shall 2304
indicate the treatment and rehabilitative progress of the child 2305
and the child's family, if applicable, and shall include any 2306
suggestions for altering the program, custody, living 2307
arrangements, or treatment. The department shall retain legal 2308
custody of a child so released until it discharges the child or 2309
until the custody is terminated as otherwise provided by law. 2310

(H) When a child is committed to the legal custody of the 2311
department of youth services, the court retains jurisdiction to 2312
perform the functions specified in section 5139.51 of the Revised 2313
Code with respect to the granting of supervised release by the 2314
release authority and to perform the functions specified in 2315
section 5139.52 of the Revised Code with respect to violations of 2316
the conditions of supervised release granted by the release 2317

authority and to the revocation of supervised release granted by 2318
the release authority. 2319

Sec. 2152.82. (A) The court that adjudicates a child a 2320
delinquent child shall issue as part of the dispositional order an 2321
order that classifies the child a juvenile offender registrant and 2322
specifies that the child has a duty to comply with sections 2323
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code if all 2324
of the following apply: 2325

(1) The act for which the child is adjudicated a delinquent 2326
child is a sexually oriented offense or a child-victim oriented 2327
offense that the child committed on or after January 1, 2002. 2328

(2) The child was fourteen, fifteen, sixteen, or seventeen 2329
years of age at the time of committing the offense. 2330

(3) The court has determined that the child previously was 2331
adjudicated a delinquent child for committing any sexually 2332
oriented offense or child-victim oriented offense, regardless of 2333
when the prior offense was committed and regardless of the child's 2334
age at the time of committing the offense. 2335

~~(4) The court is not required to classify the child as both a 2336
juvenile offender registrant and a public registry qualified 2337
juvenile offender registrant under section 2152.86 of the Revised 2338
Code. 2339~~

(B) An order required under division (A) of this section 2340
shall be issued at the time the judge makes the order of 2341
disposition for the delinquent child. Prior to issuing the order 2342
required by division (A) of this section, the judge shall conduct 2343
a hearing under section 2152.831 of the Revised Code ~~to~~. If the 2344
child committed the delinquent act prior to January 1, 2008, at 2345
the hearing the judge shall determine pursuant to that section 2346
whether the child is a sexual predator, a habitual sex offender, a 2347

child-victim predator, or a habitual child-victim offender. If the 2348
child committed the delinquent act on or after January 1, 2008, 2349
the judge shall determine at the hearing whether the child is a 2350
tier I sex offender/child-victim offender, a tier II sex 2351
offender/child-victim offender, or a tier III sex 2352
offender/child-victim offender. If the court determines that the 2353
delinquent child to whom the order applies is a tier III sex 2354
offender/child-victim offender ~~and the child is not a public~~ 2355
~~registry qualified juvenile offender registrant,~~ the judge may 2356
impose a requirement subjecting the child to the victim and 2357
community notification provisions of sections 2950.10 and 2950.11 2358
of the Revised Code. ~~When~~ 2359

When a judge issues an order under division (A) of this 2360
section, all of the following apply: 2361

(1) The judge shall include in the order a statement that, 2362
upon completion of the disposition of the delinquent child that 2363
was made for the sexually oriented offense or child-victim 2364
oriented offense upon which the order is based, a hearing will be 2365
conducted, and the order and any determinations included in the 2366
order are subject to modification or termination pursuant to 2367
sections 2152.84 and 2152.85 of the Revised Code. 2368

(2) The judge shall provide to the delinquent child and to 2369
the delinquent child's parent, guardian, or custodian the notice 2370
required under divisions (A) and (B) of section 2950.03 of the 2371
Revised Code and shall provide as part of that notice a copy of 2372
the order. 2373

(3) The judge shall include the order in the delinquent 2374
child's dispositional order and shall specify in the dispositional 2375
order that the order issued under division (A) of this section was 2376
made pursuant to this section. 2377

(4) If the delinquent child committed the delinquent act on 2378

or after January 1, 2008, if the court determines that the 2379
delinquent child to whom the order applies is a tier III sex 2380
offender/child-victim offender, ~~if the child is not a public~~ 2381
~~registry qualified juvenile offender registrant,~~ and if the judge 2382
imposes a requirement subjecting the child to the victim and 2383
community notification provisions of sections 2950.10 and 2950.11 2384
of the Revised Code, the judge shall include the requirement in 2385
the order. 2386

(5) ~~The~~ If the delinquent child committed the delinquent act 2387
on or after January 1, 2008, the court shall include in the order 2388
its determination made at the hearing held under section 2151.831 2389
of the Revised Code as to whether the delinquent child is a tier I 2390
sex offender/child-victim offender, a tier II sex 2391
offender/child-victim offender, or a tier III sex 2392
offender/child-victim offender. 2393

(6) If the delinquent child committed the delinquent act 2394
prior to January 1, 2008, the court shall include in the order any 2395
determination that the delinquent child is a sexual predator or 2396
child-victim predator or is a habitual sex offender or habitual 2397
child-victim offender that the judge makes pursuant to division 2398
(B) or (E) of section 2950.09 or 2950.091 of the Revised Code and 2399
any related information required or authorized under the division 2400
under which the determination is made, including, but not limited 2401
to, any requirements imposed by the court subjecting a child who 2402
is a habitual sex offender or habitual child-victim offender to 2403
community notification as described in division (E) of section 2404
2950.09 or division (E) of section 2950.091 of the Revised Code. 2405

(C) ~~Except as provided in division (D) of this section, an~~ An 2406
order issued under division (A) of this section and any 2407
determinations included in the order shall remain in effect for 2408
the period of time specified in section 2950.07 of the Revised 2409
Code, subject to a modification or termination of the order under 2410

section 2152.84 or 2152.85 of the Revised Code, and section 2411
2152.851 of the Revised Code applies regarding the order and the 2412
determinations. If an order is issued under division (A) of this 2413
section, the child's attainment of eighteen or twenty-one years of 2414
age does not affect or terminate the order, and the order remains 2415
in effect for the period of time described in this division. 2416

~~(D) If a court issues an order under division (A) of this 2417
section before January 1, 2008, not later than February 1, 2008,
the court shall terminate the order and issue a new order that 2418
reclassifies the child as both a juvenile offender registrant and 2419
a public registry qualified juvenile offender registrant pursuant 2420
to section 2152.86 of the Revised Code if the court imposed on the 2421
child a serious youthful offender dispositional sentence under 2422
section 2152.13 of the Revised Code and if the act that was the 2423
basis of the classification of the delinquent child as a juvenile 2424
offender registrant and is the basis of the serious youthful 2425
offender dispositional sentence is any of the following: 2426
2427~~

~~(1) Committing, attempting to commit, conspiring to commit,
or complicity in committing a violation of section 2907.02 of the 2428
Revised Code, division (B) of section 2907.05 of the Revised Code,
or section 2907.03 of the Revised Code if the victim of the 2429
violation was less than twelve years of age; 2430
2431
2432~~

~~(2) Committing, attempting to commit, conspiring to commit,
or complicity in committing a violation of section 2903.01,
2903.02, or 2905.01 of the Revised Code that was committed with a 2433
purpose to gratify the sexual needs or desires of the child A 2434
child's attainment of eighteen or twenty-one years of age does not 2435
affect or terminate the ability of the juvenile court to conduct a 2436
hearing under this section with respect to the child. 2437
2438
2439~~

Sec. 2152.83. (A)(1) The court that adjudicates a child a 2440
delinquent child shall issue as part of or subsequent to the 2441

dispositional order or, if the court commits the child for the 2442
delinquent act to the custody of a secure facility, shall issue at 2443
the time of or subsequent to the child's release from the secure 2444
facility an order that classifies the child a juvenile offender 2445
registrant and specifies that the child has a duty to comply with 2446
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 2447
Code if all of the following apply: 2448

(a) The act for which the child is or was adjudicated a 2449
delinquent child is a sexually oriented offense or a child-victim 2450
oriented offense that the child committed on or after January 1, 2451
2002. 2452

(b) The child was sixteen or seventeen years of age at the 2453
time of committing the offense. 2454

(c) The court was not required to classify the child a 2455
juvenile offender registrant under section 2152.82 of the Revised 2456
Code ~~or as both a juvenile offender registrant and a public~~ 2457
~~registry qualified juvenile offender registrant under section~~ 2458
~~2152.86 of the Revised Code.~~ 2459

(2) Prior to issuing the order required by division (A)~~(2)~~(1) 2460
of this section, the judge shall conduct a hearing under section 2461
2152.831 of the Revised Code, ~~except as otherwise provided in that~~ 2462
~~section, to.~~ If the child committed the delinquent act prior to 2463
January 1, 2008, at the hearing the judge shall determine pursuant 2464
to that section whether the child is a sexual predator, a habitual 2465
sex offender, a child-victim predator, or a habitual child-victim 2466
offender. If the child committed the delinquent act on or after 2467
January 1, 2008, the judge shall determine whether the child is a 2468
tier I sex offender/child-victim offender, a tier II sex 2469
offender/child-victim offender, or a tier III sex 2470
offender/child-victim offender. ~~When~~ 2471

When a judge issues an order under division (A)(1) of this 2472

section, the judge shall include in the order the determinations 2473
identified in division (B)(5) or (6) of section 2152.82 of the 2474
Revised Code, whichever is applicable. 2475

(B)(1) The court that adjudicates a child a delinquent child, 2476
on the judge's own motion, may conduct at the time of or 2477
subsequent to the disposition of the child or, if the court 2478
commits the child for the delinquent act to the custody of a 2479
secure facility, may conduct at the time of or subsequent to the 2480
child's release from the secure facility a hearing for the 2481
purposes described in division (B)(2) of this section if all of 2482
the following apply: 2483

(a) The act for which the child is adjudicated a delinquent 2484
child is a sexually oriented offense or a child-victim oriented 2485
offense that the child committed on or after January 1, 2002. 2486

(b) The child was fourteen or fifteen years of age at the 2487
time of committing the offense. 2488

(c) The court was not required to classify the child a 2489
juvenile offender registrant under section 2152.82 of the Revised 2490
Code ~~or as both a juvenile offender registrant and a public~~ 2491
~~registry qualified juvenile offender registrant under section~~ 2492
~~2152.86 of the Revised Code.~~ 2493

(2) A judge shall conduct a hearing under division (B)(1) of 2494
this section to review the effectiveness of the disposition made 2495
of the child and of any treatment provided for the child placed in 2496
a secure setting and to determine whether the child should be 2497
classified a juvenile offender registrant. The judge may conduct 2498
the hearing on the judge's own initiative or based upon a 2499
recommendation of an officer or employee of the department of 2500
youth services, a probation officer, an employee of the court, or 2501
a prosecutor or law enforcement officer. If the judge conducts the 2502
hearing, upon completion of the hearing, the judge, in the judge's 2503

discretion and after consideration of the factors listed in 2504
division (E) of this section, shall do either of the following: 2505

(a) Decline to issue an order that classifies the child a 2506
juvenile offender registrant and specifies that the child has a 2507
duty to comply with sections 2950.04, 2950.041, 2950.05, and 2508
2950.06 of the Revised Code; 2509

(b) Issue an order that classifies the child a juvenile 2510
offender registrant ~~and~~, specifies that the child has a duty to 2511
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 2512
the Revised Code, and that does whichever of the following is 2513
applicable: 2514

(i) If the delinquent child committed the delinquent act 2515
prior to January 1, 2008, states the judge's determination made at 2516
the hearing held pursuant to section 2152.831 of the Revised Code 2517
whether the child is a sexual predator, child-victim predator, 2518
habitual sex offender, or habitual child-victim offender, 2519
whichever is applicable; 2520

(ii) If the delinquent child committed the delinquent act on 2521
or after January 1, 2008, states the judge's determination that 2522
the judge makes made at the hearing held pursuant to section 2523
2152.831 of the Revised Code ~~as to~~ whether the child is a tier I 2524
sex offender/child-victim offender, a tier II sex 2525
offender/child-victim offender, or a tier III sex 2526
offender/child-victim offender. 2527

(C)(1) Prior to issuing an order under division (B)(2)(b) of 2528
this section, the judge shall conduct a hearing under section 2529
2152.831 of the Revised Code ~~to~~. If the child committed the 2530
delinquent act prior to January 1, 2008, at the hearing the judge 2531
shall determine pursuant to that section whether the child is a 2532
sexual predator, a habitual sex offender, a child-victim predator, 2533
or a habitual child-victim offender. If the child committed the 2534

delinquent act on or after January 1, 2008, the judge shall 2535
determine whether the child is a tier I sex offender/child-victim 2536
offender, a tier II sex offender/child-victim offender, or a tier 2537
III sex offender/child-victim offender. The judge may hold the 2538
hearing at the same time as the hearing under division (B) of this 2539
section. 2540

(2) If a judge issues an order under division (A) or (B) of 2541
this section with respect to a delinquent child who committed the 2542
delinquent act on or after January 1, 2008, and the court 2543
determines that the delinquent child to whom the order applies is 2544
a tier III sex offender/child-victim offender ~~and the child is not~~ 2545
~~a public registry qualified juvenile offender registrant,~~ the 2546
judge may impose a requirement subjecting the child to the victim 2547
and community notification provisions of sections 2950.10 and 2548
2950.11 of the Revised Code. If the judge imposes a requirement 2549
subjecting the child to the victim and community notification 2550
provisions of sections 2950.10 and 2950.11 of the Revised Code, 2551
the judge shall include the requirement in the order. 2552

If a judge issues an order under division (A) or (B) of this 2553
section with respect to a delinquent child who committed the 2554
delinquent act prior to January 1, 2008, and the court determines 2555
that the delinquent child to whom the order applies is a habitual 2556
sex offender or habitual child-victim offender, the judge may 2557
impose a requirement subjecting the child to community 2558
notification as described in division (E) of section 2950.09 or 2559
division (E) of section 2950.091 of the Revised Code, whichever is 2560
applicable. If the judge imposes a requirement subjecting the 2561
child to community notification, the judge shall include the 2562
requirement in the order. 2563

(3) If a judge issues an order under division (A) or (B) of 2564
this section, the judge shall provide to the delinquent child and 2565
to the delinquent child's parent, guardian, or custodian a copy of 2566

the order and a notice containing the information described in 2567
divisions (A) and (B) of section 2950.03 of the Revised Code. The 2568
judge shall provide the notice at the time of the issuance of the 2569
order and shall comply with divisions (B) and (C) of that section 2570
regarding that notice and the provision of it. 2571

The judge also shall include in the order a statement that, 2572
upon completion of the disposition of the delinquent child that 2573
was made for the sexually oriented offense or child-victim 2574
oriented offense upon which the order is based, a hearing will be 2575
conducted and the order is subject to modification or termination 2576
pursuant to section 2152.84 of the Revised Code. 2577

(D) In making a decision under division (B) of this section 2578
as to whether a delinquent child should be classified a juvenile 2579
offender registrant, and, with respect to a delinquent child who 2580
committed the delinquent act prior to January 1, 2008, whether the 2581
child also is a sexual predator, child-victim predator, habitual 2582
sex offender, or habitual child-victim offender, a judge shall 2583
consider all relevant factors, including, but not limited to, all 2584
of the following: 2585

(1) The nature of the sexually oriented offense or the 2586
child-victim oriented offense committed by the child; 2587

(2) Whether the child has shown any genuine remorse or 2588
compunction for the offense; 2589

(3) The public interest and safety; 2590

(4) The factors set forth in division (K) of section 2950.11 2591
of the Revised Code with respect to a delinquent child who 2592
committed the delinquent act on or after January 1, 2008, provided 2593
that references in the factors as set forth in that division to 2594
"the offender" shall be construed for purposes of this division to 2595
be references to "the delinquent child~~+~~," and the factors set 2596
forth in division (B)(3) of section 2950.09 or division (B)(3) of 2597

section 2950.091 of the Revised Code, whichever is applicable, 2598
with respect to a delinquent child who committed the delinquent 2599
act prior to January 1, 2008; 2600

(5) The factors set forth in divisions (B) and (C) of section 2601
2929.12 of the Revised Code as those factors apply regarding the 2602
delinquent child, the offense, and the victim; 2603

(6) The results of any treatment provided to the child and of 2604
any follow-up professional assessment of the child. 2605

(E) An order issued under division (A) or (B) of this section 2606
and any determinations included in the order shall remain in 2607
effect for the period of time specified in section 2950.07 of the 2608
Revised Code, subject to a modification or termination of the 2609
order under section 2152.84 of the Revised Code, and section 2610
2152.851 of the Revised Code applies regarding the order and the 2611
determinations. The child's attainment of eighteen or twenty-one 2612
years of age does not affect or terminate the order, and the order 2613
remains in effect for the period of time described in this 2614
division. 2615

~~(F) If a court issues an order under division (A) or (B) of~~ 2616
~~this section before January 1, 2008, not later than February 1,~~ 2617
~~2008, the court shall terminate the order and issue a new order~~ 2618
~~that reclassifies the child as both a juvenile offender registrant~~ 2619
~~and a public registry qualified juvenile offender registrant~~ 2620
~~pursuant to section 2152.86 of the Revised Code if the court~~ 2621
~~imposed on the child a serious youthful offender dispositional~~ 2622
~~sentence under section 2152.13 of the Revised Code and if the act~~ 2623
~~that was the basis of the classification of the delinquent child~~ 2624
~~as a juvenile offender registrant and is the basis of the serious~~ 2625
~~youthful offender dispositional sentence is any of the following:~~ 2626

~~(1) Committing, attempting to commit, conspiring to commit,~~ 2627
~~or complicity in committing a violation of section 2907.02 of the~~ 2628

~~Revised Code, division (B) of section 2907.05 of the Revised Code, 2629
or section 2907.03 of the Revised Code if the victim of the 2630
violation was less than twelve years of age; 2631~~

~~(2) Committing, attempting to commit, conspiring to commit, 2632
or complicity in committing a violation of section 2903.01, 2633
2903.02, or 2905.01 of the Revised Code that was committed with a 2634
purpose to gratify the sexual needs or desires of the child A 2635
child's attainment of eighteen or twenty-one years of age does not 2636
affect or terminate the ability or authority of the juvenile court 2637
to conduct a hearing or issue an order under this section. 2638~~

(G) As used in this section, "secure facility" has the same 2639
meaning as in section 2950.01 of the Revised Code. 2640

Sec. 2152.831. (A) If, on or after January 1, 2008, a 2641
juvenile court adjudicates a child a delinquent child and 2642
classifies the child a juvenile offender registrant pursuant to 2643
section 2152.82 or 2152.83 of the Revised Code, before issuing the 2644
order that classifies the child a juvenile offender registrant the 2645
court shall conduct a hearing ~~to~~. If the child committed the 2646
delinquent act prior to January 1, 2008, at the hearing the judge 2647
shall determine pursuant to divisions (B) and (E) of section 2648
2950.09 or divisions (B) and (E) of section 2950.091 of the 2649
Revised Code, whichever are applicable, whether the child is a 2650
sexual predator, a habitual sex offender, a child-victim predator, 2651
or a habitual child-victim offender and shall otherwise comply 2652
with those divisions. If the child committed the delinquent act on 2653
or after January 1, 2008, at the hearing the judge shall determine 2654
whether to classify the child a tier I sex offender/child-victim 2655
offender, a tier II sex offender/child-victim offender, or a tier 2656
III sex offender/ child-victim offender. 2657

(B)(1) When a judge issues an order under section 2152.82 or 2658
2152.83 of the Revised Code that classifies a delinquent child a 2659

juvenile offender registrant, in addition to the other statements 2660
and information required by the section under which the order is 2661
issued, the judge shall include in the order its determination 2662
made under division (A) of this section as to whichever of the 2663
following is applicable: 2664

(a) If the child committed the delinquent act prior to 2665
January 1, 2008, whether the child is a sexual predator, a 2666
child-victim predator, a habitual sex offender, or a habitual 2667
child-victim offender; 2668

(b) If the child committed the delinquent act on or after 2669
January 1, 2008, whether the child is a tier I sex 2670
offender/child-victim offender, a tier II sex 2671
offender/child-victim offender, or a tier III sex 2672
offender/child-victim offender. ~~When~~ 2673

(2) When a judge issues an order under section 2152.84 or 2674
2152.85 of the Revised Code that reclassifies a delinquent child 2675
who committed the delinquent act on or after January 1, 2008, from 2676
one tier of sex offender/child-victim offender to a different tier 2677
of sex offender/child-victim offender, in addition to the other 2678
statements and information required by the section under which the 2679
order is issued, the judge shall include in the order its 2680
determination as to the reclassification of the child and the tier 2681
to which the child is reclassified. 2682

When a judge issues an order under section 2152.84 or 2152.85 2683
of the Revised Code that reclassifies a delinquent child who 2684
committed the delinquent act prior to January 1, 2008, from a 2685
classification of sexual predator, child-victim predator, habitual 2686
sex offender, or habitual child-victim offender to one of those 2687
other classifications, that removes a child from one of those 2688
classifications and specifies that the child remains a juvenile 2689
offender registrant, or that specifies that the child no longer is 2690
a juvenile offender registrant, in addition to the other 2691

statements and information required by the section under which the 2692
order is issued, the judge shall include in the order its 2693
determination as to the reclassification, retention, or removal of 2694
the child and, if reclassified, the new classification of the 2695
child. 2696

~~(C) The provisions of this section do not apply to a~~ 2697
~~delinquent child if the court is required to classify the child as~~ 2698
~~both a juvenile offender registrant and a public~~ 2699
~~registry qualified juvenile offender registrant pursuant to~~ 2700
~~section 2152.86 of the Revised Code~~ A child's attainment of 2701
eighteen or twenty-one years of age does not affect or terminate 2702
the ability or authority of the juvenile court to conduct a 2703
hearing or issue an order under this section. 2704

Sec. 2152.84. (A)(1) When a juvenile court judge issues an 2705
order under section 2152.82 or division (A) or (B) of section 2706
2152.83 of the Revised Code that classifies a delinquent child a 2707
juvenile offender registrant and specifies that the child has a 2708
duty to comply with sections 2950.04, 2950.041, 2950.05, and 2709
2950.06 of the Revised Code, upon completion of the disposition of 2710
that child made for the sexually oriented offense or the 2711
child-victim oriented offense on which the juvenile offender 2712
registrant order was based, the judge or the judge's successor in 2713
office shall conduct a hearing to review the effectiveness of the 2714
disposition and of any treatment provided for the child, to 2715
determine the risks that the child might re-offend, and to 2716
determine whether the prior classification of the child as a 2717
juvenile offender registrant should be continued or terminated as 2718
provided under division (A)(2) of this section, ~~and to.~~ If the 2719
delinquent child committed the delinquent act on or after January 2720
1, 2008, at the hearing the court also shall determine whether its 2721
prior determination made at the hearing held pursuant to section 2722
2152.831 of the Revised Code as to whether the child is a tier I 2723

sex offender/child-victim offender, a tier II sex 2724
offender/child-victim offender, or a tier III sex 2725
offender/child-victim offender should be continued or modified as 2726
provided under division (A)(2) of this section. If the delinquent 2727
child committed the delinquent act prior to January 1, 2008, at 2728
the hearing the court also shall determine, if applicable, whether 2729
the prior classification of the child as a sexual predator, 2730
child-victim predator, habitual sex offender, or habitual 2731
child-victim offender should be continued, modified, or terminated 2732
as provided under division (A)(2) of this section. 2733

(2) Upon completion of a hearing under division (A)(1) of 2734
this section, the judge, in the judge's discretion and after 2735
consideration of all relevant factors, including but not limited 2736
to, the factors listed in division (D) of section 2152.83 of the 2737
Revised Code, shall do one of the following as applicable: 2738

(a) If the delinquent child committed the delinquent act 2739
prior to January 1, 2008, the court shall do one of the following 2740
as applicable: 2741

(i) Enter an order that continues the classification of the 2742
delinquent child as a juvenile offender registrant made in the 2743
prior order issued under section 2152.82 or division (A) or (B) of 2744
section 2152.83 of the Revised Code and continues any sexual 2745
predator, child-victim predator, habitual sex offender, or 2746
habitual child-victim offender determination included in the 2747
order; 2748

(ii) If the prior order was issued under section 2152.82 or 2749
division (A) of section 2152.83 of the Revised Code and includes a 2750
determination by the judge that the delinquent child is a sexual 2751
predator or child-victim predator, enter, as applicable, an order 2752
that contains a determination that the child no longer is a sexual 2753
predator, all reasons for that determination, and either a 2754
determination that the child is a habitual sex offender or a 2755

determination that the child remains a juvenile offender 2756
registrant but is not a sexual predator or habitual sex offender, 2757
or enter an order that contains a determination that the child no 2758
longer is a child-victim predator, all reasons for that 2759
determination, and either a determination that the child is a 2760
habitual child-victim offender or a determination that the child 2761
remains a juvenile offender registrant but is not a child-victim 2762
predator or habitual child-victim offender; 2763

(iii) If the prior order was issued under section 2152.82 or 2764
division (A) of section 2152.83 of the Revised Code and does not 2765
include a sexual predator or child-victim predator determination 2766
as described in division (A)(2)(b)(ii) of this section but 2767
includes a determination by the judge that the delinquent child is 2768
a habitual sex offender or a habitual child-victim offender, 2769
enter, as applicable, an order that contains a determination that 2770
the child no longer is a habitual sex offender and a determination 2771
that the child remains a juvenile offender registrant and is not a 2772
habitual child-victim offender, or enter an order that contains a 2773
determination that the child no longer is a habitual child-victim 2774
offender and a determination that the child remains a juvenile 2775
offender registrant but is not a habitual sex offender; 2776

(iv) If the prior order was issued under division (B) of 2777
section 2152.83 of the Revised Code and includes a determination 2778
by the judge that the delinquent child is a sexual predator or 2779
child-victim predator, enter, as applicable, an order that 2780
contains a determination that the child no longer is a sexual 2781
predator, all reasons for that determination, and either a 2782
determination that the child is a habitual sex offender, a 2783
determination that the child remains a juvenile offender 2784
registrant but is not a sexual predator or habitual sex offender, 2785
or a determination that the child no longer is a juvenile offender 2786
registrant and no longer has a duty to comply with sections 2787

2950.04, 2950.05, and 2950.06 of the Revised Code, or enter an 2788
order that contains a determination that the child no longer is a 2789
child-victim predator, all reasons for that determination, and 2790
either a determination that the child is a habitual child-victim 2791
offender, a determination that the child remains a juvenile 2792
offender registrant but is not a child-victim predator or habitual 2793
child-victim offender, or a determination that the child no longer 2794
is a juvenile offender registrant and no longer has a duty to 2795
comply with sections 2950.041, 2950.05, and 2950.06 of the Revised 2796
Code; 2797

(v) If the prior order was issued under division (B) of 2798
section 2152.83 of the Revised Code and does not include a sexual 2799
predator or child-victim predator determination as described in 2800
division (A)(2)(b)(iv) of this section but includes a 2801
determination by the judge that the delinquent child is a habitual 2802
sex offender or habitual child-victim offender, enter, as 2803
applicable, an order that contains a determination that the child 2804
no longer is a habitual sex offender and either a determination 2805
that the child remains a juvenile offender registrant but is not a 2806
sexual predator or habitual sex offender or a determination that 2807
the child no longer is a juvenile offender registrant and no 2808
longer has a duty to comply with sections 2950.04, 2950.05, and 2809
2950.06 of the Revised Code, or enter an order that contains a 2810
determination that the child no longer is a habitual child-victim 2811
offender and either a determination that the child remains a 2812
juvenile offender registrant but is not a child-victim predator or 2813
habitual child-victim offender or a determination that the child 2814
no longer is a juvenile offender registrant and no longer has a 2815
duty to comply with sections 2950.041, 2950.05, and 2950.06 of the 2816
Revised Code; 2817

(vi) If the prior order was issued under division (B) of 2818
section 2152.83 of the Revised Code and does not include a sexual 2819

predator or child-victim predator determination or a habitual sex 2820
offender or habitual child-victim offender determination as 2821
described in divisions (A)(2)(b)(iv) and (v) of this section, 2822
enter an order that contains a determination that the delinquent 2823
child no longer is a juvenile offender registrant and no longer 2824
has a duty to comply, as applicable, with sections 2950.04, 2825
2950.05, and 2950.06 of the Revised Code or with sections 2826
2950.041, 2950.05, and 2950.06 of the Revised Code. 2827

(b) If the delinquent child committed the delinquent act on 2828
or after January 1, 2008, the court shall do one of the following 2829
as applicable: 2830

(i) Enter an order that continues the classification of the 2831
delinquent child as a juvenile offender registrant made in the 2832
prior order issued under section 2152.82 or division (A) or (B) of 2833
section 2152.83 of the Revised Code and the prior determination 2834
included in the order that the child is a tier I sex 2835
offender/child-victim offender, a tier II sex 2836
offender/child-victim offender, or a tier III sex 2837
offender/child-victim offender, whichever is applicable; 2838

~~(b)~~(ii) If the prior order was issued under division (B) of 2839
section 2152.83 of the Revised Code, enter an order that contains 2840
a determination that the delinquent child no longer is a juvenile 2841
offender registrant and no longer has a duty to comply with 2842
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 2843
Code. An order issued under division (A)(2)(b)(ii) of this section 2844
also terminates all prior determinations that the child is a tier 2845
I sex offender/child-victim offender, a tier II sex 2846
offender/child-victim offender, or a tier III sex 2847
offender/child-victim offender, whichever is applicable. Division 2848
(A)(2)(b)(ii) of this section does not apply to a prior order 2849
issued under section 2152.82 or division (A) of section 2152.83 of 2850
the Revised Code. 2851

~~(e)(iii)~~ If the prior order was issued under section 2152.82 2852
or division (A) or (B) of section 2152.83 of the Revised Code, 2853
enter an order that continues the classification of the delinquent 2854
child as a juvenile offender registrant made in the prior order 2855
issued under section 2152.82 or division (A) or (B) of section 2856
2152.83 of the Revised Code, and that modifies the prior 2857
determination made at the hearing held pursuant to section 2858
2152.831 of the Revised Code that the child is a tier I sex 2859
offender/child-victim offender, a tier II sex 2860
offender/child-victim offender, or a tier III sex 2861
offender/child-victim offender, whichever is applicable. An order 2862
issued under division (A)(2)~~(e)(b)(iii)~~ of this section shall not 2863
include a determination that increases to a higher tier the tier 2864
classification of the delinquent child. An order issued under 2865
division (A)(2)~~(e)(b)(iii)~~ of this section shall specify the new 2866
determination made by the court at a hearing held pursuant to 2867
division (A)(1) of this section as to whether the child is a tier 2868
I sex offender/child-victim offender, a tier II sex 2869
offender/child-victim offender, or a tier III sex 2870
offender/child-victim offender, whichever is applicable. 2871

(B)(1)(a) If a judge issues an order under division 2872
(A)(2)(a)(i) of this section that continues the prior 2873
classification of the delinquent child as a juvenile offender 2874
registrant and continues any sexual predator, habitual sex 2875
offender, child-victim predator, or habitual child-victim offender 2876
determination included in the order, the prior classification and 2877
the prior determination, if applicable, shall remain in effect. 2878

(b) If a judge issues an order under division (A)(2)~~(a)(b)(i)~~ 2879
of this section that continues the prior classification of the 2880
delinquent child as a juvenile offender registrant and the prior 2881
determination included in the order that the child is a tier I sex 2882
offender/child-victim offender, a tier II sex 2883

offender/child-victim offender, or a tier III sex 2884
offender/child-victim offender, whichever is applicable, the prior 2885
classification and the prior determination shall remain in effect. 2886

(2)(a) A judge may issue an order under division (A)(2)(a) of 2887
this section that contains a determination that a child no longer 2888
is a sexual predator or no longer is a child-victim predator only 2889
if the judge, in accordance with the procedures specified in 2890
division (D)(1) of section 2950.09 of the Revised Code regarding a 2891
sexual predator, determines at the hearing by clear and convincing 2892
evidence that the delinquent child is unlikely to commit a 2893
sexually oriented offense in the future, or the judge, in 2894
accordance with the procedures specified in division (D)(1) of 2895
section 2950.091 of the Revised Code regarding a child-victim 2896
predator, determines at the hearing by clear and convincing 2897
evidence that the delinquent child is unlikely to commit a 2898
child-victim oriented offense in the future. If the judge issues 2899
an order of that type, the judge shall provide the notifications 2900
described in division (D)(1) of section 2950.09 or division (D)(1) 2901
of section 2950.091 of the Revised Code, whichever is applicable, 2902
and the recipient of the notification shall comply with the 2903
provisions of that division. 2904

A judge may not issue an order under division (A)(2)(a) of 2905
this section that reclassifies a child from a habitual sex 2906
offender or habitual child-victim offender classification to a 2907
sexual predator or child-victim predator classification or that 2908
reclassifies a child from a juvenile offender registrant 2909
classification to a sexual predator, child-victim predator, 2910
habitual sex offender, or habitual child-victim offender 2911
classification. 2912

(b) A judge may issue an order under division 2913
(A)(2)(e)(b)(iii) of this section that contains a determination 2914
that reclassifies a child from a tier III sex 2915

offender/child-victim offender classification to a tier II sex 2916
offender/child-victim offender classification or to a tier I sex 2917
offender/child-victim offender classification. 2918

A judge may issue an order under division (A)(2)~~(e)~~(b)(iii) 2919
of this section that contains a determination that reclassifies a 2920
child from a tier II sex offender/child-victim offender 2921
classification. A judge may not issue an order under that division 2922
that contains a determination that reclassifies a child from a 2923
tier II sex offender/child-victim offender classification to a 2924
tier III sex offender/child-victim offender classification. 2925

A judge may not issue an order under division 2926
(A)(2)~~(e)~~(b)(iii) of this section that contains a determination 2927
that reclassifies a child from a tier I sex offender/child-victim 2928
offender classification to a tier II sex offender/child-victim 2929
offender classification or to a tier III sex offender/child-victim 2930
offender classification. 2931

If a judge issues an order under this division that contains 2932
a determination that reclassifies a child, the judge shall provide 2933
a copy of the order to the delinquent child and the bureau of 2934
criminal identification and investigation, and the bureau, upon 2935
receipt of the copy of the order, promptly shall notify the 2936
sheriff with whom the child most recently registered under section 2937
2950.04 or 2950.041 of the Revised Code of the determination and 2938
reclassification. 2939

(3) If a judge issues an order under division (A)(2)(b)(ii) 2940
of this section that declassifies the delinquent child as a 2941
juvenile offender registrant, or if a judge issues an order under 2942
division (A)(2)(a) of this section that reclassifies the 2943
delinquent child other than as described in division (B)(1)(a) or 2944
(2)(a) of this section, the judge shall provide a copy of the 2945
order to the bureau of criminal identification and investigation, 2946
and the bureau, upon receipt of the copy of the order, promptly 2947

shall notify the sheriff with whom the child most recently 2948
registered under section 2950.04 or 2950.041 of the Revised Code 2949
of the declassification or reclassification, whichever is 2950
applicable. 2951

(C) If a judge issues an order under ~~division~~ divisions 2952
(A)(2)(a), ~~(b), or (c)~~ (i) to (vi) or divisions (A)(2)(b)(i) to 2953
(iii) of this section, the judge shall provide to the delinquent 2954
child and to the delinquent child's parent, guardian, or custodian 2955
a copy of the order and, if applicable, a notice containing the 2956
information described in divisions (A) and (B) of section 2950.03 2957
of the Revised Code. The judge shall provide the notice at the 2958
time of the issuance of the order and shall comply with divisions 2959
(B) and (C) of that section regarding that notice and the 2960
provision of it. 2961

(D) An order issued under division (A)(2)(a)(i) or (c)(vi) or 2962
division (A)(2)(b)(i) or (iii) of this section and any 2963
determinations included in the order shall remain in effect for 2964
the period of time specified in section 2950.07 of the Revised 2965
Code, subject to a modification or termination of the order under 2966
section 2152.85 of the Revised Code, and section 2152.851 of the 2967
Revised Code applies regarding the order and the determinations. 2968
If an order is issued under division (A)(2)(a)(i) or (c)(vi) or 2969
division (A)(2)(b)(i) or (iii) of this section, the child's 2970
attainment of eighteen or twenty-one years of age does not affect 2971
or terminate the order, and the order remains in effect for the 2972
period of time described in this division. 2973

(E) ~~The provisions of this section do not apply to a~~ 2974
~~delinquent child who is classified as both a juvenile offender~~ 2975
~~registrant and a public registry qualified juvenile offender~~ 2976
~~registrant pursuant to section 2152.86 of the Revised Code~~ In 2977
making a decision under division (A) of this section with respect 2978
to a delinquent child who committed the delinquent act prior to 2979

January 1, 2008, a judge shall consider all relevant factors, 2980
including, but not limited to, the factors listed in division (D) 2981
of section 2152.83 of the Revised Code. 2982

(F) A child's attainment of eighteen or twenty-one years of 2983
age does not affect or terminate the ability or authority of the 2984
juvenile court to conduct a hearing or issue an order under this 2985
section. 2986

Sec. 2152.85. (A) Regardless of when the delinquent child was 2987
classified a juvenile offender registrant, upon the expiration of 2988
the applicable period of time specified in division (B)(1), (2), 2989
~~or~~ (3), (4), (5), or (6) of this section, a delinquent child who 2990
has been classified pursuant to this section or section 2152.82 or 2991
2152.83 of the Revised Code a juvenile offender registrant may 2992
petition the judge who made the classification, or that judge's 2993
successor in office, to do one of the following: 2994

(1) If the delinquent child committed the delinquent act 2995
prior to January 1, 2008, if the order containing the juvenile 2996
offender registrant classification also includes a determination 2997
by the juvenile court judge that the delinquent child is a sexual 2998
predator or child-victim predator in the manner described in 2999
section 2152.82 or 2152.83 of the Revised Code, and if that 3000
determination remains in effect, enter, as applicable, either of 3001
the following: 3002

(a) An order that contains a determination that the child no 3003
longer is a sexual predator, all reasons for that determination, 3004
and either a determination that the child is a habitual sex 3005
offender or a determination that the child remains a juvenile 3006
offender registrant but is not a sexual predator or habitual sex 3007
offender; 3008

(b) An order that contains a determination that the child no 3009
longer is a child-victim predator, all reasons for that 3010

determination, and either a determination that the child is a 3011
habitual child-victim offender or a determination that the child 3012
remains a juvenile offender registrant but is not a child-victim 3013
predator or habitual child-victim offender. 3014

(2) If the delinquent child committed the delinquent act 3015
prior to January 1, 2008, if the order containing the juvenile 3016
offender registrant classification under section 2152.82 or 3017
2152.83 of the Revised Code or under division (C)(2) of this 3018
section pursuant to a petition filed under division (A) of this 3019
section does not include a sexual predator or child-victim 3020
predator determination as described in division (A)(1) of this 3021
section but includes a determination by the juvenile court judge 3022
that the delinquent child is a habitual sex offender or a habitual 3023
child-victim offender in the manner described in section 2152.82 3024
or 2152.83 of the Revised Code or in this section, and if that 3025
determination remains in effect, enter, as applicable, either of 3026
the following: 3027

(a) An order that contains a determination that the child no 3028
longer is a habitual sex offender and either a determination that 3029
the child remains a juvenile offender registrant or a 3030
determination that the child no longer is a juvenile offender 3031
registrant and no longer has a duty to comply with sections 3032
2950.04, 2950.05, and 2950.06 of the Revised Code; 3033

(b) An order that contains a determination that the child no 3034
longer is a habitual child-victim offender and either a 3035
determination that the child remains a juvenile offender 3036
registrant or a determination that the child no longer is a 3037
juvenile offender registrant and no longer has a duty to comply 3038
with sections 2950.041, 2950.05, and 2950.06 of the Revised Code. 3039

(3) If the delinquent child committed the delinquent act 3040
prior to January 1, 2008, and if the order containing the juvenile 3041
offender registrant classification under section 2152.82 or 3042

2152.83 of the Revised Code or under division (C)(2) of this 3043
section pursuant to a petition filed under division (A) of this 3044
section does not include a sexual predator or child-victim 3045
predator determination or a habitual sex offender or habitual 3046
child-victim offender determination as described in division 3047
(A)(1) or (2) of this section, to enter an order that contains a 3048
determination that the child no longer is a juvenile offender 3049
registrant and no longer has a duty to comply, as applicable, with 3050
sections 2950.04, 2950.05, and 2950.06 of the Revised Code or with 3051
sections 2950.041, 2950.05, and 2950.06 of the Revised Code. 3052

(4) If the delinquent child committed the delinquent act on 3053
or after January 1, 2008, and if the order containing the juvenile 3054
offender registrant classification also includes a determination 3055
by the juvenile court judge that the delinquent child is a tier 3056
III sex offender/child-victim offender, ~~to~~ enter, as applicable, 3057
~~an~~ either of the following: 3058

(a) An order that contains a determination that reclassifies 3059
the child as either a tier II sex offender/child-victim offender 3060
or a tier I sex offender/child-victim offender, the reason or 3061
reasons for that reclassification, and a determination that the 3062
child remains a juvenile offender registrant, ~~or an;~~ 3063

(b) An order that contains a determination that the child no 3064
longer is a juvenile offender registrant and no longer has a duty 3065
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 3066
the Revised Code~~;~~. 3067

~~(2)~~(5) If the delinquent child committed the delinquent act 3068
on or after January 1, 2008, and if the order containing the 3069
juvenile offender registrant classification also includes a 3070
determination by the juvenile court judge that the delinquent 3071
child is a tier II sex offender/child-victim offender, ~~to~~ enter, 3072
as applicable, ~~an~~ either of the following: 3073

(a) An order that contains a determination that reclassifies the child as a tier I sex offender/child-victim offender, the reason or reasons for that reclassification, and a determination that the child remains a juvenile offender registrant, ~~or an~~

(b) An order that contains a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

~~(3)~~(6) If the delinquent child committed the delinquent act on or after January 1, 2008, and if the order containing the juvenile offender registrant classification also includes a determination by the juvenile court judge that the delinquent child is a tier I sex offender/child-victim offender, ~~to~~ enter an order that contains a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(B) A delinquent child who has been adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense or a child-victim oriented offense and who has been classified a juvenile offender registrant relative to that offense may file a petition under division (A) of this section requesting reclassification or declassification as described in that division after the expiration of one of the following periods of time:

(1) The delinquent child initially may file a petition not earlier than three years after the entry of the juvenile court judge's order after the mandatory hearing conducted under section 2152.84 of the Revised Code.

(2) After the delinquent child's initial filing of a petition under division (B)(1) of this section, the child may file a second

petition not earlier than three years after the judge has entered 3105
an order deciding the petition under division (B)(1) of this 3106
section. 3107

(3) After the delinquent child's filing of a petition under 3108
division (B)(2) of this section, thereafter, the delinquent child 3109
may file a petition under this division upon the expiration of 3110
five years after the judge has entered an order deciding the 3111
petition under division (B)(2) of this section or the most recent 3112
petition the delinquent child has filed under this division. 3113

(C) Upon the filing of a petition under division (A) of this 3114
section, the judge may review the prior classification or 3115
determination in question and, upon consideration of all relevant 3116
factors and information, including, but not limited to the factors 3117
listed in division (D) of section 2152.83 of the Revised Code, the 3118
judge, in the judge's discretion, shall do one of the following: 3119

(1) Enter an order denying the petition; 3120

(2) Issue an order that reclassifies or declassifies the 3121
delinquent child in the requested manner. 3122

(D)(1) If a judge issues an order under division (C)(1) of 3123
this section that denies a petition, the prior classification of 3124
the delinquent child as a juvenile offender registrant, and the 3125
prior determination that the child is a tier I sex 3126
offender/child-victim offender, a tier II sex 3127
offender/child-victim offender, or a tier III sex 3128
offender/child-victim offender if the child committed the 3129
delinquent act on or after January 1, 2008, or is a sexual 3130
predator, child-victim predator, habitual sex offender, or 3131
habitual child-victim offender if the child committed the 3132
delinquent act prior to that date, whichever is applicable, shall 3133
remain in effect. 3134

(2) A judge may issue an order under division (C)(2) of this 3135

section that contains a determination that a child who committed 3136
the delinquent act prior to January 1, 2008, no longer is a sexual 3137
predator or no longer is a child-victim predator only if the judge 3138
conducts a hearing and, in accordance with the procedures 3139
specified in division (D)(1) of section 2950.09 of the Revised 3140
Code regarding a sexual predator, determines at the hearing by 3141
clear and convincing evidence that the delinquent child is 3142
unlikely to commit a sexually oriented offense in the future, or, 3143
in accordance with the procedures specified in division (D)(1) of 3144
section 2950.091 of the Revised Code regarding a child-victim 3145
predator, determines at the hearing by clear and convincing 3146
evidence that the delinquent child is unlikely to commit a 3147
child-victim oriented offense in the future. If the judge issues 3148
an order of that type, the judge shall provide the notifications 3149
described in division (D)(1) of section 2950.09 or division (D)(1) 3150
of section 2950.091 of the Revised Code, whichever is applicable, 3151
and the recipient of the notification shall comply with the 3152
provisions of that division. 3153

A judge may issue an order under division (C)(2) of this 3154
section that contains a determination that a delinquent child who 3155
committed the delinquent act prior to January 1, 2008, is a 3156
habitual sex offender or a habitual child-victim offender only if 3157
the judge conducts a hearing and determines at the hearing as 3158
described in division (E) of section 2950.09 of the Revised Code 3159
regarding habitual sex offenders or division (E) of section 3160
2950.091 of the Revised Code regarding habitual child-victim 3161
offenders that the child is a habitual sex offender or a habitual 3162
child-victim offender. If the judge issues an order of that type, 3163
the judge may impose a requirement subjecting the child to 3164
community notification provisions as described in that division. 3165

A judge may issue an order under division (C)(2) of this 3166
section that contains a determination that reclassifies a child 3167

who committed the delinquent act on or after January 1, 2008, from 3168
a tier III sex offender/child-victim offender classification to a 3169
tier II sex offender/child-victim offender classification or to a 3170
tier I sex offender/child-victim offender classification. 3171

A judge may issue an order under division (C)(2) of this 3172
section that contains a determination that reclassifies a child 3173
who committed the delinquent act on or after January 1, 2008, from 3174
a tier II sex offender/child-victim offender classification to a 3175
tier I sex offender/child-victim offender classification. 3176

If a judge issues an order under this division that contains 3177
a determination that reclassifies a child who committed the 3178
delinquent act on or after January 1, 2008, the judge shall 3179
provide a copy of the order to the delinquent child and the bureau 3180
of criminal identification and investigation, and the bureau, upon 3181
receipt of the copy of the order, promptly shall notify the 3182
sheriff with whom the child most recently registered under section 3183
2950.04 or 2950.041 of the Revised Code of the determination and 3184
reclassification. 3185

If a judge issues an order under division (C)(2) of this 3186
section that declassifies ~~the~~ a delinquent child, the order also 3187
terminates all prior determinations that the child is a sexual 3188
predator, child-victim predator, habitual sex offender, habitual 3189
child-victim offender, tier I sex offender/child-victim offender, 3190
a tier II sex offender/child-victim offender, or a tier III sex 3191
offender/child-victim offender, whichever is applicable. If a 3192
judge issues an order under division (C)(2) of this section that 3193
declassifies the delinquent child, the judge shall provide a copy 3194
of the order to the bureau of criminal identification and 3195
investigation, and the bureau, upon receipt of a copy of the 3196
order, promptly shall notify the sheriff with whom the child most 3197
recently registered under section 2950.04 or 2950.041 of the 3198
Revised Code of the declassification. 3199

(E) If a judge issues an order under division (C)(1) or (2) 3200
of this section, the judge shall provide to the delinquent child 3201
and to the delinquent child's parent, guardian, or custodian a 3202
copy of the order and, if applicable, a notice containing the 3203
information described in divisions (A) and (B) of section 2950.03 3204
of the Revised Code. The judge shall provide the notice at the 3205
time of the issuance of the order and shall comply with divisions 3206
(B) and (C) of that section regarding that notice and the 3207
provision of it. 3208

(F) An order issued under division (C) of this section shall 3209
remain in effect for the period of time specified in section 3210
2950.07 of the Revised Code, subject to a further modification or 3211
future termination of the order under this section. If an order is 3212
issued under division (C) of this section, the child's attainment 3213
of eighteen or twenty-one years of age does not affect or 3214
terminate the order, and the order remains in effect for the 3215
period of time described in this division. 3216

~~(G) The provisions of this section do not apply to a 3217
delinquent child who is classified as both a juvenile offender 3218
registrant and a public registry qualified juvenile offender 3219
registrant pursuant to section 2152.86 of the Revised Code A 3220
child's attainment of eighteen or twenty-one years of age does not 3221
affect or terminate the ability or authority of the juvenile court 3222
to conduct a hearing or issue an order under this section. 3223~~

Sec. 2152.851. (A) If, prior to January 1, 2008, a judge 3224
issues an order under section 2152.82, 2152.83, 2152.84, or 3225
2152.85 of the Revised Code that classifies a delinquent child a 3226
juvenile offender registrant based on an adjudication for a 3227
sexually oriented offense or a child-victim oriented offense as 3228
those terms were defined in section 2950.01 of the Revised Code 3229
prior to January 1, 2008, and if, on and after January 1, 2008, 3230

the offense upon which the order was based is a sexually oriented 3231
offense or a child-victim oriented offense as those terms are 3232
defined in section 2950.01 of the Revised Code on and after 3233
January 1, 2008, notwithstanding the changes to sections 2152.82, 3234
2152.83, 2152.84, and 2152.85 of the Revised Code made on January 3235
1, 2008, on and after that date, the order shall remain in effect 3236
for the period described in the section under which it originally 3237
was issued ~~as that section exists on and after January 1, 2008,~~ 3238
subject to subsequent modification or termination under section 3239
2152.84, 2152.85, or 2950.15 of the Revised Code, ~~or, if division~~ 3240
~~(A)(3) of section 2152.86 of the Revised Code applies regarding~~ 3241
~~the child, for the period described in division (C) of that~~ 3242
~~section subject to modification or termination under section~~ 3243
~~2152.84, 2152.85, or 2950.15 of the Revised Code, whichever is~~ 3244
~~applicable,~~ and the duty to comply with sections 2950.04, 3245
2950.041, 2950.05, and 2950.06 of the Revised Code on and after 3246
January 1, 2008, shall be considered, for purposes of section 3247
2950.07 of the Revised Code and for all other purposes, to be a 3248
continuation of the original duty imposed upon the child prior to 3249
January 1, 2008, under the order issued under section 2152.82, 3250
2152.83, 2152.84, or 2152.85 and Chapter 2950. of the Revised 3251
Code. 3252

(B) On and after the effective date of this amendment, both 3253
of the following apply: 3254

(1) The provisions of this chapter and of Chapter 2950. of 3255
the Revised Code that are amended or enacted in the act in which 3256
this amendment is made and that specify that they apply with 3257
respect to a person who is or has been convicted of a sexually 3258
oriented offense or child-victim oriented offense committed prior 3259
to January 1, 2008, or to a person who is or has been adjudicated 3260
a delinquent child for a sexually oriented offense or child-victim 3261
oriented offense committed prior to January 1, 2008, apply with 3262

respect to such persons. 3263

(2) Except as provided in division (B)(1) of this section, 3264
the provisions of this chapter and of Chapter 2950. of the Revised 3265
Code as they existed prior to July 1, 2007, apply with respect to 3266
a person who is or has been convicted of a sexually oriented 3267
offense or child-victim oriented offense committed prior to 3268
January 1, 2008, or to a person who is or has been adjudicated a 3269
delinquent child for a sexually oriented offense or child-victim 3270
oriented offense committed prior to January 1, 2008, except to the 3271
extent that by their nature they clearly would be inapplicable. 3272

Sec. 2901.07. (A) As used in this section: 3273

(1) "DNA analysis" and "DNA specimen" have the same meanings 3274
as in section 109.573 of the Revised Code. 3275

(2) "Jail" and "community-based correctional facility" have 3276
the same meanings as in section 2929.01 of the Revised Code. 3277

(3) "Post-release control" has the same meaning as in section 3278
2967.01 of the Revised Code. 3279

(4) "Head of the arresting law enforcement agency" means 3280
whichever of the following is applicable regarding the arrest in 3281
question: 3282

(a) If the arrest was made by a sheriff or a deputy sheriff, 3283
the sheriff who made the arrest or who employs the deputy sheriff 3284
who made the arrest; 3285

(b) If the arrest was made by a law enforcement officer of a 3286
law enforcement agency of a municipal corporation, the chief of 3287
police, marshal, or other chief law enforcement officer of the 3288
agency that employs the officer who made the arrest; 3289

(c) If the arrest was made by a constable or a law 3290
enforcement officer of a township police department or police 3291
district police force, the constable who made the arrest or the 3292

chief law enforcement officer of the department or agency that 3293
employs the officer who made the arrest; 3294

(d) If the arrest was made by the superintendent or a trooper 3295
of the state highway patrol, the superintendent of the state 3296
highway patrol; 3297

(e) If the arrest was made by a law enforcement officer not 3298
identified in division (A)(4)(a), (b), (c), or (d) of this 3299
section, the chief law enforcement officer of the law enforcement 3300
agency that employs the officer who made the arrest. 3301

(5) "Detention facility" has the same meaning as in section 3302
2921.01 of the Revised Code. 3303

(B)(1)(a) On and after July 1, 2011, a person who is eighteen 3304
years of age or older and who is arrested on or after July 1, 3305
2011, for a felony offense shall submit to a DNA specimen 3306
collection procedure administered by the head of the arresting law 3307
enforcement agency. The head of the arresting law enforcement 3308
agency shall cause the DNA specimen to be collected from the 3309
person during the intake process at the jail, community-based 3310
correctional facility, detention facility, or law enforcement 3311
agency office or station to which the arrested person is taken 3312
after the arrest. The head of the arresting law enforcement agency 3313
shall cause the DNA specimen to be collected in accordance with 3314
division (C) of this section. 3315

(b) If a person who is charged with a felony on or after July 3316
1, 2011, has not been arrested and first appears before a court or 3317
magistrate in response to a summons, or if the head of the 3318
arresting law enforcement agency has not administered a DNA 3319
specimen collection procedure upon the person arrested for a 3320
felony in accordance with division (B)(1)(a) of this section by 3321
the time of the arraignment or first appearance of the person, the 3322
court shall order the person to appear before the sheriff or chief 3323

of police of the county or municipal corporation within 3324
twenty-four hours to submit to a DNA specimen collection procedure 3325
administered by the sheriff or chief of police. The sheriff or 3326
chief of police shall cause the DNA specimen to be collected from 3327
the person in accordance with division (C) of this section. 3328

(c) Every court with jurisdiction over a case involving a 3329
person with respect to whom division (B)(1)(a) or (b) of this 3330
section requires the head of a law enforcement agency or a sheriff 3331
or chief of police to administer a DNA specimen collection 3332
procedure upon the person shall inquire at the time of the 3333
person's sentencing whether or not the person has submitted to a 3334
DNA specimen collection procedure pursuant to division (B)(1)(a) 3335
or (b) of this section for the original arrest or court appearance 3336
upon which the sentence is based. If the person has not submitted 3337
to a DNA specimen collection procedure for the original arrest or 3338
court appearance upon which the sentence is based, the court shall 3339
order the person to appear before the sheriff or chief of police 3340
of the county or municipal corporation within twenty-four hours to 3341
submit to a DNA specimen collection procedure administered by the 3342
sheriff or chief of police. The sheriff or chief of police shall 3343
cause the DNA specimen to be collected in accordance with division 3344
(C) of this section. 3345

(d) If a person is in the custody of a law enforcement agency 3346
or a detention facility, if the chief law enforcement officer or 3347
chief administrative officer of the detention facility discovers 3348
that a warrant has been issued or a bill of information has been 3349
filed alleging the person to have committed an offense other than 3350
the offense for which the person is in custody, and if the other 3351
alleged offense is one for which a DNA specimen is to be collected 3352
from the person pursuant to division (B)(1)(a) or (b) of this 3353
section, the chief law enforcement officer or chief administrative 3354
officer shall cause a DNA specimen to be collected from the person 3355

in accordance with division (C) of this section. 3356

(2) Regardless of when the conviction occurred or the guilty 3357
plea was entered, a person who has been convicted of, is convicted 3358
of, has pleaded guilty to, or pleads guilty to a felony offense, 3359
who is sentenced to a prison term or to a community residential 3360
sanction in a jail or community-based correctional facility for 3361
that offense pursuant to section 2929.16 of the Revised Code, and 3362
who does not provide a DNA specimen pursuant to division (B)(1) of 3363
this section, and a person who has been convicted of, is convicted 3364
of, has pleaded guilty to, or pleads guilty to a misdemeanor 3365
offense listed in division (D) of this section, who is sentenced 3366
to a term of imprisonment for that offense, and who does not 3367
provide a DNA specimen pursuant to division (B)(1) of this 3368
section, shall submit to a DNA specimen collection procedure 3369
administered by the director of rehabilitation and correction or 3370
the chief administrative officer of the jail or other detention 3371
facility in which the person is serving the term of imprisonment. 3372
If the person serves the prison term in a state correctional 3373
institution, the director of rehabilitation and correction shall 3374
cause the DNA specimen to be collected from the person during the 3375
intake process at the reception facility designated by the 3376
director. If the person serves the community residential sanction 3377
or term of imprisonment in a jail, a community-based correctional 3378
facility, or another county, multicounty, municipal, 3379
municipal-county, or multicounty-municipal detention facility, the 3380
chief administrative officer of the jail, community-based 3381
correctional facility, or detention facility shall cause the DNA 3382
specimen to be collected from the person during the intake process 3383
at the jail, community-based correctional facility, or detention 3384
facility. The DNA specimen shall be collected in accordance with 3385
division (C) of this section. 3386

(3) Regardless of when the conviction occurred or the guilty 3387

plea was entered, if a person has been convicted of, is convicted 3388
of, has pleaded guilty to, or pleads guilty to a felony offense or 3389
a misdemeanor offense listed in division (D) of this section, is 3390
serving a prison term, community residential sanction, or term of 3391
imprisonment for that offense, and does not provide a DNA specimen 3392
pursuant to division (B)(1) or (2) of this section, prior to the 3393
person's release from the prison term, community residential 3394
sanction, or imprisonment, the person shall submit to, and the 3395
director of rehabilitation and correction or the chief 3396
administrative officer of the jail, community-based correctional 3397
facility, or detention facility in which the person is serving the 3398
prison term, community residential sanction, or term of 3399
imprisonment shall administer, a DNA specimen collection procedure 3400
at the state correctional institution, jail, community-based 3401
correctional facility, or detention facility in which the person 3402
is serving the prison term, community residential sanction, or 3403
term of imprisonment. The DNA specimen shall be collected in 3404
accordance with division (C) of this section. 3405

(4)(a) Regardless of when the conviction occurred or the 3406
guilty plea was entered, if a person has been convicted of, is 3407
convicted of, has pleaded guilty to, or pleads guilty to a felony 3408
offense or a misdemeanor offense listed in division (D) of this 3409
section and the person is on probation, released on parole, under 3410
transitional control, on community control, on post-release 3411
control, or under any other type of supervised release under the 3412
supervision of a probation department or the adult parole 3413
authority for that offense, and did not provide a DNA specimen 3414
pursuant to division (B)(1), (2), or (3) of this section, the 3415
person shall submit to a DNA specimen collection procedure 3416
administered by the chief administrative officer of the probation 3417
department or the adult parole authority. The DNA specimen shall 3418
be collected in accordance with division (C) of this section. If 3419
the person refuses to submit to a DNA specimen collection 3420

procedure as provided in this division, the person may be subject 3421
to the provisions of section 2967.15 of the Revised Code. 3422

(b) If a person to whom division (B)(4)(a) of this section 3423
applies is sent to jail or is returned to a jail, community-based 3424
correctional facility, or state correctional institution for a 3425
violation of the terms and conditions of the probation, parole, 3426
transitional control, other release, or post-release control, if 3427
the person was or will be serving a term of imprisonment, prison 3428
term, or community residential sanction for committing a felony 3429
offense or for committing a misdemeanor offense listed in division 3430
(D) of this section, and if the person did not provide a DNA 3431
specimen pursuant to division (B)(1), (2), (3), or (4)(a) of this 3432
section, the person shall submit to, and the director of 3433
rehabilitation and correction or the chief administrative officer 3434
of the jail or community-based correctional facility shall 3435
administer, a DNA specimen collection procedure at the jail, 3436
community-based correctional facility, or state correctional 3437
institution in which the person is serving the term of 3438
imprisonment, prison term, or community residential sanction. The 3439
DNA specimen shall be collected from the person in accordance with 3440
division (C) of this section. 3441

(5) Regardless of when the conviction occurred or the guilty 3442
plea was entered, if a person has been convicted of, is convicted 3443
of, has pleaded guilty to, or pleads guilty to a felony offense or 3444
a misdemeanor offense listed in division (D) of this section, the 3445
person is not sentenced to a prison term, a community residential 3446
sanction in a jail or community-based correctional facility, a 3447
term of imprisonment, or any type of supervised release under the 3448
supervision of a probation department or the adult parole 3449
authority, and the person does not provide a DNA specimen pursuant 3450
to division (B)(1), (2), (3), (4)(a), or (4)(b) of this section, 3451
the sentencing court shall order the person to report to the 3452

county probation department immediately after sentencing to submit 3453
to a DNA specimen collection procedure administered by the chief 3454
administrative officer of the county probation office. If the 3455
person is incarcerated at the time of sentencing, the person shall 3456
submit to a DNA specimen collection procedure administered by the 3457
director of rehabilitation and correction or the chief 3458
administrative officer of the jail or other detention facility in 3459
which the person is incarcerated. The DNA specimen shall be 3460
collected in accordance with division (C) of this section. 3461

(C) If the DNA specimen is collected by withdrawing blood 3462
from the person or a similarly invasive procedure, a physician, 3463
registered nurse, licensed practical nurse, duly licensed clinical 3464
laboratory technician, or other qualified medical practitioner 3465
shall collect in a medically approved manner the DNA specimen 3466
required to be collected pursuant to division (B) of this section. 3467
If the DNA specimen is collected by swabbing for buccal cells or a 3468
similarly noninvasive procedure, this section does not require 3469
that the DNA specimen be collected by a qualified medical 3470
practitioner of that nature. No later than fifteen days after the 3471
date of the collection of the DNA specimen, the head of the 3472
arresting law enforcement agency, the sheriff or chief of police, 3473
the chief law enforcement officer, or the chief administrative 3474
officer of the detention facility regarding a DNA specimen taken 3475
pursuant to division (B)(1) of this section, the director of 3476
rehabilitation and correction or the chief administrative officer 3477
of the detention facility regarding a DNA specimen taken pursuant 3478
to division (B)(2), (3), or (4)(b) of this section, the chief 3479
administrative officer of the probation department or the adult 3480
parole authority regarding a DNA specimen taken pursuant to 3481
division (B)(4)(a) of this section, or the chief administrative 3482
officer of the county probation office, the director of 3483
rehabilitation and correction, or the chief administrative officer 3484
of the detention facility regarding a DNA specimen taken pursuant 3485

to division (B)(5) of this section, whichever is applicable, shall 3486
cause the DNA specimen to be forwarded to the bureau of criminal 3487
identification and investigation in accordance with procedures 3488
established by the superintendent of the bureau under division (H) 3489
of section 109.573 of the Revised Code. The bureau shall provide 3490
the specimen vials, mailing tubes, labels, postage, and 3491
instructions needed for the collection and forwarding of the DNA 3492
specimen to the bureau. 3493

(D) The DNA specimen collection duty set forth in division 3494
(B)(1) of this section applies to any person who is eighteen years 3495
of age or older and who on or after July 1, 2011, is arrested for 3496
or charged with any felony offense or is in any other circumstance 3497
described in that division. The DNA specimen collection duties set 3498
forth in divisions (B)(2), (3), (4)(a), (4)(b), and (5) of this 3499
section apply to any person who has been convicted of, is 3500
convicted of, has pleaded guilty to, or pleads guilty to any 3501
felony offense or any of the following misdemeanor offenses: 3502

(1) A misdemeanor violation, an attempt to commit a 3503
misdemeanor violation, or complicity in committing a misdemeanor 3504
violation of section 2907.04 of the Revised Code; 3505

(2) A misdemeanor violation of any law that arose out of the 3506
same facts and circumstances and same act as did a charge against 3507
the person of a violation of section 2903.01, 2903.02, 2905.01, 3508
2907.02, 2907.03, 2907.04, 2907.05, or 2911.11 of the Revised Code 3509
that previously was dismissed or amended or as did a charge 3510
against the person of a violation of section 2907.12 of the 3511
Revised Code as it existed prior to September 3, 1996, that 3512
previously was dismissed or amended; 3513

(3) A misdemeanor violation of section 2919.23 of the Revised 3514
Code that would have been a violation of section 2905.04 of the 3515
Revised Code as it existed prior to July 1, 1996, had it been 3516
committed prior to that date; 3517

(4) A sexually oriented offense or a child-victim oriented offense, both as defined in section 2950.01 of the Revised Code, that is a misdemeanor, if, in relation to that offense, the offender is a tier III sex offender/child-victim offender, a sexual predator, a child-victim predator, a habitual sex offender, or a habitual child-victim offender, all as defined in section 2950.01 of the Revised Code.

(E) The director of rehabilitation and correction may prescribe rules in accordance with Chapter 119. of the Revised Code to collect a DNA specimen, as provided in this section, from an offender whose supervision is transferred from another state to this state in accordance with the interstate compact for adult offender supervision described in section 5149.21 of the Revised Code.

Sec. 2907.02. (A)(1) No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies:

(a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.

(b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.

(c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.

(2) No person shall engage in sexual conduct with another 3549
when the offender purposely compels the other person to submit by 3550
force or threat of force. 3551

(B) Whoever violates this section is guilty of rape, a felony 3552
of the first degree. If the offender under division (A)(1)(a) of 3553
this section substantially impairs the other person's judgment or 3554
control by administering any controlled substance described in 3555
section 3719.41 of the Revised Code to the other person 3556
surreptitiously or by force, threat of force, or deception, the 3557
prison term imposed upon the offender shall be one of the prison 3558
terms prescribed for a felony of the first degree in section 3559
2929.14 of the Revised Code that is not less than five years. 3560
Except as otherwise provided in this division, notwithstanding 3561
sections 2929.11 to 2929.14 of the Revised Code, an offender under 3562
division (A)(1)(b) of this section shall be sentenced to a prison 3563
term or term of life imprisonment pursuant to section 2971.03 of 3564
the Revised Code. If an offender is convicted of or pleads guilty 3565
to a violation of division (A)(1)(b) of this section, if the 3566
offender was less than sixteen years of age at the time the 3567
offender committed the violation of that division, and if the 3568
offender during or immediately after the commission of the offense 3569
did not cause serious physical harm to the victim, the victim was 3570
ten years of age or older at the time of the commission of the 3571
violation, and the offender has not previously been convicted of 3572
or pleaded guilty to a violation of this section or a 3573
substantially similar existing or former law of this state, 3574
another state, or the United States, the court shall not sentence 3575
the offender to a prison term or term of life imprisonment 3576
pursuant to section 2971.03 of the Revised Code, and instead the 3577
court shall sentence the offender as otherwise provided in this 3578
division. If an offender under division (A)(1)(b) of this section 3579
previously has been convicted of or pleaded guilty to violating 3580
division (A)(1)(b) of this section or to violating an existing or 3581

former law of this state, another state, or the United States that 3582
is substantially similar to division (A)(1)(b) of this section, if 3583
the offender during or immediately after the commission of the 3584
offense caused serious physical harm to the victim, or if the 3585
victim under division (A)(1)(b) of this section is less than ten 3586
years of age, in lieu of sentencing the offender to a prison term 3587
or term of life imprisonment pursuant to section 2971.03 of the 3588
Revised Code, the court may impose upon the offender a term of 3589
life without parole. If the court imposes a term of life without 3590
parole pursuant to this division, division (F) of section 2971.03 3591
of the Revised Code applies, and the offender automatically is 3592
classified a tier III sex offender/child-victim offender or sexual 3593
predator, as described in that division. 3594

(C) A victim need not prove physical resistance to the 3595
offender in prosecutions under this section. 3596

(D) Evidence of specific instances of the victim's sexual 3597
activity, opinion evidence of the victim's sexual activity, and 3598
reputation evidence of the victim's sexual activity shall not be 3599
admitted under this section unless it involves evidence of the 3600
origin of semen, pregnancy, or disease, or the victim's past 3601
sexual activity with the offender, and only to the extent that the 3602
court finds that the evidence is material to a fact at issue in 3603
the case and that its inflammatory or prejudicial nature does not 3604
outweigh its probative value. 3605

Evidence of specific instances of the defendant's sexual 3606
activity, opinion evidence of the defendant's sexual activity, and 3607
reputation evidence of the defendant's sexual activity shall not 3608
be admitted under this section unless it involves evidence of the 3609
origin of semen, pregnancy, or disease, the defendant's past 3610
sexual activity with the victim, or is admissible against the 3611
defendant under section 2945.59 of the Revised Code, and only to 3612
the extent that the court finds that the evidence is material to a 3613

fact at issue in the case and that its inflammatory or prejudicial 3614
nature does not outweigh its probative value. 3615

(E) Prior to taking testimony or receiving evidence of any 3616
sexual activity of the victim or the defendant in a proceeding 3617
under this section, the court shall resolve the admissibility of 3618
the proposed evidence in a hearing in chambers, which shall be 3619
held at or before preliminary hearing and not less than three days 3620
before trial, or for good cause shown during the trial. 3621

(F) Upon approval by the court, the victim may be represented 3622
by counsel in any hearing in chambers or other proceeding to 3623
resolve the admissibility of evidence. If the victim is indigent 3624
or otherwise is unable to obtain the services of counsel, the 3625
court, upon request, may appoint counsel to represent the victim 3626
without cost to the victim. 3627

(G) It is not a defense to a charge under division (A)(2) of 3628
this section that the offender and the victim were married or were 3629
cohabiting at the time of the commission of the offense. 3630

Sec. 2929.01. As used in this chapter: 3631

(A)(1) "Alternative residential facility" means, subject to 3632
division (A)(2) of this section, any facility other than an 3633
offender's home or residence in which an offender is assigned to 3634
live and that satisfies all of the following criteria: 3635

(a) It provides programs through which the offender may seek 3636
or maintain employment or may receive education, training, 3637
treatment, or habilitation. 3638

(b) It has received the appropriate license or certificate 3639
for any specialized education, training, treatment, habilitation, 3640
or other service that it provides from the government agency that 3641
is responsible for licensing or certifying that type of education, 3642
training, treatment, habilitation, or service. 3643

(2) "Alternative residential facility" does not include a 3644
community-based correctional facility, jail, halfway house, or 3645
prison. 3646

(B) "Basic probation supervision" means a requirement that 3647
the offender maintain contact with a person appointed to supervise 3648
the offender in accordance with sanctions imposed by the court or 3649
imposed by the parole board pursuant to section 2967.28 of the 3650
Revised Code. "Basic probation supervision" includes basic parole 3651
supervision and basic post-release control supervision. 3652

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have the 3653
same meanings as in section 2925.01 of the Revised Code. 3654

(D) "Community-based correctional facility" means a 3655
community-based correctional facility and program or district 3656
community-based correctional facility and program developed 3657
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 3658

(E) "Community control sanction" means a sanction that is not 3659
a prison term and that is described in section 2929.15, 2929.16, 3660
2929.17, or 2929.18 of the Revised Code or a sanction that is not 3661
a jail term and that is described in section 2929.26, 2929.27, or 3662
2929.28 of the Revised Code. "Community control sanction" includes 3663
probation if the sentence involved was imposed for a felony that 3664
was committed prior to July 1, 1996, or if the sentence involved 3665
was imposed for a misdemeanor that was committed prior to January 3666
1, 2004. 3667

(F) "Controlled substance," "marihuana," "schedule I," and 3668
"schedule II" have the same meanings as in section 3719.01 of the 3669
Revised Code. 3670

(G) "Curfew" means a requirement that an offender during a 3671
specified period of time be at a designated place. 3672

(H) "Day reporting" means a sanction pursuant to which an 3673
offender is required each day to report to and leave a center or 3674

other approved reporting location at specified times in order to 3675
participate in work, education or training, treatment, and other 3676
approved programs at the center or outside the center. 3677

(I) "Deadly weapon" has the same meaning as in section 3678
2923.11 of the Revised Code. 3679

(J) "Drug and alcohol use monitoring" means a program under 3680
which an offender agrees to submit to random chemical analysis of 3681
the offender's blood, breath, or urine to determine whether the 3682
offender has ingested any alcohol or other drugs. 3683

(K) "Drug treatment program" means any program under which a 3684
person undergoes assessment and treatment designed to reduce or 3685
completely eliminate the person's physical or emotional reliance 3686
upon alcohol, another drug, or alcohol and another drug and under 3687
which the person may be required to receive assessment and 3688
treatment on an outpatient basis or may be required to reside at a 3689
facility other than the person's home or residence while 3690
undergoing assessment and treatment. 3691

(L) "Economic loss" means any economic detriment suffered by 3692
a victim as a direct and proximate result of the commission of an 3693
offense and includes any loss of income due to lost time at work 3694
because of any injury caused to the victim, and any property loss, 3695
medical cost, or funeral expense incurred as a result of the 3696
commission of the offense. "Economic loss" does not include 3697
non-economic loss or any punitive or exemplary damages. 3698

(M) "Education or training" includes study at, or in 3699
conjunction with a program offered by, a university, college, or 3700
technical college or vocational study and also includes the 3701
completion of primary school, secondary school, and literacy 3702
curricula or their equivalent. 3703

(N) "Firearm" has the same meaning as in section 2923.11 of 3704
the Revised Code. 3705

(O) "Halfway house" means a facility licensed by the division 3706
of parole and community services of the department of 3707
rehabilitation and correction pursuant to section 2967.14 of the 3708
Revised Code as a suitable facility for the care and treatment of 3709
adult offenders. 3710

(P) "House arrest" means a period of confinement of an 3711
offender that is in the offender's home or in other premises 3712
specified by the sentencing court or by the parole board pursuant 3713
to section 2967.28 of the Revised Code and during which all of the 3714
following apply: 3715

(1) The offender is required to remain in the offender's home 3716
or other specified premises for the specified period of 3717
confinement, except for periods of time during which the offender 3718
is at the offender's place of employment or at other premises as 3719
authorized by the sentencing court or by the parole board. 3720

(2) The offender is required to report periodically to a 3721
person designated by the court or parole board. 3722

(3) The offender is subject to any other restrictions and 3723
requirements that may be imposed by the sentencing court or by the 3724
parole board. 3725

(Q) "Intensive probation supervision" means a requirement 3726
that an offender maintain frequent contact with a person appointed 3727
by the court, or by the parole board pursuant to section 2967.28 3728
of the Revised Code, to supervise the offender while the offender 3729
is seeking or maintaining necessary employment and participating 3730
in training, education, and treatment programs as required in the 3731
court's or parole board's order. "Intensive probation supervision" 3732
includes intensive parole supervision and intensive post-release 3733
control supervision. 3734

(R) "Jail" means a jail, workhouse, minimum security jail, or 3735
other residential facility used for the confinement of alleged or 3736

convicted offenders that is operated by a political subdivision or 3737
a combination of political subdivisions of this state. 3738

(S) "Jail term" means the term in a jail that a sentencing 3739
court imposes or is authorized to impose pursuant to section 3740
2929.24 or 2929.25 of the Revised Code or pursuant to any other 3741
provision of the Revised Code that authorizes a term in a jail for 3742
a misdemeanor conviction. 3743

(T) "Mandatory jail term" means the term in a jail that a 3744
sentencing court is required to impose pursuant to division (G) of 3745
section 1547.99 of the Revised Code, division (E) of section 3746
2903.06 or division (D) of section 2903.08 of the Revised Code, 3747
division (E) or (G) of section 2929.24 of the Revised Code, 3748
division (B) of section 4510.14 of the Revised Code, or division 3749
(G) of section 4511.19 of the Revised Code or pursuant to any 3750
other provision of the Revised Code that requires a term in a jail 3751
for a misdemeanor conviction. 3752

(U) "Delinquent child" has the same meaning as in section 3753
2152.02 of the Revised Code. 3754

(V) "License violation report" means a report that is made by 3755
a sentencing court, or by the parole board pursuant to section 3756
2967.28 of the Revised Code, to the regulatory or licensing board 3757
or agency that issued an offender a professional license or a 3758
license or permit to do business in this state and that specifies 3759
that the offender has been convicted of or pleaded guilty to an 3760
offense that may violate the conditions under which the offender's 3761
professional license or license or permit to do business in this 3762
state was granted or an offense for which the offender's 3763
professional license or license or permit to do business in this 3764
state may be revoked or suspended. 3765

(W) "Major drug offender" means an offender who is convicted 3766
of or pleads guilty to the possession of, sale of, or offer to 3767

sell any drug, compound, mixture, preparation, or substance that 3768
consists of or contains at least one thousand grams of hashish; at 3769
least one hundred grams of cocaine; at least two thousand five 3770
hundred unit doses or two hundred fifty grams of heroin; at least 3771
five thousand unit doses of L.S.D. or five hundred grams of L.S.D. 3772
in a liquid concentrate, liquid extract, or liquid distillate 3773
form; at least fifty grams of a controlled substance analog; or at 3774
least one hundred times the amount of any other schedule I or II 3775
controlled substance other than marihuana that is necessary to 3776
commit a felony of the third degree pursuant to section 2925.03, 3777
2925.04, 2925.05, or 2925.11 of the Revised Code that is based on 3778
the possession of, sale of, or offer to sell the controlled 3779
substance. 3780

(X) "Mandatory prison term" means any of the following: 3781

(1) Subject to division (X)(2) of this section, the term in 3782
prison that must be imposed for the offenses or circumstances set 3783
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 3784
2929.13 and division (B) of section 2929.14 of the Revised Code. 3785
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 3786
and 2925.11 of the Revised Code, unless the maximum or another 3787
specific term is required under section 2929.14 or 2929.142 of the 3788
Revised Code, a mandatory prison term described in this division 3789
may be any prison term authorized for the level of offense. 3790

(2) The term of sixty or one hundred twenty days in prison 3791
that a sentencing court is required to impose for a third or 3792
fourth degree felony OVI offense pursuant to division (G)(2) of 3793
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 3794
of the Revised Code or the term of one, two, three, four, or five 3795
years in prison that a sentencing court is required to impose 3796
pursuant to division (G)(2) of section 2929.13 of the Revised 3797
Code. 3798

(3) The term in prison imposed pursuant to division (A) of 3799

section 2971.03 of the Revised Code for the offenses and in the 3800
circumstances described in division (F)(11) of section 2929.13 of 3801
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 3802
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 3803
2971.03 of the Revised Code and that term as modified or 3804
terminated pursuant to section 2971.05 of the Revised Code. 3805

(Y) "Monitored time" means a period of time during which an 3806
offender continues to be under the control of the sentencing court 3807
or parole board, subject to no conditions other than leading a 3808
law-abiding life. 3809

(Z) "Offender" means a person who, in this state, is 3810
convicted of or pleads guilty to a felony or a misdemeanor. 3811

(AA) "Prison" means a residential facility used for the 3812
confinement of convicted felony offenders that is under the 3813
control of the department of rehabilitation and correction but 3814
does not include a violation sanction center operated under 3815
authority of section 2967.141 of the Revised Code. 3816

(BB) "Prison term" includes either of the following sanctions 3817
for an offender: 3818

(1) A stated prison term; 3819

(2) A term in a prison shortened by, or with the approval of, 3820
the sentencing court pursuant to section 2929.143, 2929.20, 3821
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 3822

(CC) "Repeat violent offender" means a person about whom both 3823
of the following apply: 3824

(1) The person is being sentenced for committing or for 3825
complicity in committing any of the following: 3826

(a) Aggravated murder, murder, any felony of the first or 3827
second degree that is an offense of violence, or an attempt to 3828
commit any of these offenses if the attempt is a felony of the 3829

first or second degree; 3830

(b) An offense under an existing or former law of this state, 3831
another state, or the United States that is or was substantially 3832
equivalent to an offense described in division (CC)(1)(a) of this 3833
section. 3834

(2) The person previously was convicted of or pleaded guilty 3835
to an offense described in division (CC)(1)(a) or (b) of this 3836
section. 3837

(DD) "Sanction" means any penalty imposed upon an offender 3838
who is convicted of or pleads guilty to an offense, as punishment 3839
for the offense. "Sanction" includes any sanction imposed pursuant 3840
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 3841
2929.28 of the Revised Code. 3842

(EE) "Sentence" means the sanction or combination of 3843
sanctions imposed by the sentencing court on an offender who is 3844
convicted of or pleads guilty to an offense. 3845

(FF) "Stated prison term" means the prison term, mandatory 3846
prison term, or combination of all prison terms and mandatory 3847
prison terms imposed by the sentencing court pursuant to section 3848
2929.14, 2929.142, or 2971.03 of the Revised Code or under section 3849
2919.25 of the Revised Code. "Stated prison term" includes any 3850
credit received by the offender for time spent in jail awaiting 3851
trial, sentencing, or transfer to prison for the offense and any 3852
time spent under house arrest or house arrest with electronic 3853
monitoring imposed after earning credits pursuant to section 3854
2967.193 of the Revised Code. If an offender is serving a prison 3855
term as a risk reduction sentence under sections 2929.143 and 3856
5120.036 of the Revised Code, "stated prison term" includes any 3857
period of time by which the prison term imposed upon the offender 3858
is shortened by the offender's successful completion of all 3859
assessment and treatment or programming pursuant to those 3860

sections. 3861

(GG) "Victim-offender mediation" means a reconciliation or 3862
mediation program that involves an offender and the victim of the 3863
offense committed by the offender and that includes a meeting in 3864
which the offender and the victim may discuss the offense, discuss 3865
restitution, and consider other sanctions for the offense. 3866

(HH) "Fourth degree felony OVI offense" means a violation of 3867
division (A) of section 4511.19 of the Revised Code that, under 3868
division (G) of that section, is a felony of the fourth degree. 3869

(II) "Mandatory term of local incarceration" means the term 3870
of sixty or one hundred twenty days in a jail, a community-based 3871
correctional facility, a halfway house, or an alternative 3872
residential facility that a sentencing court may impose upon a 3873
person who is convicted of or pleads guilty to a fourth degree 3874
felony OVI offense pursuant to division (G)(1) of section 2929.13 3875
of the Revised Code and division (G)(1)(d) or (e) of section 3876
4511.19 of the Revised Code. 3877

(JJ) "Designated homicide, assault, or kidnapping offense," 3878
"violent sex offense," "sexual motivation specification," 3879
"sexually violent offense," "sexually violent predator," and 3880
"sexually violent predator specification" have the same meanings 3881
as in section 2971.01 of the Revised Code. 3882

(KK) "Sexually oriented offense," "child-victim oriented 3883
offense," ~~and~~ "tier III sex offender/child-victim offender," 3884
"sexual predator," "child-victim predator," "habitual sex 3885
offender," and "habitual child-victim offender" have the same 3886
meanings as in section 2950.01 of the Revised Code. 3887

(LL) An offense is "committed in the vicinity of a child" if 3888
the offender commits the offense within thirty feet of or within 3889
the same residential unit as a child who is under eighteen years 3890
of age, regardless of whether the offender knows the age of the 3891

child or whether the offender knows the offense is being committed 3892
within thirty feet of or within the same residential unit as the 3893
child and regardless of whether the child actually views the 3894
commission of the offense. 3895

(MM) "Family or household member" has the same meaning as in 3896
section 2919.25 of the Revised Code. 3897

(NN) "Motor vehicle" and "manufactured home" have the same 3898
meanings as in section 4501.01 of the Revised Code. 3899

(OO) "Detention" and "detention facility" have the same 3900
meanings as in section 2921.01 of the Revised Code. 3901

(PP) "Third degree felony OVI offense" means a violation of 3902
division (A) of section 4511.19 of the Revised Code that, under 3903
division (G) of that section, is a felony of the third degree. 3904

(QQ) "Random drug testing" has the same meaning as in section 3905
5120.63 of the Revised Code. 3906

(RR) "Felony sex offense" has the same meaning as in section 3907
2967.28 of the Revised Code. 3908

(SS) "Body armor" has the same meaning as in section 3909
2941.1411 of the Revised Code. 3910

(TT) "Electronic monitoring" means monitoring through the use 3911
of an electronic monitoring device. 3912

(UU) "Electronic monitoring device" means any of the 3913
following: 3914

(1) Any device that can be operated by electrical or battery 3915
power and that conforms with all of the following: 3916

(a) The device has a transmitter that can be attached to a 3917
person, that will transmit a specified signal to a receiver of the 3918
type described in division (UU)(1)(b) of this section if the 3919
transmitter is removed from the person, turned off, or altered in 3920
any manner without prior court approval in relation to electronic 3921

monitoring or without prior approval of the department of 3922
rehabilitation and correction in relation to the use of an 3923
electronic monitoring device for an inmate on transitional control 3924
or otherwise is tampered with, that can transmit continuously and 3925
periodically a signal to that receiver when the person is within a 3926
specified distance from the receiver, and that can transmit an 3927
appropriate signal to that receiver if the person to whom it is 3928
attached travels a specified distance from that receiver. 3929

(b) The device has a receiver that can receive continuously 3930
the signals transmitted by a transmitter of the type described in 3931
division (UU)(1)(a) of this section, can transmit continuously 3932
those signals by a wireless or landline telephone connection to a 3933
central monitoring computer of the type described in division 3934
(UU)(1)(c) of this section, and can transmit continuously an 3935
appropriate signal to that central monitoring computer if the 3936
device has been turned off or altered without prior court approval 3937
or otherwise tampered with. The device is designed specifically 3938
for use in electronic monitoring, is not a converted wireless 3939
phone or another tracking device that is clearly not designed for 3940
electronic monitoring, and provides a means of text-based or voice 3941
communication with the person. 3942

(c) The device has a central monitoring computer that can 3943
receive continuously the signals transmitted by a wireless or 3944
landline telephone connection by a receiver of the type described 3945
in division (UU)(1)(b) of this section and can monitor 3946
continuously the person to whom an electronic monitoring device of 3947
the type described in division (UU)(1)(a) of this section is 3948
attached. 3949

(2) Any device that is not a device of the type described in 3950
division (UU)(1) of this section and that conforms with all of the 3951
following: 3952

(a) The device includes a transmitter and receiver that can 3953

monitor and determine the location of a subject person at any 3954
time, or at a designated point in time, through the use of a 3955
central monitoring computer or through other electronic means. 3956

(b) The device includes a transmitter and receiver that can 3957
determine at any time, or at a designated point in time, through 3958
the use of a central monitoring computer or other electronic means 3959
the fact that the transmitter is turned off or altered in any 3960
manner without prior approval of the court in relation to the 3961
electronic monitoring or without prior approval of the department 3962
of rehabilitation and correction in relation to the use of an 3963
electronic monitoring device for an inmate on transitional control 3964
or otherwise is tampered with. 3965

(3) Any type of technology that can adequately track or 3966
determine the location of a subject person at any time and that is 3967
approved by the director of rehabilitation and correction, 3968
including, but not limited to, any satellite technology, voice 3969
tracking system, or retinal scanning system that is so approved. 3970

(VV) "Non-economic loss" means nonpecuniary harm suffered by 3971
a victim of an offense as a result of or related to the commission 3972
of the offense, including, but not limited to, pain and suffering; 3973
loss of society, consortium, companionship, care, assistance, 3974
attention, protection, advice, guidance, counsel, instruction, 3975
training, or education; mental anguish; and any other intangible 3976
loss. 3977

(WW) "Prosecutor" has the same meaning as in section 2935.01 3978
of the Revised Code. 3979

(XX) "Continuous alcohol monitoring" means the ability to 3980
automatically test and periodically transmit alcohol consumption 3981
levels and tamper attempts at least every hour, regardless of the 3982
location of the person who is being monitored. 3983

(YY) A person is "adjudicated a sexually violent predator" if 3984

the person is convicted of or pleads guilty to a violent sex 3985
offense and also is convicted of or pleads guilty to a sexually 3986
violent predator specification that was included in the 3987
indictment, count in the indictment, or information charging that 3988
violent sex offense or if the person is convicted of or pleads 3989
guilty to a designated homicide, assault, or kidnapping offense 3990
and also is convicted of or pleads guilty to both a sexual 3991
motivation specification and a sexually violent predator 3992
specification that were included in the indictment, count in the 3993
indictment, or information charging that designated homicide, 3994
assault, or kidnapping offense. 3995

(ZZ) An offense is "committed in proximity to a school" if 3996
the offender commits the offense in a school safety zone or within 3997
five hundred feet of any school building or the boundaries of any 3998
school premises, regardless of whether the offender knows the 3999
offense is being committed in a school safety zone or within five 4000
hundred feet of any school building or the boundaries of any 4001
school premises. 4002

(AAA) "Human trafficking" means a scheme or plan to which all 4003
of the following apply: 4004

(1) Its object is to subject a victim or victims to 4005
involuntary servitude, as defined in section 2905.31 of the 4006
Revised Code, to compel a victim or victims to engage in sexual 4007
activity for hire, to engage in a performance that is obscene, 4008
sexually oriented, or nudity oriented, or to be a model or 4009
participant in the production of material that is obscene, 4010
sexually oriented, or nudity oriented. 4011

(2) It involves at least two felony offenses, whether or not 4012
there has been a prior conviction for any of the felony offenses, 4013
to which all of the following apply: 4014

(a) Each of the felony offenses is a violation of section 4015

2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 4016
(A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 4017
(4), or (5) of section 2919.22 of the Revised Code or is a 4018
violation of a law of any state other than this state that is 4019
substantially similar to any of the sections or divisions of the 4020
Revised Code identified in this division. 4021

(b) At least one of the felony offenses was committed in this 4022
state. 4023

(c) The felony offenses are related to the same scheme or 4024
plan and are not isolated instances. 4025

(BBB) "Material," "nudity," "obscene," "performance," and 4026
"sexual activity" have the same meanings as in section 2907.01 of 4027
the Revised Code. 4028

(CCC) "Material that is obscene, sexually oriented, or nudity 4029
oriented" means any material that is obscene, that shows a person 4030
participating or engaging in sexual activity, masturbation, or 4031
bestiality, or that shows a person in a state of nudity. 4032

(DDD) "Performance that is obscene, sexually oriented, or 4033
nudity oriented" means any performance that is obscene, that shows 4034
a person participating or engaging in sexual activity, 4035
masturbation, or bestiality, or that shows a person in a state of 4036
nudity. 4037

Sec. 2929.13. (A) Except as provided in division (E), (F), or 4038
(G) of this section and unless a specific sanction is required to 4039
be imposed or is precluded from being imposed pursuant to law, a 4040
court that imposes a sentence upon an offender for a felony may 4041
impose any sanction or combination of sanctions on the offender 4042
that are provided in sections 2929.14 to 2929.18 of the Revised 4043
Code. 4044

If the offender is eligible to be sentenced to community 4045

control sanctions, the court shall consider the appropriateness of 4046
imposing a financial sanction pursuant to section 2929.18 of the 4047
Revised Code or a sanction of community service pursuant to 4048
section 2929.17 of the Revised Code as the sole sanction for the 4049
offense. Except as otherwise provided in this division, if the 4050
court is required to impose a mandatory prison term for the 4051
offense for which sentence is being imposed, the court also shall 4052
impose any financial sanction pursuant to section 2929.18 of the 4053
Revised Code that is required for the offense and may impose any 4054
other financial sanction pursuant to that section but may not 4055
impose any additional sanction or combination of sanctions under 4056
section 2929.16 or 2929.17 of the Revised Code. 4057

If the offender is being sentenced for a fourth degree felony 4058
OVI offense or for a third degree felony OVI offense, in addition 4059
to the mandatory term of local incarceration or the mandatory 4060
prison term required for the offense by division (G)(1) or (2) of 4061
this section, the court shall impose upon the offender a mandatory 4062
fine in accordance with division (B)(3) of section 2929.18 of the 4063
Revised Code and may impose whichever of the following is 4064
applicable: 4065

(1) For a fourth degree felony OVI offense for which sentence 4066
is imposed under division (G)(1) of this section, an additional 4067
community control sanction or combination of community control 4068
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 4069
the court imposes upon the offender a community control sanction 4070
and the offender violates any condition of the community control 4071
sanction, the court may take any action prescribed in division (B) 4072
of section 2929.15 of the Revised Code relative to the offender, 4073
including imposing a prison term on the offender pursuant to that 4074
division. 4075

(2) For a third or fourth degree felony OVI offense for which 4076
sentence is imposed under division (G)(2) of this section, an 4077

additional prison term as described in division (B)(4) of section 4078
2929.14 of the Revised Code or a community control sanction as 4079
described in division (G)(2) of this section. 4080

(B)(1)(a) Except as provided in division (B)(1)(b) of this 4081
section, if an offender is convicted of or pleads guilty to a 4082
felony of the fourth or fifth degree that is not an offense of 4083
violence or that is a qualifying assault offense, the court shall 4084
sentence the offender to a community control sanction of at least 4085
one year's duration if all of the following apply: 4086

(i) The offender previously has not been convicted of or 4087
pleaded guilty to a felony offense. 4088

(ii) The most serious charge against the offender at the time 4089
of sentencing is a felony of the fourth or fifth degree. 4090

(iii) If the court made a request of the department of 4091
rehabilitation and correction pursuant to division (B)(1)(c) of 4092
this section, the department, within the forty-five-day period 4093
specified in that division, provided the court with the names of, 4094
contact information for, and program details of one or more 4095
community control sanctions of at least one year's duration that 4096
are available for persons sentenced by the court. 4097

(iv) The offender previously has not been convicted of or 4098
pleaded guilty to a misdemeanor offense of violence that the 4099
offender committed within two years prior to the offense for which 4100
sentence is being imposed. 4101

(b) The court has discretion to impose a prison term upon an 4102
offender who is convicted of or pleads guilty to a felony of the 4103
fourth or fifth degree that is not an offense of violence or that 4104
is a qualifying assault offense if any of the following apply: 4105

(i) The offender committed the offense while having a firearm 4106
on or about the offender's person or under the offender's control. 4107

(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.

(iii) The offender violated a term of the conditions of bond as set by the court.

(iv) The court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of this section, and the department, within the forty-five-day period specified in that division, did not provide the court with the name of, contact information for, and program details of any community control sanction of at least one year's duration that is available for persons sentenced by the court.

(v) The offense is a sex offense that is a fourth or fifth degree felony violation of any provision of Chapter 2907. of the Revised Code.

(vi) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.

(vii) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person.

(viii) The offender held a public office or position of trust, and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.

(ix) The offender committed the offense for hire or as part

of an organized criminal activity. 4139

(x) The offender at the time of the offense was serving, or 4140
the offender previously had served, a prison term. 4141

(xi) The offender committed the offense while under a 4142
community control sanction, while on probation, or while released 4143
from custody on a bond or personal recognizance. 4144

(c) If a court that is sentencing an offender who is 4145
convicted of or pleads guilty to a felony of the fourth or fifth 4146
degree that is not an offense of violence or that is a qualifying 4147
assault offense believes that no community control sanctions are 4148
available for its use that, if imposed on the offender, will 4149
adequately fulfill the overriding principles and purposes of 4150
sentencing, the court shall contact the department of 4151
rehabilitation and correction and ask the department to provide 4152
the court with the names of, contact information for, and program 4153
details of one or more community control sanctions of at least one 4154
year's duration that are available for persons sentenced by the 4155
court. Not later than forty-five days after receipt of a request 4156
from a court under this division, the department shall provide the 4157
court with the names of, contact information for, and program 4158
details of one or more community control sanctions of at least one 4159
year's duration that are available for persons sentenced by the 4160
court, if any. Upon making a request under this division that 4161
relates to a particular offender, a court shall defer sentencing 4162
of that offender until it receives from the department the names 4163
of, contact information for, and program details of one or more 4164
community control sanctions of at least one year's duration that 4165
are available for persons sentenced by the court or for forty-five 4166
days, whichever is the earlier. 4167

If the department provides the court with the names of, 4168
contact information for, and program details of one or more 4169
community control sanctions of at least one year's duration that 4170

are available for persons sentenced by the court within the 4171
forty-five-day period specified in this division, the court shall 4172
impose upon the offender a community control sanction under 4173
division (B)(1)(a) of this section, except that the court may 4174
impose a prison term under division (B)(1)(b) of this section if a 4175
factor described in division (B)(1)(b)(i) or (ii) of this section 4176
applies. If the department does not provide the court with the 4177
names of, contact information for, and program details of one or 4178
more community control sanctions of at least one year's duration 4179
that are available for persons sentenced by the court within the 4180
forty-five-day period specified in this division, the court may 4181
impose upon the offender a prison term under division 4182
(B)(1)(b)(iv) of this section. 4183

(d) A sentencing court may impose an additional penalty under 4184
division (B) of section 2929.15 of the Revised Code upon an 4185
offender sentenced to a community control sanction under division 4186
(B)(1)(a) of this section if the offender violates the conditions 4187
of the community control sanction, violates a law, or leaves the 4188
state without the permission of the court or the offender's 4189
probation officer. 4190

(2) If division (B)(1) of this section does not apply, except 4191
as provided in division (E), (F), or (G) of this section, in 4192
determining whether to impose a prison term as a sanction for a 4193
felony of the fourth or fifth degree, the sentencing court shall 4194
comply with the purposes and principles of sentencing under 4195
section 2929.11 of the Revised Code and with section 2929.12 of 4196
the Revised Code. 4197

(C) Except as provided in division (D), (E), (F), or (G) of 4198
this section, in determining whether to impose a prison term as a 4199
sanction for a felony of the third degree or a felony drug offense 4200
that is a violation of a provision of Chapter 2925. of the Revised 4201
Code and that is specified as being subject to this division for 4202

purposes of sentencing, the sentencing court shall comply with the 4203
purposes and principles of sentencing under section 2929.11 of the 4204
Revised Code and with section 2929.12 of the Revised Code. 4205

(D)(1) Except as provided in division (E) or (F) of this 4206
section, for a felony of the first or second degree, for a felony 4207
drug offense that is a violation of any provision of Chapter 4208
2925., 3719., or 4729. of the Revised Code for which a presumption 4209
in favor of a prison term is specified as being applicable, and 4210
for a violation of division (A)(4) or (B) of section 2907.05 of 4211
the Revised Code for which a presumption in favor of a prison term 4212
is specified as being applicable, it is presumed that a prison 4213
term is necessary in order to comply with the purposes and 4214
principles of sentencing under section 2929.11 of the Revised 4215
Code. Division (D)(2) of this section does not apply to a 4216
presumption established under this division for a violation of 4217
division (A)(4) of section 2907.05 of the Revised Code. 4218

(2) Notwithstanding the presumption established under 4219
division (D)(1) of this section for the offenses listed in that 4220
division other than a violation of division (A)(4) or (B) of 4221
section 2907.05 of the Revised Code, the sentencing court may 4222
impose a community control sanction or a combination of community 4223
control sanctions instead of a prison term on an offender for a 4224
felony of the first or second degree or for a felony drug offense 4225
that is a violation of any provision of Chapter 2925., 3719., or 4226
4729. of the Revised Code for which a presumption in favor of a 4227
prison term is specified as being applicable if it makes both of 4228
the following findings: 4229

(a) A community control sanction or a combination of 4230
community control sanctions would adequately punish the offender 4231
and protect the public from future crime, because the applicable 4232
factors under section 2929.12 of the Revised Code indicating a 4233
lesser likelihood of recidivism outweigh the applicable factors 4234

under that section indicating a greater likelihood of recidivism. 4235

(b) A community control sanction or a combination of 4236
community control sanctions would not demean the seriousness of 4237
the offense, because one or more factors under section 2929.12 of 4238
the Revised Code that indicate that the offender's conduct was 4239
less serious than conduct normally constituting the offense are 4240
applicable, and they outweigh the applicable factors under that 4241
section that indicate that the offender's conduct was more serious 4242
than conduct normally constituting the offense. 4243

(E)(1) Except as provided in division (F) of this section, 4244
for any drug offense that is a violation of any provision of 4245
Chapter 2925. of the Revised Code and that is a felony of the 4246
third, fourth, or fifth degree, the applicability of a presumption 4247
under division (D) of this section in favor of a prison term or of 4248
division (B) or (C) of this section in determining whether to 4249
impose a prison term for the offense shall be determined as 4250
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 4251
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 4252
Revised Code, whichever is applicable regarding the violation. 4253

(2) If an offender who was convicted of or pleaded guilty to 4254
a felony violates the conditions of a community control sanction 4255
imposed for the offense solely by reason of producing positive 4256
results on a drug test, the court, as punishment for the violation 4257
of the sanction, shall not order that the offender be imprisoned 4258
unless the court determines on the record either of the following: 4259

(a) The offender had been ordered as a sanction for the 4260
felony to participate in a drug treatment program, in a drug 4261
education program, or in narcotics anonymous or a similar program, 4262
and the offender continued to use illegal drugs after a reasonable 4263
period of participation in the program. 4264

(b) The imprisonment of the offender for the violation is 4265

consistent with the purposes and principles of sentencing set 4266
forth in section 2929.11 of the Revised Code. 4267

(3) A court that sentences an offender for a drug abuse 4268
offense that is a felony of the third, fourth, or fifth degree may 4269
require that the offender be assessed by a properly credentialed 4270
professional within a specified period of time. The court shall 4271
require the professional to file a written assessment of the 4272
offender with the court. If the offender is eligible for a 4273
community control sanction and after considering the written 4274
assessment, the court may impose a community control sanction that 4275
includes treatment and recovery support services authorized by 4276
section 3793.02 of the Revised Code. If the court imposes 4277
treatment and recovery support services as a community control 4278
sanction, the court shall direct the level and type of treatment 4279
and recovery support services after considering the assessment and 4280
recommendation of treatment and recovery support services 4281
providers. 4282

(F) Notwithstanding divisions (A) to (E) of this section, the 4283
court shall impose a prison term or terms under sections 2929.02 4284
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 4285
of the Revised Code and except as specifically provided in section 4286
2929.20, divisions (C) to (I) of section 2967.19, or section 4287
2967.191 of the Revised Code or when parole is authorized for the 4288
offense under section 2967.13 of the Revised Code shall not reduce 4289
the term or terms pursuant to section 2929.20, section 2967.19, 4290
section 2967.193, or any other provision of Chapter 2967. or 4291
Chapter 5120. of the Revised Code for any of the following 4292
offenses: 4293

(1) Aggravated murder when death is not imposed or murder; 4294

(2) Any rape, regardless of whether force was involved and 4295
regardless of the age of the victim, or an attempt to commit rape 4296
if, had the offender completed the rape that was attempted, the 4297

offender would have been guilty of a violation of division 4298
(A)(1)(b) of section 2907.02 of the Revised Code and would be 4299
sentenced under section 2971.03 of the Revised Code; 4300

(3) Gross sexual imposition or sexual battery, if the victim 4301
is less than thirteen years of age and if any of the following 4302
applies: 4303

(a) Regarding gross sexual imposition, the offender 4304
previously was convicted of or pleaded guilty to rape, the former 4305
offense of felonious sexual penetration, gross sexual imposition, 4306
or sexual battery, and the victim of the previous offense was less 4307
than thirteen years of age; 4308

(b) Regarding gross sexual imposition, the offense was 4309
committed on or after August 3, 2006, and evidence other than the 4310
testimony of the victim was admitted in the case corroborating the 4311
violation. 4312

(c) Regarding sexual battery, either of the following 4313
applies: 4314

(i) The offense was committed prior to August 3, 2006, the 4315
offender previously was convicted of or pleaded guilty to rape, 4316
the former offense of felonious sexual penetration, or sexual 4317
battery, and the victim of the previous offense was less than 4318
thirteen years of age. 4319

(ii) The offense was committed on or after August 3, 2006. 4320

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 4321
2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code 4322
if the section requires the imposition of a prison term; 4323

(5) A first, second, or third degree felony drug offense for 4324
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 4325
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4326
4729.99 of the Revised Code, whichever is applicable regarding the 4327

violation, requires the imposition of a mandatory prison term; 4328

(6) Any offense that is a first or second degree felony and 4329
that is not set forth in division (F)(1), (2), (3), or (4) of this 4330
section, if the offender previously was convicted of or pleaded 4331
guilty to aggravated murder, murder, any first or second degree 4332
felony, or an offense under an existing or former law of this 4333
state, another state, or the United States that is or was 4334
substantially equivalent to one of those offenses; 4335

(7) Any offense that is a third degree felony and either is a 4336
violation of section 2903.04 of the Revised Code or an attempt to 4337
commit a felony of the second degree that is an offense of 4338
violence and involved an attempt to cause serious physical harm to 4339
a person or that resulted in serious physical harm to a person if 4340
the offender previously was convicted of or pleaded guilty to any 4341
of the following offenses: 4342

(a) Aggravated murder, murder, involuntary manslaughter, 4343
rape, felonious sexual penetration as it existed under section 4344
2907.12 of the Revised Code prior to September 3, 1996, a felony 4345
of the first or second degree that resulted in the death of a 4346
person or in physical harm to a person, or complicity in or an 4347
attempt to commit any of those offenses; 4348

(b) An offense under an existing or former law of this state, 4349
another state, or the United States that is or was substantially 4350
equivalent to an offense listed in division (F)(7)(a) of this 4351
section that resulted in the death of a person or in physical harm 4352
to a person. 4353

(8) Any offense, other than a violation of section 2923.12 of 4354
the Revised Code, that is a felony, if the offender had a firearm 4355
on or about the offender's person or under the offender's control 4356
while committing the felony, with respect to a portion of the 4357
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 4358

of the Revised Code for having the firearm; 4359

(9) Any offense of violence that is a felony, if the offender 4360
wore or carried body armor while committing the felony offense of 4361
violence, with respect to the portion of the sentence imposed 4362
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 4363
Code for wearing or carrying the body armor; 4364

(10) Corrupt activity in violation of section 2923.32 of the 4365
Revised Code when the most serious offense in the pattern of 4366
corrupt activity that is the basis of the offense is a felony of 4367
the first degree; 4368

(11) Any violent sex offense or designated homicide, assault, 4369
or kidnapping offense if, in relation to that offense, the 4370
offender is adjudicated a sexually violent predator; 4371

(12) A violation of division (A)(1) or (2) of section 2921.36 4372
of the Revised Code, or a violation of division (C) of that 4373
section involving an item listed in division (A)(1) or (2) of that 4374
section, if the offender is an officer or employee of the 4375
department of rehabilitation and correction; 4376

(13) A violation of division (A)(1) or (2) of section 2903.06 4377
of the Revised Code if the victim of the offense is a peace 4378
officer, as defined in section 2935.01 of the Revised Code, or an 4379
investigator of the bureau of criminal identification and 4380
investigation, as defined in section 2903.11 of the Revised Code, 4381
with respect to the portion of the sentence imposed pursuant to 4382
division (B)(5) of section 2929.14 of the Revised Code; 4383

(14) A violation of division (A)(1) or (2) of section 2903.06 4384
of the Revised Code if the offender has been convicted of or 4385
pleaded guilty to three or more violations of division (A) or (B) 4386
of section 4511.19 of the Revised Code or an equivalent offense, 4387
as defined in section 2941.1415 of the Revised Code, or three or 4388
more violations of any combination of those divisions and 4389

offenses, with respect to the portion of the sentence imposed 4390
pursuant to division (B)(6) of section 2929.14 of the Revised 4391
Code; 4392

(15) Kidnapping, in the circumstances specified in section 4393
2971.03 of the Revised Code and when no other provision of 4394
division (F) of this section applies; 4395

(16) Kidnapping, abduction, compelling prostitution, 4396
promoting prostitution, engaging in a pattern of corrupt activity, 4397
illegal use of a minor in a nudity-oriented material or 4398
performance in violation of division (A)(1) or (2) of section 4399
2907.323 of the Revised Code, or endangering children in violation 4400
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 4401
the Revised Code, if the offender is convicted of or pleads guilty 4402
to a specification as described in section 2941.1422 of the 4403
Revised Code that was included in the indictment, count in the 4404
indictment, or information charging the offense; 4405

(17) A felony violation of division (A) or (B) of section 4406
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 4407
that section, and division (D)(6) of that section, require the 4408
imposition of a prison term; 4409

(18) A felony violation of section 2903.11, 2903.12, or 4410
2903.13 of the Revised Code, if the victim of the offense was a 4411
woman that the offender knew was pregnant at the time of the 4412
violation, with respect to a portion of the sentence imposed 4413
pursuant to division (B)(8) of section 2929.14 of the Revised 4414
Code. 4415

(G) Notwithstanding divisions (A) to (E) of this section, if 4416
an offender is being sentenced for a fourth degree felony OVI 4417
offense or for a third degree felony OVI offense, the court shall 4418
impose upon the offender a mandatory term of local incarceration 4419
or a mandatory prison term in accordance with the following: 4420

(1) If the offender is being sentenced for a fourth degree 4421
felony OVI offense and if the offender has not been convicted of 4422
and has not pleaded guilty to a specification of the type 4423
described in section 2941.1413 of the Revised Code, the court may 4424
impose upon the offender a mandatory term of local incarceration 4425
of sixty days or one hundred twenty days as specified in division 4426
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 4427
not reduce the term pursuant to section 2929.20, 2967.193, or any 4428
other provision of the Revised Code. The court that imposes a 4429
mandatory term of local incarceration under this division shall 4430
specify whether the term is to be served in a jail, a 4431
community-based correctional facility, a halfway house, or an 4432
alternative residential facility, and the offender shall serve the 4433
term in the type of facility specified by the court. A mandatory 4434
term of local incarceration imposed under division (G)(1) of this 4435
section is not subject to any other Revised Code provision that 4436
pertains to a prison term except as provided in division (A)(1) of 4437
this section. 4438

(2) If the offender is being sentenced for a third degree 4439
felony OVI offense, or if the offender is being sentenced for a 4440
fourth degree felony OVI offense and the court does not impose a 4441
mandatory term of local incarceration under division (G)(1) of 4442
this section, the court shall impose upon the offender a mandatory 4443
prison term of one, two, three, four, or five years if the 4444
offender also is convicted of or also pleads guilty to a 4445
specification of the type described in section 2941.1413 of the 4446
Revised Code or shall impose upon the offender a mandatory prison 4447
term of sixty days or one hundred twenty days as specified in 4448
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 4449
if the offender has not been convicted of and has not pleaded 4450
guilty to a specification of that type. Subject to divisions (C) 4451
to (I) of section 2967.19 of the Revised Code, the court shall not 4452
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 4453

any other provision of the Revised Code. The offender shall serve 4454
the one-, two-, three-, four-, or five-year mandatory prison term 4455
consecutively to and prior to the prison term imposed for the 4456
underlying offense and consecutively to any other mandatory prison 4457
term imposed in relation to the offense. In no case shall an 4458
offender who once has been sentenced to a mandatory term of local 4459
incarceration pursuant to division (G)(1) of this section for a 4460
fourth degree felony OVI offense be sentenced to another mandatory 4461
term of local incarceration under that division for any violation 4462
of division (A) of section 4511.19 of the Revised Code. In 4463
addition to the mandatory prison term described in division (G)(2) 4464
of this section, the court may sentence the offender to a 4465
community control sanction under section 2929.16 or 2929.17 of the 4466
Revised Code, but the offender shall serve the prison term prior 4467
to serving the community control sanction. The department of 4468
rehabilitation and correction may place an offender sentenced to a 4469
mandatory prison term under this division in an intensive program 4470
prison established pursuant to section 5120.033 of the Revised 4471
Code if the department gave the sentencing judge prior notice of 4472
its intent to place the offender in an intensive program prison 4473
established under that section and if the judge did not notify the 4474
department that the judge disapproved the placement. Upon the 4475
establishment of the initial intensive program prison pursuant to 4476
section 5120.033 of the Revised Code that is privately operated 4477
and managed by a contractor pursuant to a contract entered into 4478
under section 9.06 of the Revised Code, both of the following 4479
apply: 4480

(a) The department of rehabilitation and correction shall 4481
make a reasonable effort to ensure that a sufficient number of 4482
offenders sentenced to a mandatory prison term under this division 4483
are placed in the privately operated and managed prison so that 4484
the privately operated and managed prison has full occupancy. 4485

(b) Unless the privately operated and managed prison has full occupancy, the department of rehabilitation and correction shall not place any offender sentenced to a mandatory prison term under this division in any intensive program prison established pursuant to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a felony committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code.

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under division (A)(2) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that section, or, if required under division (A)~~(6)~~(5) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division.

(J)(1) Except as provided in division (J)(2) of this section, when considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit an offense in violation of section 2923.02 of the Revised Code, the sentencing court shall consider the factors applicable to the felony category of the violation of section 2923.02 of the Revised Code instead of the factors applicable to the felony category of the offense attempted.

(2) When considering sentencing factors under this section in

relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

(K) As used in this section:

(1) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

(2) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C)(7)(b) or (C)(8)(b) of that section applies.

(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender or sexual predator relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.

Sec. 2929.19. (A)(1) The court shall hold a sentencing hearing before imposing a sentence under this chapter upon an offender who was convicted of or pleaded guilty to a felony and before resentencing an offender who was convicted of or pleaded guilty to a felony and whose case was remanded pursuant to section 2953.07 or 2953.08 of the Revised Code. At the hearing, the

offender, the prosecuting attorney, the victim or the victim's 4549
representative in accordance with section 2930.14 of the Revised 4550
Code, and, with the approval of the court, any other person may 4551
present information relevant to the imposition of sentence in the 4552
case. The court shall inform the offender of the verdict of the 4553
jury or finding of the court and ask the offender whether the 4554
offender has anything to say as to why sentence should not be 4555
imposed upon the offender. 4556

(2) Except as otherwise provided in this division, before 4557
imposing sentence on an offender who is being sentenced for a 4558
sexually oriented offense committed prior to January 1, 2008, the 4559
court shall conduct a hearing in accordance with division (B) of 4560
section 2950.09 of the Revised Code to determine whether the 4561
offender is a sexual predator, and the court also shall comply 4562
with division (E) of that section. The court shall not conduct the 4563
hearing in circumstances in which section 2950.09 of the Revised 4564
Code specifies that the hearing is not to be conducted. 4565

Before imposing sentence on an offender who is being 4566
sentenced for a child-victim oriented offense committed prior to 4567
January 1, 2008, the court shall conduct a hearing in accordance 4568
with division (B) of section 2950.091 of the Revised Code to 4569
determine whether the offender is a child-victim predator, and the 4570
court also shall comply with division (E) of that section. 4571

(B)(1) At the sentencing hearing, the court, before imposing 4572
sentence, shall consider the record, any information presented at 4573
the hearing by any person pursuant to division (A) of this 4574
section, and, if one was prepared, the presentence investigation 4575
report made pursuant to section 2951.03 of the Revised Code or 4576
Criminal Rule 32.2, and any victim impact statement made pursuant 4577
to section 2947.051 of the Revised Code. 4578

(2) Subject to division (B)(3) of this section, if the 4579
sentencing court determines at the sentencing hearing that a 4580

prison term is necessary or required, the court shall do all of 4581
the following: 4582

(a) Impose a stated prison term and, if the court imposes a 4583
mandatory prison term, notify the offender that the prison term is 4584
a mandatory prison term; 4585

(b) In addition to any other information, include in the 4586
sentencing entry the name and section reference to the offense or 4587
offenses, the sentence or sentences imposed and whether the 4588
sentence or sentences contain mandatory prison terms, if sentences 4589
are imposed for multiple counts whether the sentences are to be 4590
served concurrently or consecutively, and the name and section 4591
reference of any specification or specifications for which 4592
sentence is imposed and the sentence or sentences imposed for the 4593
specification or specifications; 4594

(c) Notify the offender that the offender will be supervised 4595
under section 2967.28 of the Revised Code after the offender 4596
leaves prison if the offender is being sentenced for a felony of 4597
the first degree or second degree, for a felony sex offense, or 4598
for a felony of the third degree that is not a felony sex offense 4599
and in the commission of which the offender caused or threatened 4600
to cause physical harm to a person. This division applies with 4601
respect to all prison terms imposed for an offense of a type 4602
described in this division, including a term imposed for any such 4603
offense that is a risk reduction sentence, as defined in section 4604
2967.28 of the Revised Code. If a court imposes a sentence 4605
including a prison term of a type described in division (B)(2)(c) 4606
of this section on or after July 11, 2006, the failure of a court 4607
to notify the offender pursuant to division (B)(2)(c) of this 4608
section that the offender will be supervised under section 2967.28 4609
of the Revised Code after the offender leaves prison or to include 4610
in the judgment of conviction entered on the journal a statement 4611
to that effect does not negate, limit, or otherwise affect the 4612

mandatory period of supervision that is required for the offender 4613
under division (B) of section 2967.28 of the Revised Code. Section 4614
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 4615
court imposed a sentence including a prison term of a type 4616
described in division (B)(2)(c) of this section and failed to 4617
notify the offender pursuant to division (B)(2)(c) of this section 4618
regarding post-release control or to include in the judgment of 4619
conviction entered on the journal or in the sentence a statement 4620
regarding post-release control. 4621

(d) Notify the offender that the offender may be supervised 4622
under section 2967.28 of the Revised Code after the offender 4623
leaves prison if the offender is being sentenced for a felony of 4624
the third, fourth, or fifth degree that is not subject to division 4625
(B)(2)(c) of this section. This division applies with respect to 4626
all prison terms imposed for an offense of a type described in 4627
this division, including a term imposed for any such offense that 4628
is a risk reduction sentence, as defined in section 2967.28 of the 4629
Revised Code. Section 2929.191 of the Revised Code applies if, 4630
prior to July 11, 2006, a court imposed a sentence including a 4631
prison term of a type described in division (B)(2)(d) of this 4632
section and failed to notify the offender pursuant to division 4633
(B)(2)(d) of this section regarding post-release control or to 4634
include in the judgment of conviction entered on the journal or in 4635
the sentence a statement regarding post-release control. 4636

(e) Notify the offender that, if a period of supervision is 4637
imposed following the offender's release from prison, as described 4638
in division (B)(2)(c) or (d) of this section, and if the offender 4639
violates that supervision or a condition of post-release control 4640
imposed under division (B) of section 2967.131 of the Revised 4641
Code, the parole board may impose a prison term, as part of the 4642
sentence, of up to one-half of the stated prison term originally 4643
imposed upon the offender. If a court imposes a sentence including 4644

a prison term on or after July 11, 2006, the failure of a court to 4645
notify the offender pursuant to division (B)(2)(e) of this section 4646
that the parole board may impose a prison term as described in 4647
division (B)(2)(e) of this section for a violation of that 4648
supervision or a condition of post-release control imposed under 4649
division (B) of section 2967.131 of the Revised Code or to include 4650
in the judgment of conviction entered on the journal a statement 4651
to that effect does not negate, limit, or otherwise affect the 4652
authority of the parole board to so impose a prison term for a 4653
violation of that nature if, pursuant to division (D)(1) of 4654
section 2967.28 of the Revised Code, the parole board notifies the 4655
offender prior to the offender's release of the board's authority 4656
to so impose a prison term. Section 2929.191 of the Revised Code 4657
applies if, prior to July 11, 2006, a court imposed a sentence 4658
including a prison term and failed to notify the offender pursuant 4659
to division (B)(2)(e) of this section regarding the possibility of 4660
the parole board imposing a prison term for a violation of 4661
supervision or a condition of post-release control. 4662

(f) Require that the offender not ingest or be injected with 4663
a drug of abuse and submit to random drug testing as provided in 4664
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 4665
is applicable to the offender who is serving a prison term, and 4666
require that the results of the drug test administered under any 4667
of those sections indicate that the offender did not ingest or was 4668
not injected with a drug of abuse. 4669

(g)(i) Determine, notify the offender of, and include in the 4670
sentencing entry the number of days that the offender has been 4671
confined for any reason arising out of the offense for which the 4672
offender is being sentenced and by which the department of 4673
rehabilitation and correction must reduce the stated prison term 4674
under section 2967.191 of the Revised Code. The court's 4675
calculation shall not include the number of days, if any, that the 4676

offender previously served in the custody of the department of 4677
rehabilitation and correction arising out of the offense for which 4678
the prisoner was convicted and sentenced. 4679

(ii) In making a determination under division (B)(2)(g)(i) of 4680
this section, the court shall consider the arguments of the 4681
parties and conduct a hearing if one is requested. 4682

(iii) The sentencing court retains continuing jurisdiction to 4683
correct any error not previously raised at sentencing in making a 4684
determination under division (B)(2)(g)(i) of this section. The 4685
offender may, at any time after sentencing, file a motion in the 4686
sentencing court to correct any error made in making a 4687
determination under division (B)(2)(g)(i) of this section, and the 4688
court may in its discretion grant or deny that motion. If the 4689
court changes the number of days in its determination or 4690
redetermination, the court shall cause the entry granting that 4691
change to be delivered to the department of rehabilitation and 4692
correction without delay. Sections 2931.15 and 2953.21 of the 4693
Revised Code do not apply to a motion made under this section. 4694

(iv) An inaccurate determination under division (B)(2)(g)(i) 4695
of this section is not grounds for setting aside the offender's 4696
conviction or sentence and does not otherwise render the sentence 4697
void or voidable. 4698

(3)(a) The court shall include in the offender's sentence a 4699
statement that the offender is a tier III sex 4700
offender/child-victim offender, and the court shall comply with 4701
the requirements of section 2950.03 of the Revised Code if any of 4702
the following apply: 4703

(i) The offender is being sentenced for a violent sex offense 4704
or designated homicide, assault, or kidnapping offense that the 4705
offender committed on or after January 1, ~~1997~~ 2008, and the 4706
offender is adjudicated a sexually violent predator in relation to 4707

that offense. 4708

(ii) The offender is being sentenced for a sexually oriented 4709
offense that the offender committed on or after January 1, ~~1997~~ 4710
2008, and the offender is a tier III sex offender/child-victim 4711
offender relative to that offense. 4712

(iii) The offender is being sentenced ~~on or after July 31,~~ 4713
~~2003,~~ for a child-victim oriented offense committed on or after 4714
January 1, 2008, and the offender is a tier III sex 4715
offender/child-victim offender relative to that offense. 4716

(iv) The offender is being sentenced under section 2971.03 of 4717
the Revised Code for a violation of division (A)(1)(b) of section 4718
2907.02 of the Revised Code committed on or after January ~~2~~ 1, 4719
~~2007~~ 2008. 4720

(v) The offender is sentenced to a term of life without 4721
parole under division (B) of section 2907.02 of the Revised Code 4722
for an offense committed on or after January 1, 2008. 4723

(vi) The offender is being sentenced for attempted rape 4724
committed on or after January ~~2~~ 1, ~~2007~~ 2008, and a specification 4725
of the type described in section 2941.1418, 2941.1419, or 4726
2941.1420 of the Revised Code. 4727

(vii) The offender is being sentenced under division 4728
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 4729
for an offense described in those divisions committed on or after 4730
January 1, 2008. 4731

(b) The court shall include in the offender's sentence a 4732
statement that the offender has been adjudicated a sexual 4733
predator, has been adjudicated a child-victim predator, or has 4734
been convicted of or pleaded guilty to an aggravated sexually 4735
oriented offense, whichever is applicable, if any of the following 4736
apply: 4737

(i) Division (B)(3)(a)(i) of this section applies to the offender, except that the offender committed the offense on or after January 1, 1997, and prior to January 1, 2008.

(ii) The offender is being sentenced for a sexually oriented offense or child-victim oriented offense that the offender committed prior to January 1, 2008, and the court imposing sentence determined pursuant to division (B) of section 2950.09 or division (B) of section 2950.091 of the Revised Code, as applicable, that the offender is a sexual predator or a child-victim predator.

(iii) The offender is being sentenced for an aggravated sexually oriented offense committed prior to January 1, 2008.

(iv) Division (B)(3)(a)(iv) or (vi) of this section applies to the offender, except that the offender committed the offense on or after January 2, 2007, and prior to January 1, 2008.

(v) Division (B)(3)(a)(v) of this section applies to the offender, except that the offender committed the offense prior to January 1, 2008.

(c) Additionally, if any criterion set forth in divisions (B)(3)(a)(i) to (vii) or (B)(3)(b)(i) to (v) of this section, as applicable, is satisfied, in the circumstances described in division (E) of section 2929.14 of the Revised Code, the court shall impose sentence on the offender as described in that division.

(4) If the sentencing court determines at the sentencing hearing that a community control sanction should be imposed and the court is not prohibited from imposing a community control sanction, the court shall impose a community control sanction. The court shall notify the offender that, if the conditions of the sanction are violated, if the offender commits a violation of any law, or if the offender leaves this state without the permission

of the court or the offender's probation officer, the court may 4769
impose a longer time under the same sanction, may impose a more 4770
restrictive sanction, or may impose a prison term on the offender 4771
and shall indicate the specific prison term that may be imposed as 4772
a sanction for the violation, as selected by the court from the 4773
range of prison terms for the offense pursuant to section 2929.14 4774
of the Revised Code. 4775

(5) Before imposing a financial sanction under section 4776
2929.18 of the Revised Code or a fine under section 2929.32 of the 4777
Revised Code, the court shall consider the offender's present and 4778
future ability to pay the amount of the sanction or fine. 4779

(6) If the sentencing court sentences the offender to a 4780
sanction of confinement pursuant to section 2929.14 or 2929.16 of 4781
the Revised Code that is to be served in a local detention 4782
facility, as defined in section 2929.36 of the Revised Code, and 4783
if the local detention facility is covered by a policy adopted 4784
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 4785
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 4786
and section 2929.37 of the Revised Code, both of the following 4787
apply: 4788

(a) The court shall specify both of the following as part of 4789
the sentence: 4790

(i) If the offender is presented with an itemized bill 4791
pursuant to section 2929.37 of the Revised Code for payment of the 4792
costs of confinement, the offender is required to pay the bill in 4793
accordance with that section. 4794

(ii) If the offender does not dispute the bill described in 4795
division (B)(6)(a)(i) of this section and does not pay the bill by 4796
the times specified in section 2929.37 of the Revised Code, the 4797
clerk of the court may issue a certificate of judgment against the 4798
offender as described in that section. 4799

(b) The sentence automatically includes any certificate of judgment issued as described in division (B)(6)(a)(ii) of this section.

(7) The failure of the court to notify the offender that a prison term is a mandatory prison term pursuant to division (B)(2)(a) of this section or to include in the sentencing entry any information required by division (B)(2)(b) of this section does not affect the validity of the imposed sentence or sentences. If the sentencing court notifies the offender at the sentencing hearing that a prison term is mandatory but the sentencing entry does not specify that the prison term is mandatory, the court may complete a corrected journal entry and send copies of the corrected entry to the offender and the department of rehabilitation and correction, or, at the request of the state, the court shall complete a corrected journal entry and send copies of the corrected entry to the offender and department of rehabilitation and correction.

(C)(1) If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, the court shall impose the mandatory term of local incarceration in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose additional sanctions as specified in sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised Code. The court shall not impose a prison term on the offender except that the court may impose a prison term upon the offender as provided in division (A)(1) of section 2929.13 of the Revised Code.

(2) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the court shall impose the mandatory prison term in accordance with that division, shall impose a mandatory

fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose an additional prison term as specified in section 2929.14 of the Revised Code. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may impose a community control sanction on the offender, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(D) The sentencing court, pursuant to division (I)(1) of section 2929.14 of the Revised Code, may recommend placement of the offender in a program of shock incarceration under section 5120.031 of the Revised Code or an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program or prison of that nature, or make no recommendation. If the court recommends or disapproves placement, it shall make a finding that gives its reasons for its recommendation or disapproval.

Sec. 2929.23. (A) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a misdemeanor committed on or after January 1, 1997, and the offender is a tier III sex offender/child-victim offender, sexual predator, or child-victim predator relative to the offense or the offense is any offense listed in division (D)(1) to (3) of section 2901.07 of the Revised Code, the judge shall include in the offender's sentence a statement that the offender is a tier III sex offender/child-victim offender, sexual predator, or child-victim predator, whichever is applicable, shall comply with the requirements of section 2950.03 of the Revised Code, and shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code.

(B) Before imposing sentence on an offender who is being

sentenced for a sexually oriented offense that is a misdemeanor 4863
committed prior to January 1, 2008, the judge shall conduct a 4864
hearing in accordance with division (B) of section 2950.09 of the 4865
Revised Code to determine whether the offender is a sexual 4866
predator, and the court also shall comply with division (E) of 4867
that section. 4868

Before imposing sentence on an offender who is being 4869
sentenced for a child-victim oriented offense that is a 4870
misdemeanor committed prior to January 1, 2008, the court shall 4871
conduct a hearing in accordance with division (B) of section 4872
2950.091 of the Revised Code to determine whether the offender is 4873
a child-victim predator, and the court also shall comply with 4874
division (E) of that section. 4875

(C) If an offender is being sentenced for a sexually oriented 4876
offense or a child-victim oriented offense that is a misdemeanor 4877
committed on or after January 1, 1997, the judge shall include in 4878
the sentence a summary of the offender's duties imposed under 4879
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 4880
Code and the duration of the duties. The judge shall inform the 4881
offender, at the time of sentencing, of those duties and of their 4882
duration. If required under division (A)(2) of section 2950.03 of 4883
the Revised Code, the judge shall perform the duties specified in 4884
that section or, if required under division (A)~~(6)~~(5) of section 4885
2950.03 of the Revised Code, the judge shall perform the duties 4886
specified in that division. 4887

Sec. 2950.01. As used in this chapter, unless the context 4888
clearly requires otherwise: 4889

(A) "Sexually oriented offense" means any of the following: 4890

(1) Any of the following violations or offenses committed by 4891
a person on or after January 1, 2008, regardless of the person's 4892
age: 4893

~~(1)~~(a) A violation of section 2907.02, 2907.03, 2907.05, 4894
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 4895
2907.322, or 2907.323 of the Revised Code; 4896

~~(2)~~(b) A violation of section 2907.04 of the Revised Code 4897
when the offender is less than four years older than the other 4898
person with whom the offender engaged in sexual conduct, the other 4899
person did not consent to the sexual conduct, and the offender 4900
previously has not been convicted of or pleaded guilty to a 4901
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 4902
Code or a violation of former section 2907.12 of the Revised Code; 4903

~~(3)~~(c) A violation of section 2907.04 of the Revised Code 4904
when the offender is at least four years older than the other 4905
person with whom the offender engaged in sexual conduct or when 4906
the offender is less than four years older than the other person 4907
with whom the offender engaged in sexual conduct and the offender 4908
previously has been convicted of or pleaded guilty to a violation 4909
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 4910
violation of former section 2907.12 of the Revised Code; 4911

~~(4)~~(d) A violation of section 2903.01, 2903.02, or 2903.11 of 4912
the Revised Code when the violation was committed with a sexual 4913
motivation; 4914

~~(5)~~(e) A violation of division (A) of section 2903.04 of the 4915
Revised Code when the offender committed or attempted to commit 4916
the felony that is the basis of the violation with a sexual 4917
motivation; 4918

~~(6)~~(f) A violation of division (A)(3) of section 2903.211 of 4919
the Revised Code; 4920

~~(7)~~(g) A violation of division (A)(1), (2), (3), or (5) of 4921
section 2905.01 of the Revised Code when the offense is committed 4922
with a sexual motivation; 4923

~~(8)~~(h) A violation of division (A)(4) of section 2905.01 of 4924

the Revised Code; 4925

~~(9)~~(i) A violation of division (B) of section 2905.01 of the 4926
Revised Code when the victim of the offense is under eighteen 4927
years of age and the offender is not a parent of the victim of the 4928
offense; 4929

~~(10)~~(j) A violation of division (B) of section 2903.03, of 4930
division (B) of section 2905.02, of division (B) of section 4931
2905.03, of division (B) of section 2905.05, or of division (B)(5) 4932
of section 2919.22 of the Revised Code; 4933

~~(11)~~(k) A violation of section 2905.32 of the Revised Code 4934
when the offender knowingly recruited, lured, enticed, isolated, 4935
harbored, transported, provided, obtained, or maintained, or 4936
knowingly attempted to recruit, lure, entice, isolate, harbor, 4937
transport, provide, obtain, or maintain, another person knowing 4938
that the person would be compelled to engage in sexual activity 4939
for hire, engage in a performance that was obscene, sexually 4940
oriented, or nudity oriented, or be a model or participant in the 4941
production of material that was obscene, sexually oriented, or 4942
nudity oriented; 4943

~~(12)~~(l) A violation of any former law of this state, any 4944
existing or former municipal ordinance or law of another state or 4945
the United States, any existing or former law applicable in a 4946
military court or in an Indian tribal court, or any existing or 4947
former law of any nation other than the United States that is or 4948
was substantially equivalent to any offense listed in division 4949
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11)(a), 4950
(b), (c), (d), (e), (f), (g), (h), (i), (j), or (k) of this 4951
section; 4952

~~(13)~~(m) Any attempt to commit, conspiracy to commit, or 4953
complicity in committing any offense listed in division (A)(1), 4954
~~(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or (12)(a),~~ 4955

(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), or (l) of this 4956
section. 4957

(2) Any violation or offense committed prior to January 1, 4958
2008, by a person eighteen years of age or older that, when 4959
committed, was a sexually oriented offense under the version of 4960
this section in existence on the date on which the violation or 4961
offense was committed. 4962

(3) Any act committed prior to January 1, 2008, by a person 4963
under eighteen years of age that, when committed, was a sexually 4964
oriented offense under the version of this section in existence on 4965
the date on which the act was committed. 4966

(B)(1) "Sex offender" means, subject to division (B)(2) of 4967
this section, a person who is convicted of, pleads guilty to, has 4968
been convicted of, has pleaded guilty to, is adjudicated a 4969
delinquent child for committing, or has been adjudicated a 4970
delinquent child for committing any sexually oriented offense. 4971

(2) "Sex offender" does not include a person who is convicted 4972
of, pleads guilty to, has been convicted of, has pleaded guilty 4973
to, is adjudicated a delinquent child for committing, or has been 4974
adjudicated a delinquent child for committing a sexually oriented 4975
offense if the offense involves consensual sexual conduct or 4976
consensual sexual contact and either of the following applies: 4977

(a) The victim of the sexually oriented offense was eighteen 4978
years of age or older and at the time of the sexually oriented 4979
offense was not under the custodial authority of the person who is 4980
convicted of, pleads guilty to, has been convicted of, has pleaded 4981
guilty to, is adjudicated a delinquent child for committing, or 4982
has been adjudicated a delinquent child for committing the 4983
sexually oriented offense. 4984

(b) The victim of the offense was thirteen years of age or 4985
older, and the person who is convicted of, pleads guilty to, has 4986

been convicted of, has pleaded guilty to, is adjudicated a 4987
delinquent child for committing, or has been adjudicated a 4988
delinquent child for committing the sexually oriented offense is 4989
not more than four years older than the victim. 4990

(C) "Child-victim oriented offense" means any of the 4991
following violations or offenses committed by a person, regardless 4992
of the person's age, when the victim is under eighteen years of 4993
age and is not a child of the person who commits the violation: 4994

(1) A violation of division (A)(1), (2), (3), or (5) of 4995
section 2905.01 of the Revised Code when the violation is not 4996
included in division (A)(7) of this section; 4997

(2) A violation of division (A) of section 2905.02, division 4998
(A) of section 2905.03, or division (A) of section 2905.05 of the 4999
Revised Code; 5000

(3) A violation of any former law of this state, any existing 5001
or former municipal ordinance or law of another state or the 5002
United States, any existing or former law applicable in a military 5003
court or in an Indian tribal court, or any existing or former law 5004
of any nation other than the United States that is or was 5005
substantially equivalent to any offense listed in division (C)(1) 5006
or (2) of this section; 5007

(4) Any attempt to commit, conspiracy to commit, or 5008
complicity in committing any offense listed in division (C)(1), 5009
(2), or (3) of this section. 5010

(D) "Child-victim offender" means a person who is convicted 5011
of, pleads guilty to, has been convicted of, has pleaded guilty 5012
to, is adjudicated a delinquent child for committing, or has been 5013
adjudicated a delinquent child for committing any child-victim 5014
oriented offense. 5015

(E) "Tier I sex offender/child-victim offender" means any of 5016
the following: 5017

(1) A sex offender who is convicted of, pleads guilty to, has
been convicted of, or has pleaded guilty to any of the following
sexually oriented offenses that were committed on or after January
1, 2008:

(a) A violation of section 2907.06, 2907.07, 2907.08,
2907.22, or 2907.32 of the Revised Code;

(b) A violation of section 2907.04 of the Revised Code when
the offender is less than four years older than the other person
with whom the offender engaged in sexual conduct, the other person
did not consent to the sexual conduct, and the offender previously
has not been convicted of or pleaded guilty to a violation of
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a
violation of former section 2907.12 of the Revised Code;

(c) A violation of division (A)(1), (2), (3), or (5) of
section 2907.05 of the Revised Code;

(d) A violation of division (A)(3) of section 2907.323 of the
Revised Code;

(e) A violation of division (A)(3) of section 2903.211, of
division (B) of section 2905.03, or of division (B) of section
2905.05 of the Revised Code;

(f) A violation of any former law of this state, any existing
or former municipal ordinance or law of another state or the
United States, any existing or former law applicable in a military
court or in an Indian tribal court, or any existing or former law
of any nation other than the United States, that is or was
substantially equivalent to any offense listed in division
(E)(1)(a), (b), (c), (d), or (e) of this section;

(g) Any attempt to commit, conspiracy to commit, or
complicity in committing any offense listed in division (E)(1)(a),
(b), (c), (d), (e), or (f) of this section.

(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a child-victim oriented offense that was committed on or after January 1, 2008, and who is not within either category of child-victim offender described in division (F)(2) or (G)(2) of this section.

(3) A sex offender who is adjudicated ~~a delinquent child for committing~~ or has been adjudicated a delinquent child for committing on or after January 1, 2008, any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex offender/child-victim offender relative to the offense.

(4) A child-victim offender who is adjudicated ~~a delinquent child for committing~~ or has been adjudicated a delinquent child for committing on or after January 1, 2008, any child-victim oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex offender/child-victim offender relative to the offense.

(F) "Tier II sex offender/child-victim offender" means any of the following:

(1) A sex offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any of the following sexually oriented offenses that were committed on or after January 1, 2008:

(a) A violation of section 2907.21, 2907.321, or 2907.322 of the Revised Code;

(b) A violation of section 2907.04 of the Revised Code when the offender is at least four years older than the other person with whom the offender engaged in sexual conduct, or when the offender is less than four years older than the other person with

whom the offender engaged in sexual conduct and the offender 5079
previously has been convicted of or pleaded guilty to a violation 5080
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or 5081
former section 2907.12 of the Revised Code; 5082

(c) A violation of division (A)(4) of section 2907.05 or of 5083
division (A)(1) or (2) of section 2907.323 of the Revised Code; 5084

(d) A violation of division (A)(1), (2), (3), or (5) of 5085
section 2905.01 of the Revised Code when the offense is committed 5086
with a sexual motivation; 5087

(e) A violation of division (A)(4) of section 2905.01 of the 5088
Revised Code when the victim of the offense is eighteen years of 5089
age or older; 5090

(f) A violation of division (B) of section 2905.02 or of 5091
division (B)(5) of section 2919.22 of the Revised Code; 5092

(g) A violation of section 2905.32 of the Revised Code when 5093
the offender knowingly recruited, lured, enticed, isolated, 5094
harbored, transported, provided, obtained, or maintained, or 5095
knowingly attempted to recruit, lure, entice, isolate, harbor, 5096
transport, provide, obtain, or maintain, another person knowing 5097
that the person would be compelled to engage in sexual activity 5098
for hire, engage in a performance that was obscene, sexually 5099
oriented, or nudity oriented, or be a model or participant in the 5100
production of material that was obscene, sexually oriented, or 5101
nudity oriented; 5102

(h) A violation of any former law of this state, any existing 5103
or former municipal ordinance or law of another state or the 5104
United States, any existing or former law applicable in a military 5105
court or in an Indian tribal court, or any existing or former law 5106
of any nation other than the United States that is or was 5107
substantially equivalent to any offense listed in division 5108
(F)(1)(a), (b), (c), (d), (e), (f), or (g) of this section; 5109

(i) Any attempt to commit, conspiracy to commit, or 5110
complicity in committing any offense listed in division (F)(1)(a), 5111
(b), (c), (d), (e), (f), (g), or (h) of this section; 5112

(j) Any sexually oriented offense that is committed after the 5113
sex offender previously has been convicted of, pleaded guilty to, 5114
or has been adjudicated a delinquent child for committing any 5115
sexually oriented offense or child-victim oriented offense for 5116
which the offender either was classified a tier I sex 5117
offender/child-victim offender under this chapter or was 5118
classified a sexually oriented offender or child-victim offender 5119
under the version of this chapter that existed immediately prior 5120
to July 1, 2007. 5121

(2) A child-victim offender who is convicted of, pleads 5122
guilty to, has been convicted of, or has pleaded guilty to any 5123
child-victim oriented offense when the child-victim oriented 5124
offense is committed on or after January 1, 2008, and after the 5125
child-victim offender previously has been convicted of, pleaded 5126
guilty to, or been adjudicated a delinquent child for committing 5127
any sexually oriented offense or child-victim oriented offense for 5128
which the offender was classified a tier I sex 5129
offender/child-victim offender. 5130

(3) A sex offender who is adjudicated ~~a delinquent child for~~ 5131
~~committing~~ or has been adjudicated a delinquent child for 5132
committing on or after January 1, 2008, any sexually oriented 5133
offense and who a juvenile court, pursuant to section 2152.82, 5134
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 5135
tier II sex offender/child-victim offender relative to the 5136
offense. 5137

(4) A child-victim offender who is adjudicated ~~a delinquent~~ 5138
~~child for committing~~ or has been adjudicated a delinquent child 5139
for committing on or after January 1, 2008, any child-victim 5140
oriented offense and whom a juvenile court, pursuant to section 5141

2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, 5142
classifies a tier II sex offender/child-victim offender relative 5143
to the current offense. 5144

~~(5) A sex offender or child victim offender who is not in any 5145
category of tier II sex offender/child victim offender set forth 5146
in division (F)(1), (2), (3), or (4) of this section, who prior to 5147
January 1, 2008, was adjudicated a delinquent child for committing 5148
a sexually oriented offense or child victim oriented offense, and 5149
who prior to that date was determined to be a habitual sex 5150
offender or determined to be a habitual child victim offender, 5151
unless either of the following applies: 5152~~

~~(a) The sex offender or child victim offender is reclassified 5153
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 5154
tier I sex offender/child victim offender or a tier III sex 5155
offender/child victim offender relative to the offense. 5156~~

~~(b) A juvenile court, pursuant to section 2152.82, 2152.83, 5157
2152.84, or 2152.85 of the Revised Code, classifies the child a 5158
tier I sex offender/child victim offender or a tier III sex 5159
offender/child victim offender relative to the offense. 5160~~

(G) "Tier III sex offender/child-victim offender" means any 5161
of the following: 5162

(1) A sex offender who is convicted of, pleads guilty to, has 5163
been convicted of, or has pleaded guilty to any of the following 5164
sexually oriented offenses that were committed on or after January 5165
1, 2008: 5166

(a) A violation of section 2907.02 or 2907.03 of the Revised 5167
Code; 5168

(b) A violation of division (B) of section 2907.05 of the 5169
Revised Code; 5170

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 5171

the Revised Code when the violation was committed with a sexual 5172
motivation; 5173

(d) A violation of division (A) of section 2903.04 of the 5174
Revised Code when the offender committed or attempted to commit 5175
the felony that is the basis of the violation with a sexual 5176
motivation; 5177

(e) A violation of division (A)(4) of section 2905.01 of the 5178
Revised Code when the victim of the offense is under eighteen 5179
years of age; 5180

(f) A violation of division (B) of section 2905.01 of the 5181
Revised Code when the victim of the offense is under eighteen 5182
years of age and the offender is not a parent of the victim of the 5183
offense; 5184

(g) A violation of division (B) of section 2903.03 of the 5185
Revised Code; 5186

(h) A violation of any former law of this state, any existing 5187
or former municipal ordinance or law of another state or the 5188
United States, any existing or former law applicable in a military 5189
court or in an Indian tribal court, or any existing or former law 5190
of any nation other than the United States that is or was 5191
substantially equivalent to any offense listed in division 5192
(G)(1)(a), (b), (c), (d), (e), (f), or (g) of this section; 5193

(i) Any attempt to commit, conspiracy to commit, or 5194
complicity in committing any offense listed in division (G)(1)(a), 5195
(b), (c), (d), (e), (f), (g), or (h) of this section; 5196

(j) Any sexually oriented offense that is committed after the 5197
sex offender previously has been convicted of, pleaded guilty to, 5198
or been adjudicated a delinquent child for committing any sexually 5199
oriented offense or child-victim oriented offense for which the 5200
offender either was classified a tier II sex offender/child-victim 5201
offender or a tier III sex offender/child-victim offender under 5202

this chapter or was classified a sexual predator, child-victim predator, habitual sex offender, or habitual child-victim offender under the version of this chapter that existed immediately prior to July 1, 2007. 5203
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(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any child-victim oriented offense when the child-victim oriented offense is committed on or after January 1, 2008, and after the child-victim offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier II sex offender/child-victim offender or a tier III sex offender/child-victim offender. 5207
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(3) A sex offender who is adjudicated ~~a delinquent child for committing~~ or has been adjudicated a delinquent child for committing on or after January 1, 2008, any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier III sex offender/child-victim offender relative to the offense. 5217
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(4) A child-victim offender who is adjudicated ~~a delinquent child for committing~~ or has been adjudicated a delinquent child for committing on or after January 1, 2008, any child-victim oriented offense and whom a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier III sex offender/child-victim offender relative to the current offense. 5224
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~~(5) A sex offender or child victim offender who is not in any category of tier III sex offender/child victim offender set forth in division (G)(1), (2), (3), or (4) of this section, who prior to January 1, 2008, was convicted of or pleaded guilty to a sexually~~ 5231
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~~oriented offense or child victim oriented offense or was 5235
adjudicated a delinquent child for committing a sexually oriented 5236
offense or child victim oriented offense and classified a juvenile 5237
offender registrant, and who prior to that date was adjudicated a 5238
sexual predator or adjudicated a child victim predator, unless 5239
either of the following applies: 5240~~

~~(a) The sex offender or child victim offender is reclassified 5241
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 5242
tier I sex offender/child victim offender or a tier II sex 5243
offender/child victim offender relative to the offense. 5244~~

~~(b) The sex offender or child victim offender is a delinquent 5245
child, and a juvenile court, pursuant to section 2152.82, 2152.83, 5246
2152.84, or 2152.85 of the Revised Code, classifies the child a 5247
tier I sex offender/child victim offender or a tier II sex 5248
offender/child victim offender relative to the offense. 5249~~

~~(6) A sex offender who is convicted of, pleads guilty to, was 5250
convicted of, or pleaded guilty to a sexually oriented offense 5251
that was committed on or after January 1, 2008, if the sexually 5252
oriented offense and the circumstances in which it was committed 5253
are such that division (F) of section 2971.03 of the Revised Code 5254
automatically classifies the offender ~~as~~ a tier III sex 5255
offender/child-victim offender; 5256~~

~~(7)(6) A sex offender or child-victim offender who, in a 5257
court of another state, in a federal court, military court, or 5258
Indian tribal court, or in a court in any nation other than the 5259
United States, is convicted of, pleads guilty to, was convicted 5260
of, pleaded guilty to, or is adjudicated a delinquent child for 5261
~~committing~~, or was adjudicated a delinquent child for committing a 5262
sexually oriented offense or child-victim offense ~~in another 5263
state, in a federal court, military court, or Indian tribal court, 5264
or in a court in any nation other than the United States if the 5265
offense is committed on or after January 1, 2008, and both of the 5266~~~~

following apply: 5267

(a) Under the law of the jurisdiction in which the offender 5268
was convicted or pleaded guilty or the delinquent child was 5269
adjudicated, the offender or delinquent child is in a category 5270
substantially equivalent to a category of tier III sex 5271
offender/child-victim offender described in division (G)(1), (2), 5272
(3), (4), or (5), ~~or (6)~~ of this section. 5273

(b) Subsequent to the conviction, plea of guilty, or 5274
adjudication in the other jurisdiction, the offender or delinquent 5275
child resides, has temporary domicile, attends school or an 5276
institution of higher education, is employed, or intends to reside 5277
in this state in any manner and for any period of time that 5278
subjects the offender or delinquent child to a duty to register or 5279
provide notice of intent to reside under section 2950.04 or 5280
2950.041 of the Revised Code. 5281

(H) "Confinement" includes, but is not limited to, a 5282
community residential sanction imposed pursuant to section 2929.16 5283
or 2929.26 of the Revised Code. 5284

(I) "Prosecutor" has the same meaning as in section 2935.01 5285
of the Revised Code. 5286

(J) "Supervised release" means a release of an offender from 5287
a prison term, a term of imprisonment, or another type of 5288
confinement that satisfies either of the following conditions: 5289

(1) The release is on parole, a conditional pardon, under a 5290
community control sanction, under transitional control, or under a 5291
post-release control sanction, and it requires the person to 5292
report to or be supervised by a parole officer, probation officer, 5293
field officer, or another type of supervising officer. 5294

(2) The release is any type of release that is not described 5295
in division (J)(1) of this section and that requires the person to 5296
report to or be supervised by a probation officer, a parole 5297

officer, a field officer, or another type of supervising officer. 5298

(K) "Sexually violent predator specification," "sexually 5299
violent predator," "sexually violent offense," "sexual motivation 5300
specification," "designated homicide, assault, or kidnapping 5301
offense," and "violent sex offense" have the same meanings as in 5302
section 2971.01 of the Revised Code. 5303

(L) "Post-release control sanction" and "transitional 5304
control" have the same meanings as in section 2967.01 of the 5305
Revised Code. 5306

(M) "Juvenile offender registrant" means a person who is 5307
adjudicated a delinquent child for committing on or after January 5308
1, 2002, a sexually oriented offense or a child-victim oriented 5309
offense, who is fourteen years of age or older at the time of 5310
committing the offense, and who a juvenile court judge, pursuant 5311
to an order issued under section 2152.82, 2152.83, 2152.84, or 5312
2152.85, ~~or 2152.86~~ of the Revised Code, classifies a juvenile 5313
offender registrant and specifies has a duty to comply with 5314
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 5315
Code. "Juvenile offender registrant" includes a person who prior 5316
to January 1, 2008, was a "juvenile offender registrant" under the 5317
definition of the term in existence prior to January 1, 2008, and 5318
a person who prior to July 31, 2003, was a "juvenile sex offender 5319
registrant" under the former definition of that former term. 5320

~~(N) "Public registry qualified juvenile offender registrant" 5321
means a person who is adjudicated a delinquent child and on whom a 5322
juvenile court has imposed a serious youthful offender 5323
dispositional sentence under section 2152.13 of the Revised Code 5324
before, on, or after January 1, 2008, and to whom all of the 5325
following apply: 5326~~

~~(1) The person is adjudicated a delinquent child for 5327
committing, attempting to commit, conspiring to commit, or 5328~~

~~complicity in committing one of the following acts:~~ 5329

~~(a) A violation of section 2907.02 of the Revised Code, 5330
division (B) of section 2907.05 of the Revised Code, or section 5331
2907.03 of the Revised Code if the victim of the violation was 5332
less than twelve years of age;~~ 5333

~~(b) A violation of section 2903.01, 2903.02, or 2905.01 of 5334
the Revised Code that was committed with a purpose to gratify the 5335
sexual needs or desires of the child;~~ 5336

~~(c) A violation of division (B) of section 2903.03 of the 5337
Revised Code.~~ 5338

~~(2) The person was fourteen, fifteen, sixteen, or seventeen 5339
years of age at the time of committing the act.~~ 5340

~~(3) A juvenile court judge, pursuant to an order issued under 5341
section 2152.86 of the Revised Code, classifies the person a 5342
juvenile offender registrant, specifies the person has a duty to 5343
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 5344
Code, and classifies the person a public registry qualified 5345
juvenile offender registrant, and the classification of the person 5346
as a public registry qualified juvenile offender registrant has 5347
not been terminated pursuant to division (D) of section 2152.86 of 5348
the Revised Code.~~ 5349

~~(O) "Secure facility" means any facility that is designed and 5350
operated to ensure that all of its entrances and exits are locked 5351
and under the exclusive control of its staff and to ensure that, 5352
because of that exclusive control, no person who is 5353
institutionalized or confined in the facility may leave the 5354
facility without permission or supervision.~~ 5355

~~(P)(O) "Out-of-state juvenile offender registrant" means a 5356
person who is adjudicated a delinquent child in a court in another 5357
state, in a federal court, military court, or Indian tribal court, 5358
or in a court in any nation other than the United States for 5359~~

committing a sexually oriented offense or a child-victim oriented 5360
offense, who on or after January 1, 2002, moves to and resides in 5361
this state or temporarily is domiciled in this state for more than 5362
five days, and who has a duty under section 2950.04 or 2950.041 of 5363
the Revised Code to register in this state and the duty to 5364
otherwise comply with that applicable section and sections 2950.05 5365
and 2950.06 of the Revised Code. "Out-of-state juvenile offender 5366
registrant" includes a person who prior to January 1, 2008, was an 5367
"out-of-state juvenile offender registrant" under the definition 5368
of the term in existence prior to January 1, 2008, and a person 5369
who prior to July 31, 2003, was an "out-of-state juvenile sex 5370
offender registrant" under the former definition of that former 5371
term. 5372

~~(Q)~~(P) "Juvenile court judge" includes a magistrate to whom 5373
the juvenile court judge confers duties pursuant to division 5374
(A)(15) of section 2151.23 of the Revised Code. 5375

~~(R)~~(O) "Adjudicated a delinquent child for committing a 5376
sexually oriented offense" includes a child who receives a serious 5377
youthful offender dispositional sentence under section 2152.13 of 5378
the Revised Code for committing a sexually oriented offense. 5379

~~(S)~~(R) "School" and "school premises" have the same meanings 5380
as in section 2925.01 of the Revised Code. 5381

~~(T)~~(S) "Residential premises" means the building in which a 5382
residential unit is located and the grounds upon which that 5383
building stands, extending to the perimeter of the property. 5384
"Residential premises" includes any type of structure in which a 5385
residential unit is located, including, but not limited to, 5386
multi-unit buildings and mobile and manufactured homes. 5387

~~(U)~~(T) "Residential unit" means a dwelling unit for 5388
residential use and occupancy, and includes the structure or part 5389
of a structure that is used as a home, residence, or sleeping 5390

place by one person who maintains a household or two or more persons who maintain a common household. "Residential unit" does not include a halfway house or a community-based correctional facility.

~~(V)~~(U) "Multi-unit building" means a building in which is located more than twelve residential units that have entry doors that open directly into the unit from a hallway that is shared with one or more other units. A residential unit is not considered located in a multi-unit building if the unit does not have an entry door that opens directly into the unit from a hallway that is shared with one or more other units or if the unit is in a building that is not a multi-unit building as described in this division.

~~(W)~~(V) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

~~(X)~~(W) "Halfway house" and "community-based correctional facility" have the same meanings as in section 2929.01 of the Revised Code.

(X) "Sexual predator" means any of the following:

(1) A person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, or is or was adjudicated a delinquent child for committing a sexually oriented offense that was committed prior to January 1, 2008, and was designated by a court a "sexual predator" under the version of this chapter that existed immediately prior to July 1, 2007;

(2) A person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, or is or was adjudicated a delinquent child for committing a sexually oriented offense that was committed prior to January 1, 2008, and is designated by a court a "sexual predator" under section 2950.09 of the Revised Code as it exists on and after the effective date of this

amendment; 5422

(3) A person who, in a court of another state, in a federal 5423
court, military court, or Indian tribal court, or in a court in 5424
any nation other than the United States, is convicted of, pleads 5425
guilty to, has been convicted of, has pleaded guilty to, or is or 5426
was adjudicated a delinquent child for committing a sexually 5427
oriented offense that was committed prior to January 1, 2008, and 5428
is required to register for the duration of the person's life 5429
under the law of the jurisdiction in which the conviction, guilty 5430
plea, or adjudication occurred. 5431

(Y) "Habitual sex offender" means any person who is convicted 5432
of, pleads guilty to, has been convicted of, has pleaded guilty 5433
to, or is or was adjudicated a delinquent child for committing a 5434
sexually oriented offense that was committed prior to January 1, 5435
2008, if either of the following applies: 5436

(1) The person either was classified a "habitual sex 5437
offender" under the version of this chapter that existed 5438
immediately prior to July 1, 2007, or qualifies as a "habitual sex 5439
offender" under the version of this chapter that existed 5440
immediately prior to that date. 5441

(2) The person is classified by a court as a "habitual sex 5442
offender" under section 2950.09 of the Revised Code as it exists 5443
on and after the effective date of this amendment. 5444

(Z) "Sexually oriented offender" means any person who is 5445
convicted of, pleads guilty to, has been convicted of, has pleaded 5446
guilty to, or is or was adjudicated a delinquent child for 5447
committing a sexually oriented offense that was committed prior to 5448
January 1, 2008, and was not an aggravated sexually oriented 5449
offense and who is not a sexual predator or a habitual sex 5450
offender. 5451

(AA) "Aggravated sexually oriented offense" means either of 5452

the following: 5453

(1) A violation of division (A)(1)(b) of section 2907.02 of 5454
the Revised Code committed on or after June 13, 2002, and prior to 5455
January 1, 2008; 5456

(2) A violation of division (A)(2) of section 2907.02 of the 5457
Revised Code committed on or after July 31, 2003, and prior to 5458
January 1, 2008. 5459

(BB) "Child-victim predator" means any of the following: 5460

(1) A person who is convicted of, pleads guilty to, has been 5461
convicted of, has pleaded guilty to, or is or was adjudicated a 5462
delinquent child for committing a child-victim oriented offense 5463
that was committed prior to January 1, 2008, and was designated by 5464
a court a "child-victim predator" under the version of this 5465
chapter that existed immediately prior to July 1, 2007; 5466

(2) A person who is convicted of, pleads guilty to, has been 5467
convicted of, has pleaded guilty to, or is or was adjudicated a 5468
delinquent child for committing a child-victim oriented offense 5469
that was committed prior to January 1, 2008, and is designated by 5470
a court a "child-victim predator" under section 2950.091 of the 5471
Revised Code as it exists on and after the effective date of this 5472
amendment; 5473

(3) A person who, in a court of another state, in a federal 5474
court, military court, or Indian tribal court, or in a court in 5475
any nation other than the United States, is convicted of, pleads 5476
guilty to, has been convicted of, has pleaded guilty to, or is or 5477
was adjudicated a delinquent child for committing a child-victim 5478
oriented offense that was committed prior to January 1, 2008, and 5479
is required to register for the duration of the person's life 5480
under the law of the jurisdiction in which the conviction, guilty 5481
plea, or adjudication occurred. 5482

(CC) "Habitual child-victim offender" means any person who is 5483

convicted of, pleads guilty to, has been convicted of, has pleaded 5484
guilty to, or is or was adjudicated a delinquent child for 5485
committing a child-victim oriented offense that was committed 5486
prior to January 1, 2008, when either of the following applies: 5487

(1) The person either was classified a "habitual child-victim 5488
offender" under the version of this chapter that existed 5489
immediately prior to July 1, 2007, or qualifies as a "habitual 5490
child-victim offender" under the version of this chapter that 5491
existed immediately prior to that date. 5492

(2) The person is classified by a court a "habitual 5493
child-victim offender" under section 2950.091 of the Revised Code 5494
as it exists on and after the effective date of this amendment. 5495

(DD) "Child-victim offender" means any person who is 5496
convicted of, pleads guilty to, has been convicted of, has pleaded 5497
guilty to, or is or was adjudicated a delinquent child for 5498
committing a child-victim oriented offense that was committed 5499
prior to January 1, 2008, and is not a child-victim predator or a 5500
habitual child-victim offender. 5501

Sec. 2950.011. (A) Except as specifically provided to the 5502
contrary in sections 2950.02 to 2950.99 of the Revised Code, all 5503
references in any of those sections to "sexually oriented offense" 5504
include, in addition to the violations specified in division (A) 5505
of section 2950.01 of the Revised Code on and after January 1, 5506
2008, any sexually oriented offense, as that term was defined in 5507
section 2950.01 of the Revised Code prior to January 1, 2008, that 5508
was committed prior to that date and that was not a registration 5509
exempt sexually oriented offense, as that term was defined in that 5510
section prior to January 1, 2008. 5511

Except as specifically provided to the contrary in sections 5512
2950.02 to 2950.99 of the Revised Code, all references in any of 5513
those sections to "child-victim oriented offense" include, in 5514

addition to the violations specified in division (C) of section 5515
2950.01 of the Revised Code on and after January 1, 2008, any 5516
child-victim oriented offense, as that term was defined in section 5517
2950.01 of the Revised Code prior to January 1, 2008, that was 5518
committed prior to that date. 5519

(B) On and after the effective date of this amendment, both 5520
of the following apply: 5521

(1) The provisions of this chapter and of Chapter 2152. of 5522
the Revised Code that are amended or enacted in the act in which 5523
this amendment is made and that specify that they apply with 5524
respect to a person who is or has been convicted of a sexually 5525
oriented offense or child-victim oriented offense committed prior 5526
to January 1, 2008, or to a person who is or has been adjudicated 5527
a delinquent child for a sexually oriented offense or child-victim 5528
oriented offense committed prior to January 1, 2008, apply with 5529
respect to such persons. 5530

(2) Except as provided in division (B)(1) of this section, 5531
the provisions of this chapter and of Chapter 2152. of the Revised 5532
Code as they existed prior to July 1, 2007, apply with respect to 5533
a person who is or has been convicted of a sexually oriented 5534
offense or child-victim oriented offense committed prior to 5535
January 1, 2008, or to a person who is or has been adjudicated a 5536
delinquent child for a sexually oriented offense or child-victim 5537
oriented offense committed prior to January 1, 2008, except to the 5538
extent that by their nature they clearly would be inapplicable. 5539

Sec. 2950.02. (A) The general assembly hereby determines and 5540
declares that it recognizes and finds all of the following: 5541

(1) If the public is provided adequate notice and information 5542
about offenders and delinquent children who commit sexually 5543
oriented offenses or who commit child-victim oriented offenses, 5544
members of the public and communities can develop constructive 5545

plans to prepare themselves and their children for the offender's 5546
or delinquent child's release from imprisonment, a prison term, or 5547
other confinement or detention. This allows members of the public 5548
and communities to meet with members of law enforcement agencies 5549
to prepare and obtain information about the rights and 5550
responsibilities of the public and the communities and to provide 5551
education and counseling to their children. 5552

(2) Sex offenders and child-victim offenders pose a risk of 5553
engaging in further sexually abusive behavior even after being 5554
released from imprisonment, a prison term, or other confinement or 5555
detention, and protection of members of the public from sex 5556
offenders and child-victim offenders is a paramount governmental 5557
interest. 5558

(3) The penal, juvenile, and mental health components of the 5559
justice system of this state are largely hidden from public view, 5560
and a lack of information from any component may result in the 5561
failure of the system to satisfy this paramount governmental 5562
interest of public safety described in division (A)(2) of this 5563
section. 5564

(4) Overly restrictive confidentiality and liability laws 5565
governing the release of information about sex offenders and 5566
child-victim offenders have reduced the willingness to release 5567
information that could be appropriately released under the public 5568
disclosure laws and have increased risks of public safety. 5569

(5) A person who is found to be a sex offender or a 5570
child-victim offender has a reduced expectation of privacy because 5571
of the public's interest in public safety and in the effective 5572
operation of government. 5573

(6) The release of information about sex offenders and 5574
child-victim offenders to public agencies and the general public 5575
will further the governmental interests of public safety and 5576

public scrutiny of the criminal, juvenile, and mental health 5577
systems as long as the information released is rationally related 5578
to the furtherance of those goals. 5579

(B) The general assembly hereby declares that, in providing 5580
in this chapter for registration regarding offenders and certain 5581
delinquent children who have committed sexually oriented offenses 5582
or who have committed child-victim oriented offenses and for 5583
community notification regarding tier III sex 5584
offenders/child-victim offenders, sexual predators, child-victim 5585
predators, habitual sex offenders, and habitual child-victim 5586
offenders who are criminal offenders, ~~public registry qualified~~ 5587
~~juvenile offender registrants~~, and certain ~~other~~ juvenile offender 5588
registrants who are about to be or have been released from 5589
imprisonment, a prison term, or other confinement or detention and 5590
who will live in or near a particular neighborhood or who 5591
otherwise will live in or near a particular neighborhood, it is 5592
the general assembly's intent to protect the safety and general 5593
welfare of the people of this state. The general assembly further 5594
declares that it is the policy of this state to require the 5595
exchange in accordance with this chapter of relevant information 5596
about sex offenders and child-victim offenders among public 5597
agencies and officials and to authorize the release in accordance 5598
with this chapter of necessary and relevant information about sex 5599
offenders and child-victim offenders to members of the general 5600
public as a means of assuring public protection and that the 5601
exchange or release of that information is not punitive. 5602

Sec. 2950.03. (A) Each person who has been convicted of, is 5603
convicted of, has pleaded guilty to, or pleads guilty to a 5604
sexually oriented offense or a child-victim oriented offense and 5605
who has a duty to register pursuant to section 2950.04 or 2950.041 5606
of the Revised Code and each person who is adjudicated a 5607
delinquent child for committing a sexually oriented offense or a 5608

child-victim oriented offense and who is classified a juvenile 5609
offender registrant based on that adjudication shall be provided 5610
notice in accordance with this section of the offender's or 5611
delinquent child's duties imposed under sections 2950.04, 5612
2950.041, 2950.05, and 2950.06 of the Revised Code and of the 5613
offender's duties to similarly register, provide notice of a 5614
change, and verify addresses in another state if the offender 5615
resides, is temporarily domiciled, attends a school or institution 5616
of higher education, or is employed in a state other than this 5617
state. The following official shall provide the notice required 5618
under this division to the specified person at the following time: 5619

(1) Regardless of when the person committed the sexually 5620
oriented offense or child-victim oriented offense, if the person 5621
is an offender who is sentenced to a prison term, a term of 5622
imprisonment, or any other type of confinement for any offense, 5623
and if on or after January 1, 2008, the offender is serving that 5624
term or is under that confinement, subject to division (A)(5) of 5625
this section, the official in charge of the jail, workhouse, state 5626
correctional institution, or other institution in which the 5627
offender serves the prison term, term of imprisonment, or 5628
confinement, or a designee of that official, shall provide the 5629
notice to the offender before the offender is released pursuant to 5630
any type of supervised release or before the offender otherwise is 5631
released from the prison term, term of imprisonment, or 5632
confinement. 5633

(2) Regardless of when the person committed the sexually 5634
oriented offense or child-victim oriented offense, if the person 5635
is an offender who is sentenced on or after January 1, 2008, for 5636
any offense, and if division (A)(1) of this section does not 5637
apply, the judge shall provide the notice to the offender at the 5638
time of sentencing. 5639

(3) If the person is a delinquent child who is classified a 5640

juvenile offender registrant on or after January 1, 2008, the 5641
judge shall provide the notice to the delinquent child at the time 5642
specified in division (B) of section 2152.82, division (C) of 5643
section 2152.83, division (C) of section 2152.84, or division (E) 5644
of section 2152.85 of the Revised Code, whichever is applicable. 5645

~~(4) If the person is a delinquent child who is classified as 5646
both a juvenile offender registrant and a public 5647
registry qualified juvenile offender registrant on or after 5648
January 1, 2008, the judge shall provide the notice to the 5649
delinquent child at the time specified in division (B) of section 5650
2152.86 of the Revised Code. 5651~~

~~(5) If the person is an offender or delinquent child in any 5652
of the following categories based on an offense committed on or 5653
after January 1, 2008, the attorney general, department of 5654
rehabilitation and correction, or department of youth services 5655
shall provide the notice to the offender or delinquent child at 5656
the time and in the manner specified in section 2950.031 or 5657
division (A) or (B) of section 2950.032 of the Revised Code, 5658
whichever is applicable: 5659~~

~~(a) An offender or delinquent child who prior to December 1, 5660
2007, has registered a residence, school, institution of higher 5661
education, or place of employment address pursuant to section 5662
2950.04, 2950.041, or 2950.05 of the Revised Code; 5663~~

~~(b) An offender or delinquent child who registers with a 5664
sheriff pursuant to section 2950.04 or 2950.041 of the Revised 5665
Code on or after December 1, 2007, previously had not registered 5666
under either section with that sheriff or any other sheriff, and 5667
was convicted of, pleaded guilty to, or was classified a juvenile 5668
offender registrant relative to the sexually oriented offense or 5669
child-victim oriented offense upon which the registration was 5670
based prior to December 1, 2007; 5671~~

(c) An offender who on December 1, 2007, is serving a prison term in a state correctional institution for a sexually oriented offense or child-victim oriented offense or each delinquent child who has been classified a juvenile offender registrant relative to a sexually oriented offense or child-victim oriented offense and who on that date is confined in an institution of the department of youth services for the sexually oriented offense or child-victim oriented offense;

(d) An offender or delinquent child who on or after December 2, 2007, commences a prison term in a state correctional institution or confinement in an institution of the department of youth services for a sexually oriented offense or child-victim oriented offense and who was convicted of, pleaded guilty to, or was classified a juvenile offender registrant relative to the sexually oriented offense or child-victim oriented offense prior to that date.

~~(6)~~(5) If the person is an offender or delinquent child who on or after July 1, 2007, and prior to January 1, 2008, is convicted of or pleads guilty to a sexually oriented offense or a child-victim oriented offense and is not sentenced to a prison term for that offense or is classified a juvenile offender registrant relative to a sexually oriented offense or child-victim oriented offense and is not committed to the custody of the department of youth services for that offense, the sentencing court or juvenile court shall provide the notice to the offender or delinquent child at the time and in the manner specified in division (C) of section 2950.032 of the Revised Code.

~~(7)~~(6) If the person is an offender or delinquent child who has a duty to register in this state pursuant to division (A)(4) of section 2950.04 or 2950.041 of the Revised Code, the offender or delinquent child is presumed to have knowledge of the law and of the offender's or delinquent child's duties imposed under

sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 5704
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(B)(1) The notice provided under division (A) of this section shall inform the offender or delinquent child of the offender's or delinquent child's duty to register, to provide notice of a change in the offender's or delinquent child's residence address or in the offender's school, institution of higher education, or place of employment address, as applicable, and register the new address, to periodically verify the offender's or delinquent child's residence address or the offender's school, institution of higher education, or place of employment address, as applicable, and, if applicable, to provide notice of the offender's or delinquent child's intent to reside, pursuant to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. The notice shall specify that, for an offender, it applies regarding residence addresses or school, institution of higher education, and place of employment addresses and that, for a delinquent child, it applies regarding residence addresses. Additionally, it shall inform the offender of the offender's duties to similarly register, provide notice of a change in, and verify those addresses in states other than this state as described in division (A) of this section. A notice provided under division (A)(1), (2), or (3), ~~or (4)~~ of this section shall comport with the following: 5706
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(a) If the notice is provided to an offender under division (A)(1) or (2) of this section, the official, official's designee, or judge shall require the offender to read and sign a form stating that the offender's duties to register, to file a notice of intent to reside, if applicable, to register a new residence address or new school, institution of higher education, or place of employment address, and to periodically verify those addresses, and the offender's duties in other states as described in division (A) of this section have been explained to the offender. If the 5727
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offender is unable to read, the official, official's designee, or 5736
judge shall certify on the form that the official, designee, or 5737
judge specifically informed the offender of those duties and that 5738
the offender indicated an understanding of those duties. 5739

(b) If the notice is provided to a delinquent child under 5740
division (A)(3) ~~or (4)~~ of this section, the judge shall require 5741
the delinquent child and the delinquent child's parent, guardian, 5742
or custodian to read and sign a form stating that the delinquent 5743
child's duties to register, to file a notice of intent to reside, 5744
if applicable, to register a new residence address, and to 5745
periodically verify that address have been explained to the 5746
delinquent child and to the delinquent child's parent, guardian, 5747
or custodian. If the delinquent child or the delinquent child's 5748
parent, guardian, or custodian is unable to read, the judge shall 5749
certify on the form that the judge specifically informed the 5750
delinquent child or the delinquent child's parent, guardian, or 5751
custodian of those duties and that the delinquent child or the 5752
delinquent child's parent, guardian, or custodian indicated an 5753
understanding of those duties. 5754

(2) The notice provided under divisions (A)(1) to ~~(4)~~(3) of 5755
this section shall be on a form prescribed by the bureau of 5756
criminal identification and investigation and shall contain all of 5757
the information specified in division (A) of this section and all 5758
of the information required by the bureau. The notice provided 5759
under divisions (A)(1) to (4) of this section shall include, but 5760
is not limited to, all of the following: 5761

(a) For any notice provided under divisions (A)(1) to ~~(4)~~(3) 5762
of this section, an explanation of the offender's periodic 5763
residence address or periodic school, institution of higher 5764
education, or place of employment address verification process or 5765
of the delinquent child's periodic residence address verification 5766
process, an explanation of the frequency with which the offender 5767

or delinquent child will be required to verify those addresses 5768
under that process, a statement that the offender or delinquent 5769
child must verify those addresses at the times specified under 5770
that process or face criminal prosecution or a delinquent child 5771
proceeding, and an explanation of the offender's duty to similarly 5772
register, verify, and reregister those addresses in another state 5773
if the offender resides in another state, attends a school or 5774
institution of higher education in another state, or is employed 5775
in another state. 5776

(b) If the notice is provided under division (A)(3) ~~or (4)~~ of 5777
this section, a statement that the delinquent child has been 5778
classified by the adjudicating juvenile court judge or the judge's 5779
successor in office a juvenile offender registrant ~~and, if~~ 5780
~~applicable, a public registry qualified juvenile offender~~ 5781
~~registrant~~ and has a duty to comply with sections 2950.04, 5782
2950.041, 2950.05, and 2950.06 of the Revised Code; 5783

(c) If the notice is provided under division (A)(3) ~~or (4)~~ of 5784
this section, a statement that, if the delinquent child fails to 5785
comply with the requirements of sections 2950.04, 2950.041, 5786
2950.05, and 2950.06 of the Revised Code, both of the following 5787
apply: 5788

(i) If the delinquent child's failure occurs while the child 5789
is under eighteen years of age, the child is subject to 5790
proceedings under Chapter 2152. of the Revised Code based on the 5791
failure, but if the failure occurs while the child is eighteen 5792
years of age or older, the child is subject to criminal 5793
prosecution based on the failure. 5794

(ii) If the delinquent child's failure occurs while the child 5795
is under eighteen years of age, unless the child is emancipated, 5796
as defined in section 2919.121 of the Revised Code, the failure of 5797
the parent, guardian, or custodian to ensure that the child 5798
complies with those requirements is a violation of section 2919.24 5799

of the Revised Code and may result in the prosecution of the 5800
parent, guardian, or custodian for that violation. 5801

(3)(a) After an offender described in division (A)(1) or (2) 5802
of this section has signed the form described in divisions (B)(1) 5803
and (2) of this section or the official, official's designee, or 5804
judge has certified on the form that the form has been explained 5805
to the offender and that the offender indicated an understanding 5806
of the duties indicated on it, the official, official's designee, 5807
or judge shall give one copy of the form to the offender, within 5808
three days shall send one copy of the form to the bureau of 5809
criminal identification and investigation in accordance with the 5810
procedures adopted pursuant to section 2950.13 of the Revised 5811
Code, shall send one copy of the form to the sheriff of the county 5812
in which the offender expects to reside, and shall send one copy 5813
of the form to the sheriff of the county in which the offender was 5814
convicted or pleaded guilty if the offender has a duty to register 5815
pursuant to division (A)(1) of section 2950.04 or 2950.041 of the 5816
Revised Code. 5817

(b) After a delinquent child described in division (A)(3) ~~or~~ 5818
(4) of this section and the delinquent child's parent, guardian, 5819
or custodian have signed the form described in divisions (B)(1) 5820
and (2) of this section or the judge has certified on the form 5821
that the form has been explained to the delinquent child or the 5822
delinquent child's parent, guardian, or custodian and that the 5823
delinquent child or the delinquent child's parent, guardian, or 5824
custodian indicated an understanding of the duties and information 5825
indicated on the form, the judge shall give a copy of the form to 5826
both the delinquent child and to the delinquent child's parent, 5827
guardian, or custodian, within three days shall send one copy of 5828
the form to the bureau of criminal identification and 5829
investigation in accordance with the procedures adopted pursuant 5830
to section 2950.13 of the Revised Code, shall send one copy of the 5831

form to the sheriff of the county in which the delinquent child 5832
expects to reside, and shall send one copy of the form to the 5833
sheriff of the county in which the child was adjudicated a 5834
delinquent child if the delinquent child has a duty to register 5835
pursuant to division (A)(1) of section 2950.04 or 2950.041 of the 5836
Revised Code. 5837

(C) The official, official's designee, judge, chief of 5838
police, or sheriff who is required to provide notice to an 5839
offender or delinquent child under divisions (A)(1) to ~~(4)~~(3) of 5840
this section shall determine the offender's or delinquent child's 5841
name, identifying factors, and expected future residence address 5842
in this state or any other state, shall obtain the offender's or 5843
delinquent child's criminal and delinquency history, and shall 5844
obtain a photograph and the fingerprints of the offender or 5845
delinquent child. Regarding an offender, the official, designee, 5846
or judge also shall obtain from the offender the offender's 5847
current or expected future school, institution of higher 5848
education, or place of employment address in this state, if any. 5849
If the notice is provided by a judge under division (A)(2) ~~or~~ 5850
(3) ~~or (4)~~ of this section, the sheriff shall provide the 5851
offender's or delinquent child's criminal and delinquency history 5852
to the judge. The official, official's designee, or judge shall 5853
obtain this information and these items prior to giving the 5854
notice, except that a judge may give the notice prior to obtaining 5855
the offender's or delinquent child's criminal and delinquency 5856
history. Within three days after receiving this information and 5857
these items, the official, official's designee, or judge shall 5858
forward the information and items to the bureau of criminal 5859
identification and investigation in accordance with the forwarding 5860
procedures adopted pursuant to section 2950.13 of the Revised 5861
Code, to the sheriff of the county in which the offender or 5862
delinquent child expects to reside and to the sheriff of the 5863
county in which the offender or delinquent child was convicted, 5864

pleaded guilty, or adjudicated a delinquent child if the offender 5865
or delinquent child has a duty to register pursuant to division 5866
(A)(1) of section 2950.04 or 2950.041 of the Revised Code, and, 5867
regarding an offender, to the sheriff of the county, if any, in 5868
which the offender attends or will attend a school or institution 5869
of higher education or is or will be employed. If the notice is 5870
provided under division (A)(3) ~~or (4)~~ of this section and if the 5871
delinquent child has been committed to the department of youth 5872
services or to a secure facility, the judge, in addition to the 5873
other information and items described in this division, also shall 5874
forward to the bureau and to the sheriff notification that the 5875
child has been so committed. If it has not already done so, the 5876
bureau of criminal identification and investigation shall forward 5877
a copy of the fingerprints and conviction data received under this 5878
division to the federal bureau of investigation. 5879

Sec. 2950.031. (A)(1) ~~At~~ Subject to division (F) of this 5880
section, at any time on or after July 1, 2007, and not later than 5881
December 1, 2007, the attorney general shall determine for each 5882
offender or delinquent child who prior to December 1, 2007, has 5883
registered a residence, school, institution of higher education, 5884
or place of employment address pursuant to section 2950.04, 5885
2950.041, or 2950.05 of the Revised Code the offender's or 5886
delinquent child's new classification as a tier I sex 5887
offender/child-victim offender, a tier II sex 5888
offender/child-victim offender, or a tier III sex 5889
offender/child-victim offender under Chapter 2950. of the Revised 5890
Code as it will exist under the changes that will be implemented 5891
on January 1, 2008, and the offender's or delinquent child's 5892
duties under Chapter 2950. of the Revised Code as so changed, ~~and,~~ 5893
~~regarding a delinquent child, whether the child is a public~~ 5894
~~registry qualified juvenile offender registrant.~~ 5895

(2) ~~At~~ Subject to division (F) of this section, at any time 5896

on or after July 1, 2007, and not later than December 1, 2007, the attorney general shall send to each offender or delinquent child who prior to December 1, 2007, has registered a residence, school, institution of higher education, or place of employment address pursuant to section 2950.04, 2950.041, or 2950.05 of the Revised Code a registered letter that contains the information described in this division. The registered letter shall be sent return receipt requested to the last reported address of the person and, if the person is a delinquent child, the last reported address of the parents of the delinquent child. The letter sent to an offender or to a delinquent child and the delinquent child's parents pursuant to this division shall notify the offender or the delinquent child and the delinquent child's parents of all of the following:

(a) The changes in Chapter 2950. of the Revised Code that will be implemented on January 1, 2008;

(b) Subject to division (A)(2)(c) of this section, the offender's or delinquent child's new classification as a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender under Chapter 2950. of the Revised Code as it will exist under the changes that will be implemented on January 1, 2008, the offender's or delinquent child's duties under Chapter 2950. of the Revised Code as so changed and the duration of those duties, ~~whether the delinquent child is classified a public registry qualified juvenile offender registrant,~~ and the information specified in ~~division (B) of~~ section 2950.03 of the Revised Code to the extent it is relevant to the offender or delinquent child;

(c) The fact that the offender or delinquent child has a right to a hearing as described in division (E) of this section, the procedures for requesting the hearing, and the period of time

within which the request for the hearing must be made. 5929

(d) If the offender's or delinquent child's duty to comply 5930
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 5931
Revised Code is scheduled to terminate on or after July 1, 2007, 5932
and prior to January 1, 2008, under the version of section 2950.07 5933
of the Revised Code that is in effect prior to January 1, 2008, a 5934
summary of the provisions of section 2950.033 of the Revised Code 5935
and the application of those provisions to the offender ~~or~~ 5936
~~delinquent child, provided that this division applies to a~~ 5937
~~delinquent child only if the child is in a category specified in~~ 5938
~~division (C) of section 2950.033 of the Revised Code.~~ 5939

(3) The attorney general shall make the determinations 5940
described in division (A)(1) of this section for each offender or 5941
delinquent child who has registered an address as described in 5942
that division, even if the offender's duty to comply with sections 5943
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code is 5944
scheduled to terminate prior to January 1, 2008, under the version 5945
of section 2950.07 of the Revised Code that is in effect prior to 5946
that date ~~or the delinquent child is in a category specified in~~ 5947
~~division (C) of section 2950.033 of the Revised Code and the~~ 5948
~~child's duty to comply with those sections is scheduled to~~ 5949
~~terminate prior to January 1, 2008, under the version of section~~ 5950
~~2950.07 of the Revised Code that is in effect prior to that date.~~ 5951
The attorney general shall send the registered letter described in 5952
division (A)(2) of this section to each offender or delinquent 5953
child who has registered an address as described in that division 5954
even if the offender's duty to comply with sections 2950.04, 5955
2950.041, 2950.05, and 2950.06 of the Revised Code is scheduled to 5956
terminate prior to January 1, 2008, under the version of section 5957
2950.07 of the Revised Code that is in effect prior to that date, 5958
~~or the delinquent child is in a category specified in division (C)~~ 5959
~~of section 2950.033 of the Revised Code, and the child's duty to~~ 5960

~~comply with those sections is scheduled to terminate prior to~~ 5961
~~January 1, 2008, under the version of section 2950.07 of the~~ 5962
~~Revised Code that is in effect prior to that date. Section~~ 5963
2950.033 of the Revised Code applies to any offender who has 5964
registered an address as described in division (A)(1) or (2) of 5965
this section and whose duty to comply with sections 2950.04, 5966
2950.041, 2950.05, and 2950.06 of the Revised Code is scheduled to 5967
terminate prior to January 1, 2008, under the version of section 5968
2950.07 of the Revised Code that is in effect prior to that date, 5969
~~or the delinquent child is in a category specified in division (C)~~ 5970
~~of section 2950.033 of the Revised Code, and the child's duty to~~ 5971
~~comply with those sections is scheduled to terminate prior to~~ 5972
~~January 1, 2008, under the version of section 2950.07 of the~~ 5973
~~Revised Code that is in effect prior to that date.~~ 5974

(B) ~~If~~ Subject to division (F) of this section, if a sheriff 5975
informs the attorney general pursuant to section 2950.043 of the 5976
Revised Code that an offender or delinquent child registered with 5977
the sheriff pursuant to section 2950.04 or 2950.041 of the Revised 5978
Code on or after December 1, 2007, that the offender or delinquent 5979
child previously had not registered under either section with that 5980
sheriff or any other sheriff, and that the offender or delinquent 5981
child was convicted of, pleaded guilty to, or was classified a 5982
juvenile offender registrant relative to the sexually oriented 5983
offense or child-victim oriented offense upon which the 5984
registration was based prior to December 1, 2007, within fourteen 5985
days after being so informed of the registration and receiving the 5986
information and material specified in division (D) of that 5987
section, the attorney general shall determine for the offender or 5988
delinquent child all of the matters specified in division (A)(1) 5989
of this section. Upon making the determinations, the attorney 5990
general immediately shall send to the offender or to the 5991
delinquent child and the delinquent child's parents a registered 5992
letter pursuant to division (A)(2) of this section that contains 5993

the information specified in that division. 5994

(C) The attorney general shall maintain the return receipts 5995
for all offenders, delinquent children, and parents of delinquent 5996
children who are sent a registered letter under division (A) or 5997
(B) of this section. For each offender, delinquent child, and 5998
parents of a delinquent child, the attorney general shall send a 5999
copy of the return receipt for the offender, delinquent child, or 6000
parents to the sheriff with whom the offender or delinquent child 6001
most recently registered a residence address and, if applicable, a 6002
school, institution of higher education, or place of employment 6003
address and to the prosecutor who handled the case in which the 6004
offender or delinquent child was convicted of, pleaded guilty to, 6005
or was adjudicated a delinquent child for committing the sexually 6006
oriented offense or child-victim oriented offense that resulted in 6007
the offender's or child's registration duty under section 2950.04 6008
or 2950.041 of the Revised Code. If a return receipt indicates 6009
that the offender, delinquent child, or parents of a delinquent 6010
child to whom the registered letter was sent does not reside or 6011
have temporary domicile at the listed address, the attorney 6012
general immediately shall provide notice of that fact to the 6013
sheriff with whom the offender or delinquent child registered that 6014
residence address. 6015

(D) The attorney general shall mail to each sheriff a list of 6016
all offenders and delinquent children who have registered a 6017
residence address or a school, institution of higher education, or 6018
place of employment address with that sheriff and to whom a 6019
registered letter is sent under division (A) or (B) of this 6020
section. The list shall specify the offender's or delinquent 6021
child's new classification as a tier I sex offender/child-victim 6022
offender, a tier II sex offender/child-victim offender, or a tier 6023
III sex offender/child-victim offender under Chapter 2950. of the 6024
Revised Code as it will exist under the changes that will be 6025

implemented on January 1, 2008, and the offender's or delinquent 6026
child's duties under Chapter 2950. of the Revised Code as so 6027
~~changed, and, regarding a delinquent child, whether the child is a~~ 6028
~~public registry qualified juvenile offender registrant.~~ 6029

(E) ~~An~~ Subject to division (F) of this section, an offender 6030
or delinquent child who is in a category described in division 6031
(A)(2) or (B) of this section may request as a matter of right a 6032
court hearing to contest the application to the offender or 6033
delinquent child of the new registration requirements under 6034
Chapter 2950. of the Revised Code as it will exist under the 6035
changes that will be implemented on January 1, 2008. The offender 6036
or delinquent child may contest the manner in which the letter 6037
sent to the offender or delinquent child pursuant to division (A) 6038
or (B) of this section specifies that the new registration 6039
requirements apply to the offender or delinquent child or may 6040
contest whether those new registration requirements apply at all 6041
to the offender or delinquent child. To request the hearing, the 6042
offender or delinquent child not later than the date that is sixty 6043
days after the offender or delinquent child received the 6044
registered letter sent by the attorney general pursuant to 6045
division (A)(2) of this section shall file a petition with the 6046
court specified in this division. If the offender or delinquent 6047
child resides in or is temporarily domiciled in this state and 6048
requests a hearing, the offender or delinquent child shall file 6049
the petition with, and the hearing shall be held in, the court of 6050
common pleas or, for a delinquent child, the juvenile court of the 6051
county in which the offender or delinquent child resides or 6052
temporarily is domiciled. If the offender does not reside in and 6053
is not temporarily domiciled in this state, the offender or 6054
delinquent child shall file the petition with, and the hearing 6055
shall be held in, the court of common pleas of the county in which 6056
the offender registered a school, institution of higher education, 6057
or place of employment address, but if the offender has registered 6058

addresses of that nature in more than one county, the offender may 6059
file such a petition in the court of only one of those counties. 6060

If the offender or delinquent child requests a hearing by 6061
timely filing a petition with the appropriate court, the offender 6062
or delinquent child shall serve a copy of the petition on the 6063
prosecutor of the county in which the petition is filed. The 6064
prosecutor shall represent the interests of the state in the 6065
hearing. In any hearing under this division, the Rules of Civil 6066
Procedure or, if the hearing is in a juvenile court, the Rules of 6067
Juvenile Procedure apply, except to the extent that those Rules 6068
would by their nature be clearly inapplicable. The court shall 6069
schedule a hearing, and shall provide notice to the offender or 6070
delinquent child and prosecutor of the date, time, and place of 6071
the hearing. 6072

If an offender or delinquent child requests a hearing in 6073
accordance with this division, until the court issues its decision 6074
at or subsequent to the hearing, the offender or delinquent child 6075
shall comply prior to January 1, 2008, with Chapter 2950. of the 6076
Revised Code as it exists prior to that date and shall comply on 6077
and after January 1, 2008, with Chapter 2950. of the Revised Code 6078
as it will exist under the changes that will be implemented on 6079
that date. If an offender or delinquent child requests a hearing 6080
in accordance with this division, at the hearing, all parties are 6081
entitled to be heard, and the court shall consider all relevant 6082
information and testimony presented relative to the application to 6083
the offender or delinquent child of the new registration 6084
requirements under Chapter 2950. of the Revised Code as it will 6085
exist under the changes that will be implemented on January 1, 6086
2008. If, at the conclusion of the hearing, the court finds that 6087
the offender or delinquent child has proven by clear and 6088
convincing evidence that the new registration requirements do not 6089
apply to the offender or delinquent child in the manner specified 6090

in the letter sent to the offender or delinquent child pursuant to 6091
division (A) or (B) of this section, the court shall issue an 6092
order that specifies the manner in which the court has determined 6093
that the new registration requirements do apply to the offender or 6094
delinquent child. If at the conclusion of the hearing the court 6095
finds that the offender or delinquent child has proven by clear 6096
and convincing evidence that the new registration requirements do 6097
not apply to the offender or delinquent child, the court shall 6098
issue an order that specifies that the new registration 6099
requirements do not apply to the offender or delinquent child. The 6100
court promptly shall serve a copy of an order issued under this 6101
division upon the sheriff with whom the offender or delinquent 6102
child most recently registered under section 2950.04, 2950.041, or 6103
2950.05 of the Revised Code and upon the bureau of criminal 6104
identification and investigation. The offender or delinquent child 6105
and the prosecutor have the right to appeal the decision of the 6106
court issued under this division. 6107

If an offender or delinquent child fails to request a hearing 6108
in accordance with this division within the applicable sixty-day 6109
period specified in this division, the failure constitutes a 6110
waiver by the offender or delinquent child of the offender's or 6111
delinquent child's right to a hearing under this division, and the 6112
offender or delinquent child is bound by the determinations of the 6113
attorney general contained in the registered letter sent to the 6114
offender or child. 6115

~~If a juvenile court issues an order under division (A)(2) or 6116
(3) of section 2152.86 of the Revised Code that classifies a 6117
delinquent child a public registry qualified juvenile offender 6118
registrant and if the child's delinquent act was committed prior 6119
to (F) The provisions of divisions (A) to (E) of this section do 6120
not apply to any person who, under the version of this chapter 6121
that existed immediately prior to July 1, 2007, is classified a 6122~~

~~sexual predator, habitual sex offender, sexually oriented
offender, child-victim predator, habitual child-victim offender,
or child-victim oriented offender based on any sexually oriented
offense or child-victim oriented offense committed prior to
January 1, 2008, a challenge to the classification contained in
the order shall be made pursuant to division (D) of section
2152.86 of the Revised Code.~~

Sec. 2950.032. (A)(1) ~~At~~ Subject to division (F) of this
section, at any time on or after July 1, 2007, and not later than
December 1, 2007, the attorney general shall do all of the
following:

(a) For each offender who on December 1, 2007, will be
serving a prison term in a state correctional institution for a
sexually oriented offense or child-victim oriented offense,
determine the offender's classification relative to that offense
as a tier I sex offender/child-victim offender, a tier II sex
offender/child-victim offender, or a tier III sex
offender/child-victim offender under Chapter 2950. of the Revised
Code as it will exist under the changes in that chapter that will
be implemented on January 1, 2008, and the offender's duties under
Chapter 2950. of the Revised Code as so changed and provide to the
department of rehabilitation and correction a document that
describes that classification and those duties;

(b) For each delinquent child who has been classified a
juvenile offender registrant relative to a sexually oriented
offense or child-victim oriented offense and who on December 1,
2007, will be confined in an institution of the department of
youth services for the sexually oriented offense or child-victim
oriented offense, determine the delinquent child's classification
relative to that offense as a tier I sex offender/child-victim
offender, a tier II sex offender/child-victim offender, or a tier

III sex offender/child-victim offender under Chapter 2950. of the 6154
Revised Code as it will exist under the changes in that chapter 6155
that will be implemented on January 1, 2008, and the delinquent 6156
child's duties under Chapter 2950. of the Revised Code as so 6157
changed, ~~and whether the delinquent child is a public~~ 6158
~~registry qualified juvenile offender registrant~~ and provide to the 6159
department a document that describes that classification, and 6160
those duties, ~~and whether the delinquent child is a public~~ 6161
~~registry qualified juvenile offender registrant.~~ 6162

(c) For each offender and delinquent child described in 6163
division (A)(1)(a) or (b) of this section, determine whether the 6164
attorney general is required to send a registered letter to that 6165
offender or that delinquent child and delinquent child's parents 6166
pursuant to section 2950.031 of the Revised Code relative to the 6167
sexually oriented offense or child-victim oriented offense for 6168
which the offender or delinquent child is serving the prison term 6169
or is confined and, if the attorney general is required to send 6170
such a letter to that offender or that delinquent child and 6171
delinquent child's parents relative to that offense, include in 6172
the document provided to the department of rehabilitation and 6173
correction or the department of youth services under division 6174
(A)(1)(a) or (b) of this section a conspicuous notice that the 6175
attorney general will be sending the offender or delinquent child 6176
and delinquent child's parent the registered letter and that the 6177
department is not required to provide to the offender or 6178
delinquent child the written notice described in division (A)(2) 6179
of this section. 6180

(2) ~~At~~ Subject to division (F) of this section, at any time 6181
on or after July 1, 2007, and not later than December 1, 2007, 6182
except as otherwise described in this division, the department of 6183
rehabilitation and correction shall provide to each offender 6184
described in division (A)(1)(a) of this section and the department 6185

of youth services shall provide to each delinquent child described 6186
in division (A)(1)(b) of this section and to the delinquent 6187
child's parents a written notice that contains the information 6188
described in this division. The department of rehabilitation and 6189
correction and the department of youth services are not required 6190
to provide the written notice to an offender or a delinquent child 6191
and the delinquent child's parents if the attorney general 6192
included in the document provided to the particular department 6193
under division (A)(1)(a) or (b) of this section notice that the 6194
attorney general will be sending that offender or that delinquent 6195
child and the delinquent child's parents a registered letter and 6196
that the department is not required to provide to that offender or 6197
that delinquent child and parents the written notice. The written 6198
notice provided to an offender or a delinquent child and the 6199
delinquent child's parents pursuant to this division shall notify 6200
the offender or delinquent child of all of the following: 6201

(a) The changes in Chapter 2950. of the Revised Code that 6202
will be implemented on January 1, 2008; 6203

(b) Subject to division (A)(2)(c) of this section, the 6204
offender's or delinquent child's classification as a tier I sex 6205
offender/child-victim offender, a tier II sex 6206
offender/child-victim offender, or a tier III sex 6207
offender/child-victim offender under Chapter 2950. of the Revised 6208
Code as it will exist under the changes that will be implemented 6209
on January 1, 2008, the offender's or delinquent child's duties 6210
under Chapter 2950. of the Revised Code as so changed and the 6211
duration of those duties, ~~whether the delinquent child is~~ 6212
~~classified a public registry qualified juvenile offender~~ 6213
~~registrant,~~ and the information specified in division (B) of 6214
section 2950.03 of the Revised Code to the extent it is relevant 6215
to the offender or delinquent child; 6216

(c) The fact that the offender or delinquent child has a 6217

right to a hearing as described in division (E) of this section, 6218
the procedures for requesting the hearing, and the period of time 6219
within which the request for the hearing must be made; 6220

(d) If the offender's or delinquent child's duty to comply 6221
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 6222
Revised Code is scheduled to terminate on or after July 1, 2007, 6223
and prior to January 1, 2008, under the version of section 2950.07 6224
of the Revised Code that is in effect prior to January 1, 2008, a 6225
summary of the provisions of section 2950.033 of the Revised Code 6226
and the application of those provisions to the offender ~~or~~ 6227
~~delinquent child, provided that this division applies regarding a~~ 6228
~~delinquent child only if the child is in a category specified in~~ 6229
~~division (A) of section 2950.033 of the Revised Code.~~ 6230

(3) The attorney general shall make the determinations 6231
described in divisions (A)(1)(a) and (b) of this section for each 6232
offender or delinquent child who is described in either of those 6233
divisions even if the offender's duty to comply with sections 6234
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code is 6235
scheduled to terminate prior to January 1, 2008, under the version 6236
of section 2950.07 of the Revised Code that is in effect prior to 6237
that date, ~~or the delinquent child is in a category specified in~~ 6238
~~division (C) of section 2950.033 of the Revised Code, and the~~ 6239
~~child's duty to comply with those sections is scheduled to~~ 6240
~~terminate prior to January 1, 2008, under the version of section~~ 6241
~~2950.07 of the Revised Code that is in effect prior to that date.~~ 6242
The department of rehabilitation and correction shall provide to 6243
each offender described in division (A)(1)(a) of this section and 6244
the department of youth services shall provide to each delinquent 6245
child described in division (A)(1)(b) of this section the notice 6246
described in division (A)(2) of this section, even if the 6247
offender's duty to comply with sections 2950.04, 2950.041, 6248
2950.05, and 2950.06 of the Revised Code is scheduled to terminate 6249

prior to January 1, 2008, under the version of section 2950.07 of 6250
the Revised Code that is in effect prior to that date, ~~or the~~ 6251
~~delinquent child is in a category specified in division (C) of~~ 6252
~~section 2950.033 of the Revised Code, and the child's duty to~~ 6253
~~comply with those sections is scheduled to terminate prior to~~ 6254
~~January 1, 2008, under the version of section 2950.07 of the~~ 6255
~~Revised Code that is in effect prior to that date.~~ Section 6256
2950.033 of the Revised Code applies regarding any offender 6257
described in division (A)(1)(a) or (b) of this section whose duty 6258
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 6259
the Revised Code is scheduled to terminate prior to January 1, 6260
2008, under the version of section 2950.07 of the Revised Code 6261
that is in effect prior to that date ~~and any delinquent child who~~ 6262
~~is in a category specified in division (A) of section 2950.033 of~~ 6263
~~the Revised Code and whose duty to comply with those sections is~~ 6264
~~scheduled to terminate prior to January 1, 2008, under the version~~ 6265
~~of section 2950.07 of the Revised Code that is in effect prior to~~ 6266
~~that date.~~ 6267

(B) ~~If~~ Subject to division (F) of this section, if on or 6268
after December 2, 2007, an offender commences a prison term in a 6269
state correctional institution or a delinquent child commences 6270
confinement in an institution of the department of youth services 6271
for a sexually oriented offense or a child-victim oriented offense 6272
and if the offender or delinquent child was convicted of, pleaded 6273
guilty to, or was classified a juvenile offender registrant 6274
relative to the sexually oriented offense or child-victim oriented 6275
offense on or before that date, as soon as practicable, the 6276
department of rehabilitation and correction or the department of 6277
youth services, as applicable, shall contact the attorney general, 6278
inform the attorney general of the commencement of the prison term 6279
or institutionalization, and forward to the attorney general 6280
information and material that identifies the offender or 6281
delinquent child and that describes the sexually oriented offense 6282

resulting in the prison term or institutionalization, the facts 6283
and circumstances of it, and the offender's or delinquent child's 6284
criminal or delinquency history. Within fourteen days after being 6285
so informed of the commencement of the prison term or 6286
institutionalization and receiving the information and material 6287
specified in this division, the attorney general shall determine 6288
for the offender or delinquent child all of the matters specified 6289
in division (A)(1)(a), (b), or (c) of this section and immediately 6290
provide to the appropriate department a document that describes 6291
the offender's or delinquent child's classification and duties as 6292
so determined. 6293

Upon receipt from the attorney general of a document 6294
described in this division that pertains to an offender or 6295
delinquent child, the department of rehabilitation and correction 6296
shall provide to the offender or the department of youth services 6297
shall provide to the delinquent child, as applicable, a written 6298
notice that contains the information specified in division (A)(2) 6299
of this section. 6300

(C) ~~If~~ Subject to division (F) of this section, if, on or 6301
after July 1, 2007, and prior to January 1, 2008, an offender is 6302
convicted of or pleads guilty to a sexually oriented offense or a 6303
child-victim oriented offense and the court does not sentence the 6304
offender to a prison term for that offense or if, on or after July 6305
1, 2007, and prior to January 1, 2008, a delinquent child is 6306
classified a juvenile offender registrant relative to a sexually 6307
oriented offense or a child-victim oriented offense and the 6308
juvenile court does not commit the child to the custody of the 6309
department of youth services for that offense, the court at the 6310
time of sentencing or the juvenile court at the time specified in 6311
division (B) of section 2152.82, division (C) of section 2152.83, 6312
division (C) of section 2152.84, or division (E) of section 6313
2152.85, ~~or division (A) of section 2152.86~~ of the Revised Code, 6314

whichever is applicable, shall do all of the following: 6315

(1) Provide the offender or the delinquent child and the 6316
delinquent child's parents with the notices required under section 6317
2950.03 of the Revised Code, as it exists prior to January 1, 6318
2008, regarding the offender's or delinquent child's duties under 6319
this chapter as it exists prior to that date; 6320

(2) Provide the offender or the delinquent child and the 6321
delinquent child's parents with a written notice that contains the 6322
information specified in divisions (A)(2)(a) and (b) of this 6323
section; 6324

(3) Provide the offender or the delinquent child and the 6325
delinquent child's parents a written notice that clearly indicates 6326
that the offender or delinquent child is required to comply with 6327
the duties described in the notice provided under division (C)(1) 6328
of this section until January 1, 2008, and will be required to 6329
comply with the duties described in the notice provided under 6330
division (C)(2) of this section on and after that date. 6331

(D)(1) Except as otherwise provided in this division, the 6332
officer or employee of the department of rehabilitation and 6333
correction or the department of youth services who provides an 6334
offender or a delinquent child and the delinquent child's parents 6335
with the notices described in division (A)(2) or (B) of this 6336
section shall require the offender or delinquent child to read and 6337
sign a form stating that the changes in Chapter 2950. of the 6338
Revised Code that will be implemented on January 1, 2008, the 6339
offender's or delinquent child's classification as a tier I sex 6340
offender, a tier II sex offender, or a tier III sex offender, the 6341
offender's or delinquent child's duties under Chapter 2950. of the 6342
Revised Code as so changed and the duration of those duties, ~~the~~ 6343
~~delinquent child's classification as a public registry qualified~~ 6344
~~juvenile offender registrant if applicable,~~ the information 6345
specified in division (B) of section 2950.03 of the Revised Code 6346

to the extent it is relevant to the offender or delinquent child, 6347
and the right to a hearing, procedures for requesting the hearing, 6348
and period of time within which the request for the hearing must 6349
be made have been explained to the offender or delinquent child. 6350

Except as otherwise provided in this division, the judge who 6351
provides an offender or delinquent child with the notices 6352
described in division (C) of this section shall require the 6353
offender or delinquent child to read and sign a form stating that 6354
all of the information described in divisions (C)(1) to (3) of 6355
this section has been explained to the offender or delinquent 6356
child. 6357

If the offender or delinquent child is unable to read, the 6358
official, employee, or judge shall certify on the form that the 6359
official, employee, or judge specifically informed the offender or 6360
delinquent child of all of that information and that the offender 6361
or delinquent child indicated an understanding of it. 6362

(2) After an offender or delinquent child has signed the form 6363
described in division (D)(1) of this section or the official, 6364
employee, or judge has certified on the form that the form has 6365
been explained to the offender or delinquent child and that the 6366
offender or delinquent child indicated an understanding of the 6367
specified information, the official, employee, or judge shall give 6368
one copy of the form to the offender or delinquent child, within 6369
three days shall send one copy of the form to the bureau of 6370
criminal identification and investigation in accordance with the 6371
procedures adopted pursuant to section 2950.13 of the Revised 6372
Code, and shall send one copy of the form to the sheriff of the 6373
county in which the offender or delinquent child expects to reside 6374
and one copy to the prosecutor who handled the case in which the 6375
offender or delinquent child was convicted of, pleaded guilty to, 6376
or was adjudicated a delinquent child for committing the sexually 6377
oriented offense or child-victim oriented offense that resulted in 6378

the offender's or child's registration duty under section 2950.04 6379
or 2950.041 of the Revised Code. 6380

(E) An offender or delinquent child who is provided a notice 6381
under division (A)(2) or (B) of this section may request as a 6382
matter of right a court hearing to contest the application to the 6383
offender or delinquent child of the new registration requirements 6384
under Chapter 2950. of the Revised Code as it will exist under the 6385
changes that will be implemented on January 1, 2008. The offender 6386
or delinquent child may contest the matters that are identified in 6387
division (E) of section 2950.031 of the Revised Code. To request 6388
the hearing, an offender or delinquent child who is provided a 6389
notice under division (A)(2) of this section shall file a petition 6390
with the appropriate court not later than the date that is sixty 6391
days after the offender or delinquent child is provided the notice 6392
under that division, and an offender or delinquent child who is 6393
provided a notice under division (B) of this section shall file a 6394
petition with the appropriate court not later than the date that 6395
is sixty days after the offender or delinquent child is provided 6396
the notice under that division. The request for the hearing shall 6397
be made in the manner and with the court specified in division (E) 6398
of section 2950.031 of the Revised Code, and, except as otherwise 6399
provided in this division, the provisions of that division 6400
regarding the service of process and notice regarding the hearing, 6401
the conduct of the hearing, the determinations to be made at the 6402
hearing, and appeals of those determinations also apply to a 6403
hearing requested under this division. If a hearing is requested 6404
as described in this division, the offender or delinquent child 6405
shall appear at the hearing by video conferencing equipment if 6406
available and compatible, except that, upon the court's own motion 6407
or the motion of the offender or delinquent child or the 6408
prosecutor representing the interests of the state and a 6409
determination by the court that the interests of justice require 6410
that the offender or delinquent child be present, the court may 6411

permit the offender or delinquent child to be physically present 6412
at the hearing. An appearance by video conferencing equipment 6413
pursuant to this division has the same force and effect as if the 6414
offender or delinquent child were physically present at the 6415
hearing. The provisions of division (E) of section 2950.031 of the 6416
Revised Code regarding the effect of a failure to timely request a 6417
hearing also apply to a failure to timely request a hearing under 6418
this division. 6419

~~If a juvenile court issues an order under division (A)(2) or 6420
(3) of section 2152.86 of the Revised Code that classifies a 6421
delinquent child a public registry qualified juvenile offender 6422
registrant and if the child's delinquent act was committed prior 6423
to (F) The provisions of divisions (A) to (E) of this section do 6424
not apply to any person who, under the version of this chapter 6425
that existed immediately prior to July 1, 2007, is classified a 6426
sexual predator, habitual sex offender, sexually oriented 6427
offender, child-victim predator, habitual child-victim offender, 6428
or child-victim oriented offender based on any sexually oriented 6429
offense or child-victim oriented offense committed prior to 6430
January 1, 2008, a challenge to the classification contained in 6431
the order shall be made pursuant to division (D) of section 6432
2152.86 of the Revised Code. 6433~~

Sec. 2950.033. ~~(A) If, on or before July 1, 2007~~ January 1, 6434
2008, an offender a person who has been convicted of ~~or,~~ pleaded 6435
guilty to, or been adjudicated a delinquent child for committing a 6436
sexually oriented offense or a child-victim oriented offense ~~or a~~ 6437
~~delinquent child in a category specified in division (C) of this 6438
section has~~ that existed immediately prior to July 1, 2007, had a 6439
duty to comply with sections 2950.04, 2950.041, 2950.05, and 6440
2950.06 of the Revised Code based on that offense ~~and if,~~ the 6441
offender's or delinquent child's duty to comply with those 6442
sections ~~based on that offense is scheduled to terminate on or 6443~~

~~after July 1, 2007, and prior to January 1, 2008, under the 6444
version of section 2950.07 of the Revised Code that is in effect 6445
prior to January 1, 2008, notwithstanding that scheduled 6446
termination of those duties, the offender's or delinquent child's 6447
duties under those sections shall not terminate as scheduled and 6448
shall remain in effect for the following period of time:~~ 6449

~~(1) If the offender or delinquent child is in a category 6450
described in division (A)(1) of section 2950.031 of the Revised 6451
Code, receives a registered letter from the attorney general 6452
pursuant to division (A)(2) of that section, and timely requests a 6453
hearing in accordance with division (E) of that section to contest 6454
the application to the offender or delinquent child of the new 6455
registration requirements under Chapter 2950. of the Revised Code 6456
as it will exist under the changes that will be implemented on 6457
January 1, 2008, or the tier classification of the offender or 6458
delinquent child specified by the attorney general, the offender's 6459
or delinquent child's duty to comply with sections 2950.04, 6460
2950.041, 2950.05, and 2950.06 of the Revised Code shall continue 6461
at least until the court issues its decision at or subsequent to 6462
the hearing. The offender's or delinquent child's duty to comply 6463
with those sections shall continue in accordance with, and for the 6464
duration specified in, the determinations of the attorney general 6465
that are specified in the registered letter the offender or 6466
delinquent child received from the attorney general, unless the 6467
court's decision terminates the offender's or delinquent child's 6468
duty to comply with those sections or provides a different 6469
duration for which the offender or delinquent child has a duty to 6470
comply with them.~~ 6471

~~(2) If the offender or delinquent child is in a category 6472
described in division (A)(1) of section 2950.031 of the Revised 6473
Code, receives a registered letter from the attorney general 6474
pursuant to division (A)(2) of that section, and does not timely 6475~~

~~request a hearing in accordance with division (E) of that section 6476
to contest the application to the offender or delinquent child of 6477
the new registration requirements under Chapter 2950. of the 6478
Revised Code as it will exist under the changes that will be 6479
implemented on January 1, 2008, or the tier classification of the 6480
offender or delinquent child specified by the attorney general, 6481
the offender's or delinquent child's duty to comply with sections 6482
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code shall 6483
continue in accordance with, and for the duration specified in, 6484
the determinations of the attorney general that are specified in 6485
the registered letter the offender or delinquent child received 6486
from the attorney general. 6487~~

~~(3) If the offender or delinquent child is in a category 6488
described in division (A)(1)(a) or (b) of section 2950.032 of the 6489
Revised Code, receives a notice from the department of 6490
rehabilitation and correction or department of youth services 6491
pursuant to division (A)(2) of that section, and timely requests a 6492
hearing in accordance with division (E) of that section to contest 6493
the application to the offender or delinquent child of the new 6494
registration requirements under Chapter 2950. of the Revised Code 6495
as it will exist under the changes that will be implemented on 6496
January 1, 2008, or the tier classification of the delinquent 6497
child specified by the attorney general the offender's or 6498
delinquent child's duty to comply with sections 2950.04, 2950.041, 6499
2950.05, and 2950.06 of the Revised Code shall continue in the 6500
same manner and for the same duration as is described in division 6501
(A)(1) of this section regarding offenders and delinquent children 6502
in a category described in division (A)(1) of section 2950.031 of 6503
the Revised Code, who receive a registered letter from the 6504
attorney general pursuant to division (A)(2) of that section, and 6505
who timely request a hearing in accordance with division (E) of 6506
that section. 6507~~

~~(4) If the offender or delinquent child is in a category described in division (A)(1)(a) or (b) of section 2950.032 of the Revised Code, receives a notice from the department of rehabilitation and correction or department of youth services pursuant to division (A)(2) of that section, and does not timely request a hearing in accordance with division (E) of that section to contest the application to the offender or delinquent child of the new registration requirements under Chapter 2950. of the Revised Code as it will exist under the changes that will be implemented on January 1, 2008, or the tier classification of the delinquent child specified by the attorney general the offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code shall continue in the same manner and for the same duration as is described in division (A)(2) of this section regarding offenders and delinquent children in a category described in division (A)(1) of section 2950.031 of the Revised Code, who receive a registered letter from the attorney general pursuant to division (A)(2) of that section, and who do not timely request a hearing in accordance with division (E) of that section.~~

~~(5) If the offender or delinquent child is in a category described in division (A)(1) of section 2950.031 of the Revised Code but does not receive a registered letter from the attorney general pursuant to division (A)(2) of that section, or if the offender or delinquent child is in a category described in division (A)(1)(a) or (b) of section 2950.032 of the Revised Code but does not receive a notice from the department of rehabilitation and correction or department of youth services pursuant to division (A)(2) of that section, notwithstanding the failure of the offender or delinquent child to receive the registered letter or the notice, the offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code shall continue in accordance with,~~

~~and for the duration specified in, the provisions of Chapter 2950. of the Revised Code as they will exist under the changes to the provisions that will be implemented on January 1, 2008.~~

~~(B) An offender or a delinquent child in a category specified in division (C) of this section who, on or before July 1, 2007, has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code based on a conviction of, plea of guilty to, or adjudication as a delinquent child for committing a sexually oriented offense or a child victim oriented offense and whose duty to comply with those sections is scheduled to terminate on or after July 1, 2007, and prior to January 1, 2008, under the version of section 2950.07 of the Revised Code that is in effect prior to January 1, 2008, is presumed to have knowledge of the law, the content of division (A) of this section and its application to the offender or delinquent child, and the offender's or delinquent child's duties under Chapter 2950. of the Revised Code as it will exist under the changes that will be implemented on January 1, 2008. Any failure of any such offender or delinquent child to receive a registered letter from the attorney general pursuant to division (A)(2) of section 2950.031 of the Revised Code or to receive a written notice from the department of rehabilitation and correction or department of youth services pursuant to division (A)(2) of section 2950.032 of the Revised Code does not negate, limit, or modify the presumption specified in this division.~~

~~(C) Divisions (A) and (B) of this section apply to a person who is adjudicated a delinquent child for committing a sexually oriented offense or child victim oriented offense only if the person is so adjudicated prior to January 1, 2008, and, under the version of section 2950.01 of the Revised Code that is to take effect on January 1, 2008, will be a public registry qualified juvenile offender registrant relative to that offense shall~~

continue under those sections as they exist on and after the 6573
effective date of this amendment. 6574

Sec. 2950.034. (A)(1) No person who has been convicted of, is 6575
convicted of, has pleaded guilty to, or pleads guilty to a 6576
sexually oriented offense or a child-victim oriented offense that 6577
was committed on or after July 31, 2003, shall establish a 6578
residence or occupy residential premises within one thousand feet 6579
of any school premises. 6580

(2) No person who has been convicted of, is convicted of, has 6581
pleaded guilty to, or pleads guilty to a sexually oriented offense 6582
or child-victim oriented offense that was committed on or after 6583
July 1, 2007, shall establish a residence or occupy residential 6584
premises within one thousand feet of any school premises or 6585
preschool or child day-care center premises. 6586

(B) If a person to whom division (A) of this section applies 6587
violates division (A) of this section by establishing a residence 6588
or occupying residential premises within one thousand feet of any 6589
school premises or preschool or child day-care center premises, an 6590
owner or lessee of real property that is located within one 6591
thousand feet of those school premises or preschool or child 6592
day-care center premises, or the prosecuting attorney, village 6593
solicitor, city or township director of law, similar chief legal 6594
officer of a municipal corporation or township, or official 6595
designated as a prosecutor in a municipal corporation that has 6596
jurisdiction over the place at which the person establishes the 6597
residence or occupies the residential premises in question, has a 6598
cause of action for injunctive relief against the person. The 6599
plaintiff shall not be required to prove irreparable harm in order 6600
to obtain the relief. 6601

(C) As used in this section: 6602

(1) "Child day-care center" has the same meaning as in 6603

section 5104.01 of the Revised Code. 6604

(2) "Preschool" means any public or private institution or 6605
center that provides early childhood instructional or educational 6606
services to children who are at least three years of age but less 6607
than six years of age and who are not enrolled in or are not 6608
eligible to be enrolled in kindergarten, whether or not those 6609
services are provided in a child day-care setting. "Preschool" 6610
does not include any place that is the permanent residence of the 6611
person who is providing the early childhood instructional or 6612
educational services to the children described in this division. 6613

(3) "Preschool or child day-care center premises" means all 6614
of the following: 6615

(a) Any building in which any preschool or child day-care 6616
center activities are conducted if the building has signage that 6617
indicates that the building houses a preschool or child day-care 6618
center, is clearly visible and discernable without obstruction, 6619
and meets any local zoning ordinances which may apply; 6620

(b) The parcel of real property on which a preschool or child 6621
day-care center is situated if the parcel of real property has 6622
signage that indicates that a preschool or child day-care center 6623
is situated on the parcel, is clearly visible and discernable 6624
without obstruction, and meets any local zoning ordinances which 6625
may apply; 6626

(c) Any grounds, play areas, and other facilities of a 6627
preschool or child day-care center that are regularly used by the 6628
children served by the preschool or child day-care center if the 6629
grounds, play areas, or other facilities have signage that 6630
indicates that they are regularly used by children served by the 6631
preschool or child day-care center, is clearly visible and 6632
discernable without obstruction, and meets any local zoning 6633
ordinances which may apply. 6634

Sec. 2950.04. (A)(1)(a) Immediately after a sentencing 6635
hearing is held on or after January 1, 2008, for an offender who 6636
is convicted of or pleads guilty to a sexually oriented offense 6637
and is sentenced to a prison term, a term of imprisonment, or any 6638
other type of confinement and before the offender is transferred 6639
to the custody of the department of rehabilitation and correction 6640
or to the official in charge of the jail, workhouse, state 6641
correctional institution, or other institution where the offender 6642
will be confined, the offender shall register personally with the 6643
sheriff, or the sheriff's designee, of the county in which the 6644
offender was convicted of or pleaded guilty to the sexually 6645
oriented offense. 6646

(b) Immediately after a dispositional hearing is held on or 6647
after January 1, 2008, for a child who is adjudicated a delinquent 6648
child for committing a sexually oriented offense, is classified a 6649
juvenile offender registrant based on that adjudication, and is 6650
committed to the custody of the department of youth services or to 6651
a secure facility that is not operated by the department and 6652
before the child is transferred to the custody of the department 6653
of youth services or the secure facility to which the delinquent 6654
child is committed, the delinquent child shall register personally 6655
with the sheriff, or the sheriff's designee, of the county in 6656
which the delinquent child was classified a juvenile offender 6657
registrant based on that sexually oriented offense. 6658

(c) A law enforcement officer shall be present at the 6659
sentencing hearing or dispositional hearing described in division 6660
(A)(1)(a) or (b) of this section to immediately transport the 6661
offender or delinquent child who is the subject of the hearing to 6662
the sheriff, or the sheriff's designee, of the county in which the 6663
offender or delinquent child is convicted, pleads guilty, or is 6664
adjudicated a delinquent child. 6665

(d) After an offender who has registered pursuant to division 6666
(A)(1)(a) of this section is released from a prison term, a term 6667
of imprisonment, or any other type of confinement, the offender 6668
shall register as provided in division (A)(2) of this section. 6669
After a delinquent child who has registered pursuant to division 6670
(A)(1)(b) of this section is released from the custody of the 6671
department of youth services or from a secure facility that is not 6672
operated by the department, the delinquent child shall register as 6673
provided in division (A)(3) of this section. 6674

~~(2) Regardless of when the sexually oriented offense was~~ 6675
~~committed, each~~ Each offender who is convicted of, pleads guilty 6676
to, has been convicted of, or has pleaded guilty to a sexually 6677
oriented offense shall comply with the following registration 6678
requirements described in divisions (A)(2)(a), (b), (c), (d), and 6679
(e) of this section: 6680

(a) ~~The~~ (i) If the offender committed the sexually oriented 6681
offense prior to January 1, 2008, the offender shall register 6682
personally with the sheriff, or the sheriff's designee, of the 6683
county within five days of the offender's coming into a county in 6684
which the offender resides or temporarily is domiciled for more 6685
than five days. 6686

(ii) If the offender committed the sexually oriented offense 6687
on or after January 1, 2008, the offender shall register 6688
personally with the sheriff, or the sheriff's designee, of the 6689
county within three days of the offender's coming into a county in 6690
which the offender resides or temporarily is domiciled for more 6691
than three days. 6692

(b) The offender shall register personally with the sheriff, 6693
or the sheriff's designee, of the county immediately upon coming 6694
into a county in which the offender attends a school or 6695
institution of higher education on a full-time or part-time basis 6696
regardless of whether the offender resides or has a temporary 6697

domicile in this state or another state. 6698

(c) The (i) If the offender committed the sexually oriented offense prior to January 1, 2008, the offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender is employed if the offender resides or has a temporary domicile in this state and has been employed in that county for more than fourteen days or for an aggregate period of thirty or more days in that calendar year. 6699
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(ii) If the offender committed the sexually oriented offense on or after January 1, 2008, the offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender is employed if the offender resides or has a temporary domicile in this state and has been employed in that county for more than three days or for an aggregate period of fourteen or more days in that calendar year. 6706
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(d) The (i) If the offender committed the sexually oriented offense prior to January 1, 2008, the offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender then is employed if the offender does not reside or have a temporary domicile in this state and has been employed at any location or locations in this state for more than fourteen days or for an aggregate period of thirty or more days in that calendar year. 6713
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(ii) If the offender committed the sexually oriented offense on or after January 1, 2008, the offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender then is employed if the offender does not reside or have a temporary domicile in this state and has been employed at any location or locations in this state more than three days or for an aggregate period of fourteen or more days in that calendar year. 6721
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(e) The (i) If the offender committed the sexually oriented offense prior to January 1, 2008, the offender shall register personally with the sheriff, or the sheriff's designee, or other appropriate person of the other state immediately upon entering into any state other than this state in which the offender attends a school or institution of higher education on a full-time or part-time basis or upon being employed in any state other than this state for more than fourteen days or for an aggregate period of thirty or more days in that calendar year regardless of whether the offender resides or has a temporary domicile in this state, the other state, or a different state.

(ii) If the offender committed the sexually oriented offense on or after January 1, 2008, the offender shall register personally with the sheriff, or the sheriff's designee, or other appropriate person of the other state immediately upon entering into any state other than this state in which the offender attends a school or institution of higher education on a full-time or part-time basis or upon being employed in any state other than this state for more than three days or for an aggregate period of fourteen or more days in that calendar year regardless of whether the offender resides or has a temporary domicile in this state, the other state, or a different state.

~~(3)(a)~~ Each child who is adjudicated a delinquent child for committing a sexually oriented offense and who is classified a juvenile offender registrant based on that adjudication shall comply with the following registration requirements described in division (A)(3)(a) of this section:

(a)(i) If the delinquent child committed the sexually oriented offense prior to January 1, 2008, the delinquent child shall register personally with the sheriff, or the sheriff's designee, of the county within five days of the delinquent child's coming into a county in which the delinquent child resides or

temporarily is domiciled for more than five days. 6761

(ii) If the delinquent child committed the sexually oriented 6762
offense on or after January 1, 2008, the delinquent child shall 6763
register personally with the sheriff, or the sheriff's designee, 6764
of the county within three days of the delinquent child's coming 6765
into a county in which the delinquent child resides or temporarily 6766
is domiciled for more than three days. 6767

~~(b) In addition to the registration duty imposed under~~ 6768
~~division (A)(3)(a) of this section, each public registry qualified~~ 6769
~~juvenile offender registrant shall comply with the following~~ 6770
~~additional registration requirements:~~ 6771

~~(i) The public registry qualified juvenile offender~~ 6772
~~registrant shall register personally with the sheriff, or the~~ 6773
~~sheriff's designee, of the county immediately upon coming into a~~ 6774
~~county in which the registrant attends a school or institution of~~ 6775
~~higher education on a full time or part time basis regardless of~~ 6776
~~whether the registrant resides or has a temporary domicile in this~~ 6777
~~state or another state.~~ 6778

~~(ii) The public registry qualified juvenile offender~~ 6779
~~registrant shall register personally with the sheriff, or the~~ 6780
~~sheriff's designee, of the county in which the registrant is~~ 6781
~~employed if the registrant resides or has a temporary domicile in~~ 6782
~~this state and has been employed in that county for more than~~ 6783
~~three days or for an aggregate period of fourteen or more days in~~ 6784
~~that calendar year.~~ 6785

~~(iii) The public registry qualified juvenile offender~~ 6786
~~registrant shall register personally with the sheriff, or the~~ 6787
~~sheriff's designee, of the county in which the registrant then is~~ 6788
~~employed if the registrant does not reside or have a temporary~~ 6789
~~domicile in this state and has been employed at any location or~~ 6790
~~locations in this state more than three days or for an aggregate~~ 6791

~~period of fourteen or more days in that calendar year.~~ 6792

~~(iv) The public registry qualified juvenile offender 6793
registrant shall register with the sheriff, or the sheriff's 6794
designee, or other appropriate person of the other state 6795
immediately upon entering into any state other than this state in 6796
which the registrant attends a school or institution of higher 6797
education on a full-time or part-time basis or upon being employed 6798
in any state other than this state for more than three days or for 6799
an aggregate period of fourteen or more days in that calendar year 6800
regardless of whether the registrant resides or has a temporary 6801
domicile in this state, the other state, or a different state.~~ 6802

~~(e) If the delinquent child is committed for the sexually 6803
oriented offense to the department of youth services or to a 6804
secure facility that is not operated by the department, this duty 6805
begins when the delinquent child is discharged or released in any 6806
manner from custody in a department of youth services secure 6807
facility or from the secure facility that is not operated by the 6808
department if pursuant to the discharge or release the delinquent 6809
child is not committed to any other secure facility of the 6810
department or any other secure facility.~~ 6811

~~(4) Regardless of when the sexually oriented offense was 6812
committed, each Each person who is convicted, pleads guilty, or is 6813
adjudicated a delinquent child in a court in another state, in a 6814
federal court, military court, or Indian tribal court, or in a 6815
court in any nation other than the United States for committing a 6816
sexually oriented offense shall comply with the following 6817
registration requirements if, at the time the offender or 6818
delinquent child moves to and resides in this state or temporarily 6819
is domiciled in this state for more than ~~three days~~ the specified 6820
period of time, the offender ~~or public registry qualified juvenile~~ 6821
~~offender registrant~~ enters this state to attend a school or 6822
institution of higher education, or the offender ~~or public~~ 6823~~

~~registry qualified juvenile offender registrant~~ is employed in 6824
this state for more than the specified period of time, the 6825
offender or delinquent child has a duty to register as a sex 6826
offender or child-victim offender under the law of that other 6827
jurisdiction as a result of the conviction, guilty plea, or 6828
adjudication: 6829

(a)(i) Each offender or delinquent child who committed the 6830
sexually oriented offense prior to January 1, 2008, shall register 6831
personally with the sheriff, or the sheriff's designee, of the 6832
county within five days of the offender's or delinquent child's 6833
coming into the county in which the offender or delinquent child 6834
resides or temporarily is domiciled for more than five days. 6835

(ii) Each offender ~~and~~ or delinquent child who committed the 6836
sexually oriented offense on or after January 1, 2008, shall 6837
register personally with the sheriff, or the sheriff's designee, 6838
of the county within three days of the offender's or delinquent 6839
child's coming into the county in which the offender or delinquent 6840
child resides or temporarily is domiciled for more than three 6841
days. 6842

(b) ~~Each offender or public registry qualified juvenile~~ 6843
~~offender registrant~~ shall register personally with the sheriff, or 6844
the sheriff's designee, of the county immediately upon coming into 6845
a county in which the offender ~~or public registry qualified~~ 6846
~~juvenile offender registrant~~ attends a school or institution of 6847
higher education on a full-time or part-time basis regardless of 6848
whether the offender ~~or public registry qualified juvenile~~ 6849
~~offender registrant~~ resides or has a temporary domicile in this 6850
state or another state. 6851

(c)(i) Each offender who committed the sexually oriented 6852
offense prior to January 1, 2008, shall register personally with 6853
the sheriff, or the sheriff's designee, of the county in which the 6854
offender is employed if the offender resides or has a temporary 6855

domicile in this state and has been employed in that county for 6856
more than five days or for an aggregate period of thirty days or 6857
more in that calendar year. 6858

(ii) Each offender ~~or public registry-qualified juvenile~~ 6859
~~offender registrant~~ who committed the sexually oriented offense on 6860
~~or after January 1, 2008,~~ shall register personally with the 6861
sheriff, or the sheriff's designee, of the county in which the 6862
offender ~~or public registry-qualified juvenile offender registrant~~ 6863
is employed if the offender or public registry-qualified juvenile 6864
offender registrant resides or has a temporary domicile in this 6865
state and has been employed in that county for more than three 6866
days or for an aggregate period of fourteen days or more in that 6867
calendar year. 6868

(d)(i) Each offender who committed the sexually oriented 6869
offense prior to January 1, 2008, shall register personally with 6870
the sheriff, or the sheriff's designee, of the county in which the 6871
offender then is employed if the offender does not reside or have 6872
a temporary domicile in this state and has been employed at any 6873
location or locations in this state for more than five days or for 6874
an aggregate period of thirty or more days in that calendar year. 6875

(ii) Each offender ~~or public registry-qualified juvenile~~ 6876
~~offender registrant~~ who committed the sexually oriented offense on 6877
~~or after January 1, 2008,~~ shall register personally with the 6878
sheriff, or the sheriff's designee, of the county in which the 6879
offender ~~or public registry-qualified juvenile offender registrant~~ 6880
then is employed if the offender ~~or public registry-qualified~~ 6881
~~juvenile offender registrant~~ does not reside or have a temporary 6882
domicile in this state and has been employed at any location or 6883
locations in this state for more than three days or for an 6884
aggregate period of fourteen or more days in that calendar year. 6885

(5) An offender ~~or a delinquent child who is a public~~ 6886
~~registry-qualified juvenile offender registrant~~ is not required to 6887

register under division (A)(2), (3), or (4) of this section if a 6888
court issues an order terminating the offender's or delinquent 6889
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 6890
and 2950.06 of the Revised Code pursuant to section 2950.15 of the 6891
Revised Code. A delinquent child who is a juvenile offender 6892
registrant ~~but is not a public registry qualified juvenile~~ 6893
~~offender registrant~~ is not required to register under any of those 6894
divisions if a juvenile court issues an order declassifying the 6895
delinquent child as a juvenile offender registrant pursuant to 6896
section 2152.84 or 2152.85 of the Revised Code. 6897

(B) An offender or delinquent child who is required by 6898
division (A) of this section to register in this state personally 6899
shall obtain from the sheriff or from a designee of the sheriff a 6900
registration form that conforms to division (C) of this section, 6901
shall complete and sign the form, and shall return the completed 6902
form together with the offender's or delinquent child's 6903
photograph, copies of travel and immigration documents, and any 6904
other required material to the sheriff or the designee. The 6905
sheriff or designee shall sign the form and indicate on the form 6906
the date on which it is so returned. The registration required 6907
under this division is complete when the offender or delinquent 6908
child returns the form, containing the requisite information, 6909
photograph, other required material, signatures, and date, to the 6910
sheriff or designee. 6911

(C) The registration form to be used under divisions (A) and 6912
(B) of this section shall include or contain all of the following 6913
for the offender or delinquent child who is registering: 6914

(1) The offender's or delinquent child's name and any aliases 6915
used by the offender or delinquent child; 6916

(2) The offender's or delinquent child's social security 6917
number and date of birth, including any alternate social security 6918
numbers or dates of birth that the offender or delinquent child 6919

has used or uses; 6920

(3) ~~Regarding an~~ If the offender or delinquent child ~~who~~ is 6921
registering under a duty imposed under division (A)(1) of this 6922
section, a statement that the offender is serving a prison term, 6923
term of imprisonment, or any other type of confinement or a 6924
statement that the delinquent child is in the custody of the 6925
department of youth services or is confined in a secure facility 6926
that is not operated by the department; 6927

(4) ~~Regarding an~~ If the offender or delinquent child ~~who~~ is 6928
registering under a duty imposed under division (A)(2), (3), or 6929
(4) of this section as a result of the offender or delinquent 6930
child residing in this state or temporarily being domiciled in 6931
this state for more than ~~three~~ the applicable period of days 6932
specified in the division under which the duty is imposed, the 6933
current residence address of the offender or delinquent child who 6934
is registering, the name and address of the offender's or 6935
delinquent child's employer if the offender or delinquent child is 6936
employed at the time of registration or if the offender or 6937
delinquent child knows at the time of registration that the 6938
offender or delinquent child will be commencing employment with 6939
that employer subsequent to registration, any other employment 6940
information, such as the general area where the offender or 6941
delinquent child is employed, if the offender or delinquent child 6942
is employed in many locations, and the name and address of the 6943
offender's ~~or public registry qualified juvenile offender~~ 6944
~~registrant's~~ school or institution of higher education if the 6945
offender ~~or public registry qualified juvenile offender registrant~~ 6946
attends one at the time of registration or if the offender ~~or~~ 6947
~~public registry qualified juvenile offender registrant~~ knows at 6948
the time of registration that the offender ~~or public~~ 6949
~~registry qualified juvenile offender registrant~~ will be commencing 6950
attendance at that school or institution subsequent to 6951

registration; 6952

(5) ~~Regarding an~~ If the offender ~~or public registry qualified~~ 6953
~~juvenile offender registrant who~~ is registering under a duty 6954
imposed under division (A)(2), (3), or (4) of this section as a 6955
result of the offender ~~or public registry qualified juvenile~~ 6956
~~offender registrant~~ attending a school or institution of higher 6957
education in this state on a full-time or part-time basis or being 6958
employed in this state or in a particular county in this state, 6959
whichever is applicable, for more than ~~three days or for an~~ 6960
~~aggregate of fourteen or more~~ the applicable period of days in any 6961
~~calendar year specified in the division under which the duty is~~ 6962
imposed, the name and current address of the school, institution 6963
of higher education, or place of employment of the offender ~~or~~ 6964
~~public registry qualified juvenile offender registrant~~ who is 6965
registering, including any other employment information, such as 6966
the general area where the offender ~~or public registry qualified~~ 6967
~~juvenile offender registrant~~ is employed, if the offender ~~or~~ 6968
~~public registry qualified juvenile offender registrant~~ is employed 6969
in many locations; 6970

(6) The identification license plate number of each vehicle 6971
the offender or delinquent child owns, of each vehicle registered 6972
in the offender's or delinquent child's name, of each vehicle the 6973
offender or delinquent child operates as a part of employment, and 6974
of each other vehicle that is regularly available to be operated 6975
by the offender or delinquent child; a description of where each 6976
vehicle is habitually parked, stored, docked, or otherwise kept; 6977
and, if required by the bureau of criminal identification and 6978
investigation, a photograph of each of those vehicles; 6979

(7) If the offender or delinquent child has a driver's or 6980
commercial driver's license or permit issued by this state or any 6981
other state or a state identification card issued under section 6982
4507.50 or 4507.51 of the Revised Code or a comparable 6983

identification card issued by another state, the driver's license 6984
number, commercial driver's license number, or state 6985
identification card number; 6986

(8) If the offender or delinquent child was convicted of, 6987
pleaded guilty to, or was adjudicated a delinquent child for 6988
committing the sexually oriented offense resulting in the 6989
registration duty in a court in another state, in a federal court, 6990
military court, or Indian tribal court, or in a court in any 6991
nation other than the United States, a DNA specimen, as defined in 6992
section 109.573 of the Revised Code, from the offender or 6993
delinquent child, a citation for, and the name of, the sexually 6994
oriented offense resulting in the registration duty, and a 6995
certified copy of a document that describes the text of that 6996
sexually oriented offense; 6997

(9) A description of each professional and occupational 6998
license, permit, or registration, including those licenses, 6999
permits, and registrations issued under Title XLVII of the Revised 7000
Code, held by the offender or delinquent child; 7001

(10) Any email addresses, internet identifiers, or telephone 7002
numbers registered to or used by the offender or delinquent child; 7003

(11) If applicable, a specific declaration that the offender 7004
or delinquent child has been adjudicated a sexual predator or has 7005
been determined to be a habitual sex offender or the offender has 7006
been convicted of or pleaded guilty to an aggravated sexually 7007
oriented offense; 7008

(12) Any other information required by the bureau of criminal 7009
identification and investigation. 7010

(D) After an offender or delinquent child registers with a 7011
sheriff, or the sheriff's designee, pursuant to this section, the 7012
sheriff, or the sheriff's designee, shall forward the signed, 7013
written registration form, photograph, and other material to the 7014

bureau of criminal identification and investigation in accordance 7015
with the forwarding procedures adopted pursuant to section 2950.13 7016
of the Revised Code. If an offender registers a school, 7017
institution of higher education, or place of employment address, 7018
or provides a school or institution of higher education address 7019
under division (C)(4) of this section, the sheriff also shall 7020
provide notice to the law enforcement agency with jurisdiction 7021
over the premises of the school, institution of higher education, 7022
or place of employment of the offender's name and that the 7023
offender has registered that address as a place at which the 7024
offender attends school or an institution of higher education or 7025
at which the offender is employed. The bureau shall include the 7026
information and materials forwarded to it under this division in 7027
the state registry of sex offenders and child_victim offenders 7028
established and maintained under section 2950.13 of the Revised 7029
Code. 7030

(E) No person who is required to register pursuant to 7031
divisions (A) and (B) of this section, and no person who is 7032
required to send a notice of intent to reside pursuant to division 7033
(G) of this section, shall fail to register or send the notice of 7034
intent as required in accordance with those divisions or that 7035
division. 7036

(F) An offender or delinquent child who is required to 7037
register pursuant to divisions (A) and (B) of this section shall 7038
register pursuant to this section for the period of time specified 7039
in section 2950.07 of the Revised Code, with the duty commencing 7040
on the date specified in division (A) of that section. 7041

(G) If an offender or delinquent child who is required by 7042
division (A) of this section to register is a tier III sex 7043
offender/child-victim offender, if an offender or delinquent child 7044
who is required by that division to register is a sexual predator 7045
or a habitual sex offender subject to community notification under 7046

the version of division (C)(2) or (E) of section 2950.09 of the 7047
Revised Code that existed immediately prior to July 1, 2007, or 7048
the version of that section as it exists on and after the 7049
effective date of this amendment, or if an offender who is 7050
required to register by that division has that duty as a result of 7051
a conviction of or plea of guilty to an aggravated sexually 7052
oriented offense, the offender or delinquent child also shall send 7053
the sheriff, or the sheriff's designee, of the county in which the 7054
offender or delinquent child intends to reside written notice of 7055
the offender's or delinquent child's intent to reside in the 7056
county. The offender or delinquent child shall send the notice of 7057
intent to reside at least twenty days prior to the date the 7058
offender or delinquent child begins to reside in the county. The 7059
notice of intent to reside shall contain the following 7060
information: 7061

(1) The offender's or delinquent child's name; 7062

(2) The address or addresses at which the offender or 7063
delinquent child intends to reside; 7064

(3) The sexually oriented offense of which the offender was 7065
convicted, to which the offender pleaded guilty, or for which the 7066
child was adjudicated a delinquent child; 7067

(4) If applicable, a statement that the offender has been 7068
adjudicated a sexual predator, a statement that the delinquent 7069
child has been adjudicated a sexual predator and that, as of the 7070
date of the notice, the court has not entered a determination that 7071
the delinquent child no longer is a sexual predator, a statement 7072
that the sentencing or reviewing judge has determined that the 7073
offender or delinquent child is a habitual sex offender and that, 7074
as of the date of the notice, the determination has not been 7075
removed, or a statement that the offender was convicted of or 7076
pleaded guilty to an aggravated sexually oriented offense. 7077

(H) If, immediately prior to January 1, 2008, an offender or delinquent child who was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense as those terms were defined in section 2950.01 of the Revised Code prior to January 1, 2008, was required by division (A) of this section or section 2950.041 of the Revised Code to register and if, on or after January 1, 2008, that offense is a sexually oriented offense as that term is defined in section 2950.01 of the Revised Code on and after January 1, 2008, the duty to register that is imposed pursuant to this section on and after January 1, 2008, shall be considered, for purposes of section 2950.07 of the Revised Code and for all other purposes, to be a continuation of the duty imposed upon the offender or delinquent child prior to January 1, 2008, under this section or section 2950.041 of the Revised Code.

Sec. 2950.041. (A)(1)(a) Immediately after a sentencing hearing is held on or after January 1, 2008, for an offender who is convicted of or pleads guilty to a child-victim oriented offense and is sentenced to a prison term, a term of imprisonment, or any other type of confinement and before the offender is transferred to the custody of the department of rehabilitation and correction or to the official in charge of the jail, workhouse, state correctional institution, or other institution where the offender will be confined, the offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender was convicted of or pleaded guilty to the child-victim offense.

(b) Immediately after a dispositional hearing is held on or after January 1, 2008, for a child who is adjudicated a delinquent child for committing a child-victim oriented offense, is classified a juvenile offender registrant based on that adjudication, and is committed to the custody of the department of

youth services or to a secure facility that is not operated by the 7110
department and before the child is transferred to the custody of 7111
the department of youth services or the secure facility to which 7112
the delinquent child is committed, the delinquent child shall 7113
register personally with the sheriff, or the sheriff's designee, 7114
of the county in which the delinquent child was classified a 7115
juvenile offender registrant based on that child-victim oriented 7116
offense. 7117

(c) A law enforcement officer shall be present at the 7118
sentencing hearing or dispositional hearing described in division 7119
(A)(1)(a) or (b) of this section to immediately transport the 7120
offender or delinquent child who is the subject of the hearing to 7121
the sheriff, or the sheriff's designee, of the county in which the 7122
offender or delinquent child is convicted, pleads guilty, or is 7123
adjudicated a delinquent child. 7124

(d) After an offender who has registered pursuant to division 7125
(A)(1)(a) of this section is released from a prison term, a term 7126
of imprisonment, or any other type of confinement, the offender 7127
shall register as provided in division (A)(2) of this section. 7128
After a delinquent child who has registered pursuant to division 7129
(A)(1)(b) of this section is released from the custody of the 7130
department of youth services or from a secure facility that is not 7131
operated by the department, the delinquent child shall register as 7132
provided in division (A)(3) of this section. 7133

(2) ~~Regardless of when the child-victim oriented offense was~~ 7134
~~committed, each~~ Each offender who is convicted of, pleads guilty 7135
to, has been convicted of, or has pleaded guilty to a child-victim 7136
oriented offense shall comply with all of the following 7137
registration requirements: 7138

(a) The (i) If the offender committed the child-victim 7139
oriented offense prior to January 1, 2008, the offender shall 7140
register personally with the sheriff, or the sheriff's designee, 7141

of the county within five days of the offender's coming into a 7142
county in which the offender resides or temporarily is domiciled 7143
for more than five days. 7144

(ii) If the offender committed the child-victim oriented 7145
offense on or after January 1, 2008, the offender shall register 7146
personally with the sheriff, or the sheriff's designee, of the 7147
county within three days of the offender's coming into a county in 7148
which the offender resides or temporarily is domiciled for more 7149
than three days. 7150

(b) The offender shall register personally with the sheriff, 7151
or the sheriff's designee, of the county immediately upon coming 7152
into a county in which the offender attends a school or 7153
institution of higher education on a full-time or part-time basis 7154
regardless of whether the offender resides or has a temporary 7155
domicile in this state or another state. 7156

(c) ~~The~~ (i) If the offender committed the child-victim 7157
oriented offense prior to January 1, 2008, the offender shall 7158
register personally with the sheriff, or the sheriff's designee, 7159
of the county in which the offender is employed if the offender 7160
resides or has a temporary domicile in this state and has been 7161
employed in that county for more than fourteen days or for an 7162
aggregate period of thirty or more days in that calendar year. 7163

(ii) If the offender committed the child-victim oriented 7164
offense on or after January 1, 2008, the offender shall register 7165
personally with the sheriff, or the sheriff's designee, of the 7166
county in which the offender is employed if the offender resides 7167
or has a temporary domicile in this state and has been employed in 7168
that county for more than three days or for an aggregate period of 7169
fourteen or more days in that calendar year. 7170

(d) ~~The~~ (i) If the offender committed the child-victim 7171
oriented offense prior to January 1, 2008, the offender shall 7172

register personally with the sheriff, or the sheriff's designee, 7173
of the county in which the offender then is employed if the 7174
offender does not reside or have a temporary domicile in this 7175
state and has been employed at any location or locations in this 7176
state for more than fourteen days or for an aggregate period of 7177
thirty or more days in that calendar year. 7178

(ii) If the offender committed the child-victim oriented 7179
offense on or after January 1, 2008, the offender shall register 7180
personally with the sheriff, or the sheriff's designee, of the 7181
county in which the offender then is employed if the offender does 7182
not reside or have a temporary domicile in this state and has been 7183
employed at any location or locations in this state for more than 7184
three days or for an aggregate period of fourteen or more days in 7185
that calendar year. 7186

(e) ~~The~~ (i) If the offender committed the child-victim 7187
oriented offense prior to January 1, 2008, the offender shall 7188
register personally with the sheriff, or the sheriff's designee, 7189
or other appropriate person of the other state immediately upon 7190
entering into any state other than this state in which the 7191
offender attends a school or institution of higher education on a 7192
full-time or part-time basis or upon being employed in any state 7193
other than this state for more than fourteen days or for an 7194
aggregate period of thirty or more days in that calendar year 7195
regardless of whether the offender resides or has a temporary 7196
domicile in this state, the other state, or a different state. 7197

(ii) If the offender committed the sexually oriented offense 7198
on or after January 1, 2008, the offender shall register 7199
personally with the sheriff, or the sheriff's designee, or other 7200
appropriate person of the other state immediately upon entering 7201
into any state other than this state in which the offender attends 7202
a school or institution of higher education on a full-time or 7203
part-time basis or upon being employed in any state other than 7204

this state for more than three days or for an aggregate period of 7205
fourteen or more days in that calendar year regardless of whether 7206
the offender resides or has a temporary domicile in this state, 7207
the other state, or a different state. 7208

(3) ~~Regardless of when the child victim oriented offense was~~ 7209
~~committed, each~~ Each child who on or after July 31, 2003, is 7210
adjudicated a delinquent child for committing a child-victim 7211
oriented offense and who is classified a juvenile offender 7212
registrant based on that adjudication shall comply with the 7213
following registration requirements described in division 7214
(A)(3)(a), (b), and (c) of this section: 7215

(a) If the delinquent child committed the child-victim 7216
oriented offense prior to January 1, 2008, the delinquent child 7217
shall register personally with the sheriff, or the sheriff's 7218
designee, of the county within five days of the delinquent child's 7219
coming into a county in which the delinquent child resides or 7220
temporarily is domiciled for more than five days. 7221

(b) If the delinquent child committed the child-victim 7222
oriented offense on or after January 1, 2008, the delinquent child 7223
shall register personally with the sheriff, or the sheriff's 7224
designee, of the county within three days of the delinquent 7225
child's coming into a county in which the delinquent child resides 7226
or temporarily is domiciled for more than three days. ~~If~~ 7227

(c) If the delinquent child is committed for the child-victim 7228
oriented offense to the department of youth services or to a 7229
secure facility that is not operated by the department, ~~this the~~ 7230
duty under division (A)(3)(a) or (b) of this section begins when 7231
the delinquent child is discharged or released in any manner from 7232
custody in a department of youth services secure facility or from 7233
the secure facility that is not operated by the department if 7234
pursuant to the discharge or release the delinquent child is not 7235
committed to any other secure facility of the department or any 7236

other secure facility. 7237

(4) ~~Regardless of when the child victim oriented offense was~~ 7238
~~committed, each~~ Each person who is convicted, pleads guilty, or is 7239
adjudicated a delinquent child in a court in another state, in a 7240
federal court, military court, or Indian tribal court, or in a 7241
court in any nation other than the United States for committing a 7242
child-victim oriented offense shall comply with all of the 7243
following registration requirements if, at the time the offender 7244
or delinquent child moves to and resides in this state or 7245
temporarily is domiciled in this state for more than ~~three days~~ 7246
the specified period of time, the offender enters this state to 7247
attend the school or institution of higher education, or the 7248
offender is employed in this state for more than the specified 7249
period of time, the offender or delinquent child has a duty to 7250
register as a child-victim offender or sex offender under the law 7251
of that other jurisdiction as a result of the conviction, guilty 7252
plea, or adjudication: 7253

(a)(i) Each offender or delinquent child who committed the 7254
child-victim oriented offense prior to January 1, 2008, shall 7255
register personally with the sheriff, or the sheriff's designee, 7256
of the county within five days of the offender's or delinquent 7257
child's coming into the county in which the offender or delinquent 7258
child resides or temporarily is domiciled for more than five days. 7259

(ii) Each offender and or delinquent child who committed the 7260
child-victim oriented offense on or after January 1, 2008, shall 7261
register personally with the sheriff, or the sheriff's designee, 7262
of the county within three days of the offender's or delinquent 7263
child's coming into the county in which the offender or delinquent 7264
child resides or temporarily is domiciled for more than three 7265
days. 7266

(b) Each offender shall register personally with the sheriff, 7267
or the sheriff's designee, of the county immediately upon coming 7268

into a county in which the offender attends a school or 7269
institution of higher education on a full-time or part-time basis 7270
regardless of whether the offender resides or has a temporary 7271
domicile in this state or another state. 7272

(c)(i) Each offender who committed the child-victim oriented 7273
offense prior to January 1, 2008, shall register personally with 7274
the sheriff, or the sheriff's designee, of the county in which the 7275
offender is employed if the offender resides or has a temporary 7276
domicile in this state and has been employed in that county for 7277
more than five days or for an aggregate period of thirty days or 7278
more in that calendar year. 7279

(ii) Each offender who committed the child-victim oriented 7280
offense on or after January 1, 2008, shall register personally 7281
with the sheriff, or the sheriff's designee, of the county in 7282
which the offender is employed if the offender resides or has a 7283
temporary domicile in this state and has been employed in that 7284
county for more than three days or for an aggregate period of 7285
fourteen days or more in that calendar year. 7286

(d)(i) Each offender who committed the child-victim oriented 7287
offense prior to January 1, 2008, shall register personally with 7288
the sheriff, or the sheriff's designee, of the county in which the 7289
offender then is employed if the offender does not reside or have 7290
a temporary domicile in this state and has been employed at any 7291
location or locations in this state for more than five days or for 7292
an aggregate period of thirty or more days in that calendar year. 7293

(ii) Each offender who committed the child-victim oriented 7294
offense on or after January 1, 2008, shall register personally 7295
with the sheriff, or the sheriff's designee, of the county in 7296
which the offender then is employed if the offender does not 7297
reside or have a temporary domicile in this state and has not been 7298
employed at any location or locations in this state for more than 7299
three days or for an aggregate period of fourteen or more days in 7300

that calendar year. 7301

(5) An offender is not required to register under division 7302
(A)(2), (3), or (4) of this section if a court issues an order 7303
terminating the offender's duty to comply with sections 2950.04, 7304
2950.041, 2950.05, and 2950.06 of the Revised Code pursuant to 7305
section 2950.15 of the Revised Code. A delinquent child who is a 7306
juvenile offender registrant ~~but is not a public~~ 7307
~~registry-qualified juvenile offender registrant~~ is not required to 7308
register under any of those divisions if a juvenile court issues 7309
an order declassifying the delinquent child as a juvenile offender 7310
registrant pursuant to section 2152.84 or 2152.85 of the Revised 7311
Code. 7312

(B) An offender or delinquent child who is required by 7313
division (A) of this section to register in this state personally 7314
shall do so in the manner described in division (B) of section 7315
2950.04 of the Revised Code, and the registration is complete as 7316
described in that division. 7317

(C) The registration form to be used under divisions (A) and 7318
(B) of this section shall include or contain all of the following 7319
for the offender or delinquent child who is registering: 7320

(1) The offender's or delinquent child's name, any aliases 7321
used by the offender or delinquent child, and a photograph of the 7322
offender or delinquent child; 7323

(2) The offender's or delinquent child's social security 7324
number and date of birth, including any alternate social security 7325
numbers or dates of birth that the offender or delinquent child 7326
has used or uses; 7327

(3) ~~Regarding~~ If an offender or delinquent child ~~who~~ is 7328
registering under a duty imposed under division (A)(1) of this 7329
section, a statement that the offender is serving a prison term, 7330
term of imprisonment, or any other type of confinement or a 7331

statement that the delinquent child is in the custody of the 7332
department of youth services or is confined in a secure facility 7333
that is not operated by the department; 7334

(4) ~~Regarding~~ If an offender or delinquent child ~~who~~ is 7335
registering under a duty imposed under division (A)(2), (3), or 7336
(4) of this section as a result of the offender or delinquent 7337
child residing in this state or temporarily being domiciled in 7338
this state for more than ~~three~~ the applicable period of days 7339
specified in the division under which the duty is imposed, all of 7340
the information described in division (C)(4) of section 2950.04 of 7341
the Revised Code; 7342

(5) ~~Regarding~~ If an offender ~~who~~ is registering under a duty 7343
imposed under division (A)(2) or (4) of this section as a result 7344
of the offender attending a school or institution of higher 7345
education on a full-time or part-time basis or being employed in 7346
this state or in a particular county in this state, whichever is 7347
applicable, for more than ~~three days or for an aggregate of~~ 7348
~~fourteen or more~~ the applicable period of days ~~in any calendar~~ 7349
~~year~~ specified in the division under which the duty is imposed, 7350
all of the information described in division (C)(5) of section 7351
2950.04 of the Revised Code; 7352

(6) The identification license plate number issued by this 7353
state or any other state of each vehicle the offender or 7354
delinquent child owns, of each vehicle registered in the 7355
offender's or delinquent child's name, of each vehicle the 7356
offender or delinquent child operates as a part of employment, and 7357
of each other vehicle that is regularly available to be operated 7358
by the offender or delinquent child; a description of where each 7359
vehicle is habitually parked, stored, docked, or otherwise kept; 7360
and, if required by the bureau of criminal identification and 7361
investigation, a photograph of each of those vehicles; 7362

(7) If the offender or delinquent child has a driver's or 7363

commercial driver's license or permit issued by this state or any 7364
other state or a state identification card issued under section 7365
4507.50 or 4507.51 of the Revised Code or a comparable 7366
identification card issued by another state, the driver's license 7367
number, commercial driver's license number, or state 7368
identification card number; 7369

(8) If the offender or delinquent child was convicted of, 7370
pleaded guilty to, or was adjudicated a delinquent child for 7371
committing the child-victim oriented offense resulting in the 7372
registration duty in a court in another state, in a federal court, 7373
military court, or Indian tribal court, or in a court in any 7374
nation other than the United States, a DNA specimen, as defined in 7375
section 109.573 of the Revised Code, from the offender or 7376
delinquent child, a citation for, and the name of, the 7377
child-victim oriented offense resulting in the registration duty, 7378
and a certified copy of a document that describes the text of that 7379
child-victim oriented offense; 7380

(9) Copies of travel and immigration documents; 7381

(10) A description of each professional and occupational 7382
license, permit, or registration, including those licenses, 7383
permits, and registrations issued under Title XLVII of the Revised 7384
Code, held by the offender or delinquent child; 7385

(11) Any email addresses, internet identifiers, or telephone 7386
numbers registered to or used by the offender or delinquent child; 7387

(12) If applicable, a specific declaration that the offender 7388
or delinquent child has been adjudicated a child-victim predator 7389
or has been determined to be a habitual child-victim offender; 7390

(13) Any other information required by the bureau of criminal 7391
identification and investigation. 7392

(D) Division (D) of section 2950.04 of the Revised Code 7393
applies when an offender or delinquent child registers with a 7394

sheriff pursuant to this section. 7395

(E) No person who is required to register pursuant to 7396
divisions (A) and (B) of this section, and no person who is 7397
required to send a notice of intent to reside pursuant to division 7398
(G) of this section, shall fail to register or send the notice as 7399
required in accordance with those divisions or that division. 7400

(F) An offender or delinquent child who is required to 7401
register pursuant to divisions (A) and (B) of this section shall 7402
register pursuant to this section for the period of time specified 7403
in section 2950.07 of the Revised Code, with the duty commencing 7404
on the date specified in division (A) of that section. 7405

(G) If an offender or delinquent child who is required by 7406
division (A) of this section to register is a tier III sex 7407
offender/child-victim offender or if an offender or delinquent 7408
child who is required by that division to register is a 7409
child-victim predator or a habitual child-victim offender subject 7410
to community notification under the version of division (C)(2) or 7411
(E) of section 2950.091 of the Revised Code that existed 7412
immediately prior to July 1, 2007, or the version of that section 7413
as it exists on and after the effective date of this amendment, 7414
the offender or delinquent child also shall send the sheriff, or 7415
the sheriff's designee, of the county in which the offender or 7416
delinquent child intends to reside written notice of the 7417
offender's or delinquent child's intent to reside in the county. 7418
The offender or delinquent child shall send the notice of intent 7419
to reside at least twenty days prior to the date the offender or 7420
delinquent child begins to reside in the county. The notice of 7421
intent to reside shall contain all of the following information: 7422

(1) The information specified in divisions (G)(1) and (2) of 7423
section 2950.04 of the Revised Code; 7424

(2) The child-victim oriented offense of which the offender 7425

was convicted, to which the offender pleaded guilty, or for which 7426
the child was adjudicated a delinquent child; 7427

(3) If applicable, a statement that the offender has been 7428
adjudicated a child-victim predator, a statement that the 7429
delinquent child has been adjudicated a child-victim predator and 7430
that, as of the date of the notice, the court has not entered a 7431
determination that the delinquent child no longer is a 7432
child-victim predator, or a statement that the sentencing or 7433
reviewing judge has determined that the offender or delinquent 7434
child is a habitual child-victim offender and that, as of the date 7435
of the notice, the determination has not been removed. 7436

(H) If, immediately prior to January 1, 2008, an offender or 7437
delinquent child who was convicted of, pleaded guilty to, or was 7438
adjudicated a delinquent child for committing a child-victim 7439
oriented offense or a sexually oriented offense as those terms 7440
were defined in section 2950.01 of the Revised Code prior to 7441
January 1, 2008, was required by division (A) of this section or 7442
section 2950.04 of the Revised Code to register and if, on or 7443
after January 1, 2008, that offense is a child-victim oriented 7444
offense as that term is defined in section 2950.01 of the Revised 7445
Code on and after January 1, 2008, the duty to register that is 7446
imposed pursuant to this section on and after January 1, 2008, 7447
shall be considered, for purposes of section 2950.07 of the 7448
Revised Code and for all other purposes, to be a continuation of 7449
the duty imposed upon the offender or delinquent child prior to 7450
January 1, 2008, under this section or section 2950.04 of the 7451
Revised Code. 7452

Sec. 2950.043. If an offender or delinquent child registers 7453
with a sheriff pursuant to section 2950.04 or 2950.041 of the 7454
Revised Code on or after December 1, 2007, if the offender or 7455
delinquent child previously has not registered under either 7456

section with that sheriff or any other sheriff, and if the 7457
offender or delinquent child was convicted of, pleaded guilty to, 7458
or was classified a juvenile offender registrant relative to the 7459
sexually oriented offense or child-victim oriented offense upon 7460
which the registration was based prior to December 1, 2007, as 7461
soon as practicable after the registration, the sheriff shall 7462
contact the attorney general, inform the attorney general of the 7463
registration, and forward to the attorney general in the manner 7464
specified in division (D) of section 2950.04 of the Revised Code 7465
all of the information and material specified in that division. 7466
Upon being informed of the registration and receiving the 7467
information and material, the attorney general shall comply with 7468
division (B) of section 2950.031 of the Revised Code, subject to 7469
division (F) of that section. 7470

Sec. 2950.05. (A) If an offender ~~or delinquent child~~ is 7471
required to register pursuant to division (A)(2), (3), or (4) of 7472
section 2950.04 or 2950.041 of the Revised Code, ~~the delinquent~~ 7473
~~child if not a public registry qualified juvenile offender~~ 7474
~~registrant shall provide written notice of any change of residence~~ 7475
~~address, and the offender and public registry qualified juvenile~~ 7476
~~offender registrant shall provide written notice of any change of~~ 7477
residence, school, institution of higher education, or place of 7478
employment address, to the sheriff specified in this division. If 7479
a delinquent child is required to register pursuant to any of 7480
those divisions, the delinquent child shall provide written notice 7481
of any change of residence address to the sheriff specified in 7482
this division. The offender or delinquent child shall provide all 7483
notices of a change of an address under this division to the 7484
sheriff with whom the offender or delinquent child most recently 7485
registered the address under division (A)(2), (3), or (4) of 7486
section 2950.04 or 2950.041 of the Revised Code or under division 7487
(B) of this section. A written notice of a change of school, 7488

institution of higher education, or place of employment address 7489
also shall include the name of the new school, institution of 7490
higher education, or place of employment. ~~The~~ 7491

~~An offender or delinquent child if not a public~~ 7492
~~registry qualified juvenile offender registrant~~ shall provide the 7493
written notice at least twenty days prior to changing the 7494
residence address, ~~and the~~. An offender and public 7495
~~registry qualified juvenile offender registrant~~ shall provide the 7496
written notice at least twenty days prior to changing the ~~address~~ 7497
~~of the residence,~~ school, or institution of higher education 7498
address, not later than five days after changing the place of 7499
employment address if the sexually oriented offense or 7500
child-victim oriented offense was committed prior to January 1, 7501
2008, and not later than three days after changing the ~~address of~~ 7502
~~the place of employment~~ address if the offense was committed on or 7503
after January 1, 2008. They shall provide the written notices 7504
during the period they are required to register. ~~If~~ 7505

If a residence address change is not to a fixed address, the 7506
offender or delinquent child shall include in ~~that~~ the written 7507
notice a detailed description of the place or places at which the 7508
offender or delinquent child intends to stay and, not later than 7509
the end of the first business day immediately following the day on 7510
which the person obtains a fixed residence address, shall provide 7511
that sheriff written notice of that fixed residence address. If a 7512
person whose residence address change is not to a fixed address 7513
describes in a written notice under this division the place or 7514
places at which the person intends to stay, for purposes of 7515
divisions (C) to (I) of this section, sections 2950.06 to 2950.13 7516
of the Revised Code, and sections 311.171 and 2919.24 of the 7517
Revised Code, the place or places so described in the notice shall 7518
be considered the person's residence address and registered 7519
residence address until the person provides the written notice of 7520

a fixed residence address as described in this division. 7521

(B) If an offender ~~or public registry qualified juvenile~~ 7522
~~offender registrant~~ is required to provide notice of a residence, 7523
school, institution of higher education, or place of employment 7524
address change under division (A) of this section, or a delinquent 7525
child ~~who is not a public registry qualified juvenile offender~~ 7526
~~registrant~~ is required to provide notice of a residence address 7527
change under that division, the offender or delinquent child, ~~at~~ 7528
~~least twenty days prior to changing the residence, school, or~~ 7529
~~institution of higher education address and not later than three~~ 7530
~~days after changing the place of employment address, as~~ 7531
~~applicable,~~ also shall register the new address in the manner, and 7532
using the form, described in divisions (B) and (C) of section 7533
2950.04 or 2950.041 of the Revised Code, whichever is applicable, 7534
with the sheriff of the county in which the offender's or 7535
delinquent child's new address is located, subject to division (C) 7536
of this section. ~~If~~ 7537

The offender and delinquent child shall register the new 7538
residence address at least twenty days prior to changing the 7539
residence address. The offender shall register the new school or 7540
institution of higher education address at least twenty days prior 7541
to changing the school or institution of higher education address, 7542
and shall register the new place of employment address not later 7543
than five days after changing the place of employment address if 7544
the sexually oriented offense or child-victim oriented offense was 7545
committed prior to January 1, 2008, and not later than three days 7546
after changing the place of employment address if the offense was 7547
committed on or after January 1, 2008. 7548

If a residence address change is not to a fixed address, the 7549
offender or delinquent child shall include in the registration a 7550
detailed description of the place or places at which the offender 7551
or delinquent child intends to stay and, not later than the end of 7552

the first business day immediately following the day on which the person obtains a fixed residence address, shall register with that sheriff that fixed residence address. If a person whose residence address change is not to a fixed address describes in a registration under this division the place or places at which the person intends to stay, for purposes of divisions (C) to (I) of this section, sections 2950.06 to 2950.13 of the Revised Code, and sections 311.171 and 2919.24 of the Revised Code, the place or places so described in the registration shall be considered the person's residence address and registered residence address, until the person registers a fixed residence address as described in this division.

(C) Divisions (A) and (B) of this section apply to a person who is required to register pursuant to division (A)(2), (3), or (4) of section 2950.04 or 2950.041 of the Revised Code regardless of whether the new residence, school, institution of higher education, or place of employment address is in this state or in another state. If the new address is in another state, the person shall register with the appropriate law enforcement officials in that state in the manner required under the law of that state and within the earlier of the period of time required under the law of that state or at least seven days prior to changing the address.

(D) If an offender ~~or delinquent child who is a public registry qualified juvenile offender registrant~~ is required to register pursuant to division (A)(2), (3), or (4) of section 2950.04 or 2950.041 of the Revised Code, the offender ~~or public registry qualified juvenile offender registrant~~ shall provide written notice, ~~within three days of the change,~~ of any change in vehicle information, email addresses, internet identifiers, or telephone numbers registered to or used by the offender ~~or registrant~~ to the sheriff with whom the offender ~~or registrant~~ has most recently registered under division (A)(2), (3), or (4) of

section 2950.04 or 2950.041 of the Revised Code. The offender shall provide the notice within three days of the change if the sexually oriented offense or child-victim oriented offense was committed on or after January 1, 2008, and within five days of the change if the offense was committed prior to January 1, 2008.

(E)(1) Upon receiving from an offender or delinquent child pursuant to division (A) of this section notice of a change of the offender's ~~or public registry qualified juvenile offender registrant's~~ residence, school, institution of higher education, or place of employment address or the residence address of a delinquent child ~~who is not a public registry qualified juvenile offender registrant~~, a sheriff promptly shall forward the new address to the bureau of criminal identification and investigation in accordance with the forwarding procedures adopted pursuant to section 2950.13 of the Revised Code if the new address is in another state or, if the new address is located in another county in this state, to the sheriff of that county. Upon receiving from an offender ~~or public registry qualified juvenile offender registrant~~ notice of vehicle and identifier changes pursuant to division (D) of this section, a sheriff promptly shall forward the new information to the bureau of criminal identification and investigation in accordance with the forwarding procedures adopted pursuant to section 2950.13 of the Revised Code. The bureau shall include all information forwarded to it under this division in the state registry of sex offenders and child-victim offenders established and maintained under section 2950.13 of the Revised Code and shall forward notice of the offender's or delinquent child's new residence, school, institution of higher education, or place of employment address, as applicable, to the appropriate officials in the other state.

(2) When an offender ~~or public registry qualified juvenile offender registrant~~ registers a new residence, school, institution

of higher education, or place of employment address or a 7617
delinquent child ~~who is not a public registry qualified juvenile~~ 7618
~~offender registrant~~ registers a new residence address pursuant to 7619
division (B) of this section, the sheriff with whom the offender 7620
or delinquent child registers and the bureau of criminal 7621
identification and investigation shall comply with division (D) of 7622
section 2950.04 or 2950.041 of the Revised Code, whichever is 7623
applicable. 7624

(F)(1) No person who is required to notify a sheriff of a 7625
change of address pursuant to division (A) of this section or a 7626
change in vehicle information or identifiers pursuant to division 7627
(D) of this section shall fail to notify the appropriate sheriff 7628
in accordance with that division. 7629

(2) No person who is required to register a new residence, 7630
school, institution of higher education, or place of employment 7631
address with a sheriff or with an official of another state 7632
pursuant to divisions (B) and (C) of this section shall fail to 7633
register with the appropriate sheriff or official of the other 7634
state in accordance with those divisions. 7635

(G)(1) It is an affirmative defense to a charge of a 7636
violation of division (F)(1) of this section that it was 7637
impossible for the person to provide the written notice to the 7638
sheriff as required under division (A) of this section because of 7639
a lack of knowledge, on the date specified for the provision of 7640
the written notice, of a residence, school, institution of higher 7641
education, or place of employment address change, and that the 7642
person provided notice of the residence, school, institution of 7643
higher education, or place of employment address change to the 7644
sheriff specified in division (A) of this section as soon as 7645
possible, but not later than the end of the first business day, 7646
after learning of the address change by doing either of the 7647
following: 7648

(a) The person provided notice of the address change to the sheriff specified in division (A) of this section by telephone immediately upon learning of the address change or, if the person did not have reasonable access to a telephone at that time, as soon as possible, but not later than the end of the first business day, after learning of the address change and having reasonable access to a telephone, and the person, as soon as possible, but not later than the end of the first business day, after providing notice of the address change to the sheriff by telephone, provided written notice of the address change to that sheriff.

(b) The person, as soon as possible, but not later than the end of the first business day, after learning of the address change, provided written notice of the address change to the sheriff specified in division (A) of this section.

(2) It is an affirmative defense to a charge of a violation of division (F)(2) of this section that it was impossible for the person to register the new address with the sheriff or the official of the other state as required under division (B) or (C) of this section because of a lack of knowledge, on the date specified for the registration of the new address, of a residence, school, institution of higher education, or place of employment address change, and that the person registered the new residence, school, institution of higher education, or place of employment address with the sheriff or the official of the other state specified in division (B) or (C) of this section as soon as possible, but not later than the end of the first business day, after learning of the address change by doing either of the following:

(a) The person provided notice of the new address to the sheriff or official specified in division (B) or (C) of this section by telephone immediately upon learning of the new address or, if the person did not have reasonable access to a telephone at

that time, as soon as possible, but not later than the end of the 7681
first business day, after learning of the new address and having 7682
reasonable access to a telephone, and the person, as soon as 7683
possible, but not later than the end of the first business day, 7684
after providing notice of the new address to the sheriff or 7685
official by telephone, registered the new address with that 7686
sheriff or official in accordance with division (B) or (C) of this 7687
section. 7688

(b) The person, as soon as possible, but not later than the 7689
end of the first business day, after learning of the new address, 7690
registered the new address with the sheriff or official specified 7691
in division (B) or (C) of this section, in accordance with that 7692
division. 7693

(H) An offender or delinquent child who is required to comply 7694
with divisions (A), (B), and (C) of this section shall do so for 7695
the period of time specified in section 2950.07 of the Revised 7696
Code. 7697

(I) As used in this section, and in all other sections of the 7698
Revised Code that refer to the duties imposed on an offender or 7699
delinquent child under this section relative to a change in the 7700
offender's or delinquent child's residence, school, institution of 7701
higher education, or place of employment address, "change in 7702
address" includes any circumstance in which the old address for 7703
the person in question no longer is accurate, regardless of 7704
whether the person in question has a new address. 7705

Sec. 2950.06. (A) An offender or delinquent child who is 7706
required to register a residence address pursuant to division 7707
(A)(2), (3), or (4) of section 2950.04 or 2950.041 of the Revised 7708
Code shall periodically verify the offender's or delinquent 7709
child's current residence address, and an offender ~~or public~~ 7710
~~registry qualified juvenile offender registrant~~ who is required to 7711

register a school, institution of higher education, or place of 7712
employment address pursuant to any of those divisions shall 7713
periodically verify the address of the offender's ~~or public~~ 7714
~~registry qualified juvenile offender registrant's~~ current school, 7715
institution of higher education, or place of employment address, 7716
in accordance with this section. The frequency of verification 7717
shall be determined in accordance with division (B) of this 7718
section, and the manner of verification shall be determined in 7719
accordance with division (C) of this section. 7720

(B) The frequency with which an offender or delinquent child 7721
must verify the offender's or delinquent child's current 7722
residence, school, institution of higher education, or place of 7723
employment address pursuant to division (A) of this section shall 7724
be determined as follows: 7725

(1) ~~Regardless of when the sexually oriented offense or~~ 7726
~~child victim oriented offense for which the offender or delinquent~~ 7727
~~child is required to register was committed, if~~ If the offender or 7728
delinquent child is a tier I sex offender/child-victim offender, 7729
the offender shall verify the offender's current residence address 7730
or current school, institution of higher education, or place of 7731
employment address, and the delinquent child shall verify the 7732
delinquent child's current residence address, in accordance with 7733
division (C) of this section on each anniversary of the offender's 7734
or delinquent child's initial registration date during the period 7735
the offender or delinquent child is required to register. 7736

(2) ~~Regardless of when the sexually oriented offense or~~ 7737
~~child victim oriented offense for which the offender or delinquent~~ 7738
~~child is required to register was committed, if~~ If the offender or 7739
delinquent child is a tier II sex offender/child-victim offender, 7740
the offender shall verify the offender's current residence address 7741
or current school, institution of higher education, or place of 7742
employment address, and the delinquent child shall verify the 7743

delinquent child's current residence address, in accordance with 7744
division (C) of this section every one hundred eighty days after 7745
the offender's or delinquent child's initial registration date 7746
during the period the offender or delinquent child is required to 7747
register. 7748

~~(3) Regardless of when the sexually oriented offense or 7749
child-victim oriented offense for which the offender or delinquent 7750
child is required to register was committed, if If the offender or 7751
delinquent child is a tier III sex offender/child-victim offender, 7752
the offender shall verify the offender's current residence address 7753
or current school, institution of higher education, or place of 7754
employment address, and the delinquent child shall verify the 7755
delinquent child's current residence address ~~and, if the 7756
delinquent child is a public registry qualified juvenile offender 7757
registrant, the current school, institution of higher education, 7758
or place of employment address,~~ in accordance with division (C) of 7759
this section every ninety days after the offender's or delinquent 7760
child's initial registration date during the period the offender 7761
or delinquent child is required to register. 7762~~

(4) If the offender or delinquent child is a sexual predator 7763
or child-victim predator or if the offender is required to 7764
register as a result of committing an aggravated sexually oriented 7765
offense, the offender shall verify the offender's current 7766
residence address or current school, institution of higher 7767
education, or place of employment address, and the delinquent 7768
child shall verify the delinquent child's current residence 7769
address, in accordance with division (C) of this section every 7770
ninety days after the offender's or delinquent child's initial 7771
registration date during the period the offender or delinquent 7772
child is required to register. 7773

(5) In all circumstances not described in division (B)(1), 7774
(2), (3), or (4) of this section, the offender shall verify the 7775

offender's current residence address or current school, 7776
institution of higher education, or place of employment address, 7777
and the delinquent child shall verify the delinquent child's 7778
current residence address, in accordance with division (C) of this 7779
section on each anniversary of the offender's or delinquent 7780
child's initial registration date during the period the offender 7781
or delinquent child is required to register. 7782

(6) If, prior to January 1, 2008, an offender or delinquent 7783
child registered with a sheriff under a duty imposed under section 7784
2950.04 or 2950.041 of the Revised Code as a result of a 7785
conviction of, plea of guilty to, or adjudication as a delinquent 7786
child for committing a sexually oriented offense or a child-victim 7787
oriented offense as those terms were defined in section 2950.01 of 7788
the Revised Code prior to January 1, 2008, the duty to register 7789
that is imposed on the offender or delinquent child pursuant to 7790
section 2950.04 or 2950.041 of the Revised Code on and after 7791
January 1, 2008, is a continuation of the duty imposed upon the 7792
offender prior to January 1, 2008, under section 2950.04 or 7793
2950.041 of the Revised Code and, for purposes of divisions 7794
(B)(1), (2), ~~and~~ (3), (4), and (5) of this section, the offender's 7795
initial registration date related to that offense is the date on 7796
which the offender initially registered under section 2950.04 or 7797
2950.041 of the Revised Code. 7798

(C)(1) An offender or delinquent child who is required to 7799
verify the offender's or delinquent child's current residence, 7800
school, institution of higher education, or place of employment 7801
address pursuant to division (A) of this section shall verify the 7802
address with the sheriff with whom the offender or delinquent 7803
child most recently registered the address by personally appearing 7804
before the sheriff or a designee of the sheriff, no earlier than 7805
ten days before the date on which the verification is required 7806
pursuant to division (B) of this section and no later than the 7807

date so required for verification, and completing and signing a 7808
copy of the verification form prescribed by the bureau of criminal 7809
identification and investigation. The sheriff or designee shall 7810
sign the completed form and indicate on the form the date on which 7811
it is so completed. The verification required under this division 7812
is complete when the offender or delinquent child personally 7813
appears before the sheriff or designee and completes and signs the 7814
form as described in this division. 7815

(2) To facilitate the verification of an offender's or 7816
delinquent child's current residence, school, institution of 7817
higher education, or place of employment address, as applicable, 7818
under division (C)(1) of this section, the sheriff with whom the 7819
offender or delinquent child most recently registered the address 7820
may mail a nonforwardable verification form prescribed by the 7821
bureau of criminal identification and investigation to the 7822
offender's or delinquent child's last reported address and to the 7823
last reported address of the parents of the delinquent child, with 7824
a notice that conspicuously states that the offender or delinquent 7825
child must personally appear before the sheriff or a designee of 7826
the sheriff to complete the form and the date by which the form 7827
must be so completed. Regardless of whether a sheriff mails a form 7828
to an offender or delinquent child and that child's parents, each 7829
offender or delinquent child who is required to verify the 7830
offender's or delinquent child's current residence, school, 7831
institution of higher education, or place of employment address, 7832
as applicable, pursuant to division (A) of this section shall 7833
personally appear before the sheriff or a designee of the sheriff 7834
to verify the address in accordance with division (C)(1) of this 7835
section. 7836

(D) The verification form to be used under division (C) of 7837
this section shall contain all of the following: 7838

(1) Except as provided in division (D)(2) of this section, 7839

the current residence address of the offender or delinquent child, 7840
the name and address of the offender's or delinquent child's 7841
employer if the offender or delinquent child is employed at the 7842
time of verification or if the offender or delinquent child knows 7843
at the time of verification that the offender or delinquent child 7844
will be commencing employment with that employer subsequent to 7845
verification, the name and address of the offender's ~~or public~~ 7846
~~registry qualified juvenile offender registrant's~~ school or 7847
institution of higher education if the offender ~~or public~~ 7848
~~registry qualified juvenile offender registrant~~ attends one at the 7849
time of verification or if the offender ~~or public~~ 7850
~~registry qualified juvenile offender registrant~~ knows at the time 7851
of verification that the offender will be commencing attendance at 7852
that school or institution subsequent to verification, and any 7853
other information required by the bureau of criminal 7854
identification and investigation. 7855

(2) ~~Regarding~~ If an offender ~~or public registry qualified~~ 7856
~~juvenile offender registrant who~~ is verifying a current school, 7857
institution of higher education, or place of employment address, 7858
the name and current address of the school, institution of higher 7859
education, or place of employment of the offender ~~or public~~ 7860
~~registry qualified juvenile offender registrant~~ and any other 7861
information required by the bureau of criminal identification and 7862
investigation. 7863

(E) Upon an offender's or delinquent child's personal 7864
appearance and completion of a verification form under division 7865
(C) of this section, a sheriff promptly shall forward a copy of 7866
the verification form to the bureau of criminal identification and 7867
investigation in accordance with the forwarding procedures adopted 7868
by the attorney general pursuant to section 2950.13 of the Revised 7869
Code. If an offender ~~or public registry qualified juvenile~~ 7870
~~offender registrant~~ verifies a school, institution of higher 7871

education, or place of employment address, or provides a school or 7872
institution of higher education address under division (D)(1) of 7873
this section, the sheriff also shall provide notice to the law 7874
enforcement agency with jurisdiction over the premises of the 7875
school, institution of higher education, or place of employment of 7876
the offender's ~~or public registry qualified juvenile offender~~ 7877
~~registrant's~~ name and that the offender ~~or public~~ 7878
~~registry qualified juvenile offender registrant~~ has verified or 7879
provided that address as a place at which the offender ~~or public~~ 7880
~~registry qualified juvenile offender registrant~~ attends school or 7881
an institution of higher education or at which the offender ~~or~~ 7882
~~public registry qualified juvenile offender registrant~~ is 7883
employed. The bureau shall include all information forwarded to it 7884
under this division in the state registry of sex offenders and 7885
child-victim offenders established and maintained under section 7886
2950.13 of the Revised Code. 7887

(F) No person who is required to verify a current residence, 7888
school, institution of higher education, or place of employment 7889
address, as applicable, pursuant to divisions (A) to (C) of this 7890
section shall fail to verify a current residence, school, 7891
institution of higher education, or place of employment address, 7892
as applicable, in accordance with those divisions by the date 7893
required for the verification as set forth in division (B) of this 7894
section, provided that no person shall be prosecuted or subjected 7895
to a delinquent child proceeding for a violation of this division, 7896
and that no parent, guardian, or custodian of a delinquent child 7897
shall be prosecuted for a violation of section 2919.24 of the 7898
Revised Code based on the delinquent child's violation of this 7899
division, prior to the expiration of the period of time specified 7900
in division (G) of this section. 7901

(G)(1) If an offender or delinquent child fails to verify a 7902
current residence, school, institution of higher education, or 7903

place of employment address, as applicable, as required by 7904
divisions (A) to (C) of this section by the date required for the 7905
verification as set forth in division (B) of this section, the 7906
sheriff with whom the offender or delinquent child is required to 7907
verify the current address, on the day following that date 7908
required for the verification, shall send a written warning to the 7909
offender or to the delinquent child and that child's parents, at 7910
the offender's or delinquent child's and that child's parents' 7911
last known residence, school, institution of higher education, or 7912
place of employment address, as applicable, regarding the 7913
offender's or delinquent child's duty to verify the offender's or 7914
delinquent child's current residence, school, institution of 7915
higher education, or place of employment address, as applicable. 7916

The written warning shall do all of the following: 7917

(a) Identify the sheriff who sends it and the date on which 7918
it is sent; 7919

(b) State conspicuously that the offender or delinquent child 7920
has failed to verify the offender's ~~or public registry qualified~~ 7921
~~juvenile offender registrant's~~ current residence, school, 7922
institution of higher education, or place of employment address or 7923
the current residence address of a delinquent child ~~who is not a~~ 7924
~~public registry qualified juvenile offender registrant~~ by the date 7925
required for the verification; 7926

(c) Conspicuously state that the offender or delinquent child 7927
has seven days from the date on which the warning is sent to 7928
verify the current residence, school, institution of higher 7929
education, or place of employment address, as applicable, with the 7930
sheriff who sent the warning; 7931

(d) Conspicuously state that a failure to timely verify the 7932
specified current address or addresses is a felony offense; 7933

(e) Conspicuously state that, if the offender ~~or public~~ 7934

~~registry qualified juvenile offender registrant~~ verifies the 7935
current residence, school, institution of higher education, or 7936
place of employment address or the delinquent child ~~who is not a~~ 7937
~~public registry qualified juvenile offender registrant~~ verifies 7938
the current residence address with that sheriff within that 7939
seven-day period, the offender or delinquent child will not be 7940
prosecuted or subjected to a delinquent child proceeding for a 7941
failure to timely verify a current address and the delinquent 7942
child's parent, guardian, or custodian will not be prosecuted 7943
based on a failure of the delinquent child to timely verify an 7944
address; 7945

(f) Conspicuously state that, if the offender ~~or public~~ 7946
~~registry qualified juvenile offender registrant~~ does not verify 7947
the current residence, school, institution of higher education, or 7948
place of employment address or the delinquent child ~~who is not a~~ 7949
~~public registry qualified juvenile offender registrant~~ does not 7950
verify the current residence address with that sheriff within that 7951
seven-day period, the offender or delinquent child will be 7952
arrested or taken into custody, as appropriate, and prosecuted or 7953
subjected to a delinquent child proceeding for a failure to timely 7954
verify a current address and the delinquent child's parent, 7955
guardian, or custodian may be prosecuted for a violation of 7956
section 2919.24 of the Revised Code based on the delinquent 7957
child's failure to timely verify a current residence address. 7958

(2) If an offender or delinquent child fails to verify a 7959
current residence, school, institution of higher education, or 7960
place of employment address, as applicable, as required by 7961
divisions (A) to (C) of this section by the date required for the 7962
verification as set forth in division (B) of this section, the 7963
offender or delinquent child shall not be prosecuted or subjected 7964
to a delinquent child proceeding for a violation of division (F) 7965
of this section, and the delinquent child's parent, guardian, or 7966

custodian shall not be prosecuted for a violation of section 7967
2919.24 of the Revised Code based on the delinquent child's 7968
failure to timely verify a current residence address ~~and, if the~~ 7969
~~delinquent child is a public registry qualified juvenile offender~~ 7970
~~registrant, the current school, institution of higher education,~~ 7971
~~or place of employment address, as applicable,~~ unless the 7972
seven-day period subsequent to that date that the offender or 7973
delinquent child is provided under division (G)(1) of this section 7974
to verify the current address has expired and the offender or 7975
delinquent child, prior to the expiration of that seven-day 7976
period, has not verified the current address. Upon the expiration 7977
of the seven-day period that the offender or delinquent child is 7978
provided under division (G)(1) of this section to verify the 7979
current address, if the offender or delinquent child has not 7980
verified the current address, all of the following apply: 7981

(a) The sheriff with whom the offender or delinquent child is 7982
required to verify the current residence, school, institution of 7983
higher education, or place of employment address, as applicable, 7984
promptly shall notify the bureau of criminal identification and 7985
investigation of the failure. 7986

(b) The sheriff with whom the offender or delinquent child is 7987
required to verify the current residence, school, institution of 7988
higher education, or place of employment address, as applicable, 7989
the sheriff of the county in which the offender or delinquent 7990
child resides, the sheriff of the county in which is located the 7991
offender's ~~or public registry qualified juvenile offender~~ 7992
~~registrant's~~ school, institution of higher education, or place of 7993
employment address that was to be verified, or a deputy of the 7994
appropriate sheriff, shall locate the offender or delinquent 7995
child, promptly shall seek a warrant for the arrest or taking into 7996
custody, as appropriate, of the offender or delinquent child for 7997
the violation of division (F) of this section and shall arrest the 7998

offender or take the child into custody, as appropriate. 7999

(c) The offender or delinquent child is subject to 8000
prosecution or a delinquent child proceeding for the violation of 8001
division (F) of this section, and the delinquent child's parent, 8002
guardian, or custodian may be subject to prosecution for a 8003
violation of section 2919.24 of the Revised Code based on the 8004
delinquent child's violation of that division. 8005

(H) An offender ~~or public registry qualified juvenile~~ 8006
~~offender registrant~~ who is required to verify the offender's ~~or~~ 8007
~~public registry qualified juvenile offender registrant's~~ current 8008
residence, school, institution of higher education, or place of 8009
employment address pursuant to divisions (A) to (C) of this 8010
section and a delinquent child ~~who is not a public~~ 8011
~~registry qualified juvenile offender registrant~~ who is required to 8012
verify the delinquent child's current residence address pursuant 8013
to those divisions shall do so for the period of time specified in 8014
section 2950.07 of the Revised Code. 8015

Sec. 2950.07. (A) The duty of an offender who is convicted 8016
of, pleads guilty to, has been convicted of, or has pleaded guilty 8017
to a sexually oriented offense or a child-victim oriented offense 8018
and the duty of a delinquent child who is or has been adjudicated 8019
a delinquent child for committing a sexually oriented offense or a 8020
child-victim oriented offense and is classified a juvenile 8021
offender registrant or who is an out-of-state juvenile offender 8022
registrant to comply with sections 2950.04, 2950.041, 2950.05, and 8023
2950.06 of the Revised Code commences on whichever of the 8024
following dates is applicable: 8025

(1) If the offender's duty to register is imposed pursuant to 8026
division (A)(1)(a) of section 2950.04 or division (A)(1)(a) of 8027
section 2950.041 of the Revised Code, the offender's duty to 8028
comply with those sections commences immediately after the entry 8029

of the judgment of conviction. 8030

(2) If the delinquent child's duty to register is imposed 8031
pursuant to division (A)(1)(b) of section 2950.04 or division 8032
(A)(1)(b) of section 2950.041 of the Revised Code, the delinquent 8033
child's duty to comply with those sections commences immediately 8034
after the order of disposition. 8035

(3) If the offender's duty to register is imposed pursuant to 8036
division (A)(2) of section 2950.04 or division (A)(2) of section 8037
2950.041 of the Revised Code, subject to division (A)(7) of this 8038
section, the offender's duty to comply with those sections 8039
commences on the date of the offender's release from a prison 8040
term, a term of imprisonment, or any other type of confinement, or 8041
if the offender is not sentenced to a prison term, a term of 8042
imprisonment, or any other type of confinement, on the date of the 8043
entry of the judgment of conviction of the sexually oriented 8044
offense or child-victim oriented offense. 8045

(4) If the offender's or delinquent child's duty to register 8046
is imposed pursuant to division (A)(4) of section 2950.04 or 8047
division (A)(4) of section 2950.041 of the Revised Code, the 8048
offender's duty to comply with those sections commences regarding 8049
residence addresses on the date that the offender begins to reside 8050
or becomes temporarily domiciled in this state, the offender's 8051
duty regarding addresses of schools, institutions of higher 8052
education, and places of employment commences on the date the 8053
offender begins attending any school or institution of higher 8054
education in this state on a full-time or part-time basis or 8055
becomes employed in this state, and the delinquent child's duty 8056
commences on the date the delinquent child begins to reside or 8057
becomes temporarily domiciled in this state. 8058

(5) If the delinquent child's duty to register is imposed 8059
pursuant to division (A)(3) of section 2950.04 or division (A)(3) 8060
of section 2950.041 of the Revised Code, if the delinquent child's 8061

classification as a juvenile offender registrant is made at the 8062
time of the child's disposition for that sexually oriented offense 8063
or child-victim oriented offense, whichever is applicable, and if 8064
the delinquent child is committed for the sexually oriented 8065
offense or child-victim oriented offense to the department of 8066
youth services or to a secure facility that is not operated by the 8067
department, the delinquent child's duty to comply with those 8068
sections commences on the date of the delinquent child's discharge 8069
or release from custody in the department of youth services secure 8070
facility or from the secure facility not operated by the 8071
department as described in that division. 8072

(6) If the delinquent child's duty to register is imposed 8073
pursuant to division (A)(3) of section 2950.04 or division (A)(3) 8074
of section 2950.041 of the Revised Code and if either the 8075
delinquent child's classification as a juvenile offender 8076
registrant is made at the time of the child's disposition for that 8077
sexually oriented offense or child-victim oriented offense, 8078
whichever is applicable, and the delinquent child is not committed 8079
for the sexually oriented offense or child-victim oriented offense 8080
to the department of youth services or to a secure facility that 8081
is not operated by the department or the child's classification as 8082
a juvenile offender registrant is made pursuant to section 2152.83 8083
~~or division (A)(2) of section 2152.86~~ of the Revised Code, subject 8084
to divisions (A)(7) of this section, the delinquent child's duty 8085
to comply with those sections commences on the date of entry of 8086
the court's order that classifies the delinquent child a juvenile 8087
offender registrant. 8088

(7) If the offender's or delinquent child's duty to register 8089
is imposed pursuant to division (A)(2), (3), or (4) of section 8090
2950.04 or section 2950.041 of the Revised Code and if the 8091
offender or delinquent child prior to January 1, 2008, has 8092
registered a residence, school, institution of higher education, 8093

or place of employment address pursuant to section 2950.04, 8094
2950.041, or 2950.05 of the Revised Code as they existed prior to 8095
that date, the offender or delinquent child initially shall 8096
register in accordance with section 2950.04 or 2950.041 of the 8097
Revised Code, whichever is applicable, as it exists on and after 8098
January 1, 2008, not later than the earlier of the dates specified 8099
in ~~divisions (A)(7)(a) and (b) of this section~~ division. The 8100
offender's or delinquent child's duty to comply thereafter with 8101
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 8102
Code as they exist on and after January 1, 2008, commences on the 8103
date of that initial registration. The offender or delinquent 8104
child initially shall register under section 2950.04 or 2950.041 8105
of the Revised Code as it exists on and after January 1, 2008, not 8106
later than the earlier of the ~~following~~: 8107

~~(a) The date that is six months after the date on which the 8108
offender or delinquent child received a registered letter from the 8109
attorney general under division (A)(2) or (B) of section 2950.031 8110
of the Revised Code;~~ 8111

~~(b) The earlier of the date on which the offender or 8112
delinquent child would be required to verify a previously 8113
registered address under section 2950.06 of the Revised Code as it 8114
exists on and after January 1, 2008, or, if the offender or 8115
delinquent child has changed a previously registered address, the 8116
date on which the offender or delinquent child would be required 8117
to register a new residence, school, institution of higher 8118
education, or place of employment address under section 2950.05 of 8119
the Revised Code as it exists on and after January 1, 2008. 8120~~

(8) If the offender's or delinquent child's duty to register 8121
was imposed pursuant to section 2950.04 or 2950.041 of the Revised 8122
Code as they existed prior to January 1, 2008, the offender's or 8123
delinquent child's duty to comply with sections 2950.04, 2950.041, 8124
2950.05, and 2950.06 of the Revised Code as they exist on and 8125

after January 1, 2008, is a continuation of the offender's or 8126
delinquent child's former duty to register imposed prior to 8127
January 1, 2008, under section 2950.04 or 2950.041 of the Revised 8128
Code and shall be considered for all purposes as having commenced 8129
on the date that the offender's duty under that section commenced. 8130

(B) The duty of an offender who is convicted of, pleads 8131
guilty to, has been convicted of, or has pleaded guilty to a 8132
sexually oriented offense or a child-victim oriented offense and 8133
the duty of a delinquent child who is or has been adjudicated a 8134
delinquent child for committing a sexually oriented offense or a 8135
child-victim oriented offense and is classified a juvenile 8136
offender registrant or who is an out-of-state juvenile offender 8137
registrant to comply with sections 2950.04, 2950.041, 2950.05, and 8138
2950.06 of the Revised Code continues, after the date of 8139
commencement, for whichever of the following periods is 8140
applicable: 8141

(1) Except as otherwise provided in this division, if the 8142
person is an offender who is a tier III sex offender/child-victim 8143
offender relative to the sexually oriented offense or child-victim 8144
oriented offense, or if the person is a delinquent child who is a 8145
tier III sex offender/child-victim offender relative to the 8146
sexually oriented offense or child-victim oriented offense, ~~or if~~ 8147
~~the person is a delinquent child who is a public~~ 8148
~~registry qualified juvenile offender registrant relative to the~~ 8149
~~sexually oriented offense,~~ the offender's or delinquent child's 8150
duty to comply with those sections continues until the offender's 8151
or delinquent child's death. ~~Regarding~~ If a delinquent child ~~who~~ 8152
is a tier III sex offender/child-victim offender relative to the 8153
offense ~~but is not a public registry qualified juvenile offender~~ 8154
~~registrant relative to the offense,~~ and if the judge who made the 8155
disposition for the delinquent child or that judge's successor in 8156
office subsequently enters a determination pursuant to section 8157

2152.84 or 2152.85 of the Revised Code that the delinquent child 8158
no longer is a tier III sex offender/child-victim offender, the 8159
delinquent child's duty to comply with those sections continues 8160
for the period of time that is applicable to the delinquent child 8161
under division (B)(2) or (3) of this section, based on the 8162
reclassification of the child pursuant to section 2152.84 or 8163
~~2152.85~~ 2152.85 of the Revised Code as a tier I sex 8164
offender/child-victim offender or a tier II sex 8165
offender/child-victim offender. In no case shall the lifetime duty 8166
to comply that is imposed under this division on an offender who 8167
is a tier III sex offender/child-victim offender be removed or 8168
terminated. ~~A delinquent child who is a public registry qualified~~ 8169
~~juvenile offender registrant may have the lifetime duty to~~ 8170
~~register terminated only pursuant to section 2950.15 of the~~ 8171
~~Revised Code.~~ 8172

(2) If the person is an offender who is a tier II sex 8173
offender/child-victim offender relative to the sexually oriented 8174
offense or child-victim oriented offense, the offender's duty to 8175
comply with those sections continues for twenty-five years. Except 8176
as otherwise provided in this division, if the person is a 8177
delinquent child who is a tier II sex offender/child-victim 8178
offender relative to the sexually oriented offense or child-victim 8179
oriented offense, the delinquent child's duty to comply with those 8180
sections continues for twenty years. Regarding a delinquent child 8181
who is a tier II sex offender/child-victim offender relative to 8182
the offense ~~but is not a public registry qualified juvenile~~ 8183
~~offender registrant relative to the offense~~, if the judge who made 8184
the disposition for the delinquent child or that judge's successor 8185
in office subsequently enters a determination pursuant to section 8186
2152.84 or 2152.85 of the Revised Code that the delinquent child 8187
no longer is a tier II sex offender/child-victim offender but 8188
remains a juvenile offender registrant, the delinquent child's 8189
duty to comply with those sections continues for the period of 8190

time that is applicable to the delinquent child under division 8191
(B)(3) of this section, based on the reclassification of the child 8192
pursuant to section 2152.84 or 2152.85 of the Revised Code as a 8193
tier I sex offender/child-victim offender. 8194

(3) Except as otherwise provided in this division, if the 8195
person is an offender who is a tier I sex offender/child-victim 8196
offender relative to the sexually oriented offense or child-victim 8197
oriented offense, the offender's duty to comply with those 8198
sections continues for fifteen years. Except as otherwise provided 8199
in this division, if the person is a delinquent child who is a 8200
tier I sex offender/child-victim offender relative to the sexually 8201
oriented offense or child-victim oriented offense, the delinquent 8202
child's duty to comply with those sections continues for ten 8203
years. Regarding a delinquent child who is a juvenile offender 8204
registrant and a tier I sex offender/child-victim offender ~~but is~~ 8205
~~not a public registry qualified juvenile offender registrant~~, if 8206
the judge who made the disposition for the delinquent child or 8207
that judge's successor in office subsequently enters a 8208
determination pursuant to section 2152.84 or 2152.85 of the 8209
Revised Code that the delinquent child no longer is to be 8210
classified a juvenile offender registrant, the delinquent child's 8211
duty to comply with those sections terminates upon the court's 8212
entry of the determination. A person who is an offender who is a 8213
tier I sex offender/child-victim offender may have the 8214
fifteen-year duty to register terminated only pursuant to section 8215
2950.15 of the Revised Code. 8216

(4) Except as otherwise provided in this division, if the 8217
person is an offender or delinquent child who is a sexual predator 8218
or child-victim predator or is an offender who has a duty to 8219
register as a result of being convicted of or pleading guilty to 8220
an aggravated sexually oriented offense, the offender's or 8221
delinquent child's duty to comply with those sections continues 8222

until the offender's or delinquent child's death. If the judge who 8223
made the disposition for a delinquent child to whom this division 8224
applies or that judge's successor in office subsequently enters a 8225
determination pursuant to section 2152.84 or 2152.85 of the 8226
Revised Code that the delinquent child no longer is a sexual 8227
predator or child-victim predator, the delinquent child's duty to 8228
comply with those sections continues for the period of time that 8229
otherwise would have been applicable to the delinquent child under 8230
division (B)(5) or (6) of this section. In no case shall the 8231
lifetime duty to comply that is imposed under this division on an 8232
offender be removed or terminated. 8233

(5) Except as otherwise provided in this division, if the 8234
person is an offender or delinquent child who is a habitual sex 8235
offender or a habitual child-victim offender, the offender's or 8236
delinquent child's duty to comply with those sections continues 8237
for twenty years from the date of the offender's or delinquent 8238
child's initial registration. If the judge who made the 8239
disposition for a delinquent child to whom this division applies 8240
or that judge's successor in office subsequently enters a 8241
determination pursuant to section 2152.84 or 2152.85 of the 8242
Revised Code that the delinquent child no longer is a habitual sex 8243
offender or a habitual child-victim offender but remains a 8244
juvenile offender registrant, the delinquent child's duty to 8245
comply with those sections continues for the period of time that 8246
otherwise would have been applicable to the delinquent child under 8247
division (B)(6) of this section. 8248

(6) Except as otherwise provided in this division, if the 8249
person is an offender or delinquent child who was convicted of, 8250
pleaded guilty to, or was adjudicated a delinquent child for 8251
committing a sexually oriented offense or child-victim oriented 8252
offense that was committed prior to January 1, 2008, and if 8253
neither division (B)(4) nor division (B)(5) of this section 8254

applies to the offender or delinquent child, the offender's or 8255
delinquent child's duty to comply with those sections continues 8256
for ten years from the date of the offender's or delinquent 8257
child's initial registration. If the judge who made the 8258
disposition for a delinquent child to whom this division applies 8259
or that judge's successor in office subsequently enters a 8260
determination pursuant to section 2152.84 or 2152.85 of the 8261
Revised Code that the delinquent child no longer is to be 8262
classified a juvenile offender registrant, the delinquent child's 8263
duty to comply with those sections terminates upon the court's 8264
entry of the determination. 8265

(C)(1) If an offender has been convicted of or pleaded guilty 8266
to a sexually oriented offense and the offender subsequently is 8267
convicted of or pleads guilty to another sexually oriented offense 8268
or a child-victim oriented offense, if an offender has been 8269
convicted of or pleaded guilty to a child-victim oriented offense 8270
and the offender subsequently is convicted of or pleads guilty to 8271
another child-victim oriented offense or a sexually oriented 8272
offense, if a delinquent child has been adjudicated a delinquent 8273
child for committing a sexually oriented offense and is classified 8274
a juvenile offender registrant or is an out-of-state juvenile 8275
offender registrant and the child subsequently is adjudicated a 8276
delinquent child for committing another sexually oriented offense 8277
or a child-victim oriented offense and is classified a juvenile 8278
offender registrant relative to that offense or subsequently is 8279
convicted of or pleads guilty to another sexually oriented offense 8280
or a child-victim oriented offense, or if a delinquent child has 8281
been adjudicated a delinquent child for committing a child-victim 8282
oriented offense and is classified a juvenile offender registrant 8283
or is an out-of-state juvenile offender registrant and the child 8284
subsequently is adjudicated a delinquent child for committing 8285
another child-victim oriented offense or a sexually oriented 8286
offense and is classified a juvenile offender registrant relative 8287

to that offense or subsequently is convicted of or pleads guilty 8288
to another child-victim oriented offense or a sexually oriented 8289
offense, the period of time for which the offender or delinquent 8290
child must comply with the sections specified in division (A) of 8291
this section shall be separately calculated pursuant to divisions 8292
(A)(1) to (8) and (B)(1) to ~~(3)~~(6) of this section for each of the 8293
sexually oriented offenses and child-victim oriented offenses, and 8294
the offender or delinquent child shall comply with each separately 8295
calculated period of time independently. 8296

If a delinquent child has been adjudicated a delinquent child 8297
for committing a sexually oriented offense or a child-victim 8298
oriented offense, is classified a juvenile offender registrant or 8299
is an out-of-state juvenile offender registrant relative to that 8300
offense, and, after attaining eighteen years of age, subsequently 8301
is convicted of or pleads guilty to another sexually oriented 8302
offense or child-victim oriented offense, the subsequent 8303
conviction or guilty plea does not limit, affect, or supersede the 8304
duties imposed upon the delinquent child under this chapter 8305
relative to the delinquent child's classification as a juvenile 8306
offender registrant or as an out-of-state juvenile offender 8307
registrant, and the delinquent child shall comply with both those 8308
duties and the duties imposed under this chapter relative to the 8309
subsequent conviction or guilty plea. 8310

(2) If a delinquent child has been adjudicated a delinquent 8311
child for committing a sexually oriented offense or a child-victim 8312
oriented offense and is classified a juvenile offender registrant 8313
relative to the offense and if the juvenile judge or the judge's 8314
successor in office subsequently reclassifies the offense tier in 8315
which the child is classified pursuant to section 2152.84 or 8316
2152.85 of the Revised Code or determines pursuant to either 8317
section that the child no longer is a sexual predator, 8318
child-victim predator, habitual sex offender, or habitual 8319

child-victim offender, whichever is applicable, the judge's 8320
subsequent determination to reclassify the child does not affect 8321
the date of commencement of the delinquent child's duty to comply 8322
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 8323
Revised Code as determined under division (A) of this section. The 8324
child's duty to comply with those sections after the 8325
reclassification is a continuation of the child's duty to comply 8326
with the sections that was in effect prior to the 8327
reclassification, and the duty shall continue for the period of 8328
time specified in division (B)(1), (2), ~~or (3)~~, (4), (5), or (6) 8329
of this section, whichever is applicable. 8330

If, prior to January 1, 2008, an offender had a duty to 8331
comply with the sections specified in division (A) of this section 8332
as a result of a conviction of or plea of guilty to a sexually 8333
oriented offense or child-victim oriented offense as those terms 8334
were defined in section 2950.01 of the Revised Code prior to 8335
January 1, 2008, or a delinquent child had a duty to comply with 8336
those sections as a result of an adjudication as a delinquent 8337
child for committing one of those offenses as they were defined 8338
prior to January 1, 2008, the period of time specified in division 8339
(B)(1), (2), ~~or (3)~~, (4), (5), or (6) of this section on and after 8340
January 1, 2008, for which a person must comply with sections 8341
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 8342
applies to the person, automatically replaces the period of time 8343
for which the person had to comply with those sections prior to 8344
January 1, 2008, and is a continuation of the person's duty to 8345
comply with the sections that was in effect prior to the 8346
reclassification. If, prior to January 1, 2008, an offender or a 8347
delinquent child had a duty to comply with the sections specified 8348
in division (A) of this section, the offender's or delinquent 8349
child's classification as a tier I sex offender/child-victim 8350
offender, a tier II sex offender/child-victim offender, or a tier 8351
III sex offender/child-victim offender for purposes of that period 8352

of time shall be determined as specified in section 2950.031 or 8353
2950.032 of the Revised Code, as applicable. 8354

(D) The duty of an offender or delinquent child to register 8355
under this chapter is tolled for any period during which the 8356
offender or delinquent child is returned to confinement in a 8357
secure facility for any reason or imprisoned for an offense when 8358
the confinement in a secure facility or imprisonment occurs 8359
subsequent to the date determined pursuant to division (A) of this 8360
section. The offender's or delinquent child's duty to register 8361
under this chapter resumes upon the offender's or delinquent 8362
child's release from confinement in a secure facility or 8363
imprisonment. 8364

(E) An offender or delinquent child who has been or is 8365
convicted, has pleaded or pleads guilty, or has been or is 8366
adjudicated a delinquent child, in a court in another state, in a 8367
federal court, military court, or Indian tribal court, or in a 8368
court of any nation other than the United States for committing a 8369
sexually oriented offense or a child-victim oriented offense may 8370
apply to the sheriff of the county in which the offender or 8371
delinquent child resides or temporarily is domiciled, or in which 8372
the offender attends a school or institution of higher education 8373
or is employed, for credit against the duty to register for the 8374
time that the offender or delinquent child has complied with the 8375
sex offender or child-victim offender registration requirements of 8376
another jurisdiction. The sheriff shall grant the offender or 8377
delinquent child credit against the duty to register for time for 8378
which the offender or delinquent child provides adequate proof 8379
that the offender or delinquent child has complied with the sex 8380
offender or child-victim offender registration requirements of 8381
another jurisdiction. If the offender or delinquent child 8382
disagrees with the determination of the sheriff, the offender or 8383
delinquent child may appeal the determination to the court of 8384

common pleas of the county in which the offender or delinquent 8385
child resides or is temporarily domiciled, or in which the 8386
offender attends a school or institution of higher education or is 8387
employed. 8388

Sec. 2950.081. (A) Any statements, information, photographs, 8389
fingerprints, or materials that are required to be provided, and 8390
that are provided, by an offender or delinquent child pursuant to 8391
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code 8392
and that are in the possession of a county sheriff are public 8393
records open to public inspection under section 149.43 of the 8394
Revised Code and shall be included in the internet sex offender 8395
and child-victim offender database established and maintained 8396
under section 2950.13 of the Revised Code to the extent provided 8397
in that section. 8398

(B) ~~Except when the child is classified a public~~ 8399
~~registry qualified juvenile offender registrant, the A~~ sheriff 8400
shall not cause to be publicly disseminated by means of the 8401
internet any statements, information, photographs, fingerprints, 8402
or materials that are provided by a delinquent child who sends a 8403
notice of intent to reside, registers, provides notice of a change 8404
of residence address and registers the new residence address, or 8405
provides verification of a current residence address pursuant to 8406
this chapter and that are in the possession of a county sheriff. 8407

(C) If a sheriff establishes on the internet a sex offender 8408
and child-victim offender database for the public dissemination of 8409
some or all of the materials regarding offenders that are 8410
described in division (A) of this section, that are not prohibited 8411
from inclusion by division (B) of this section, and that pertain 8412
to offenders ~~or delinquent children~~ who register in the sheriff's 8413
county, in addition to all of the other information and materials 8414
included, the sheriff shall include in the database a chart 8415

describing which sexually oriented offenses and child-victim 8416
oriented offenses are included in the definitions of tier I sex 8417
offender/child-victim offender, tier II sex offender/child-victim 8418
offender, and tier III sex offender/child-victim offender and for 8419
each offender ~~or delinquent child~~ in relation to whom information 8420
and materials are provided a statement as to whether the offender 8421
~~or delinquent child~~ is a tier I sex offender/child-victim 8422
~~offenders~~ offender, a tier II sex offender/child-victim ~~offenders~~ 8423
offender, or a tier III sex offender/child-victim ~~offenders~~ 8424
offender. 8425

Sec. 2950.09. (A) If a person is convicted of or pleads 8426
guilty to a sexually oriented offense that was committed before 8427
January 1, 2008, and if the sexually oriented offense is a violent 8428
sex offense or a designated homicide, assault, or kidnapping 8429
offense and the offender is adjudicated a sexually violent 8430
predator in relation to that offense, the conviction of or plea of 8431
guilty to the offense and the adjudication as a sexually violent 8432
predator automatically classifies the offender a sexual predator. 8433
If a person is convicted of or pleads guilty to a sexually 8434
oriented offense that is a violation of division (A)(1)(b) of 8435
section 2907.02 of the Revised Code and that was committed before 8436
January 1, 2008, and if either the person is sentenced under 8437
section 2971.03 of the Revised Code or the court imposes upon the 8438
offender a sentence of life without parole under division (B) of 8439
section 2907.02 of the Revised Code, the conviction of or plea of 8440
guilty to the offense automatically classifies the offender a 8441
sexual predator. If a person is convicted of or pleads guilty to 8442
attempted rape that was committed before January 1, 2008, and also 8443
is convicted of or pleads guilty to a specification of the type 8444
described in section 2941.1418, 2941.1419, or 2941.1420 of the 8445
Revised Code, the conviction of or plea of guilty to the offense 8446
and the specification automatically classify the offender a sexual 8447

predator. If a person is convicted, pleads guilty, or is 8448
adjudicated a delinquent child in a court in another state, in a 8449
federal court, military court, or Indian tribal court, or in a 8450
court of any nation other than the United States for a sexually 8451
oriented offense that was committed before January 1, 2008, and 8452
if, as a result of that conviction, plea of guilty, or 8453
adjudication, the person is required under the law of the 8454
jurisdiction in which the person was convicted, pleaded guilty, or 8455
was adjudicated to register as a sex offender until the person's 8456
death, that conviction, plea of guilty, or adjudication 8457
automatically classifies the person a sexual predator, but the 8458
person may challenge that classification pursuant to division (F) 8459
of this section. In all other cases, a person who commits before 8460
January 1, 2008, a sexually oriented offense may be classified as 8461
a sexual predator for purposes of this chapter only in accordance 8462
with division (B) or (C) of this section or, regarding delinquent 8463
children, divisions (B) and (C) of section 2152.83 of the Revised 8464
Code. 8465

(B)(1)(a) Except as otherwise provided in this division, the 8466
judge who is to impose sentence on a person who is convicted of or 8467
pleads guilty to a sexually oriented offense that was committed 8468
before January 1, 2008, shall conduct a hearing to determine 8469
whether the offender is a sexual predator. A judge shall not 8470
conduct a hearing under this division if the person automatically 8471
is classified a sexual predator as described in division (A) of 8472
this section. 8473

(b) The judge who is to impose an order of disposition upon a 8474
child who is adjudicated a delinquent child for committing before 8475
January 1, 2008, a sexually oriented offense shall conduct a 8476
hearing to determine whether the child is a sexual predator if 8477
either of the following applies: 8478

(i) The judge is required by section 2152.82 or division (A) of section 2152.83 of the Revised Code to classify the child a juvenile offender registrant.

(ii) Division (B) of section 2152.83 of the Revised Code applies regarding the child, the judge conducts a hearing under that division for the purposes described in that division, and the judge determines at that hearing that the child is a juvenile offender registrant.

(2) The judge shall conduct the hearing required by division (B)(1)(a) of this section for an offender prior to sentencing. If the sexually oriented offense for which sentence is to be imposed is a felony and the hearing is being conducted under division (B)(1)(a) of this section, the judge may conduct it as part of the sentencing hearing required by section 2929.19 of the Revised Code. The judge may conduct the hearing required by division (B)(1)(b) of this section for a delinquent child at the same time as, or separate from, the dispositional hearing, as specified in the applicable provision of section 2152.82 or 2152.83 of the Revised Code. The court shall give the offender or delinquent child and the prosecutor who prosecuted the offender or handled the case against the delinquent child for the sexually oriented offense notice of the date, time, and location of the hearing. At the hearing, the offender or delinquent child and the prosecutor shall have an opportunity to testify, present evidence, call and examine witnesses and expert witnesses, and cross-examine witnesses and expert witnesses regarding the determination as to whether the offender or delinquent child is a sexual predator. The offender or delinquent child shall have the right to be represented by counsel and, if indigent, the right to have counsel appointed to represent the offender or delinquent child.

(3) In making a determination under divisions (B)(1) and (4) of this section as to whether an offender or delinquent child is a

sexual predator, the judge shall consider all relevant factors, 8511
including, but not limited to, all of the following: 8512

(a) The offender's or delinquent child's age; 8513

(b) The offender's or delinquent child's prior criminal or 8514
delinquency record regarding all offenses, including, but not 8515
limited to, all sexual offenses; 8516

(c) The age of the victim of the sexually oriented offense 8517
for which sentence is to be imposed or the order of disposition is 8518
to be made; 8519

(d) Whether the sexually oriented offense for which sentence 8520
is to be imposed or the order of disposition is to be made 8521
involved multiple victims; 8522

(e) Whether the offender or delinquent child used drugs or 8523
alcohol to impair the victim of the sexually oriented offense or 8524
to prevent the victim from resisting; 8525

(f) If the offender or delinquent child previously has been 8526
convicted of or pleaded guilty to, or been adjudicated a 8527
delinquent child for committing an act that if committed by an 8528
adult would be, a criminal offense, whether the offender or 8529
delinquent child completed any sentence or dispositional order 8530
imposed for the prior offense or act and, if the prior offense or 8531
act was a sex offense or a sexually oriented offense, whether the 8532
offender or delinquent child participated in available programs 8533
for sexual offenders; 8534

(g) Any mental illness or mental disability of the offender 8535
or delinquent child; 8536

(h) The nature of the offender's or delinquent child's sexual 8537
conduct, sexual contact, or interaction in a sexual context with 8538
the victim of the sexually oriented offense and whether the sexual 8539
conduct, sexual contact, or interaction in a sexual context was 8540

part of a demonstrated pattern of abuse; 8541

(i) Whether the offender or delinquent child, during the 8542
commission of the sexually oriented offense for which sentence is 8543
to be imposed or the order of disposition is to be made, displayed 8544
cruelty or made one or more threats of cruelty; 8545

(j) Any additional behavioral characteristics that contribute 8546
to the offender's or delinquent child's conduct. 8547

(4) After reviewing all testimony and evidence presented at 8548
the hearing conducted under division (B)(1) of this section and 8549
the factors specified in division (B)(3) of this section, the 8550
court shall determine by clear and convincing evidence whether the 8551
subject offender or delinquent child is a sexual predator. If the 8552
court determines that the subject offender or delinquent child is 8553
not a sexual predator, the court shall specify in the offender's 8554
sentence and the judgment of conviction that contains the sentence 8555
or in the delinquent child's dispositional order, as appropriate, 8556
that the court has determined that the offender or delinquent 8557
child is not a sexual predator and the reason or reasons why the 8558
court determined that the subject offender or delinquent child is 8559
not a sexual predator. If the court determines by clear and 8560
convincing evidence that the subject offender or delinquent child 8561
is a sexual predator, the court shall specify in the offender's 8562
sentence and the judgment of conviction that contains the sentence 8563
or in the delinquent child's dispositional order, as appropriate, 8564
that the court has determined that the offender or delinquent 8565
child is a sexual predator and that the determination was pursuant 8566
to division (B) of this section. If the sexually oriented offense 8567
in question is an aggravated sexually oriented offense, the court 8568
shall specify in the offender's sentence and the judgment of 8569
conviction that contains the sentence that the offender's offense 8570
is an aggravated sexually oriented offense. The offender or 8571
delinquent child and the prosecutor who prosecuted the offender or 8572

handled the case against the delinquent child for the sexually oriented offense in question may appeal as a matter of right the court's determination under this division as to whether the offender or delinquent child is, or is not, a sexual predator.

(C)(1) If a person was convicted of or pleaded guilty to a sexually oriented offense that was committed before January 1, 2008, if the person is serving a term of imprisonment in a state correctional institution as of the effective date of this section, and if the person previously has not received a hearing to determine whether the person is a sexual predator, the department of rehabilitation and correction shall do whichever of the following is applicable:

(a) If the sexually oriented offense was, regardless of the age of the victim of the offense, a violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the Revised Code, or of division (A) of section 2903.04 of the Revised Code, that was committed with a sexual motivation, or was a violent sex offense, the department shall notify the court that sentenced the offender of this fact, and the court shall conduct a hearing to determine whether the offender is a sexual predator.

(b) If division (C)(1)(a) of this section does not apply, the department shall determine whether to recommend that the offender be adjudicated a sexual predator. In making a determination under this division as to whether to recommend that the offender be adjudicated a sexual predator, the department shall consider all relevant factors, including, but not limited to, all of the factors specified in divisions (B)(2) and (3) of this section. If the department determines that it will recommend that the offender be adjudicated a sexual predator, it immediately shall send the recommendation to the court that sentenced the offender. If the department determines that it will not recommend that the offender be adjudicated a sexual predator, it immediately shall send its

determination to the court that sentenced the offender. In all 8605
cases, the department shall enter its determination and 8606
recommendation in the offender's institutional record, and the 8607
court shall proceed in accordance with division (C)(2) of this 8608
section. 8609

(2)(a) If the department of rehabilitation and correction 8610
sends to a court a notice under division (C)(1)(a) of this 8611
section, the court shall conduct a hearing to determine whether 8612
the subject offender is a sexual predator. If, pursuant to 8613
division (C)(1)(b) of this section, the department sends to a 8614
court a recommendation that an offender be adjudicated a sexual 8615
predator, the court is not bound by the department's 8616
recommendation, and the court shall conduct a hearing to determine 8617
whether the offender is a sexual predator. The court shall not 8618
make a determination as to whether the offender is, or is not, a 8619
sexual predator without a hearing. The court may hold the hearing 8620
and make the determination prior to the offender's release from 8621
imprisonment or at any time within one year following the 8622
offender's release from that imprisonment. 8623

(b) If, pursuant to division (C)(1)(b) of this section, the 8624
department sends to the court a determination that it is not 8625
recommending that an offender be adjudicated a sexual predator, 8626
the court shall not make any determination as to whether the 8627
offender is, or is not, a sexual predator but shall determine 8628
whether the offender previously has been convicted of or pleaded 8629
guilty to a sexually oriented offense other than the offense in 8630
relation to which the department made its determination or 8631
previously has been convicted of or pleaded guilty to a 8632
child-victim oriented offense. 8633

The court may conduct a hearing to determine whether the 8634
offender previously has been convicted of or pleaded guilty to a 8635
sexually oriented offense or a child-victim oriented offense but 8636

may make the determination without a hearing. However, if the 8637
court determines that the offender previously has been convicted 8638
of or pleaded guilty to such an offense, it shall not impose a 8639
requirement that the offender be subject to the community 8640
notification provisions contained in sections 2950.10 and 2950.11 8641
of the Revised Code without a hearing. In determining whether to 8642
impose the community notification requirement, the court, in the 8643
circumstances described in division (E)(2) of this section, shall 8644
apply the presumption specified in that division. The court shall 8645
include in the offender's institutional record any determination 8646
made under this division as to whether the offender previously has 8647
been convicted of or pleaded guilty to a sexually oriented offense 8648
or child-victim oriented offense and, as such, whether the 8649
offender is a habitual sex offender. 8650

(c) Upon scheduling a hearing under division (C)(2)(a) or (b) 8651
of this section, the court shall give the offender and the 8652
prosecutor who prosecuted the offender for the sexually oriented 8653
offense, or that prosecutor's successor in office, notice of the 8654
date, time, and place of the hearing. If the hearing is scheduled 8655
under division (C)(2)(a) of this section to determine whether the 8656
offender is a sexual predator, the prosecutor who is given the 8657
notice may contact the department of rehabilitation and correction 8658
and request that the department provide to the prosecutor all 8659
information the department possesses regarding the offender that 8660
is relevant and necessary for use in making the determination as 8661
to whether the offender is a sexual predator and that is not 8662
privileged or confidential under law. If the prosecutor makes a 8663
request for that information, the department promptly shall 8664
provide to the prosecutor all information the department possesses 8665
regarding the offender that is not privileged or confidential 8666
under law and that is relevant and necessary for making that 8667
determination. The court shall conduct a hearing scheduled under 8668
division (C)(2)(a) of this section to determine whether the 8669

offender is a sexual predator in the manner described in division 8670
(B)(1) of this section regarding hearings conducted under that 8671
division. In making a determination under this division as to 8672
whether the offender is a sexual predator, the court shall 8673
consider all relevant factors, including, but not limited to, all 8674
of the factors specified in divisions (B)(2) and (3) of this 8675
section. After reviewing all testimony and evidence presented at 8676
the sexual predator hearing and the factors specified in divisions 8677
(B)(2) and (3) of this section, the court shall determine by clear 8678
and convincing evidence whether the offender is a sexual predator. 8679
If the court determines at the sexual predator hearing that the 8680
offender is not a sexual predator, it also shall determine whether 8681
the offender previously has been convicted of or pleaded guilty to 8682
a sexually oriented offense other than the offense in relation to 8683
which the hearing is being conducted. 8684

Upon making its determinations at the sexual predator 8685
hearing, the court shall proceed as follows: 8686

(i) If the court determines that the offender is not a sexual 8687
predator and that the offender previously has not been convicted 8688
of or pleaded guilty to a sexually oriented offense other than the 8689
offense in relation to which the hearing is being conducted and 8690
previously has not been convicted of or pleaded guilty to a 8691
child-victim oriented offense, it shall include in the offender's 8692
institutional record its determinations and the reason or reasons 8693
why it determined that the offender is not a sexual predator. 8694

(ii) If the court determines that the offender is not a 8695
sexual predator but that the offender previously has been 8696
convicted of or pleaded guilty to a sexually oriented offense 8697
other than the offense in relation to which the hearing is being 8698
conducted or previously has been convicted of or pleaded guilty to 8699
a child-victim oriented offense, it shall include in the 8700
offender's institutional record its determination that the 8701

offender is not a sexual predator but is a habitual sex offender 8702
and the reason or reasons why it determined that the offender is 8703
not a sexual predator. The court shall attach the determinations 8704
and the reason or reasons to the offender's sentence, shall 8705
specify that the determinations were pursuant to division (C) of 8706
this section, and shall provide a copy of the determinations and 8707
the reason or reasons to the offender, to the prosecuting 8708
attorney, and to the department of rehabilitation and correction. 8709
The court may impose a requirement that the offender be subject to 8710
the community notification provisions contained in sections 8711
2950.10 and 2950.11 of the Revised Code. In determining whether to 8712
impose the community notification requirement, the court, in the 8713
circumstances described in division (E)(2) of this section, shall 8714
apply the presumption specified in that division. The offender 8715
shall not be subject to those community notification provisions 8716
relative to the sexually oriented offense in question if the court 8717
does not so impose the requirement described in this division. If 8718
the court imposes that requirement, the offender may appeal the 8719
judge's determination that the offender is a habitual sex 8720
offender. 8721

(iii) If the court determines by clear and convincing 8722
evidence that the offender is a sexual predator, it shall enter 8723
its determination in the offender's institutional record, shall 8724
attach the determination to the offender's sentence, shall specify 8725
that the determination was pursuant to division (C) of this 8726
section, and shall provide a copy of the determination to the 8727
offender, to the prosecuting attorney, and to the department of 8728
rehabilitation and correction. The offender and the prosecutor may 8729
appeal as a matter of right the judge's determination under 8730
divisions (C)(2)(a) and (c) of this section as to whether the 8731
offender is, or is not, a sexual predator. 8732

If the hearing is scheduled under division (C)(2)(b) of this 8733

section to determine whether the offender previously has been 8734
convicted of or pleaded guilty to a sexually oriented offense or a 8735
child-victim oriented offense or whether to subject the offender 8736
to the community notification provisions contained in sections 8737
2950.10 and 2950.11 of the Revised Code, upon making the 8738
determination, the court shall attach the determination or 8739
determinations to the offender's sentence, shall provide a copy to 8740
the offender, to the prosecuting attorney, and to the department 8741
of rehabilitation and correction, and may impose a requirement 8742
that the offender be subject to the community notification 8743
provisions. In determining whether to impose the community 8744
notification requirements, the court, in the circumstances 8745
described in division (E)(2) of this section, shall apply the 8746
presumption specified in that division. The offender shall not be 8747
subject to the community notification provisions relative to the 8748
sexually oriented offense in question if the court does not so 8749
impose the requirement described in this division. If the court 8750
imposes that requirement, the offender may appeal the judge's 8751
determination that the offender is a habitual sex offender. 8752

(D)(1) A person who has been adjudicated a delinquent child 8753
for committing a sexually oriented offense and who has been 8754
classified by a juvenile court judge a juvenile offender 8755
registrant or, if applicable, additionally has been determined by 8756
a juvenile court judge to be a sexual predator or habitual sex 8757
offender, may petition the adjudicating court for a 8758
reclassification or declassification pursuant to section 2152.85 8759
of the Revised Code. 8760

A judge who is reviewing a sexual predator determination for 8761
a delinquent child under section 2152.84 or 2152.85 of the Revised 8762
Code shall comply with this section. At the hearing, the judge 8763
shall consider all relevant evidence and information, including, 8764
but not limited to, the factors set forth in division (B)(3) of 8765

this section. The judge shall not enter a determination that the delinquent child no longer is a sexual predator unless the judge determines by clear and convincing evidence that the delinquent child is unlikely to commit a sexually oriented offense in the future. If the judge enters a determination under this division that the delinquent child no longer is a sexual predator, the judge shall notify the bureau of criminal identification and investigation of the determination and shall include in the notice a statement of the reason or reasons why it determined that the delinquent child no longer is a sexual predator. Upon receipt of the notification, the bureau promptly shall notify the sheriff with whom the delinquent child most recently registered under section 2950.04 or 2950.05 of the Revised Code of the determination that the delinquent child no longer is a sexual predator.

(2) If an offender who has been convicted of or pleaded guilty to a sexually oriented offense is classified a sexual predator pursuant to division (A) of this section or has been adjudicated a sexual predator relative to the offense as described in division (B) or (C) of this section, subject to division (F) of this section, the classification or adjudication of the offender as a sexual predator is permanent and continues in effect until the offender's death, and in no case shall the classification or adjudication be removed or terminated.

(E)(1) The judge who is to impose sentence on or after the effective date of this section on a person who is convicted of or pleads guilty to a sexually oriented offense that was committed before January 1, 2008, shall determine, prior to sentencing, whether the offender previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing, a sexually oriented offense or a child-victim oriented offense and is a habitual sex offender.

The judge who is to impose or has imposed an order of disposition on or after the effective date of this section upon a child who is adjudicated a delinquent child for committing before January 1, 2008, a sexually oriented offense shall determine prior to entering the order classifying the delinquent child a juvenile offender registrant whether the delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing, a sexually oriented offense or a child-victim oriented offense and is a habitual sex offender if either of the following applies:

(a) The judge is required by section 2152.82 or division (A) of section 2152.83 of the Revised Code to classify the child a juvenile offender registrant.

(b) Division (B) of section 2152.83 of the Revised Code applies regarding the child, the judge conducts a hearing under that division for the purposes described in that division, and the judge determines at that hearing that the child is a juvenile offender registrant.

(2) If, under division (E)(1) of this section, the judge determines that the offender or delinquent child previously has not been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing, a sexually oriented offense or a child-victim oriented offense or that the offender otherwise does not satisfy the criteria for being a habitual sex offender, the judge shall specify in the offender's sentence or in the order classifying the delinquent child a juvenile offender registrant that the judge has determined that the offender or delinquent child is not a habitual sex offender.

If, under division (E)(1) of this section, the judge determines that the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing, a sexually oriented offense or a

child-victim oriented offense and that the offender satisfies all 8830
other criteria for being a habitual sex offender, the offender or 8831
delinquent child is a habitual sex offender or habitual 8832
child-victim offender, and the court shall determine whether to 8833
impose a requirement that the offender or delinquent child be 8834
subject to the community notification provisions in sections 8835
2950.10 and 2950.11 of the Revised Code. In making the 8836
determination regarding the possible imposition of the community 8837
notification requirement, if at least two of the sexually oriented 8838
offenses or child-victim oriented offenses that are the basis of 8839
the habitual sex offender or habitual child-victim offender 8840
determination were committed against a victim who was under 8841
eighteen years of age, it is presumed that subjecting the offender 8842
or delinquent child to the community notification provisions is 8843
necessary to comply with the determinations, findings, and 8844
declarations of the general assembly regarding sex offenders and 8845
child-victim offenders set forth in section 2950.02 of the Revised 8846
Code. When a judge determines that an offender or delinquent child 8847
is a habitual sex offender or a habitual child-victim offender, 8848
the judge shall specify in the offender's sentence and the 8849
judgment of conviction that contains the sentence or in the order 8850
classifying the delinquent child a juvenile offender registrant 8851
that the judge has determined that the offender or delinquent 8852
child is a habitual sex offender. The judge may impose a 8853
requirement in that sentence and judgment of conviction or in that 8854
order that the offender or delinquent child is subject to the 8855
community notification provisions in sections 2950.10 and 2950.11 8856
of the Revised Code. Unless the habitual sex offender also has 8857
been adjudicated a sexual predator relative to the sexually 8858
oriented offense in question or the habitual sex offender was 8859
convicted of or pleaded guilty to an aggravated sexually oriented 8860
offense, the offender or delinquent child is subject to those 8861
community notification provisions only if the court imposes the 8862

requirement described in this division in the offender's sentence 8863
and the judgment of conviction or in the order classifying the 8864
delinquent child a juvenile offender registrant. If the court 8865
determines pursuant to this division or division (C)(2) of this 8866
section that an offender is a habitual sex offender, the 8867
determination is permanent and continues in effect until the 8868
offender's death, and in no case shall the determination be 8869
removed or terminated. 8870

If a court in another state, a federal court, military court, 8871
or Indian tribal court or a court in any nation other than the 8872
United States determines a person to be a habitual sex offender in 8873
that jurisdiction, the person is considered to be determined to be 8874
a habitual sex offender in this state. If the court in the other 8875
state, federal court, military court, or Indian tribal court or 8876
the court in the nation other than the United States subjects the 8877
habitual sex offender to community notification regarding the 8878
person's place of residence, the person, as much as is 8879
practicable, is subject to the community notification provisions 8880
regarding the person's place of residence that are in sections 8881
2950.10 and 2950.11 of the Revised Code, unless the court that so 8882
subjected the person to community notification determines that the 8883
person no longer is subject to community notification. 8884

(F)(1) An offender or delinquent child classified a sexual 8885
predator may petition the court of common pleas or, for a 8886
delinquent child, the juvenile court of the county in which the 8887
offender or delinquent child resides or temporarily is domiciled 8888
to enter a determination that the offender or delinquent child is 8889
not an adjudicated sexual predator in this state for purposes of 8890
the registration and other requirements of this chapter or the 8891
community notification provisions contained in sections 2950.10 8892
and 2950.11 of the Revised Code if all of the following apply: 8893

(a) The offender or delinquent child was convicted, pleaded 8894

guilty, or was adjudicated a delinquent child in a court of 8895
another state, in a federal court, military court, or Indian 8896
tribal court, or in a court of any nation other than the United 8897
States for committing a sexually oriented offense. 8898

(b) As a result of the conviction, guilty plea, or 8899
adjudication described in division (F)(1)(a) of this section, the 8900
offender or delinquent child is required under the law of the 8901
jurisdiction under which the offender or delinquent child was 8902
convicted, pleaded guilty, or was adjudicated to register as a sex 8903
offender until the offender's or delinquent child's death. 8904

(c) The offender or delinquent child was automatically 8905
classified a sexual predator under division (A) of this section in 8906
relation to the conviction, guilty plea, or adjudication described 8907
in division (F)(1)(a) of this section. 8908

(2) The court may enter a determination that the offender or 8909
delinquent child filing the petition described in division (F)(1) 8910
of this section is not an adjudicated sexual predator in this 8911
state for purposes of the registration and other requirements of 8912
this chapter or the community notification provisions in sections 8913
2950.10 and 2950.11 of the Revised Code only if the offender or 8914
delinquent child proves by clear and convincing evidence that the 8915
requirement of the other jurisdiction that the offender or 8916
delinquent child register as a sex offender until the offender's 8917
or delinquent child's death is not substantially similar to a 8918
classification as a sexual predator for purposes of this chapter. 8919
If the court enters a determination that the offender or 8920
delinquent child is not an adjudicated sexual predator in this 8921
state for those purposes, the court shall include in the 8922
determination a statement of the reason or reasons why it so 8923
determined. 8924

(G) If, prior to July 31, 2003, an offender or delinquent 8925
child was adjudicated a sexual predator or was determined to be a 8926

habitual sex offender under this section or section 2152.82, 8927
2152.83, 2152.84, or 2152.85 of the Revised Code and if, on and 8928
after July 31, 2003, the sexually oriented offense upon which the 8929
classification or determination was based no longer is considered 8930
a sexually oriented offense but instead is a child-victim oriented 8931
offense, notwithstanding the redesignation of that offense, on and 8932
after July 31, 2003, all of the following apply: 8933

(1) Divisions (A)(1) and (2) or (E)(1) and (2) of section 8934
2950.091 of the Revised Code apply regarding the offender or 8935
child, and the judge's classification or determination made prior 8936
to July 31, 2003, shall be considered for all purposes to be a 8937
classification or determination that classifies the offender or 8938
child as described in those divisions. 8939

(2) The offender's or child's classification or determination 8940
under divisions (A)(1) and (2) or (E)(1) and (2) of section 8941
2950.091 of the Revised Code shall be considered for purposes of 8942
section 2950.07 of the Revised Code and for all other purposes to 8943
be a continuation of the classification or determination made 8944
prior to July 31, 2003. 8945

(3) The offender's or child's duties under this chapter 8946
relative to that classification or determination shall be 8947
considered for all purposes to be a continuation of the duties 8948
related to that classification or determination as they existed 8949
prior to July 31, 2003. 8950

Sec. 2950.091. (A)(1) If, prior to July 31, 2003, a person 8951
was convicted of, pleaded guilty to, or was adjudicated a 8952
delinquent child for committing, a sexually oriented offense, if, 8953
prior to July 31, 2003, the offender or delinquent child was 8954
classified a sexual predator in relation to that offense pursuant 8955
to division (A) of section 2950.09 of the Revised Code as it then 8956
existed, and if, on and after July 31, 2003, the sexually oriented 8957

offense upon which the classification was based no longer is 8958
considered a sexually oriented offense but instead is a 8959
child-victim oriented offense, notwithstanding the redesignation 8960
of the offense, the classification of the offender or child as a 8961
sexual predator remains valid and in effect on and after July 31, 8962
2003, and on and after the effective date of this section. 8963

(2) If, prior to July 31, 2003, a person was convicted of, 8964
pleaded guilty to, or was adjudicated a delinquent child for 8965
committing a sexually oriented offense, if, prior to July 31, 8966
2003, the offender or delinquent child was adjudicated a sexual 8967
predator in relation to that offense under section 2950.09 or 8968
section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code 8969
as they then existed, if, on and after July 31, 2003, the sexually 8970
oriented offense upon which the adjudication was based no longer 8971
is considered a sexually oriented offense but instead is a 8972
child-victim oriented offense, and if division (A)(1) of this 8973
section does not apply, notwithstanding the redesignation of the 8974
offense, on and after July 31, 2003, and on and after the 8975
effective date of this section, the offender or delinquent child 8976
automatically is classified a child-victim predator. If a person 8977
is convicted, pleads guilty, or is adjudicated a delinquent child 8978
in a court of another state, in a federal court, military court, 8979
or Indian tribal court, or in a court of any nation other than the 8980
United States for committing before January 1, 2008, a 8981
child-victim oriented offense, and if, as a result of that 8982
conviction, plea of guilty, or adjudication, the person is 8983
required under the law of the jurisdiction in which the person was 8984
convicted, pleaded guilty, or adjudicated to register as a 8985
child-victim offender or sex offender until the person's death, 8986
that conviction, plea of guilty, or adjudication automatically 8987
classifies the person a child-victim predator for the purposes of 8988
this chapter, but the person may challenge that classification 8989

pursuant to division (F) of this section. 8990

(3) In all cases not described in division (A)(1) or (2) of this section, a person or delinquent child who commits before January 1, 2008, a child-victim oriented offense may be classified a child-victim predator for purposes of this chapter only in accordance with division (B) or (C) of this section or, regarding delinquent children, divisions (B) and (C) of section 2152.83 of the Revised Code. 8991
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(B)(1)(a) Except as otherwise provided in this division, the judge who is to impose sentence on a person who is convicted of or pleads guilty to a child-victim oriented offense that was committed before January 1, 2008, shall conduct a hearing to determine whether the offender is a child-victim predator. The court shall not conduct a hearing under this division if the person automatically is classified a sexual predator or child-victim predator as described in division (A) of this section. 8998
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(b) The judge who is to impose an order of disposition upon a child who is adjudicated a delinquent child for committing before January 1, 2008, a child-victim oriented offense shall conduct a hearing to determine whether the child is a child-victim predator if either of the following applies: 9007
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(i) The judge is required by section 2152.82 or division (A) of section 2152.83 of the Revised Code to classify the child a juvenile offender registrant. 9012
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(ii) Division (B) of section 2152.83 of the Revised Code applies regarding the child, the judge conducts a hearing under that division for the purposes described in that division, and the judge determines at that hearing that the child is a juvenile offender registrant. 9015
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(2) The judge shall conduct the hearing required by division 9020

(B)(1)(a) of this section for an offender prior to sentencing, 9021
and, if the child-victim oriented offense for which sentence is to 9022
be imposed is a felony and the hearing is being conducted under 9023
division (B)(1)(a) of this section, the judge may conduct it as 9024
part of the sentencing hearing required by section 2929.19 of the 9025
Revised Code. The judge may conduct the hearing required by 9026
division (B)(1)(b) of this section for a delinquent child at the 9027
same time as, or separate from, the dispositional hearing, as 9028
specified in the applicable provision of section 2152.82 or 9029
2152.83 of the Revised Code. The court shall give the offender or 9030
delinquent child and the prosecutor who prosecuted the offender or 9031
handled the case against the delinquent child for the child-victim 9032
oriented offense notice of the date, time, and location of the 9033
hearing. At the hearing, the offender or delinquent child and the 9034
prosecutor have the same opportunities and rights as described in 9035
division (B)(2) of section 2950.09 of the Revised Code regarding 9036
sexual predator hearings. 9037

(3) In making a determination under divisions (B)(1) and (4) 9038
of this section as to whether an offender or delinquent child is a 9039
child-victim predator, the judge shall consider all relevant 9040
factors, including, but not limited to, all of the factors 9041
identified in division (B)(3) of section 2950.09 of the Revised 9042
Code regarding sexual predator hearings, except that all 9043
references in those factors to any "sexual offense" or "sexually 9044
oriented offense" shall be construed for purposes of this division 9045
as being references to a "child-victim oriented offense," and all 9046
references in the factors so identified to "sexual offenders" 9047
shall be construed for purposes of this division as being 9048
references to "child-victim offenders." 9049

(4) After reviewing all testimony and evidence presented at 9050
the hearing conducted under division (B)(1) of this section and 9051
the factors specified in division (B)(3) of this section, the 9052

court shall determine by clear and convincing evidence whether the 9053
subject offender or delinquent child is a child-victim predator. 9054
If the court determines that the subject offender or delinquent 9055
child is not a child-victim predator, the court shall specify in 9056
the offender's sentence and the judgment of conviction that 9057
contains the sentence or in the delinquent child's dispositional 9058
order, as appropriate, that the court has determined that the 9059
offender or delinquent child is not a child-victim predator and 9060
the reason or reasons why the court determined that the subject 9061
offender or delinquent child is not a child-victim predator. If 9062
the court determines by clear and convincing evidence that the 9063
subject offender or delinquent child is a child-victim predator, 9064
the court shall specify in the offender's sentence and the 9065
judgment of conviction that contains the sentence or in the 9066
delinquent child's dispositional order, as appropriate, that the 9067
court has determined that the offender or delinquent child is a 9068
child-victim predator and that the determination was pursuant to 9069
division (B) of this section. The offender or delinquent child and 9070
the prosecutor who prosecuted the offender or handled the case 9071
against the delinquent child for the child-victim oriented offense 9072
in question may appeal as a matter of right the court's 9073
determination under this division as to whether the offender or 9074
delinquent child is, or is not, a child-victim predator. 9075

(C)(1) If a person was convicted of or pleaded guilty to a 9076
child-victim oriented offense that was committed before January 1, 9077
2008, or a sexually oriented offense committed before that date 9078
that on and after July 31, 2003, is a child-victim oriented 9079
offense, if the person is serving a term of imprisonment in a 9080
state correctional institution as of the effective date of this 9081
section, and if the person previously has not received a hearing 9082
to determine whether the person is a child-victim predator, the 9083
department of rehabilitation and correction shall determine 9084
whether to recommend that the offender be adjudicated a 9085

child-victim predator. In making a determination under this 9086
division as to whether to recommend that the offender be 9087
adjudicated a child-victim predator, the department shall consider 9088
all relevant factors, including, but not limited to, all of the 9089
factors specified in divisions (B)(2) and (3) of this section. If 9090
the department determines that it will recommend that the offender 9091
be adjudicated a child-victim predator or determines that it will 9092
not recommend that the offender be adjudicated a child-victim 9093
predator, it immediately shall send its recommendation or 9094
determination to the court that sentenced the offender. In all 9095
cases, the department shall enter its determination and 9096
recommendation in the offender's institutional record, and the 9097
court shall proceed in accordance with division (C)(2) of this 9098
section. 9099

(2)(a) If, pursuant to division (C)(1) of this section, the 9100
department of rehabilitation and correction sends to a court a 9101
recommendation that an offender be adjudicated a child-victim 9102
predator, the court is not bound by the department's 9103
recommendation, and the court shall conduct a hearing to determine 9104
whether the offender is a child-victim predator. The court shall 9105
not make a determination as to whether the offender is, or is not, 9106
a child-victim predator without a hearing. The court may hold the 9107
hearing and make the determination prior to the offender's release 9108
from imprisonment or at any time within one year following the 9109
offender's release from that imprisonment. 9110

(b) If, pursuant to division (C)(1) of this section, the 9111
department sends to the court a determination that it is not 9112
recommending that an offender be adjudicated a child-victim 9113
predator, the court shall not make any determination as to whether 9114
the offender is, or is not, a child-victim predator but shall 9115
determine whether the offender previously has been convicted of or 9116
pleaded guilty to a child-victim oriented offense other than the 9117

offense in relation to which the department made its 9118
determination. 9119

The court may conduct a hearing to determine whether the 9120
offender previously has been convicted of or pleaded guilty to a 9121
child-victim oriented offense but may make the determination 9122
without a hearing. However, if the court determines that the 9123
offender previously has been convicted of or pleaded guilty to 9124
such an offense, it shall not impose a requirement that the 9125
offender be subject to the community notification provisions 9126
contained in sections 2950.10 and 2950.11 of the Revised Code 9127
without a hearing. The court shall include in the offender's 9128
institutional record any determination made under this division as 9129
to whether the offender previously has been convicted of or 9130
pleaded guilty to a child-victim oriented offense and whether the 9131
offender is a habitual child-victim offender. 9132

(c) Upon scheduling a hearing under division (C)(2)(a) or (b) 9133
of this section, the court shall give the offender and the 9134
prosecutor who prosecuted the offender for the child-victim 9135
oriented offense, or that prosecutor's successor in office, notice 9136
of the date, time, and place of the hearing. If the hearing is 9137
scheduled under division (C)(2)(a) of this section to determine 9138
whether the offender is a child-victim predator, it shall be 9139
conducted in the manner described in division (B)(1) of this 9140
section regarding hearings conducted under that division. In 9141
making a determination under this division as to whether the 9142
offender is a child-victim predator, the court shall consider all 9143
relevant factors, including, but not limited to, all of the 9144
factors specified in divisions (B)(2) and (3) of this section. 9145
After reviewing all testimony and evidence presented at the 9146
child-victim predator hearing and the factors specified in 9147
divisions (B)(2) and (3) of this section, the court shall 9148
determine by clear and convincing evidence whether the offender is 9149

a child-victim predator. If the court determines at the 9150
child-victim predator hearing that the offender is not a 9151
child-victim predator, it also shall determine whether the 9152
offender previously has been convicted of or pleaded guilty to a 9153
child-victim oriented offense other than the offense in relation 9154
to which the hearing is being conducted. 9155

Upon making its determinations at the child-victim predator 9156
hearing, the court shall proceed as follows: 9157

(i) If the court determines that the offender is not a 9158
child-victim predator and that the offender previously has not 9159
been convicted of or pleaded guilty to a child-victim oriented 9160
offense other than the offense in relation to which the hearing is 9161
being conducted, it shall include in the offender's institutional 9162
record its determinations and the reason or reasons why it 9163
determined that the offender is not a child-victim predator. 9164

(ii) If the court determines that the offender is not a 9165
child-victim predator but that the offender previously has been 9166
convicted of or pleaded guilty to a child-victim oriented offense 9167
other than the offense in relation to which the hearing is being 9168
conducted, it shall include in the offender's institutional record 9169
its determination that the offender is not a child-victim predator 9170
but is a habitual child-victim offender and the reason or reasons 9171
why it determined that the offender is not a child-victim 9172
predator. It shall attach the determinations and the reason or 9173
reasons to the offender's sentence, shall specify that the 9174
determinations were made pursuant to division (C) of this section, 9175
and shall provide a copy of the determinations and the reason or 9176
reasons to the offender, to the prosecuting attorney, and to the 9177
department of rehabilitation and correction. The court may impose 9178
a requirement that the offender be subject to the community 9179
notification provisions contained in sections 2950.10 and 2950.11 9180
of the Revised Code. The offender shall not be subject to those 9181

community notification provisions relative to the child-victim oriented offense in question if the court does not so impose the requirement described in this division. If the court imposes that requirement, the offender may appeal the judge's determination that the offender is a habitual child-victim offender. 9182
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(iii) If the court determines by clear and convincing evidence that the offender is a child-victim predator, it shall enter its determination in the offender's institutional record. It shall attach the determination to the offender's sentence, shall specify that the determination was made pursuant to division (C) of this section, and shall provide a copy of the determination to the offender, to the prosecuting attorney, and to the department of rehabilitation and correction. The offender and the prosecutor may appeal as a matter of right the judge's determination under this division as to whether the offender is, or is not, a child-victim predator. 9187
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If the hearing is scheduled under division (C)(2)(b) of this section to determine whether the offender previously has been convicted of or pleaded guilty to a child-victim oriented offense or whether to subject the offender to the community notification provisions contained in sections 2950.10 and 2950.11 of the Revised Code, upon making the determination, the court shall attach the determination or determinations to the offender's sentence. It shall provide a copy to the offender, to the prosecuting attorney, and to the department of rehabilitation and correction and may impose a requirement that the offender be subject to the community notification provisions. The offender shall not be subject to the community notification provisions relative to the child-victim oriented offense in question if the court does not so impose the requirement described in this division. If the court imposes that requirement, the offender may appeal the judge's determination that the offender is a habitual 9198
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child-victim offender. 9214

(3) Divisions (C)(1) and (2) of this section do not require a 9215
court to conduct a new hearing under those divisions for any 9216
offender regarding a child-victim oriented offense if any of the 9217
following apply: 9218

(a) Prior to July 31, 2003, the court previously conducted a 9219
hearing under divisions (C)(1) and (2) of section 2950.09 of the 9220
Revised Code as they then existed regarding that offense, while it 9221
formerly was classified a sexually oriented offense, to determine 9222
whether the offender was a sexual predator. 9223

(b) Prior to July 31, 2003, and pursuant to divisions (C)(1) 9224
and (2) of section 2950.09 of the Revised Code as they then 9225
existed, the department of rehabilitation and correction 9226
recommended that the offender be adjudicated a sexual predator 9227
regarding that offense, while it formerly was classified a 9228
sexually oriented offense, and the court denied the recommendation 9229
and determined that the offender was not a sexual predator without 9230
a hearing, provided that this provision does not apply if the 9231
child-victim oriented offense in question was, regardless of the 9232
age of the victim of the offense, a violation of section 2903.01, 9233
2903.02, 2903.11, or 2905.01 of the Revised Code, or of division 9234
(A) of section 2903.04 of the Revised Code, that was committed 9235
with a sexual motivation. 9236

(D)(1) A person who has been adjudicated a delinquent child 9237
for committing a child-victim oriented offense and who has been 9238
classified by a juvenile court judge a juvenile offender 9239
registrant or, if applicable, additionally has been determined by 9240
a juvenile court judge to be a child-victim predator or habitual 9241
child-victim offender, may petition the adjudicating court for a 9242
reclassification or declassification pursuant to section 2152.85 9243
of the Revised Code. 9244

A judge who is reviewing a child-victim predator 9245
determination for a delinquent child under section 2152.84 or 9246
2152.85 of the Revised Code shall comply with this section. At the 9247
hearing, the judge shall consider all relevant evidence and 9248
information, including, but not limited to, the factors set forth 9249
in division (B)(3) of this section. The judge shall not enter a 9250
determination that the delinquent child no longer is a 9251
child-victim predator unless the judge determines by clear and 9252
convincing evidence that the delinquent child is unlikely to 9253
commit a child-victim oriented offense in the future. If the judge 9254
enters a determination under this division that the delinquent 9255
child no longer is a child-victim predator, the judge shall notify 9256
the bureau of criminal identification and investigation of the 9257
determination and shall include in the notice a statement of the 9258
reason or reasons why it determined that the delinquent child no 9259
longer is a child-victim predator. Upon receipt of the 9260
notification, the bureau promptly shall notify the sheriff with 9261
whom the delinquent child most recently registered under section 9262
2950.04 or 2950.05 of the Revised Code of the determination that 9263
the offender no longer is a child-victim predator. 9264

(2) If an offender who has been convicted of or pleaded 9265
guilty to a child-victim oriented offense is classified a 9266
child-victim predator pursuant to division (A) of this section or 9267
has been adjudicated a child-victim predator relative to the 9268
offense as described in division (B) or (C) of this section, 9269
subject to division (F) of this section, the classification or 9270
adjudication of the offender as a child-victim predator is 9271
permanent and continues in effect until the offender's death, and 9272
in no case shall the classification or adjudication be removed or 9273
terminated. 9274

(E)(1) If, prior to July 31, 2003, a person was convicted of, 9275
pleaded guilty to, or was adjudicated a delinquent child for 9276

committing a sexually oriented offense, if, on and after July 31, 2003, the sexually oriented offense no longer is considered a sexually oriented offense but instead is a child-victim oriented offense, if, prior to July 31, 2003, a judge determined that the offender or delinquent child was a habitual sex offender, and if one or more of the offenses that was the basis of the offender or delinquent child being a habitual sex offender remains on and after July 31, 2003, a sexually oriented offense, notwithstanding the redesignation of the offense as described in this division, the determination and classification of that person as a habitual sex offender remains valid and in effect on and after July 31, 2003, and on and after the effective date of this section.

(2) If, prior to July 31, 2003, a person was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing a sexually oriented offense, if, on and after July 31, 2003, the sexually oriented offense no longer is considered a sexually oriented offense but instead is a child-victim oriented offense, if, prior to July 31, 2003, a judge determined that the offender or delinquent child was a habitual sex offender, and if none of the offenses that was the basis of the offender or delinquent child being a habitual sex offender remains on and after July 31, 2003, a sexually oriented offense, on and after July 31, 2003, and on and after the effective date of this section, the offender or delinquent child automatically is classified a habitual child-victim offender.

(3) The judge who is to impose sentence on or after the effective date of this section on a person who is convicted of or pleads guilty to a child-victim oriented offense committed before January 1, 2008, shall determine, prior to sentencing, whether the offender previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing, a child-victim oriented offense and is a habitual child-victim offender.

The judge who is to impose or has imposed an order of disposition on or after the effective date of this section upon a child who is adjudicated a delinquent child for committing before January 1, 2008, a child-victim oriented offense shall determine, prior to entering the order classifying the delinquent child a juvenile offender registrant, whether the delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing, a child-victim oriented offense and is a habitual child-victim offender, if either of the following applies:

(a) The judge is required by section 2152.82 or division (A) of section 2152.83 of the Revised Code to classify the child a juvenile offender registrant.

(b) Division (B) of section 2152.83 of the Revised Code applies regarding the child, the judge conducts a hearing under that division for the purposes described in that division, and the judge determines at that hearing that the child is a juvenile offender registrant.

(4) If, under division (E)(3) of this section, the judge determines that the offender or delinquent child previously has not been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing, a child-victim oriented offense or that the offender otherwise does not satisfy the criteria for being a habitual child-victim offender, the judge shall specify in the offender's sentence or in the order classifying the delinquent child a juvenile child-victim offender registrant that the judge has determined that the offender or delinquent child is not a habitual child-victim offender.

If, under division (E)(3) of this section, the judge determines that the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing, a child-victim oriented offense

and that the offender satisfies all other criteria for being a 9341
habitual child-victim offender, the judge shall specify in the 9342
offender's sentence and the judgment of conviction that contains 9343
the sentence or in the order classifying the delinquent child a 9344
juvenile offender registrant that the judge has determined that 9345
the offender or delinquent child is a habitual child-victim 9346
offender and may impose a requirement in that sentence and 9347
judgment of conviction or in that order that the offender or 9348
delinquent child be subject to the community notification 9349
provisions contained in sections 2950.10 and 2950.11 of the 9350
Revised Code. Unless the habitual child-victim offender also has 9351
been adjudicated a child-victim predator relative to the 9352
child-victim oriented offense in question, the offender or 9353
delinquent child shall be subject to those community notification 9354
provisions only if the court imposes the requirement described in 9355
this division in the offender's sentence and the judgment of 9356
conviction or in the order classifying the delinquent child a 9357
juvenile offender registrant. If the court determines pursuant to 9358
this division or division (C)(2) of this section that an offender 9359
is a habitual child-victim offender, the determination is 9360
permanent and continues in effect until the offender's death, and 9361
in no case shall the determination be removed or terminated. 9362

If a court in another state, a federal court, military court, 9363
or Indian tribal court, or a court in any nation other than the 9364
United States determines a person is a habitual child-victim 9365
offender in that jurisdiction, the person is considered to be 9366
determined a habitual child-victim offender in this state. If the 9367
court in the other state, the federal court, military court, or 9368
Indian tribal court, or the court in any nation other than the 9369
United States subjects the habitual child-victim offender to 9370
community notification regarding the person's place of residence, 9371
the person, as much as is practicable, is subject to the community 9372
notification provisions regarding the person's place of residence 9373

that are contained in sections 2950.10 and 2950.11 of the Revised Code, unless the court that so subjected the person to community notification determines that the person no longer is subject to community notification. 9374
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(F)(1) An offender or delinquent child classified a child-victim predator may petition the court of common pleas or, for a delinquent child, the juvenile court of the county in which the offender or delinquent child resides or temporarily is domiciled to enter a determination that the offender or delinquent child is not an adjudicated child-victim predator in this state for purposes of the registration and other requirements of this chapter or the community notification provisions contained in sections 2950.10 and 2950.11 of the Revised Code if all of the following apply: 9378
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(a) The offender or delinquent child was convicted, pleaded guilty, or was adjudicated a delinquent child in a court of another state, in a federal court, military court, or Indian tribal court, or in a court of any nation other than the United States for committing a child-victim oriented offense. 9388
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(b) As a result of the conviction, guilty plea, or adjudication described in division (F)(1)(a) of this section, the offender or delinquent child is required under the law of the jurisdiction under which the offender or delinquent child was convicted, pleaded guilty, or was adjudicated to register as a child-victim offender until the offender's or delinquent child's death. 9393
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(c) The offender or delinquent child was automatically classified a child-victim predator under division (A) of this section in relation to the conviction, guilty plea, or adjudication described in division (F)(1)(a) of this section. 9400
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(2) The court may enter a determination that the offender or 9404

delinquent child filing the petition described in division (F)(1) 9405
of this section is not an adjudicated child-victim predator in 9406
this state for purposes of the registration and other requirements 9407
of this chapter or the community notification provisions contained 9408
in sections 2950.10 and 2950.11 of the Revised Code only if the 9409
offender or delinquent child proves by clear and convincing 9410
evidence that the requirement of the other jurisdiction that the 9411
offender or delinquent child register as a child-victim offender 9412
until the offender's or delinquent child's death is not 9413
substantially similar to a classification as a child-victim 9414
predator for purposes of this chapter. If the court enters a 9415
determination that the offender or delinquent child is not an 9416
adjudicated child-victim predator in this state for those 9417
purposes, the court shall include in the determination a statement 9418
of the reason or reasons why it so determined. 9419

Sec. 2950.10. (A)(1) Regardless of when the sexually oriented 9420
offense or child-victim oriented offense was committed, if a 9421
person is convicted of, pleads guilty to, has been convicted of, 9422
or has pleaded guilty to a sexually oriented offense or a 9423
child-victim oriented offense or a person is or has been 9424
adjudicated a delinquent child for committing a sexually oriented 9425
offense or a child-victim oriented offense and is classified a 9426
juvenile offender registrant or is an out-of-state juvenile 9427
offender registrant based on that adjudication, if the offender or 9428
delinquent child is in any category specified in division 9429
(B)(1)(a), (b), ~~or (c)~~, (d), or (e) of this section, if the 9430
offender or delinquent child registers with a sheriff pursuant to 9431
section 2950.04, 2950.041, or 2950.05 of the Revised Code, and if 9432
the victim of the sexually oriented offense or child-victim 9433
oriented offense has made a request in accordance with rules 9434
adopted by the attorney general that specifies that the victim 9435
would like to be provided the notices described in this section, 9436

the sheriff shall notify the victim of the sexually oriented 9437
offense or child-victim oriented offense, in writing, that the 9438
offender or delinquent child has registered and shall include in 9439
the notice the offender's name and photograph, and the address or 9440
addresses of the offender's residence, school, institution of 9441
higher education, or place of employment, as applicable, or the 9442
delinquent child's name, photograph, and residence address or 9443
addresses. The sheriff shall provide the notice required by this 9444
division to the victim at the most recent residence address 9445
available for that victim and not later than five days after the 9446
offender or delinquent child registers with the sheriff. 9447

(2) Regardless of when the sexually oriented offense or 9448
child-victim oriented offense was committed, if a person is 9449
convicted of, pleads guilty to, has been convicted of, or has 9450
pleaded guilty to a sexually oriented offense or a child-victim 9451
oriented offense or a person is or has been adjudicated a 9452
delinquent child for committing a sexually oriented offense or a 9453
child-victim oriented offense and is classified a juvenile 9454
offender registrant or is an out-of-state juvenile offender 9455
registrant based on that adjudication, if the offender or 9456
delinquent child is in any category specified in division 9457
(B)(1)(a), (b), ~~or~~ (c), (d), or (e) of this section, if the 9458
offender or delinquent child registers with a sheriff pursuant to 9459
section 2950.04, 2950.041, or 2950.05 of the Revised Code, if the 9460
victim of the sexually oriented offense or child-victim oriented 9461
offense has made a request in accordance with rules adopted by the 9462
attorney general that specifies that the victim would like to be 9463
provided the notices described in this section, and if the 9464
offender notifies the sheriff of a change of residence, school, 9465
institution of higher education, or place of employment address or 9466
the delinquent child notifies the sheriff of a change of residence 9467
address pursuant to section 2950.05 of the Revised Code, the 9468
sheriff shall notify the victim of the sexually oriented offense 9469

or child-victim oriented offense, in writing, that the offender's 9470
or delinquent child's address has changed and shall include in the 9471
notice the offender's name and photograph, and the new address or 9472
addresses of the offender's residence, school, institution of 9473
higher education, or place of employment, as applicable, or the 9474
delinquent child's name, photograph, and new residence address or 9475
addresses. The sheriff shall provide the notice required by this 9476
division to the victim at the most recent residence address 9477
available for that victim and no later than five days after the 9478
offender or delinquent child notifies the sheriff of the change in 9479
the offender's or delinquent child's residence, school, 9480
institution of higher education, or place of employment address. 9481

(3) Regardless of when the sexually oriented offense or 9482
child-victim oriented offense was committed, if a person is 9483
convicted of, pleads guilty to, has been convicted of, or has 9484
pleaded guilty to a sexually oriented offense or a child-victim 9485
oriented offense or a person is or has been adjudicated a 9486
delinquent child for committing a sexually oriented offense or a 9487
child-victim oriented offense and is classified a juvenile 9488
offender registrant or is an out-of-state juvenile offender 9489
registrant based on that adjudication, and if the offender or 9490
delinquent child is in any category specified in division 9491
(B)(1)(a), (b), ~~or~~ (c), (d), or (e) of this section, the victim of 9492
the offense may make a request in accordance with rules adopted by 9493
the attorney general pursuant to section 2950.13 of the Revised 9494
Code that specifies that the victim would like to be provided the 9495
notices described in divisions (A)(1) and (2) of this section. If 9496
the victim makes a request in accordance with those rules, the 9497
sheriff described in divisions (A)(1) and (2) of this section 9498
shall provide the victim with the notices described in those 9499
divisions. 9500

(4) If a victim makes a request as described in division 9501

(A)(3) of this section that specifies that the victim would like to be provided the notices described in divisions (A)(1) and (2) of this section, all information a sheriff obtains regarding the victim from or as a result of the request is confidential, and the information is not a public record open for inspection under section 149.43 of the Revised Code.

(5) The notices described in divisions (A)(1) and (2) of this section are in addition to any notices regarding the offender or delinquent child that the victim is entitled to receive under Chapter 2930. of the Revised Code.

(B)(1) The duties to provide the notices described in divisions (A)(1) and (2) of this section apply regarding any offender or delinquent child who is in any of the following categories:

(a) The offender is a tier III sex offender/child-victim offender relative to the offense described in division (A) of this section for which a victim requested to be provided notice under that division, ~~or the delinquent child is a public registry qualified juvenile offender registrant, and a juvenile court has not removed pursuant to section 2950.15 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.~~

(b) The offender or delinquent child is a ~~tier III sex offender/child victim offender who is not a public registry qualified juvenile offender registrant, the delinquent child was subjected to this section prior to the effective date of this amendment as a sexual predator, habitual sex offender, or child-victim predator, or habitual child victim offender, as those terms were defined in section 2950.01 of the Revised Code as it existed prior to the effective date of this amendment, and.~~

(c) The offender or delinquent child is a habitual sex

offender or habitual child-victim offender, a court has imposed a 9533
requirement subjecting the habitual sex offender or habitual 9534
child-victim offender to the notification provisions of the 9535
version of this section in existence immediately prior to July 1, 9536
2007, or the version of this section as it exists on and after the 9537
effective date of this amendment, and, with respect to the 9538
delinquent child, a juvenile court has not removed pursuant to 9539
section 2152.84 or 2152.85 of the Revised Code the delinquent 9540
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 9541
and 2950.06 of the Revised Code. 9542

~~(e)(d)~~ The delinquent child is a tier III sex 9543
offender/child-victim offender ~~who is not a public~~ 9544
~~registry qualified juvenile offender registrant,~~ the delinquent 9545
child was classified a juvenile offender registrant with respect 9546
to a sexually oriented offense or child-victim oriented offense 9547
committed on or after the effective date of this amendment January 9548
1, 2008, the court has imposed a requirement under section 9549
2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the 9550
delinquent child to this section, and a juvenile court has not 9551
removed pursuant to section 2152.84 or 2152.85 of the Revised Code 9552
the delinquent child's duty to comply with sections 2950.04, 9553
2950.041, 2950.05, and 2950.06 of the Revised Code. 9554

(e) The sexually oriented offense for which the offender has 9555
the duty to register under section 2950.04 of the Revised Code is 9556
an aggravated sexually oriented offense, regardless of whether the 9557
offender has been adjudicated a sexual predator with respect to 9558
the offense or has been determined to be a habitual sex offender 9559
and, if the offender has been so determined to be a habitual sex 9560
offender, regardless of whether the habitual sex offender 9561
determination has been removed pursuant to section 2152.84 or 9562
2152.85 of the Revised Code regarding a delinquent child. 9563

(2) A victim of a sexually oriented offense or of a 9564

child-victim oriented offense is not entitled to be provided any 9565
notice described in division (A)(1) or (2) of this section unless 9566
the offender or delinquent child is in a category specified in 9567
division (B)(1)(a), (b), ~~or (c)~~, (d), or (e) of this section. A 9568
victim of a sexually oriented offense or of a child-victim 9569
oriented offense is not entitled to any notice described in 9570
division (A)(1) or (2) of this section unless the victim makes a 9571
request in accordance with rules adopted by the attorney general 9572
pursuant to section 2950.13 of the Revised Code that specifies 9573
that the victim would like to be provided the notices described in 9574
divisions (A)(1) and (2) of this section. This division does not 9575
affect any rights of a victim of a sexually oriented offense or 9576
child-victim oriented offense to be provided notice regarding an 9577
offender or delinquent child that are described in Chapter 2930. 9578
of the Revised Code. 9579

Sec. 2950.11. (A) Regardless of when the sexually oriented 9580
offense or child-victim oriented offense was committed, if a 9581
person is convicted of, pleads guilty to, has been convicted of, 9582
or has pleaded guilty to a sexually oriented offense or a 9583
child-victim oriented offense or a person is or has been 9584
adjudicated a delinquent child for committing a sexually oriented 9585
offense or a child-victim oriented offense and is classified a 9586
juvenile offender registrant or is an out-of-state juvenile 9587
offender registrant based on that adjudication, and if the 9588
offender or delinquent child is in any category specified in 9589
division (F)(1)(a), (b), ~~or (c)~~, (d), or (e) of this section, the 9590
sheriff with whom the offender or delinquent child has most 9591
recently registered under section 2950.04, 2950.041, or 2950.05 of 9592
the Revised Code and the sheriff to whom the offender or 9593
delinquent child most recently sent a notice of intent to reside 9594
under section 2950.04 or 2950.041 of the Revised Code, within the 9595
period of time specified in division (C) of this section, shall 9596

provide a written notice containing the information set forth in 9597
division (B) of this section to all of the persons described in 9598
divisions (A)(1) to (10) of this section. If the sheriff has sent 9599
a notice to the persons described in those divisions as a result 9600
of receiving a notice of intent to reside and if the offender or 9601
delinquent child registers a residence address that is the same 9602
residence address described in the notice of intent to reside, the 9603
sheriff is not required to send an additional notice when the 9604
offender or delinquent child registers. The sheriff shall provide 9605
the notice to all of the following persons: 9606

(1)(a) Any occupant of each residential unit that is located 9607
within one thousand feet of the offender's or delinquent child's 9608
residential premises, that is located within the county served by 9609
the sheriff, and that is not located in a multi-unit building. 9610
Division (D)(3) of this section applies regarding notices required 9611
under this division. 9612

(b) If the offender or delinquent child resides in a 9613
multi-unit building, any occupant of each residential unit that is 9614
located in that multi-unit building and that shares a common 9615
hallway with the offender or delinquent child. For purposes of 9616
this division, an occupant's unit shares a common hallway with the 9617
offender or delinquent child if the entrance door into the 9618
occupant's unit is located on the same floor and opens into the 9619
same hallway as the entrance door to the unit the offender or 9620
delinquent child occupies. Division (D)(3) of this section applies 9621
regarding notices required under this division. 9622

(c) The building manager, or the person the building owner or 9623
condominium unit owners association authorizes to exercise 9624
management and control, of each multi-unit building that is 9625
located within one thousand feet of the offender's or delinquent 9626
child's residential premises, including a multi-unit building in 9627
which the offender or delinquent child resides, and that is 9628

located within the county served by the sheriff. In addition to 9629
notifying the building manager or the person authorized to 9630
exercise management and control in the multi-unit building under 9631
this division, the sheriff shall post a copy of the notice 9632
prominently in each common entryway in the building and any other 9633
location in the building the sheriff determines appropriate. The 9634
manager or person exercising management and control of the 9635
building shall permit the sheriff to post copies of the notice 9636
under this division as the sheriff determines appropriate. In lieu 9637
of posting copies of the notice as described in this division, a 9638
sheriff may provide notice to all occupants of the multi-unit 9639
building by mail or personal contact; if the sheriff so notifies 9640
all the occupants, the sheriff is not required to post copies of 9641
the notice in the common entryways to the building. Division 9642
(D)(3) of this section applies regarding notices required under 9643
this division. 9644

(d) All additional persons who are within any category of 9645
neighbors of the offender or delinquent child that the attorney 9646
general by rule adopted under section 2950.13 of the Revised Code 9647
requires to be provided the notice and who reside within the 9648
county served by the sheriff; 9649

(2) The executive director of the public children services 9650
agency that has jurisdiction within the specified geographical 9651
notification area and that is located within the county served by 9652
the sheriff; 9653

(3)(a) The superintendent of each board of education of a 9654
school district that has schools within the specified geographical 9655
notification area and that is located within the county served by 9656
the sheriff; 9657

(b) The principal of the school within the specified 9658
geographical notification area and within the county served by the 9659
sheriff that the delinquent child attends; 9660

(c) If the delinquent child attends a school outside of the 9661
specified geographical notification area or outside of the school 9662
district where the delinquent child resides, the superintendent of 9663
the board of education of a school district that governs the 9664
school that the delinquent child attends and the principal of the 9665
school that the delinquent child attends. 9666

(4)(a) The appointing or hiring officer of each chartered 9667
nonpublic school located within the specified geographical 9668
notification area and within the county served by the sheriff or 9669
of each other school located within the specified geographical 9670
notification area and within the county served by the sheriff and 9671
that is not operated by a board of education described in division 9672
(A)(3) of this section; 9673

(b) Regardless of the location of the school, the appointing 9674
or hiring officer of a chartered nonpublic school that the 9675
delinquent child attends. 9676

(5) The director, head teacher, elementary principal, or site 9677
administrator of each preschool program governed by Chapter 3301. 9678
of the Revised Code that is located within the specified 9679
geographical notification area and within the county served by the 9680
sheriff; 9681

(6) The administrator of each child day-care center or type A 9682
family day-care home that is located within the specified 9683
geographical notification area and within the county served by the 9684
sheriff, and the provider of each certified type B family day-care 9685
home that is located within the specified geographical 9686
notification area and within the county served by the sheriff. As 9687
used in this division, "child day-care center," "type A family 9688
day-care home," and "certified type B family day-care home" have 9689
the same meanings as in section 5104.01 of the Revised Code. 9690

(7) The president or other chief administrative officer of 9691

each institution of higher education, as defined in section 9692
2907.03 of the Revised Code, that is located within the specified 9693
geographical notification area and within the county served by the 9694
sheriff, and the chief law enforcement officer of the state 9695
university law enforcement agency or campus police department 9696
established under section 3345.04 or 1713.50 of the Revised Code, 9697
if any, that serves that institution; 9698

(8) The sheriff of each county that includes any portion of 9699
the specified geographical notification area; 9700

(9) If the offender or delinquent child resides within the 9701
county served by the sheriff, the chief of police, marshal, or 9702
other chief law enforcement officer of the municipal corporation 9703
in which the offender or delinquent child resides or, if the 9704
offender or delinquent child resides in an unincorporated area, 9705
the constable or chief of the police department or police district 9706
police force of the township in which the offender or delinquent 9707
child resides; 9708

(10) Volunteer organizations in which contact with minors or 9709
other vulnerable individuals might occur or any organization, 9710
company, or individual who requests notification as provided in 9711
division (J) of this section. 9712

(B) The notice required under division (A) of this section 9713
shall include all of the following information regarding the 9714
subject offender or delinquent child: 9715

(1) The offender's or delinquent child's name; 9716

(2) The address or addresses of the offender's ~~or public~~ 9717
~~registry qualified juvenile offender registrant's~~ residence, 9718
school, institution of higher education, or place of employment, 9719
as applicable, or the residence address or addresses of a 9720
delinquent child ~~who is not a public registry qualified juvenile~~ 9721
~~offender registrant;~~ 9722

(3) The sexually oriented offense or child-victim oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child;

(4) A statement that identifies the category specified in division (F)(1)(a), (b), ~~or (c)~~, (d), or (e) of this section that includes the offender or delinquent child and that subjects the offender or delinquent child to this section;

(5) The offender's or delinquent child's photograph.

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided notice under division (A)(8) of this section shall provide the notices described in divisions (A)(1) to (7) and (A)(9) and (10) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question.

(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender

or delinquent child registers with the sheriff or, if the sheriff 9755
is required by division (C) of this section to provide the 9756
notices, no later than five days after the sheriff is provided the 9757
notice described in division (A)(8) of this section. 9758

A sheriff required by division (A) or (C) of this section to 9759
provide notices regarding an offender or delinquent child shall 9760
provide the notices to all other specified persons that are 9761
described in divisions (A)(2) to (7) and (A)(10) of this section 9762
as soon as practicable, but not later than seven days after the 9763
offender or delinquent child registers with the sheriff or, if the 9764
sheriff is required by division (C) of this section to provide the 9765
notices, no later than five days after the sheriff is provided the 9766
notice described in division (A)(8) of this section. 9767

(2) If an offender or delinquent child in relation to whom 9768
division (A) of this section applies verifies the offender's or 9769
delinquent child's current residence, school, institution of 9770
higher education, or place of employment address, as applicable, 9771
with a sheriff pursuant to section 2950.06 of the Revised Code, 9772
the sheriff may provide a written notice containing the 9773
information set forth in division (B) of this section to the 9774
persons identified in divisions (A)(1) to (10) of this section. If 9775
a sheriff provides a notice pursuant to this division to the 9776
sheriff of one or more other counties in accordance with division 9777
(A)(8) of this section, the sheriff of each of the other counties 9778
who is provided the notice under division (A)(8) of this section 9779
may provide, but is not required to provide, a written notice 9780
containing the information set forth in division (B) of this 9781
section to the persons identified in divisions (A)(1) to (7) and 9782
(A)(9) and (10) of this section. 9783

(3) A sheriff may provide notice under division (A)(1)(a) or 9784
(b) of this section, and may provide notice under division 9785
(A)(1)(c) of this section to a building manager or person 9786

authorized to exercise management and control of a building, by 9787
mail, by personal contact, or by leaving the notice at or under 9788
the entry door to a residential unit. For purposes of divisions 9789
(A)(1)(a) and (b) of this section, and the portion of division 9790
(A)(1)(c) of this section relating to the provision of notice to 9791
occupants of a multi-unit building by mail or personal contact, 9792
the provision of one written notice per unit is deemed as 9793
providing notice to all occupants of that unit. 9794

(E) All information that a sheriff possesses regarding an 9795
offender or delinquent child who is in a category specified in 9796
division (F)(1)(a), (b), ~~or (c), (d), or (e)~~ of this section that 9797
is described in division (B) of this section and that must be 9798
provided in a notice required under division (A) or (C) of this 9799
section or that may be provided in a notice authorized under 9800
division (D)(2) of this section is a public record that is open to 9801
inspection under section 149.43 of the Revised Code. 9802

The sheriff shall not cause to be publicly disseminated by 9803
means of the internet any of the information described in this 9804
division that is provided by a delinquent child ~~unless that child~~ 9805
~~is in a category specified in division (F)(1)(a), (b), or (c) of~~ 9806
~~this section.~~ 9807

(F)(1) Except as provided in division (F)(2) of this section, 9808
the duties to provide the notices described in divisions (A) and 9809
(C) of this section apply regarding any offender or delinquent 9810
child who is in any of the following categories: 9811

(a) The offender is a tier III sex offender/child-victim 9812
offender, ~~or the delinquent child is a public registry qualified~~ 9813
~~juvenile offender registrant, and a juvenile court has not removed~~ 9814
~~pursuant to section 2950.15 of the Revised Code the delinquent~~ 9815
~~child's duty to comply with sections 2950.04, 2950.041, 2950.05,~~ 9816
~~and 2950.06 of the Revised Code.~~ 9817

(b) The ~~offender or delinquent child is a tier III sex offender/child victim offender who is not a public registry qualified juvenile offender registrant, the delinquent child was subjected to this section prior to the effective date of this amendment as a sexual predator, habitual sex offender, or child-victim predator, or habitual child victim offender, as those terms were defined in section 2950.01 of the Revised Code as it existed prior to the effective date of this amendment, and.~~ 9818
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(c) The offender or delinquent child is a habitual sex offender or habitual child-victim offender, a court has imposed a requirement subjecting the habitual sex offender or habitual child-victim offender to the notification provisions of the version of this section in existence immediately prior to July 1, 2007, or the version of this section as it exists on and after the effective date of this amendment, and, with respect to a delinquent child, a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 9826
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~~(e)(d)~~ The delinquent child is a tier III sex offender/child-victim offender ~~who is not a public registry qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant with respect to a sexually oriented offense or child-victim oriented offense committed on or after the effective date of this amendment~~ January 1, 2008, the court has imposed a requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 9837
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(e) The sexually oriented offense for which the offender has 9849

the duty to register under section 2950.04 of the Revised Code is 9850
an aggravated sexually oriented offense, regardless of whether the 9851
offender has been adjudicated a sexual predator with respect to 9852
the offense or has been determined to be a habitual sex offender, 9853
and, if the offender has been so determined to be a habitual sex 9854
offender, regardless of whether the habitual sex offender 9855
determination has been removed pursuant to section 2152.84 or 9856
2152.85 of the Revised Code regarding a delinquent child. 9857

(2) The notification provisions of this section do not apply 9858
to a person described in division (F)(1)(a), (b), or ~~(c)~~(d) of 9859
this section if a court finds at a hearing after considering the 9860
factors described in this division that the person would not be 9861
subject to the notification provisions of this section that were 9862
in the version of this section that existed immediately prior to 9863
~~the effective date of this amendment~~ January 1, 2008. In making 9864
the determination of whether a person would have been subject to 9865
the notification provisions under prior law as described in this 9866
division, the court shall consider the following factors: 9867

(a) The offender's or delinquent child's age; 9868

(b) The offender's or delinquent child's prior criminal or 9869
delinquency record regarding all offenses, including, but not 9870
limited to, all sexual offenses; 9871

(c) The age of the victim of the sexually oriented offense 9872
for which sentence is to be imposed or the order of disposition is 9873
to be made; 9874

(d) Whether the sexually oriented offense for which sentence 9875
is to be imposed or the order of disposition is to be made 9876
involved multiple victims; 9877

(e) Whether the offender or delinquent child used drugs or 9878
alcohol to impair the victim of the sexually oriented offense or 9879
to prevent the victim from resisting; 9880

(f) If the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be, a criminal offense, whether the offender or delinquent child completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;

(g) Any mental illness or mental disability of the offender or delinquent child;

(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;

(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;

(j) Whether the offender or delinquent child would have been a habitual sex offender or a habitual child victim offender under the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to ~~the effective date of this amendment~~ January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of

each agency, center, or home of that type, the county in which it 9912
is located, its address and telephone number, and the name of an 9913
administrative officer or employee of the agency, center, or home. 9914

(2) The department of education shall compile, maintain, and 9915
update in January and July of each year, a list of all boards of 9916
education, schools, or programs of a type described in division 9917
(A)(3), (4), or (5) of this section that contains the name of each 9918
board of education, school, or program of that type, the county in 9919
which it is located, its address and telephone number, the name of 9920
the superintendent of the board or of an administrative officer or 9921
employee of the school or program, and, in relation to a board of 9922
education, the county or counties in which each of its schools is 9923
located and the address of each such school. 9924

(3) The Ohio board of regents shall compile, maintain, and 9925
update in January and July of each year, a list of all 9926
institutions of a type described in division (A)(7) of this 9927
section that contains the name of each such institution, the 9928
county in which it is located, its address and telephone number, 9929
and the name of its president or other chief administrative 9930
officer. 9931

(4) A sheriff required by division (A) or (C) of this 9932
section, or authorized by division (D)(2) of this section, to 9933
provide notices regarding an offender or delinquent child, or a 9934
designee of a sheriff of that type, may request the department of 9935
job and family services, department of education, or Ohio board of 9936
regents, by telephone, in person, or by mail, to provide the 9937
sheriff or designee with the names, addresses, and telephone 9938
numbers of the appropriate persons and entities to whom the 9939
notices described in divisions (A)(2) to (7) of this section are 9940
to be provided. Upon receipt of a request, the department or board 9941
shall provide the requesting sheriff or designee with the names, 9942
addresses, and telephone numbers of the appropriate persons and 9943

entities to whom those notices are to be provided. 9944

(H)(1) Upon the motion of the offender or the prosecuting 9945
attorney of the county in which the offender was convicted of or 9946
pleaded guilty to the sexually oriented offense or child-victim 9947
oriented offense for which the offender is subject to community 9948
notification under this section, or upon the motion of the 9949
sentencing judge or that judge's successor in office, the judge 9950
may schedule a hearing to determine whether the interests of 9951
justice would be served by suspending the community notification 9952
requirement under this section in relation to the offender. The 9953
judge may dismiss the motion without a hearing but may not issue 9954
an order suspending the community notification requirement without 9955
a hearing. At the hearing, all parties are entitled to be heard, 9956
and the judge shall consider all of the factors set forth in 9957
division (K) of this section. If, at the conclusion of the 9958
hearing, the judge finds that the offender has proven by clear and 9959
convincing evidence that the offender is unlikely to commit in the 9960
future a sexually oriented offense or a child-victim oriented 9961
offense and if the judge finds that suspending the community 9962
notification requirement is in the interests of justice, the judge 9963
may suspend the application of this section in relation to the 9964
offender. The order shall contain both of these findings. 9965

The judge promptly shall serve a copy of the order upon the 9966
sheriff with whom the offender most recently registered under 9967
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 9968
the bureau of criminal identification and investigation. 9969

An order suspending the community notification requirement 9970
does not suspend or otherwise alter an offender's duties to comply 9971
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 9972
Revised Code and does not suspend the victim notification 9973
requirement under section 2950.10 of the Revised Code. 9974

(2) A prosecuting attorney, a sentencing judge or that 9975

judge's successor in office, and an offender who is subject to the 9976
community notification requirement under this section may 9977
initially make a motion under division (H)(1) of this section upon 9978
the expiration of twenty years after the offender's duty to comply 9979
with division (A)(2), (3), or (4) of section 2950.04, division 9980
(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 9981
2950.06 of the Revised Code begins in relation to the offense for 9982
which the offender is subject to community notification. After the 9983
initial making of a motion under division (H)(1) of this section, 9984
thereafter, the prosecutor, judge, and offender may make a 9985
subsequent motion under that division upon the expiration of five 9986
years after the judge has entered an order denying the initial 9987
motion or the most recent motion made under that division. 9988

(3) The offender and the prosecuting attorney have the right 9989
to appeal an order approving or denying a motion made under 9990
division (H)(1) of this section. 9991

(4) Divisions (H)(1) to (3) of this section do not apply to 9992
any of the following types of offender: 9993

(a) A person who is convicted of or pleads guilty to a 9994
violent sex offense or designated homicide, assault, or kidnapping 9995
offense and who, in relation to that offense, is adjudicated a 9996
sexually violent predator; 9997

(b) A person who is convicted of or pleads guilty to a 9998
sexually oriented offense that is a violation of division 9999
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 10000
after January 2, 2007, and either who is sentenced under section 10001
2971.03 of the Revised Code or upon whom a sentence of life 10002
without parole is imposed under division (B) of section 2907.02 of 10003
the Revised Code; 10004

(c) A person who is convicted of or pleads guilty to a 10005
sexually oriented offense that is attempted rape committed on or 10006

after January 2, 2007, and who also is convicted of or pleads 10007
guilty to a specification of the type described in section 10008
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 10009

(d) A person who is convicted of or pleads guilty to an 10010
offense described in division (B)(3)(a), (b), (c), or (d) of 10011
section 2971.03 of the Revised Code and who is sentenced for that 10012
offense pursuant to that division; 10013

(e) An offender who is in a category specified in division 10014
(F)(1)(a), (b), ~~(c)~~, (d), or (e) of this section and who, 10015
subsequent to being subjected to community notification, has 10016
pleaded guilty to or been convicted of a sexually oriented offense 10017
or child-victim oriented offense. 10018

(I) If a person is convicted of, pleads guilty to, has been 10019
convicted of, or has pleaded guilty to a sexually oriented offense 10020
or a child-victim oriented offense or a person is or has been 10021
adjudicated a delinquent child for committing a sexually oriented 10022
offense or a child-victim oriented offense and is classified a 10023
juvenile offender registrant or is an out-of-state juvenile 10024
offender registrant based on that adjudication, and if the 10025
offender or delinquent child is not in any category specified in 10026
division (F)(1)(a), (b), ~~(c)~~, (d), or (e) of this section, the 10027
sheriff with whom the offender or delinquent child has most 10028
recently registered under section 2950.04, 2950.041, or 2950.05 of 10029
the Revised Code and the sheriff to whom the offender or 10030
delinquent child most recently sent a notice of intent to reside 10031
under section 2950.04 or 2950.041 of the Revised Code, within the 10032
period of time specified in division (D) of this section, shall 10033
provide a written notice containing the information set forth in 10034
division (B) of this section to the executive director of the 10035
public children services agency that has jurisdiction within the 10036
specified geographical notification area and that is located 10037
within the county served by the sheriff. 10038

(J) Each sheriff shall allow a volunteer organization or 10039
other organization, company, or individual who wishes to receive 10040
the notice described in division (A)(10) of this section regarding 10041
a specific offender or delinquent child or notice regarding all 10042
offenders and delinquent children who are located in the specified 10043
geographical notification area to notify the sheriff by electronic 10044
mail or through the sheriff's web site of this election. The 10045
sheriff shall promptly inform the bureau of criminal 10046
identification and investigation of these requests in accordance 10047
with the forwarding procedures adopted by the attorney general 10048
pursuant to section 2950.13 of the Revised Code. 10049

(K) In making a determination under division (H)(1) of this 10050
section as to whether to suspend the community notification 10051
requirement under this section for an offender, the judge shall 10052
consider all relevant factors, including, but not limited to, all 10053
of the following: 10054

(1) The offender's age; 10055

(2) The offender's prior criminal or delinquency record 10056
regarding all offenses, including, but not limited to, all 10057
sexually oriented offenses or child-victim oriented offenses; 10058

(3) The age of the victim of the sexually oriented offense or 10059
child-victim oriented offense the offender committed; 10060

(4) Whether the sexually oriented offense or child-victim 10061
oriented offense the offender committed involved multiple victims; 10062

(5) Whether the offender used drugs or alcohol to impair the 10063
victim of the sexually oriented offense or child-victim oriented 10064
offense the offender committed or to prevent the victim from 10065
resisting; 10066

(6) If the offender previously has been convicted of, pleaded 10067
guilty to, or been adjudicated a delinquent child for committing 10068
an act that if committed by an adult would be a criminal offense, 10069

whether the offender completed any sentence or dispositional order 10070
imposed for the prior offense or act and, if the prior offense or 10071
act was a sexually oriented offense or a child-victim oriented 10072
offense, whether the offender or delinquent child participated in 10073
available programs for sex offenders or child-victim offenders; 10074

(7) Any mental illness or mental disability of the offender; 10075

(8) The nature of the offender's sexual conduct, sexual 10076
contact, or interaction in a sexual context with the victim of the 10077
sexually oriented offense the offender committed or the nature of 10078
the offender's interaction in a sexual context with the victim of 10079
the child-victim oriented offense the offender committed, 10080
whichever is applicable, and whether the sexual conduct, sexual 10081
contact, or interaction in a sexual context was part of a 10082
demonstrated pattern of abuse; 10083

(9) Whether the offender, during the commission of the 10084
sexually oriented offense or child-victim oriented offense the 10085
offender committed, displayed cruelty or made one or more threats 10086
of cruelty; 10087

(10) Any additional behavioral characteristics that 10088
contribute to the offender's conduct. 10089

(L) As used in this section, "specified geographical 10090
notification area" means the geographic area or areas within which 10091
the attorney general, by rule adopted under section 2950.13 of the 10092
Revised Code, requires the notice described in division (B) of 10093
this section to be given to the persons identified in divisions 10094
(A)(2) to (8) of this section. 10095

Sec. 2950.13. (A) The attorney general shall do all of the 10096
following: 10097

(1) No later than July 1, 1997, establish and maintain a 10098
state registry of sex offenders and child-victim offenders that is 10099

housed at the bureau of criminal identification and investigation 10100
and that contains all of the registration, change of residence, 10101
school, institution of higher education, or place of employment 10102
address, and verification information the bureau receives pursuant 10103
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 10104
Code regarding each person who is convicted of, pleads guilty to, 10105
has been convicted of, or has pleaded guilty to a sexually 10106
oriented offense or a child-victim oriented offense and each 10107
person who is or has been adjudicated a delinquent child for 10108
committing a sexually oriented offense or a child-victim oriented 10109
offense and is classified a juvenile offender registrant or is an 10110
out-of-state juvenile offender registrant based on that 10111
adjudication, all of the information the bureau receives pursuant 10112
to section 2950.14 of the Revised Code, and any notice of an order 10113
terminating or modifying an offender's or delinquent child's duty 10114
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 10115
the Revised Code the bureau receives pursuant to section 2152.84, 10116
2152.85, or 2950.15 of the Revised Code. For a person who was 10117
convicted of or pleaded guilty to the sexually oriented offense or 10118
child-victim related offense, the registry also shall indicate 10119
whether the person was convicted of or pleaded guilty to the 10120
offense in a criminal prosecution or in a serious youthful 10121
offender case. The registry shall not be open to inspection by the 10122
public or by any person other than a person identified in division 10123
(A) of section 2950.08 of the Revised Code. In addition to the 10124
information and material previously identified in this division, 10125
the registry shall include all of the following regarding each 10126
person who is listed in the registry: 10127

(a) A citation for, and the name of, all sexually oriented 10128
offenses or child-victim oriented offenses of which the person was 10129
convicted, to which the person pleaded guilty, or for which the 10130
person was adjudicated a delinquent child and that resulted in a 10131
registration duty, and the date on which those offenses were 10132

committed; 10133

(b) The text of the sexually oriented offenses or 10134
child-victim oriented offenses identified in division (A)(1)(a) of 10135
this section as those offenses existed at the time the person was 10136
convicted of, pleaded guilty to, or was adjudicated a delinquent 10137
child for committing those offenses, or a link to a database that 10138
sets forth the text of those offenses; 10139

(c) A statement as to whether the person is a tier I sex 10140
offender/child-victim offender, a tier II sex 10141
offender/child-victim offender, ~~or~~ a tier III sex 10142
offender/child-victim offender, a sexual predator, a child-victim 10143
predator, a habitual sex offender, a habitual child-victim 10144
offender, a sexually oriented offender, or a child-victim oriented 10145
offender for the sexually oriented offenses or child-victim 10146
oriented offenses identified in division (A)(1)(a) of this 10147
section; 10148

(d) The community supervision status of the person, 10149
including, but not limited to, whether the person is serving a 10150
community control sanction and the nature of any such sanction, 10151
whether the person is under supervised release and the nature of 10152
the release, or regarding a juvenile, whether the juvenile is 10153
under any type of release authorized under Chapter 2152. or 5139. 10154
of the Revised Code and the nature of any such release; 10155

(e) The offense and delinquency history of the person, as 10156
determined from information gathered or provided under sections 10157
109.57 and 2950.14 of the Revised Code; 10158

(f) The bureau of criminal identification and investigation 10159
tracking number assigned to the person if one has been so 10160
assigned, the federal bureau of investigation number assigned to 10161
the person if one has been assigned and the bureau of criminal 10162
identification and investigation is aware of the number, and any 10163

other state identification number assigned to the person of which 10164
the bureau is aware; 10165

(g) Fingerprints and palmprints of the person; 10166

(h) A DNA specimen, as defined in section 109.573 of the 10167
Revised Code, from the person; 10168

(i) Whether the person has any outstanding arrest warrants; 10169

(j) Whether the person is in compliance with the person's 10170
duties under this chapter. 10171

(2) In consultation with local law enforcement 10172
representatives and no later than July 1, 1997, adopt rules that 10173
contain guidelines necessary for the implementation of this 10174
chapter; 10175

(3) In consultation with local law enforcement 10176
representatives, adopt rules for the implementation and 10177
administration of the provisions contained in section 2950.11 of 10178
the Revised Code that pertain to the notification of neighbors of 10179
an offender or a delinquent child who has committed a sexually 10180
oriented offense or a child-victim oriented offense and ~~and~~ is in 10181
a category specified in division (F)(1) of that section and rules 10182
that prescribe a manner in which victims of a sexually oriented 10183
offense or a child-victim oriented offense committed by an 10184
offender or a delinquent child who is in a category specified in 10185
division (B)(1) of section 2950.10 of the Revised Code may make a 10186
request that specifies that the victim would like to be provided 10187
the notices described in divisions (A)(1) and (2) of section 10188
2950.10 of the Revised Code; 10189

(4) In consultation with local law enforcement 10190
representatives and through the bureau of criminal identification 10191
and investigation, prescribe the forms to be used by judges and 10192
officials pursuant to section 2950.03 or 2950.032 of the Revised 10193
Code to advise offenders and delinquent children of their duties 10194

of filing a notice of intent to reside, registration, notification 10195
of a change of residence, school, institution of higher education, 10196
or place of employment address and registration of the new⁷ 10197
school, institution of higher education, or place of employment 10198
address, as applicable, and address verification under sections 10199
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 10200
prescribe the forms to be used by sheriffs relative to those 10201
duties of filing a notice of intent to reside, registration, 10202
change of residence, school, institution of higher education, or 10203
place of employment address notification, and address 10204
verification; 10205

(5) Make copies of the forms prescribed under division (A)(4) 10206
of this section available to judges, officials, and sheriffs; 10207

(6) Through the bureau of criminal identification and 10208
investigation, provide the notifications, the information and 10209
materials, and the documents that the bureau is required to 10210
provide to appropriate law enforcement officials and to the 10211
federal bureau of investigation pursuant to sections 2950.04, 10212
2950.041, 2950.05, and 2950.06 of the Revised Code; 10213

(7) Through the bureau of criminal identification and 10214
investigation, maintain the verification forms returned under the 10215
address verification mechanism set forth in section 2950.06 of the 10216
Revised Code; 10217

(8) In consultation with representatives of the officials, 10218
judges, and sheriffs, adopt procedures for officials, judges, and 10219
sheriffs to use to forward information, photographs, and 10220
fingerprints to the bureau of criminal identification and 10221
investigation pursuant to the requirements of sections 2950.03, 10222
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 10223
Code; 10224

(9) In consultation with the director of education, the 10225

director of job and family services, and the director of 10226
rehabilitation and correction, adopt rules that contain guidelines 10227
to be followed by boards of education of a school district, 10228
chartered nonpublic schools or other schools not operated by a 10229
board of education, preschool programs, child day-care centers, 10230
type A family day-care homes, certified type B family day-care 10231
homes, and institutions of higher education regarding the proper 10232
use and administration of information received pursuant to section 10233
2950.11 of the Revised Code relative to an offender or delinquent 10234
child who has committed a sexually oriented offense or a 10235
child-victim oriented offense and is in a category specified in 10236
division (F)(1) of that section; 10237

(10) In consultation with local law enforcement 10238
representatives and no later than July 1, 1997, adopt rules that 10239
designate a geographic area or areas within which the notice 10240
described in division (B) of section 2950.11 of the Revised Code 10241
must be given to the persons identified in divisions (A)(2) to (8) 10242
and (A)(10) of that section; 10243

(11) Through the bureau of criminal identification and 10244
investigation, not later than January 1, 2004, establish and 10245
operate on the internet a sex offender and child-victim offender 10246
database that contains information for every offender who has 10247
committed a sexually oriented offense or a child-victim oriented 10248
offense and registers in any county in this state pursuant to 10249
section 2950.04 or 2950.041 of the Revised Code ~~and for every~~ 10250
~~delinquent child who has committed a sexually oriented offense, is~~ 10251
~~a public registry qualified juvenile offender registrant, and~~ 10252
~~registers in any county in this state pursuant to either such~~ 10253
~~section.~~ The bureau shall not include on the database the identity 10254
of any offender's ~~or public registry qualified juvenile offender~~ 10255
~~registrant's~~ victim, any offender's ~~or public registry qualified~~ 10256
~~juvenile offender registrant's~~ social security number, the name of 10257

any school or institution of higher education attended by any 10258
offender ~~or public registry qualified juvenile offender~~ 10259
~~registrant~~, the name of the place of employment of any offender ~~or~~ 10260
~~public registry qualified juvenile offender registrant~~, any 10261
tracking or identification number described in division (A)(1)(f) 10262
of this section, or any information described in division (C)(7) 10263
of section 2950.04 or 2950.041 of the Revised Code. The bureau 10264
shall provide on the database, for each offender ~~and each public~~ 10265
~~registry qualified juvenile offender registrant~~, at least the 10266
information specified in divisions (A)(11)(a) to (h) of this 10267
section. Otherwise, the bureau shall determine the information to 10268
be provided on the database for each offender ~~and public~~ 10269
~~registry qualified juvenile offender registrant~~ and shall obtain 10270
that information from the information contained in the state 10271
registry of sex offenders and child-victim offenders described in 10272
division (A)(1) of this section, which information, while in the 10273
possession of the sheriff who provided it, is a public record open 10274
for inspection as described in section 2950.081 of the Revised 10275
Code. The database is a public record open for inspection under 10276
section 149.43 of the Revised Code, and it shall be searchable by 10277
offender ~~or public registry qualified juvenile offender registrant~~ 10278
name, by county, by zip code, and by school district. The database 10279
shall provide a link to the web site of each sheriff who has 10280
established and operates on the internet a sex offender and 10281
child-victim offender database that contains information for 10282
offenders ~~and public registry qualified juvenile offender~~ 10283
~~registrants~~ who register in that county pursuant to section 10284
2950.04 or 2950.041 of the Revised Code, with the link being a 10285
direct link to the sex offender and child-victim offender database 10286
for the sheriff. The bureau shall provide on the database, for 10287
each offender ~~and public registry qualified juvenile offender~~ 10288
~~registrant~~, at least the following information: 10289

(a) The information described in divisions (A)(1)(a), (b), 10290

(c), and (d) of this section relative to the offender ~~or public~~ 10291
~~registry qualified juvenile offender registrant;~~ 10292

(b) The address of the offender's ~~or public~~ 10293
~~registry qualified juvenile offender registrant's~~ school, 10294
institution of higher education, or place of employment provided 10295
in a registration form; 10296

(c) ~~The~~ If the sexually oriented offense or child-victim 10297
oriented offense that is the basis of the offender's duty to 10298
register was committed prior to January 1, 2008, all of the 10299
following: 10300

(i) The information described in division (C)(6) of section 10301
2950.04 or 2950.041 of the Revised Code; 10302

~~(d)~~(ii) A chart describing which sexually oriented offenses 10303
and child-victim oriented offenses are included in the definitions 10304
of tier I sex offender/child-victim offender, tier II sex 10305
offender/child-victim offender, and tier III sex 10306
offender/child-victim offender; 10307

~~(e)~~(iii) Fingerprints and ~~palm prints~~ palprints of the 10308
offender ~~or public registry qualified juvenile offender registrant~~ 10309
and a DNA specimen from the offender ~~or public registry qualified~~ 10310
~~juvenile offender registrant;~~ 10311

~~(f)~~(d) The information set forth in division (B) of section 10312
2950.11 of the Revised Code; 10313

~~(g)~~ Any (e) If the sexually oriented offense or child-victim 10314
oriented offense that is the basis of the offender's duty to 10315
register was committed prior to January 1, 2008, any outstanding 10316
arrest warrants for the offender ~~or public registry qualified~~ 10317
~~juvenile offender registrant;~~ 10318

~~(h)~~(f) The offender's ~~or public registry qualified juvenile~~ 10319
~~offender registrant's~~ compliance status with duties under this 10320

chapter. 10321

(12) Develop software to be used by sheriffs in establishing 10322
on the internet a sex offender and child-victim offender database 10323
for the public dissemination of some or all of the information and 10324
materials described in division (A) of section 2950.081 of the 10325
Revised Code that are public records under that division, that are 10326
not prohibited from inclusion by division (B) of that section, and 10327
that pertain to offenders ~~and public registry qualified juvenile~~ 10328
~~offender registrants~~ who register in the sheriff's county pursuant 10329
to section 2950.04 or 2950.041 of the Revised Code and for the 10330
public dissemination of information the sheriff receives pursuant 10331
to section 2950.14 of the Revised Code and, upon the request of 10332
any sheriff, provide technical guidance to the requesting sheriff 10333
in establishing on the internet such a database; 10334

(13) Through the bureau of criminal identification and 10335
investigation, not later than January 1, 2004, establish and 10336
operate on the internet a database that enables local law 10337
enforcement representatives to remotely search by electronic means 10338
the state registry of sex offenders and child-victim offenders 10339
described in division (A)(1) of this section and any information 10340
and materials the bureau receives pursuant to sections 2950.04, 10341
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 10342
database shall enable local law enforcement representatives to 10343
obtain detailed information regarding each offender and delinquent 10344
child who is included in the registry, including, but not limited 10345
to the offender's or delinquent child's name, aliases, residence 10346
address, name and address of any place of employment, school, 10347
institution of higher education, if applicable, license plate 10348
number of each vehicle identified in division (C)(5) of section 10349
2950.04 or 2950.041 of the Revised Code to the extent applicable, 10350
victim preference if available, date of most recent release from 10351
confinement if applicable, fingerprints, and palmprints, all of 10352

the information and material described in ~~division~~ divisions 10353
(A)(1)(a) to (h) of this section regarding the offender or 10354
delinquent child, and other identification parameters the bureau 10355
considers appropriate. The database is not a public record open 10356
for inspection under section 149.43 of the Revised Code and shall 10357
be available only to law enforcement representatives as described 10358
in this division. Information obtained by local law enforcement 10359
representatives through use of this database is not open to 10360
inspection by the public or by any person other than a person 10361
identified in division (A) of section 2950.08 of the Revised Code. 10362

(14) Through the bureau of criminal identification and 10363
investigation, maintain a list of requests for notice about a 10364
specified offender or delinquent child or specified geographical 10365
notification area made pursuant to division (J) of section 2950.11 10366
of the Revised Code and, when an offender or delinquent child 10367
changes residence to another county, forward any requests for 10368
information about that specific offender or delinquent child to 10369
the appropriate sheriff; 10370

(15) Through the bureau of criminal identification and 10371
investigation, establish and operate a system for the immediate 10372
notification by electronic means of the appropriate officials in 10373
other states specified in this division each time an offender or 10374
delinquent child registers a residence, school, institution of 10375
higher education, or place of employment address under section 10376
2950.04 or 2950.041 of the ~~revised~~ Revised Code or provides a 10377
notice of a change of address or registers a new address under 10378
division (A) or (B) of section 2950.05 of the Revised Code. The 10379
immediate notification by electronic means shall be provided to 10380
the appropriate officials in each state in which the offender or 10381
delinquent child is required to register a residence, school, 10382
institution of higher education, or place of employment address. 10383
The notification shall contain the offender's or delinquent 10384

child's name and all of the information the bureau receives from 10385
the sheriff with whom the offender or delinquent child registered 10386
the address or provided the notice of change of address or 10387
registered the new address. 10388

(B) The attorney general in consultation with local law 10389
enforcement representatives, may adopt rules that establish one or 10390
more categories of neighbors of an offender or delinquent child 10391
who, in addition to the occupants of residential premises and 10392
other persons specified in division (A)(1) of section 2950.11 of 10393
the Revised Code, must be given the notice described in division 10394
(B) of that section. 10395

(C) No person, other than a local law enforcement 10396
representative, shall knowingly do any of the following: 10397

(1) Gain or attempt to gain access to the database 10398
established and operated by the attorney general, through the 10399
bureau of criminal identification and investigation, pursuant to 10400
division (A)(13) of this section. 10401

(2) Permit any person to inspect any information obtained 10402
through use of the database described in division (C)(1) of this 10403
section, other than as permitted under that division. 10404

(D) As used in this section, "local law enforcement 10405
representatives" means representatives of the sheriffs of this 10406
state, representatives of the municipal chiefs of police and 10407
marshals of this state, and representatives of the township 10408
constables and chiefs of police of the township police departments 10409
or police district police forces of this state. 10410

Sec. 2950.131. (A) By January 1, 2008, the bureau of criminal 10411
identification and investigation, with the assistance of the 10412
office of criminal justice services, shall include on the internet 10413
sex offender and child-victim offender database established and 10414

operated pursuant to division (A)(11) of section 2950.13 of the Revised Code a link to educational information for the public on current research about sex offenders and child-victim offenders. Each sheriff who has established on the internet a sex offender and child-victim offender database may include a link to this information on the sheriff's internet database.

(B) By January 1, 2008, the internet sex offender and child-victim offender database established and operated pursuant to division (A)(11) of section 2950.13 of the Revised Code and each sheriff's internet sex offender and child-victim offender database is required to inform offenders ~~and public registry-qualified juvenile offender registrants~~ that they may contact the sheriff of the county in which the offender ~~or delinquent child~~ registered an address if the offender ~~or delinquent child~~ believes that information contained on the internet sex offender and child-victim offender database or sheriff's internet sex offender and child-victim offender database pertaining to the offender ~~or delinquent child~~ is incorrect.

Sec. 2950.14. (A) Prior to releasing an offender who is under the custody and control of the department of rehabilitation and correction and who has been convicted of or pleaded guilty to committing, either prior to, on, or after January 1, 1997, any sexually oriented offense or any child-victim oriented offense, the department of rehabilitation and correction shall provide all of the information described in division (B) of this section to the bureau of criminal identification and investigation regarding the offender and to the sheriff of the county in which the offender's anticipated future residence is located. Prior to releasing a delinquent child who is in the custody of the department of youth services who has been adjudicated a delinquent child for committing any sexually oriented offense or any child-victim oriented offense, regardless of when the offense was

committed, and who has been classified a juvenile offender 10447
registrant based on that adjudication, the department of youth 10448
services shall provide all of the information described in 10449
division (B) of this section to the bureau of criminal 10450
identification and investigation regarding the delinquent child. 10451

(B) The department of rehabilitation and correction and the 10452
department of youth services shall provide all of the following 10453
information to the bureau of criminal identification and 10454
investigation regarding an offender or delinquent child described 10455
in division (A) of this section: 10456

(1) The offender's or delinquent child's name and any aliases 10457
used by the offender or delinquent child; 10458

(2) All identifying factors concerning, and a physical 10459
description of, the offender or delinquent child; 10460

(3) The offender's or delinquent child's anticipated future 10461
residence; 10462

(4) The offense and delinquency history and the terms and 10463
conditions of release of the offender or delinquent child; 10464

(5) Whether the offender or delinquent child was treated for 10465
a mental abnormality or personality disorder while under the 10466
custody and control of the department; 10467

(6) Any other information that the bureau indicates is 10468
relevant and that the department possesses. 10469

(C) Upon receipt of the information described in division (B) 10470
of this section regarding an offender or delinquent child, the 10471
bureau immediately shall enter the information into the state 10472
registry of sex offenders and child-victim offenders that the 10473
bureau maintains pursuant to section 2950.13 of the Revised Code 10474
and into the records that the bureau maintains pursuant to 10475
division (A) of section 109.57 of the Revised Code. Upon receipt 10476

of that information regarding an offender, the bureau immediately 10477
shall enter the information on the sex offender and child-victim 10478
offender database it establishes and operates on the internet 10479
pursuant to division (A)(11) of section 2950.13 of the Revised 10480
Code. 10481

(D) Upon receipt of the information described in division (B) 10482
of this section regarding an offender, a sheriff who has 10483
established on the internet a sex offender and child-victim 10484
offender database for the public dissemination of information 10485
regarding such offenders shall enter that information on the 10486
database. A sheriff shall not enter any information regarding any 10487
delinquent child on that database. 10488

Sec. 2950.15. (A) As used in this section and section 2950.16 10489
of the Revised Code, "eligible offender" means a person who is 10490
convicted of, pleads guilty to, was convicted of, or pleaded 10491
guilty to a sexually oriented offense or child-victim oriented 10492
offense, regardless of when the offense was committed, and is a 10493
tier I sex offender/child-victim offender ~~or a child who is or was~~ 10494
~~adjudicated a delinquent child for committing a sexually oriented~~ 10495
~~offense or child victim oriented offense, regardless of when the~~ 10496
~~offense was committed, and is a public registry qualified juvenile~~ 10497
~~offender registrant.~~ 10498

(B) Pursuant to this section, an eligible offender may make a 10499
motion to the court of common pleas ~~or, for a delinquent child,~~ 10500
~~the juvenile court~~ of the county in which the eligible offender 10501
resides requesting that the court terminate the eligible 10502
offender's duty to comply with sections 2950.04, 2950.041, 10503
2950.05, and 2950.06 of the Revised Code. If the eligible offender 10504
is not a resident of this state, the eligible offender may make a 10505
motion to the court of common pleas of the county in which the 10506
eligible offender has registered pursuant to section 2950.04 or 10507

2950.041 of the Revised Code, but if the eligible offender has 10508
registered addresses of that nature in more than one county, the 10509
eligible offender may make such a motion in the court of only one 10510
of those counties. Notwithstanding any state or local rule 10511
assigning costs and fees for filing and processing civil and 10512
criminal cases, the fee for filing the motion shall be one hundred 10513
fifty dollars. This fee shall be applied to any further processing 10514
of the motion, including, but not limited to, the costs associated 10515
with investigating the motion, notifying relevant parties, 10516
scheduling hearings, and recording and reporting the court's 10517
determination. 10518

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 10519
~~an~~ An eligible offender who is classified a tier I sex 10520
offender/child-victim offender may make a motion under division 10521
(B) of this section upon the expiration of ten years after the 10522
eligible offender's duty to comply with division (A)(2) or (4) of 10523
section 2950.04 or division (A)(2) or (4) of section 2950.041 and 10524
sections 2950.05 and 2950.06 of the Revised Code begins in 10525
relation to the offense for which the eligible offender is subject 10526
to those provisions. 10527

~~(2) An eligible offender who is a delinquent child and is 10528
classified a public registry qualified juvenile offender 10529
registrant may make a motion under division (B) of this section 10530
upon the expiration of twenty five years after the eligible 10531
offender's duty to comply with division (A)(3) or (4) of section 10532
2950.04 and sections 2950.05 and 2950.06 of the Revised Code 10533
begins in relation to the offense for which the eligible offender 10534
is subject to those provisions. 10535~~

(D) An eligible offender who makes a motion under division 10536
(B) of this section shall include all of the following with the 10537
motion: 10538

(1) A certified copy of the judgment entry and any other 10539

documentation of the sentence ~~or disposition~~ given for the offense 10540
or offenses for which the eligible offender was convicted, or 10541
pleaded guilty, ~~or was adjudicated a delinquent child;~~ 10542

(2) Documentation of the date of discharge from supervision 10543
or release, whichever is applicable; 10544

(3) Evidence that the eligible offender has completed a sex 10545
offender or child-victim offender treatment program certified by 10546
the department of rehabilitation and correction ~~or the department~~ 10547
~~of youth services~~ pursuant to section 2950.16 of the Revised Code; 10548

(4) Evidence that the eligible offender has not been 10549
convicted of, pleaded guilty to, or been adjudicated a delinquent 10550
child for committing any subsequent sexually oriented offense, 10551
child-victim oriented offense, or other criminal offense, except 10552
for a minor misdemeanor traffic offense; 10553

(5) Evidence that the eligible offender has paid any 10554
financial sanctions imposed upon the offender pursuant to section 10555
2929.18 or 2929.28 of the Revised Code. 10556

(E) Upon the filing of a motion pursuant to division (B) of 10557
this section, the offender ~~or delinquent child~~ shall serve a copy 10558
of the motion on the prosecutor who handled the case in which the 10559
eligible offender was convicted of, or pleaded guilty to, ~~or was~~ 10560
~~adjudicated a delinquent child for committing~~ the sexually 10561
oriented offense or child-victim oriented offense. Upon the filing 10562
of the motion, the court shall set a tentative date for a hearing 10563
on the motion that is not later than one hundred eighty days from 10564
the date the motion is filed unless good cause exists to hold the 10565
hearing at a later date and shall notify the eligible offender and 10566
the prosecutor of the date, time, and place of the hearing. The 10567
court shall then forward a copy of the motion and its supporting 10568
documentation to the court's probation department or another 10569
appropriate agency to investigate the merits of the motion. The 10570

probation department or agency shall submit a written report 10571
detailing its investigation to the court within sixty days of 10572
receiving the motion and supporting documentation. 10573

Upon receipt of the written report from the probation 10574
department or other appropriate agency, the court shall forward a 10575
copy of the motion, supporting documentation, and the written 10576
report to the prosecutor. 10577

(F)(1) After the prosecutor is served with a copy of the 10578
motion as described in division (E) of this section, the 10579
prosecutor shall notify the victim of any offense for which the 10580
eligible offender is requesting a termination of duties under 10581
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 10582
Code. The victim may submit a written statement to the prosecutor 10583
regarding any knowledge the victim has of the eligible offender's 10584
conduct while subject to the duties imposed by sections 2950.04, 10585
2950.041, 2950.05, and 2950.06 of the Revised Code. 10586

(2) At least seven days before the hearing date, the 10587
prosecutor may file an objection to the motion with the court and 10588
serve a copy of the objection to the motion to the eligible 10589
offender or the eligible offender's attorney. 10590

(G) In addition to the evidence that accompanies the motion 10591
described in division (D) of this section and the written report 10592
submitted pursuant to division (E) of this section, in determining 10593
whether to grant a motion made under division (B) of this section, 10594
the court may consider any other evidence the court considers 10595
relevant, including, but not limited to, evidence of the following 10596
while the eligible offender has been subject to the duties imposed 10597
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 10598
Revised Code: 10599

(1) Whether the eligible offender's driver's license, 10600
commercial driver's license, temporary instruction permit, 10601

probationary license, or nonresident operating privilege has ever 10602
been suspended; 10603

(2) Whether the eligible offender has maintained financial 10604
responsibility for a motor vehicle as required by section 4509.101 10605
of the Revised Code; 10606

(3) Whether the eligible offender has satisfied any child or 10607
spousal support obligations, if applicable; 10608

(4) Whether the eligible offender has paid all local, state, 10609
and federal income taxes, and has timely filed all associated 10610
income tax returns, as required by local, state, or federal law; 10611

(5) Whether there is evidence that the eligible offender has 10612
adequately addressed sex offending or child-victim offending 10613
behaviors; 10614

(6) Whether the eligible offender has maintained a residence 10615
for a substantial period of time; 10616

(7) Whether the eligible offender has maintained employment 10617
or, if the eligible offender has not been employed while under a 10618
duty to comply with sections 2950.04, 2950.041, 2950.05, and 10619
2950.06 of the Revised Code, whether the eligible offender has 10620
satisfied the offender's financial obligations through other 10621
manners of support such as disability payments, a pension, spousal 10622
or child support, or scholarships or grants; 10623

(8) Whether the eligible offender has adequately addressed 10624
any drug or alcohol abuse or addiction; 10625

(9) Letters of reference; 10626

(10) Documentation of the eligible offender's service to the 10627
community or to specific individuals in need. 10628

(H)(1) The court, without a hearing, may issue an order 10629
denying the eligible offender's motion to terminate the eligible 10630
offender's duty to comply with sections 2950.04, 2950.041, 10631

2950.05, and 2950.06 of the Revised Code if the court, based on 10632
the evidence submitted with the motion pursuant to division (D) of 10633
this section and the written report submitted pursuant to division 10634
(E) of this section and after considering the factors described in 10635
division (G) of this section, finds that those duties should not 10636
be terminated. 10637

(2) If the prosecutor does not file an objection to the 10638
eligible offender's application as provided in division (F)(2) of 10639
this section, the court, without a hearing, may issue an order 10640
that terminates the eligible offender's duty to comply with 10641
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 10642
Code if the court, based on the evidence submitted with the motion 10643
pursuant to division (D) of this section and the written report 10644
submitted pursuant to division (E) of this section and after 10645
considering the factors described in division (G) of this section, 10646
finds that those duties should be terminated. 10647

(3) If the court does not issue an order under division 10648
(H)(1) or (2) of this section, the court shall hold a hearing to 10649
determine whether to grant or deny the motion. At the hearing, the 10650
Rules of Civil Procedure ~~or, if the hearing is in a juvenile~~ 10651
~~court, the Rules of Juvenile Procedure~~ apply, except to the extent 10652
that those Rules would by their nature be clearly inapplicable. At 10653
the hearing, the eligible offender has the burden of going forward 10654
with the evidence and the burden of proof by a preponderance of 10655
the evidence. If, after considering the evidence submitted with 10656
the motion pursuant to division (D) of this section, the written 10657
report submitted pursuant to division (E) of this section, and the 10658
factors described in division (G) of this section, the court finds 10659
that the eligible offender has satisfied the burden of proof, the 10660
court shall issue an order that terminates the eligible offender's 10661
duty to comply with sections 2950.04, 2950.041, 2950.05, and 10662
2950.06 of the Revised Code. If the court finds that the eligible 10663

offender has not satisfied the burden of proof, the court shall 10664
issue an order denying the motion. 10665

(4)(a) The court shall provide prompt notice of its order 10666
issued pursuant to division (H)(1), (2), or (3) of this section to 10667
the eligible offender or the eligible offender's attorney. 10668

(b) If the court issues an order terminating the eligible 10669
offender's duty to comply with sections 2950.04, 2950.041, 10670
2950.05, and 2950.06 of the Revised Code, the court shall promptly 10671
forward a copy of the order to the bureau of criminal 10672
identification and investigation. Upon receipt of the order, the 10673
bureau shall update all records pertaining to the eligible 10674
offender to reflect the termination order. The bureau also shall 10675
notify every sheriff with whom the eligible offender has most 10676
recently registered under section 2950.04, 2950.041, or 2950.05 of 10677
the Revised Code of the termination order. 10678

(c) If the court issues an order terminating the eligible 10679
offender's duty to comply with sections 2950.04, 2950.041, 10680
2950.05, and 2950.06 of the Revised Code, the court shall promptly 10681
forward a copy of the order to any court that sentenced the 10682
offender ~~or adjudicated the child a delinquent child~~ for a 10683
sexually oriented offense or child-victim oriented offense that is 10684
the basis of the termination order. The court that receives this 10685
notice shall retain a copy of the order in the eligible offender's 10686
original case file. 10687

Sec. 2950.99. (A)~~(1)(a) Except as otherwise provided in~~ 10688
~~division (A)(1)(b) of this section, whoever~~ Whoever violates a 10689
prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of 10690
the Revised Code shall be punished as follows if the most serious 10691
sexually oriented offense or child-victim oriented offense that 10692
was the basis of the registration, notice of intent to reside, 10693
change of address notification, or address verification 10694

requirement that was violated under the prohibition was committed 10695
prior to January 1, 2008: 10696

(1) Except as otherwise provided in division (A)(3) of this 10697
section, if the most serious sexually oriented offense or 10698
child-victim oriented offense that was the basis of the 10699
requirement that was violated under the prohibition is aggravated 10700
murder, murder, or a felony of the first, second, or third degree 10701
if committed by an adult, the offender is guilty of a felony of 10702
the third degree. 10703

(2) Except as otherwise provided in division (A)(3) of this 10704
section, if the most serious sexually oriented offense or 10705
child-victim oriented offense that was the basis of the 10706
requirement that was violated under the prohibition is a felony of 10707
the fourth or fifth degree if committed by an adult or is a 10708
misdemeanor if committed by an adult, the offender is guilty of a 10709
felony of the same degree or a misdemeanor of the same degree as 10710
the most serious such offense that was the basis of the 10711
requirement that was violated under the prohibition. 10712

(3) If the offender previously has been convicted of or 10713
pleaded guilty to, or previously has been adjudicated a delinquent 10714
child for committing, a violation of a prohibition in section 10715
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, the 10716
offender shall be punished as follows: 10717

(a) If the most serious sexually oriented offense or 10718
child-victim oriented offense that was the basis of the 10719
requirement that was violated under the prohibition is aggravated 10720
murder, murder, or a felony of the first, second, third, or fourth 10721
degree if committed by an adult, the offender is guilty of a 10722
felony of the third degree. 10723

(b) If the most serious sexually oriented offense or 10724
child-victim oriented offense that was the basis of the 10725

requirement that was violated under the prohibition is a felony of 10726
the fifth degree if committed by an adult, the offender is guilty 10727
of a felony of the fourth degree. 10728

(c) If the most serious sexually oriented offense or 10729
child-victim oriented offense that was the basis of the 10730
requirement that was violated under the prohibition is a 10731
misdemeanor of the first degree if committed by an adult, the 10732
offender is guilty of a felony of the fifth degree. 10733

(d) If the most serious sexually oriented offense or 10734
child-victim oriented offense that was the basis of the 10735
requirement that was violated under the prohibition is a 10736
misdemeanor other than a misdemeanor of the first degree if 10737
committed by an adult, the offender is guilty of a misdemeanor 10738
that is one degree higher than the most serious sexually oriented 10739
offense or child-victim oriented offense that was the basis of the 10740
requirement that was violated under the prohibition. 10741

(B) Whoever violates a prohibition in section 2950.04, 10742
2950.041, 2950.05, or 2950.06 of the Revised Code shall be 10743
punished as follows if the most serious sexually oriented offense 10744
or child-victim oriented offense that was the basis of the 10745
registration, notice of intent to reside, change of address 10746
notification, or address verification requirement that was 10747
violated under the prohibition was committed on or after January 10748
1, 2008: 10749

~~(i) If (1) Except as otherwise provided in division (B)(4) of~~ 10750
~~this section, if the most serious sexually oriented offense that~~ 10751
~~was the basis of the registration, notice of intent to reside,~~ 10752
~~change of address notification, or address verification~~ 10753
requirement that was violated under the prohibition is aggravated 10754
murder or murder if committed by an adult or a comparable category 10755
of offense committed in another jurisdiction, the offender is 10756
guilty of a felony of the first degree. 10757

~~(ii) If (2) Except as otherwise provided in division (B)(4)~~ 10758
~~of this section, if~~ the most serious sexually oriented offense or 10759
child-victim oriented offense that was the basis of the 10760
~~registration, notice of intent to reside, change of address~~ 10761
~~notification, or address verification~~ requirement that was 10762
violated under the prohibition is a felony of the first, second, 10763
third, or fourth degree if committed by an adult or a comparable 10764
category of offense committed in another jurisdiction, the 10765
offender is guilty of a felony of the same degree as the most 10766
serious sexually oriented offense or child-victim oriented offense 10767
that was the basis of the registration, notice of intent to 10768
reside, change of address, or address verification requirement 10769
that was violated under the prohibition, or, if the most serious 10770
sexually oriented offense or child-victim oriented offense that 10771
was the basis of the ~~registration, notice of intent to reside,~~ 10772
~~change of address, or address verification~~ requirement that was 10773
violated under the prohibition is a comparable category of offense 10774
committed in another jurisdiction, the offender is guilty of a 10775
felony of the same degree as that offense committed in the other 10776
jurisdiction would constitute if committed in this state. 10777

~~(iii) If (3) Except as otherwise provided in division (B)(4)~~ 10778
~~of this section, if~~ the most serious sexually oriented offense or 10779
child-victim oriented offense that was the basis of the 10780
~~registration, notice of intent to reside, change of address~~ 10781
~~notification, or address verification~~ requirement that was 10782
violated under the prohibition is a felony of the fifth degree or 10783
a misdemeanor if committed by an adult or a comparable category of 10784
offense committed in another jurisdiction, the offender is guilty 10785
of a felony of the fourth degree. 10786

~~(b)(4)~~ If the offender previously has been convicted of or 10787
pleaded guilty to, or previously has been adjudicated a delinquent 10788
child for committing, a violation of a prohibition in section 10789

2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 10790
whoever violates a prohibition in section 2950.04, 2950.041, 10791
2950.05, or 2950.06 of the Revised Code shall be punished as 10792
follows: 10793

~~(i)(a)~~ If the most serious sexually oriented offense that was 10794
the basis of the ~~registration, notice of intent to reside, change~~ 10795
~~of address notification, or address verification~~ requirement that 10796
was violated under the prohibition is aggravated murder or murder 10797
if committed by an adult or a comparable category of offense 10798
committed in another jurisdiction, the offender is guilty of a 10799
felony of the first degree. 10800

~~(ii)(b)~~ If the most serious sexually oriented offense or 10801
child-victim oriented offense that was the basis of the 10802
~~registration, notice of intent to reside, change of address~~ 10803
~~notification, or address verification~~ requirement that was 10804
violated under the prohibition is a felony of the first, second, 10805
or third degree if committed by an adult or a comparable category 10806
of offense committed in another jurisdiction, the offender is 10807
guilty of a felony of the same degree as the most serious sexually 10808
oriented offense or child-victim oriented offense that was the 10809
basis of the ~~registration, notice of intent to reside, change of~~ 10810
~~address, or address verification~~ requirement that was violated 10811
under the prohibition, or, if the most serious sexually oriented 10812
offense or child-victim oriented offense that was the basis of the 10813
~~registration, notice of intent to reside, change of address, or~~ 10814
~~address verification~~ requirement that was violated under the 10815
prohibition is a comparable category of offense committed in 10816
another jurisdiction, the offender is guilty of a felony of the 10817
same degree as that offense committed in the other jurisdiction 10818
would constitute if committed in this state. 10819

~~(iii)(c)~~ If the most serious sexually oriented offense or 10820
child-victim oriented offense that was the basis of the 10821

~~registration, notice of intent to reside, change of address~~ 10822
~~notification, or address verification~~ requirement that was 10823
violated under the prohibition is a felony of the fourth or fifth 10824
degree if committed by an adult or a comparable category of 10825
offense committed in another jurisdiction, the offender is guilty 10826
of a felony of the third degree. 10827

~~(iv)(d)~~ If the most serious sexually oriented offense or 10828
child-victim oriented offense that was the basis of the 10829
~~registration, notice of intent to reside, change of address~~ 10830
~~notification, or address verification~~ requirement that was 10831
violated under the prohibition is a misdemeanor if committed by an 10832
adult or a comparable category of offense committed in another 10833
jurisdiction, the offender is guilty of a felony of the fourth 10834
degree. 10835

~~(2)(a)(C)(1)~~ In addition to any penalty or sanction imposed 10836
under division (A)~~(1)~~ or (B) of this section or any other 10837
provision of law for a violation of a prohibition in section 10838
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the 10839
offender or delinquent child is subject to a community control 10840
sanction, is on probation or parole, is subject to one or more 10841
post-release control sanctions, or is subject to any other type of 10842
supervised release at the time of the violation, the violation 10843
shall constitute a violation of the terms and conditions of the 10844
community control sanction, probation, parole, post-release 10845
control sanction, or other type of supervised release. 10846

~~(b)(2)~~ In addition to any penalty or sanction imposed under 10847
division ~~(A)(1)(b)(i), (ii), or (iii)~~ (B)(4)(a), (b), or (c) of 10848
this section or any other provision of law for a violation of a 10849
prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of 10850
the Revised Code, if the offender previously has been convicted of 10851
or pleaded guilty to, or previously has been adjudicated a 10852
delinquent child for committing, a violation of a prohibition in 10853

section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code 10854
when the most serious sexually oriented offense or child-victim 10855
oriented offense that was the basis of the requirement that was 10856
violated under the prohibition is a felony if committed by an 10857
adult or a comparable category of offense committed in another 10858
jurisdiction, the court imposing a sentence upon the offender 10859
shall impose a definite prison term of no less than three years. 10860
The definite prison term imposed under this section, subject to 10861
divisions (C) to (I) of section 2967.19 of the Revised Code, shall 10862
not be reduced to less than three years pursuant to any provision 10863
of Chapter 2967. or any other provision of the Revised Code. 10864

~~(3)(D)~~ As used in division ~~(A)(1)(B)~~ of this section, 10865
"comparable category of offense committed in another jurisdiction" 10866
means a sexually oriented offense or child-victim oriented offense 10867
that was the basis of the registration, notice of intent to 10868
reside, change of address notification, or address verification 10869
requirement that was violated, that is a violation of an existing 10870
or former law of another state or the United States, an existing 10871
or former law applicable in a military court or in an Indian 10872
tribal court, or an existing or former law of any nation other 10873
than the United States, and that, if it had been committed in this 10874
state, would constitute or would have constituted aggravated 10875
murder or murder for purposes of division ~~(A)(1)(a)(i)(B)(1)~~ of 10876
this section, a felony of the first, second, third, or fourth 10877
degree for purposes of division ~~(A)(1)(a)(ii)(B)(2)~~ of this 10878
section, a felony of the fifth degree or a misdemeanor for 10879
purposes of division ~~(A)(1)(a)(iii)(B)(3)~~ of this section, 10880
aggravated murder or murder for purposes of division 10881
~~(A)(1)(b)(i)(B)(4)(a)~~ of this section, a felony of the first, 10882
second, or third degree for purposes of division 10883
~~(A)(1)(b)(ii)(B)(4)(b)~~ of this section, a felony of the fourth or 10884
fifth degree for purposes of division ~~(A)(1)(b)(iii)(B)(4)(c)~~ of 10885
this section, or a misdemeanor for purposes of division 10886

~~(A)(1)(b)(iv)~~(B)(4)(d) of this section. 10887

~~(B)(E)~~ If a person violates a prohibition in section 2950.04, 10888
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 10889
the person as a result of the person being adjudicated a 10890
delinquent child and being classified a juvenile offender 10891
registrant or an out-of-state juvenile offender registrant, 10892
regardless of whether the most serious sexually oriented offense 10893
or child-victim oriented offense that was the basis of the 10894
registration, notice of intent to reside, change of address 10895
notification, or address verification requirement that was 10896
violated under the prohibition was committed prior to, on, or 10897
after January 1, 2008, both of the following apply: 10898

(1) If the violation occurs while the person is under 10899
eighteen years of age, the person is subject to proceedings under 10900
Chapter 2152. of the Revised Code based on the violation. 10901

(2) If the violation occurs while the person is eighteen 10902
years of age or older, the person is subject to criminal 10903
prosecution based on the violation. 10904

~~(C)(F)~~ Whoever violates division (C) of section 2950.13 of 10905
the Revised Code is guilty of a misdemeanor of the first degree. 10906

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 10907
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 10908
another section of the Revised Code, other than divisions (B) and 10909
(C) of section 2929.14 of the Revised Code, that authorizes or 10910
requires a specified prison term or a mandatory prison term for a 10911
person who is convicted of or pleads guilty to a felony or that 10912
specifies the manner and place of service of a prison term or term 10913
of imprisonment, the court shall impose a sentence upon a person 10914
who is convicted of or pleads guilty to a violent sex offense and 10915
who also is convicted of or pleads guilty to a sexually violent 10916
predator specification that was included in the indictment, count 10917

in the indictment, or information charging that offense, and upon 10918
a person who is convicted of or pleads guilty to a designated 10919
homicide, assault, or kidnapping offense and also is convicted of 10920
or pleads guilty to both a sexual motivation specification and a 10921
sexually violent predator specification that were included in the 10922
indictment, count in the indictment, or information charging that 10923
offense, as follows: 10924

(1) If the offense for which the sentence is being imposed is 10925
aggravated murder and if the court does not impose upon the 10926
offender a sentence of death, it shall impose upon the offender a 10927
term of life imprisonment without parole. If the court sentences 10928
the offender to death and the sentence of death is vacated, 10929
overturned, or otherwise set aside, the court shall impose upon 10930
the offender a term of life imprisonment without parole. 10931

(2) If the offense for which the sentence is being imposed is 10932
murder; or if the offense is rape committed in violation of 10933
division (A)(1)(b) of section 2907.02 of the Revised Code when the 10934
offender purposely compelled the victim to submit by force or 10935
threat of force, when the victim was less than ten years of age, 10936
when the offender previously has been convicted of or pleaded 10937
guilty to either rape committed in violation of that division or a 10938
violation of an existing or former law of this state, another 10939
state, or the United States that is substantially similar to 10940
division (A)(1)(b) of section 2907.02 of the Revised Code, or when 10941
the offender during or immediately after the commission of the 10942
rape caused serious physical harm to the victim; or if the offense 10943
is an offense other than aggravated murder or murder for which a 10944
term of life imprisonment may be imposed, it shall impose upon the 10945
offender a term of life imprisonment without parole. 10946

(3)(a) Except as otherwise provided in division (A)(3)(b), 10947
(c), (d), or (e) or (A)(4) of this section, if the offense for 10948
which the sentence is being imposed is an offense other than 10949

aggravated murder, murder, or rape and other than an offense for 10950
which a term of life imprisonment may be imposed, it shall impose 10951
an indefinite prison term consisting of a minimum term fixed by 10952
the court from among the range of terms available as a definite 10953
term for the offense, but not less than two years, and a maximum 10954
term of life imprisonment. 10955

(b) Except as otherwise provided in division (A)(4) of this 10956
section, if the offense for which the sentence is being imposed is 10957
kidnapping that is a felony of the first degree, it shall impose 10958
an indefinite prison term as follows: 10959

(i) If the kidnapping is committed on or after January 1, 10960
2008, and the victim of the offense is less than thirteen years of 10961
age, except as otherwise provided in this division, it shall 10962
impose an indefinite prison term consisting of a minimum term of 10963
fifteen years and a maximum term of life imprisonment. If the 10964
kidnapping is committed on or after January 1, 2008, the victim of 10965
the offense is less than thirteen years of age, and the offender 10966
released the victim in a safe place unharmed, it shall impose an 10967
indefinite prison term consisting of a minimum term of ten years 10968
and a maximum term of life imprisonment. 10969

(ii) If the kidnapping is committed prior to January 1, 2008, 10970
or division (A)(3)(b)(i) of this section does not apply, it shall 10971
impose an indefinite term consisting of a minimum term fixed by 10972
the court that is not less than ten years and a maximum term of 10973
life imprisonment. 10974

(c) Except as otherwise provided in division (A)(4) of this 10975
section, if the offense for which the sentence is being imposed is 10976
kidnapping that is a felony of the second degree, it shall impose 10977
an indefinite prison term consisting of a minimum term fixed by 10978
the court that is not less than eight years, and a maximum term of 10979
life imprisonment. 10980

(d) Except as otherwise provided in division (A)(4) of this section, if the offense for which the sentence is being imposed is rape for which a term of life imprisonment is not imposed under division (A)(2) of this section or division (B) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term as follows:

(i) If the rape is committed on or after January 2, 2007, in violation of division (A)(1)(b) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of twenty-five years and a maximum term of life imprisonment.

(ii) If the rape is committed prior to January 2, 2007, or the rape is committed on or after January 2, 2007, other than in violation of division (A)(1)(b) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term fixed by the court that is not less than ten years, and a maximum term of life imprisonment.

(e) Except as otherwise provided in division (A)(4) of this section, if the offense for which sentence is being imposed is attempted rape, it shall impose an indefinite prison term as follows:

(i) Except as otherwise provided in division (A)(3)(e)(ii), (iii), or (iv) of this section, it shall impose an indefinite prison term pursuant to division (A)(3)(a) of this section.

(ii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of five years and a maximum term of twenty-five years.

(iii) If the attempted rape for which sentence is being

imposed was committed on or after January 2, 2007, and if the 11012
offender also is convicted of or pleads guilty to a specification 11013
of the type described in section 2941.1419 of the Revised Code, it 11014
shall impose an indefinite prison term consisting of a minimum 11015
term of ten years and a maximum of life imprisonment. 11016

(iv) If the attempted rape for which sentence is being 11017
imposed was committed on or after January 2, 2007, and if the 11018
offender also is convicted of or pleads guilty to a specification 11019
of the type described in section 2941.1420 of the Revised Code, it 11020
shall impose an indefinite prison term consisting of a minimum 11021
term of fifteen years and a maximum of life imprisonment. 11022

(4) For any offense for which the sentence is being imposed, 11023
if the offender previously has been convicted of or pleaded guilty 11024
to a violent sex offense and also to a sexually violent predator 11025
specification that was included in the indictment, count in the 11026
indictment, or information charging that offense, or previously 11027
has been convicted of or pleaded guilty to a designated homicide, 11028
assault, or kidnapping offense and also to both a sexual 11029
motivation specification and a sexually violent predator 11030
specification that were included in the indictment, count in the 11031
indictment, or information charging that offense, it shall impose 11032
upon the offender a term of life imprisonment without parole. 11033

(B)(1) Notwithstanding section 2929.13, division (A) or (D) 11034
of section 2929.14, or another section of the Revised Code other 11035
than division (B) of section 2907.02 or divisions (B) and (C) of 11036
section 2929.14 of the Revised Code that authorizes or requires a 11037
specified prison term or a mandatory prison term for a person who 11038
is convicted of or pleads guilty to a felony or that specifies the 11039
manner and place of service of a prison term or term of 11040
imprisonment, if a person is convicted of or pleads guilty to a 11041
violation of division (A)(1)(b) of section 2907.02 of the Revised 11042
Code committed on or after January 2, 2007, if division (A) of 11043

this section does not apply regarding the person, and if the court 11044
does not impose a sentence of life without parole when authorized 11045
pursuant to division (B) of section 2907.02 of the Revised Code, 11046
the court shall impose upon the person an indefinite prison term 11047
consisting of one of the following: 11048

(a) Except as otherwise required in division (B)(1)(b) or (c) 11049
of this section, a minimum term of ten years and a maximum term of 11050
life imprisonment. 11051

(b) If the victim was less than ten years of age, a minimum 11052
term of fifteen years and a maximum of life imprisonment. 11053

(c) If the offender purposely compels the victim to submit by 11054
force or threat of force, or if the offender previously has been 11055
convicted of or pleaded guilty to violating division (A)(1)(b) of 11056
section 2907.02 of the Revised Code or to violating an existing or 11057
former law of this state, another state, or the United States that 11058
is substantially similar to division (A)(1)(b) of that section, or 11059
if the offender during or immediately after the commission of the 11060
offense caused serious physical harm to the victim, a minimum term 11061
of twenty-five years and a maximum of life imprisonment. 11062

(2) Notwithstanding section 2929.13, division (A) or (D) of 11063
section 2929.14, or another section of the Revised Code other than 11064
divisions (B) and (C) of section 2929.14 of the Revised Code that 11065
authorizes or requires a specified prison term or a mandatory 11066
prison term for a person who is convicted of or pleads guilty to a 11067
felony or that specifies the manner and place of service of a 11068
prison term or term of imprisonment and except as otherwise 11069
provided in division (B) of section 2907.02 of the Revised Code, 11070
if a person is convicted of or pleads guilty to attempted rape 11071
committed on or after January 2, 2007, and if division (A) of this 11072
section does not apply regarding the person, the court shall 11073
impose upon the person an indefinite prison term consisting of one 11074
of the following: 11075

(a) If the person also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, the court shall impose upon the person an indefinite prison term consisting of a minimum term of five years and a maximum term of twenty-five years.

(b) If the person also is convicted of or pleads guilty to a specification of the type described in section 2941.1419 of the Revised Code, the court shall impose upon the person an indefinite prison term consisting of a minimum term of ten years and a maximum term of life imprisonment.

(c) If the person also is convicted of or pleads guilty to a specification of the type described in section 2941.1420 of the Revised Code, the court shall impose upon the person an indefinite prison term consisting of a minimum term of fifteen years and a maximum term of life imprisonment.

(3) Notwithstanding section 2929.13, division (A) or (D) of section 2929.14, or another section of the Revised Code other than divisions (B) and (C) of section 2929.14 of the Revised Code that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to a felony or that specifies the manner and place of service of a prison term or term of imprisonment, if a person is convicted of or pleads guilty to an offense described in division (B)(3)(a), (b), (c), or (d) of this section committed on or after January 1, 2008, if the person also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging that offense, and if division (A) of this section does not apply regarding the person, the court shall impose upon the person an indefinite prison term consisting of one of the following:

(a) An indefinite prison term consisting of a minimum of ten years and a maximum term of life imprisonment if the offense for

which the sentence is being imposed is kidnapping, the victim of 11108
the offense is less than thirteen years of age, and the offender 11109
released the victim in a safe place unharmed; 11110

(b) An indefinite prison term consisting of a minimum of 11111
fifteen years and a maximum term of life imprisonment if the 11112
offense for which the sentence is being imposed is kidnapping when 11113
the victim of the offense is less than thirteen years of age and 11114
division (B)(3)(a) of this section does not apply; 11115

(c) An indefinite term consisting of a minimum of thirty 11116
years and a maximum term of life imprisonment if the offense for 11117
which the sentence is being imposed is aggravated murder, when the 11118
victim of the offense is less than thirteen years of age, a 11119
sentence of death or life imprisonment without parole is not 11120
imposed for the offense, and division (A)(2)(b)(ii) of section 11121
2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), 11122
(D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or 11123
division (A) or (B) of section 2929.06 of the Revised Code 11124
requires that the sentence for the offense be imposed pursuant to 11125
this division; 11126

(d) An indefinite prison term consisting of a minimum of 11127
thirty years and a maximum term of life imprisonment if the 11128
offense for which the sentence is being imposed is murder when the 11129
victim of the offense is less than thirteen years of age. 11130

(C)(1) If the offender is sentenced to a prison term pursuant 11131
to division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 11132
(c), or (B)(3)(a), (b), (c), or (d) of this section, the parole 11133
board shall have control over the offender's service of the term 11134
during the entire term unless the parole board terminates its 11135
control in accordance with section 2971.04 of the Revised Code. 11136

(2) Except as provided in division (C)(3) of this section, an 11137
offender sentenced to a prison term or term of life imprisonment 11138

without parole pursuant to division (A) of this section shall 11139
serve the entire prison term or term of life imprisonment in a 11140
state correctional institution. The offender is not eligible for 11141
judicial release under section 2929.20 of the Revised Code. 11142

(3) For a prison term imposed pursuant to division (A)(3), 11143
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 11144
(c), or (d) of this section, the court, in accordance with section 11145
2971.05 of the Revised Code, may terminate the prison term or 11146
modify the requirement that the offender serve the entire term in 11147
a state correctional institution if all of the following apply: 11148

(a) The offender has served at least the minimum term imposed 11149
as part of that prison term. 11150

(b) The parole board, pursuant to section 2971.04 of the 11151
Revised Code, has terminated its control over the offender's 11152
service of that prison term. 11153

(c) The court has held a hearing and found, by clear and 11154
convincing evidence, one of the following: 11155

(i) In the case of termination of the prison term, that the 11156
offender is unlikely to commit a sexually violent offense in the 11157
future; 11158

(ii) In the case of modification of the requirement, that the 11159
offender does not represent a substantial risk of physical harm to 11160
others. 11161

(4) An offender who has been sentenced to a term of life 11162
imprisonment without parole pursuant to division (A)(1), (2), or 11163
(4) of this section shall not be released from the term of life 11164
imprisonment or be permitted to serve a portion of it in a place 11165
other than a state correctional institution. 11166

(D) If a court sentences an offender to a prison term or term 11167
of life imprisonment without parole pursuant to division (A) of 11168

this section and the court also imposes on the offender one or 11169
more additional prison terms pursuant to division (B) of section 11170
2929.14 of the Revised Code, all of the additional prison terms 11171
shall be served consecutively with, and prior to, the prison term 11172
or term of life imprisonment without parole imposed upon the 11173
offender pursuant to division (A) of this section. 11174

(E) If the offender is convicted of or pleads guilty to two 11175
or more offenses for which a prison term or term of life 11176
imprisonment without parole is required to be imposed pursuant to 11177
division (A) of this section, divisions (A) to (D) of this section 11178
shall be applied for each offense. All minimum terms imposed upon 11179
the offender pursuant to division (A)(3) or (B) of this section 11180
for those offenses shall be aggregated and served consecutively, 11181
as if they were a single minimum term imposed under that division. 11182

(F)(1) If an offender is convicted of or pleads guilty to a 11183
violent sex offense and also is convicted of or pleads guilty to a 11184
sexually violent predator specification that was included in the 11185
indictment, count in the indictment, or information charging that 11186
offense, or is convicted of or pleads guilty to a designated 11187
homicide, assault, or kidnapping offense and also is convicted of 11188
or pleads guilty to both a sexual motivation specification and a 11189
sexually violent predator specification that were included in the 11190
indictment, count in the indictment, or information charging that 11191
offense, the conviction of or plea of guilty to the offense and 11192
the sexually violent predator specification automatically 11193
classifies the offender as a tier III sex offender/child-victim 11194
offender for purposes of Chapter 2950. of the Revised Code if the 11195
offender committed the offense on or after January 1, 2008, and a 11196
sexual predator for purposes of that chapter if the offender 11197
committed the offense prior to January 1, 2008. 11198

(2) If an offender is convicted of or pleads guilty to 11199
committing on or after January 2, 2007, a violation of division 11200

(A)(1)(b) of section 2907.02 of the Revised Code and either the offender is sentenced under section 2971.03 of the Revised Code or a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code, the conviction of or plea of guilty to the offense automatically classifies the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code if the offender committed the offense on or after January 1, 2008, and a sexual predator for purposes of that chapter if the offender committed the offense prior to January 1, 2008.

(3) If a person is convicted of or pleads guilty to committing on or after January 2, 2007, attempted rape and also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code, the conviction of or plea of guilty to the offense and the specification automatically classify the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code if the offender committed the offense on or after January 1, 2008, and a sexual predator for purposes of that chapter if the offender committed the offense prior to January 1, 2008.

(4) If a person is convicted of or pleads guilty to one of the offenses described in division (B)(3)(a), (b), (c), or (d) of this section committed on or after January 1, 2008, and a sexual motivation specification related to the offense and the victim of the offense is less than thirteen years of age, the conviction of or plea of guilty to the offense automatically classifies the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code.

Sec. 2971.05. (A)(1) After control over an offender's service of a prison term imposed pursuant to division (A)(3), (B)(1)(a),

(b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or 11232
(d) of section 2971.03 of the Revised Code has been transferred 11233
pursuant to section 2971.04 of the Revised Code to the court, the 11234
court shall schedule, within thirty days of any of the following, 11235
a hearing on whether to modify in accordance with division (C) of 11236
this section the requirement that the offender serve the entire 11237
prison term in a state correctional institution or to terminate 11238
the prison term in accordance with division (D) of this section: 11239

11240

(a) Control over the offender's service of a prison term is 11241
transferred pursuant to section 2971.04 of the Revised Code to the 11242
court, and no hearing to modify the requirement has been held; 11243

(b) Two years elapse after the most recent prior hearing held 11244
pursuant to division (A)(1) or (2) of this section; 11245

(c) The prosecuting attorney, the department of 11246
rehabilitation and correction, or the adult parole authority 11247
requests the hearing, and recommends that the requirement be 11248
modified or that the offender's prison term be terminated. 11249

(2) After control over the offender's service of a prison 11250
term has been transferred pursuant to section 2971.04 of the 11251
Revised Code to the court, the court, within thirty days of either 11252
of the following, shall conduct a hearing on whether to modify in 11253
accordance with division (C) of this section the requirement that 11254
the offender serve the entire prison term in a state correctional 11255
institution, whether to continue, revise, or revoke an existing 11256
modification of that requirement, or whether to terminate the term 11257
in accordance with division (D) of this section: 11258

(a) The requirement that the offender serve the entire prison 11259
term in a state correctional institution has been modified, and 11260
the offender is taken into custody for any reason. 11261

(b) The department of rehabilitation and correction or the 11262

prosecuting attorney notifies the court pursuant to section 11263
2971.06 of the Revised Code regarding a known or suspected 11264
violation of a term or condition of the modification or a belief 11265
that there is a substantial likelihood that the offender has 11266
committed or is about to commit a sexually violent offense. 11267

(3) After control over the offender's service of a prison 11268
term has been transferred pursuant to section 2971.04 of the 11269
Revised Code to the court, the court, in any of the following 11270
circumstances, may conduct a hearing within thirty days to 11271
determine whether to modify in accordance with division (C) of 11272
this section the requirement that the offender serve the entire 11273
prison term in a state correctional institution, whether to 11274
continue, revise, or revoke an existing modification of that 11275
requirement, or whether to terminate the sentence in accordance 11276
with division (D) of this section: 11277

(a) The offender requests the hearing; 11278

(b) Upon the court's own motion; 11279

(c) One or more examiners who have conducted a psychological 11280
examination and assessment of the offender file a statement that 11281
states that there no longer is a likelihood that the offender will 11282
engage in the future in a sexually violent offense. 11283

(B)(1) Before a court holds a hearing pursuant to division 11284
(A) of this section, the court shall provide notice of the date, 11285
time, place, and purpose of the hearing to the offender, the 11286
prosecuting attorney, the department of rehabilitation and 11287
correction, and the adult parole authority and shall request the 11288
department to prepare pursuant to section 5120.61 of the Revised 11289
Code an update of the most recent risk assessment and report 11290
relative to the offender. Upon the request of the prosecuting 11291
attorney or of any law enforcement agency, the department shall 11292
provide to the requesting prosecuting attorney and law enforcement 11293

agencies an institutional summary report prepared by the 11294
department that covers the offender's participation while confined 11295
in a state correctional institution in training, work, and other 11296
rehabilitative activities and any disciplinary action taken 11297
against the offender while so confined. The offender has the right 11298
to be present at any hearing held under this section. At the 11299
hearing, the offender and the prosecuting attorney may make a 11300
statement and present evidence as to whether the requirement that 11301
the offender serve the entire prison term in a state correctional 11302
institution should or should not be modified, whether the existing 11303
modification of the requirement should be continued, revised, or 11304
revoked, and whether the prison term should or should not be 11305
terminated. 11306

(2) At a hearing held pursuant to division (A) of this 11307
section, the court may and, if the hearing is held pursuant to 11308
division (A)(1)(a), (1)(b), or (3)(c) of this section, shall 11309
determine by clear and convincing evidence whether the offender is 11310
unlikely to commit a sexually violent offense in the future. 11311

(3) At the conclusion of the hearing held pursuant to 11312
division (A) of this section, the court may order that the 11313
requirement that the offender serve the entire prison term in a 11314
state correctional institution be continued, that the requirement 11315
be modified pursuant to division (C) of this section, that an 11316
existing modification be continued, revised, or revoked pursuant 11317
to division (C) of this section, or that the prison term be 11318
terminated pursuant to division (D) of this section. 11319

(C)(1) If, at the conclusion of a hearing held pursuant to 11320
division (A) of this section, the court determines by clear and 11321
convincing evidence that the offender will not represent a 11322
substantial risk of physical harm to others, the court may modify 11323
the requirement that the offender serve the entire prison term 11324
imposed under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), 11325

(b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of 11326
the Revised Code in a state correctional institution in a manner 11327
that the court considers appropriate. If the court modifies the 11328
requirement for an offender whose prison term was imposed pursuant 11329
to division (A)(3) of section 2971.03 of the Revised Code, the 11330
court shall order the adult parole authority to supervise the 11331
offender and shall require that the authority's supervision of the 11332
offender be pursuant to division (E) of this section. If the court 11333
modifies the requirement for an offender whose prison term was 11334
imposed pursuant to division (B)(1)(a), (b), or (c), (2)(a), (b), 11335
or (c), or (3)(a), (b), (c), or (d) of section 2971.03 of the 11336
Revised Code, the court shall order the adult parole authority to 11337
supervise the offender and may require that the authority's 11338
supervision of the offender be pursuant to division (E) of this 11339
section. 11340

(2) The modification of the requirement does not terminate 11341
the prison term but serves only to suspend the requirement that 11342
the offender serve the entire term in a state correctional 11343
institution. The prison term shall remain in effect for the 11344
offender's entire life unless the court terminates the prison term 11345
pursuant to division (D) of this section. The offender shall 11346
remain under the jurisdiction of the court for the offender's 11347
entire life unless the court so terminates the prison term. The 11348
modification of the requirement does not terminate the 11349
classification of the offender, as described in division (F) of 11350
section 2971.03 of the Revised Code, as a sexual predator for 11351
purposes of Chapter 2950. of the Revised Code, and the offender is 11352
subject to supervision, including supervision under division (E) 11353
of this section if the court required the supervision of the 11354
offender to be pursuant to that division. 11355

(3) If the court revokes the modification under 11356
consideration, the court shall order that the offender be returned 11357

to the custody of the department of rehabilitation and correction 11358
to continue serving the prison term to which the modification 11359
applied, and section 2971.06 of the Revised Code applies regarding 11360
the offender. 11361

(D)(1) If, at the conclusion of a hearing held pursuant to 11362
division (A) of this section, the court determines by clear and 11363
convincing evidence that the offender is unlikely to commit a 11364
sexually violent offense in the future, the court may terminate 11365
the offender's prison term imposed under division (A)(3), 11366
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 11367
(c), or (d) of section 2971.03 of the Revised Code, subject to the 11368
offender satisfactorily completing the period of conditional 11369
release required by this division and, if applicable, compliance 11370
with division (E) of this section. If the court terminates the 11371
prison term, the court shall place the offender on conditional 11372
release for five years, notify the adult parole authority of its 11373
determination and of the termination of the prison term, and order 11374
the adult parole authority to supervise the offender during the 11375
five-year period of conditional release or, if division (E) 11376
applies to the offender, to supervise the offender pursuant to and 11377
for the period of time specified in that division. If the court 11378
terminates the prison term for an offender whose prison term was 11379
imposed pursuant to division (A)(3) of section 2971.03 of the 11380
Revised Code, the court shall require that the authority's 11381
supervision of the offender be pursuant to division (E) of this 11382
section. If the court terminates the prison term for an offender 11383
whose prison term was imposed pursuant to division (B)(1)(a), (b), 11384
or (c), (2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of 11385
section 2971.03 of the Revised Code, the court may require that 11386
the authority's supervision of the offender be pursuant to 11387
division (E) of this section. Upon receipt of a notice from a 11388
court pursuant to this division, the adult parole authority shall 11389
supervise the offender who is the subject of the notice during the 11390

five-year period of conditional release, periodically notify the 11391
court of the offender's activities during that five-year period of 11392
conditional release, and file with the court no later than thirty 11393
days prior to the expiration of the five-year period of 11394
conditional release a written recommendation as to whether the 11395
termination of the offender's prison term should be finalized, 11396
whether the period of conditional release should be extended, or 11397
whether another type of action authorized pursuant to this chapter 11398
should be taken. 11399

(2) Upon receipt of a recommendation of the adult parole 11400
authority filed pursuant to division (D)(1) of this section, the 11401
court shall hold a hearing to determine whether to finalize the 11402
termination of the offender's prison term, to extend the period of 11403
conditional release, or to take another type of action authorized 11404
pursuant to this chapter. The court shall hold the hearing no 11405
later than the date on which the five-year period of conditional 11406
release terminates and shall provide notice of the date, time, 11407
place, and purpose of the hearing to the offender and to the 11408
prosecuting attorney. At the hearing, the offender, the 11409
prosecuting attorney, and the adult parole authority employee who 11410
supervised the offender during the period of conditional release 11411
may make a statement and present evidence. 11412

If the court determines at the hearing to extend an 11413
offender's period of conditional release, it may do so for 11414
additional periods of one year in the same manner as the original 11415
period of conditional release, and, except as otherwise described 11416
in this division, all procedures and requirements that applied to 11417
the original period of conditional release apply to the additional 11418
period of extended conditional release unless the court modifies a 11419
procedure or requirement. If an offender's period of conditional 11420
release is extended as described in this division, all references 11421
to a five-year period of conditional release that are contained in 11422

division (D)(1) of this section shall be construed, in applying 11423
the provisions of that division to the extension, as being 11424
references to the one-year period of the extension of the 11425
conditional release. 11426

If the court determines at the hearing to take another type 11427
of action authorized pursuant to this chapter, it may do so in the 11428
same manner as if the action had been taken at any other stage of 11429
the proceedings under this chapter. As used in this division, 11430
"another type of action" includes the revocation of the 11431
conditional release and the return of the offender to a state 11432
correctional institution to continue to serve the prison term. 11433

If the court determines at the hearing to finalize the 11434
termination of the offender's prison term, it shall notify the 11435
department of rehabilitation and correction, the department shall 11436
enter into its records a final release and issue to the offender a 11437
certificate of final release, and the prison term thereafter shall 11438
be considered completed and terminated in every way. 11439

(3) The termination of an offender's prison term pursuant to 11440
division (D)(1) or (2) of this section does not affect the 11441
classification of the offender, as described in division (F) of 11442
section 2971.03 of the Revised Code, as a tier III sex 11443
offender/child-victim offender or a sexual predator, as 11444
applicable, for purposes of Chapter 2950. of the Revised Code, 11445
does not terminate the adult parole authority's supervision of the 11446
offender, and, if the court had required the supervision of the 11447
offender to be pursuant to division (E) of this section, does not 11448
terminate the supervision of the offender with an active global 11449
positioning system device, pursuant to that division. The 11450
classification of the offender as a sexual predator is permanent 11451
and continues until the offender's death as described in division 11452
(D)(2) of section 2950.09 of the Revised Code. 11453

(E) If a prison term imposed upon an offender pursuant to 11454

division (A)(3) of section 2971.03 of the Revised Code is modified 11455
as provided in division (C) of this section or terminated as 11456
provided in division (D) of this section, the adult parole 11457
authority shall supervise the offender with an active global 11458
positioning system device during any time period in which the 11459
offender is not incarcerated in a state correctional institution. 11460
If a prison term imposed upon an offender pursuant to division 11461
(B)(1)(a), (b), or (c), (2)(a), (b), or (c), or (3)(a), (b), (c), 11462
or (d) of section 2971.03 of the Revised Code is modified as 11463
provided in division (C) of this section or terminated as provided 11464
in division (D) of this section, and if the court requires that 11465
the adult parole authority's supervision of the offender be 11466
pursuant to this division, the authority shall supervise the 11467
offender with an active global positioning system device during 11468
any time period in which the offender is not incarcerated in a 11469
state correctional institution. If the adult parole authority is 11470
required to supervise the offender with an active global 11471
positioning system device as described in this division, unless 11472
the court removes the offender's classification as a sexually 11473
violent predator regarding an offender whose prison term was 11474
imposed under division (A)(3) of section 2971.03 of the Revised 11475
Code or terminates the requirement that supervision of the 11476
offender be pursuant to this division regarding an offender whose 11477
prison term was imposed under division (B)(1)(a), (b), or (c), 11478
(2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of section 11479
2971.03 of the Revised Code, the offender is subject to 11480
supervision with an active global positioning system pursuant to 11481
this division for the offender's entire life. The costs of 11482
administering the supervision of offenders with an active global 11483
positioning system device pursuant to this division shall be paid 11484
out of funds from the reparations fund, created pursuant to 11485
section 2743.191 of the Revised Code. This division shall only 11486
apply to a sexually violent predator sentenced pursuant to 11487

division (A)(3) of section 2971.03 of the Revised Code who is 11488
released from the custody of the department of rehabilitation and 11489
correction on or after September 29, 2005, or an offender 11490
sentenced pursuant to division (B)(1) or (2) of section 2971.03 of 11491
the Revised Code on or after January 2, 2007. 11492

Sec. 5321.03. (A) Notwithstanding section 5321.02 of the 11493
Revised Code, a landlord may bring an action under Chapter 1923. 11494
of the Revised Code for possession of the premises if: 11495

(1) The tenant is in default in the payment of rent; 11496

(2) The violation of the applicable building, housing, 11497
health, or safety code that the tenant complained of was primarily 11498
caused by any act or lack of reasonable care by the tenant, or by 11499
any other person in the tenant's household, or by anyone on the 11500
premises with the consent of the tenant; 11501

(3) Compliance with the applicable building, housing, health, 11502
or safety code would require alteration, remodeling, or demolition 11503
of the premises which would effectively deprive the tenant of the 11504
use of the dwelling unit; 11505

(4) A tenant is holding over the tenant's term. 11506

(5) The residential premises are located within one thousand 11507
feet of any school premises or preschool or child day-care center 11508
premises, and both of the following apply regarding the tenant or 11509
other occupant who resides in or occupies the premises: 11510

(a) The tenant's or other occupant's name appears on the 11511
state registry of sex offenders and child-victim offenders 11512
maintained under section 2950.13 of the Revised Code, and the 11513
tenant's or other occupant's residency at the premises is in 11514
violation of section 2950.034 of the Revised Code. 11515

(b) The state registry of sex offenders and child-victim 11516
offenders indicates that the tenant or other occupant was 11517

convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

(B) The maintenance of an action by the landlord under this section does not prevent the tenant from recovering damages for any violation by the landlord of the rental agreement or of section 5321.04 of the Revised Code.

(C) This section does not apply to a dwelling unit occupied by a student tenant.

Sec. 5321.051. (A)(1) No tenant of any residential premises located within one thousand feet of any school premises or preschool or child day-care center premises shall allow any person to occupy those residential premises in violation of section 2950.034 of the Revised Code if both of the following apply regarding the person:

(a) The person's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code.

(b) The state registry of sex offenders and child-victim offenders indicates that the person was convicted of or pleaded guilty to either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

(2) If a tenant allows occupancy in violation of this section or a person establishes a residence or occupies residential premises in violation of section 2950.034 of the Revised Code, the landlord for the residential premises that are the subject of the

rental agreement or other tenancy may terminate the rental 11548
agreement or other tenancy of the tenant and all other occupants. 11549

(B) If a landlord is authorized to terminate a rental 11550
agreement or other tenancy pursuant to division (A) of this 11551
section but does not so terminate the rental agreement or other 11552
tenancy, the landlord is not liable in a tort or other civil 11553
action in damages for any injury, death, or loss to person or 11554
property that allegedly results from that decision. 11555

Section 2. That existing sections 109.57, 109.572, 109.578, 11556
311.171, 1923.02, 2151.23, 2151.357, 2152.02, 2152.14, 2152.191, 11557
2152.22, 2152.82, 2152.83, 2152.831, 2152.84, 2152.85, 2152.851, 11558
2901.07, 2907.02, 2929.01, 2929.13, 2929.19, 2929.23, 2950.01, 11559
2950.011, 2950.02, 2950.03, 2950.031, 2950.032, 2950.033, 11560
2950.034, 2950.04, 2950.041, 2950.043, 2950.05, 2950.06, 2950.07, 11561
2950.081, 2950.10, 2950.11, 2950.13, 2950.131, 2950.14, 2950.15, 11562
2950.99, 2971.03, 2971.05, 5321.03, and 5321.051 and section 11563
2152.86 of the Revised Code are hereby repealed. 11564

Section 3. That the versions of sections 109.57, 2950.11, and 11565
2950.13 of the Revised Code that are scheduled to take effect on 11566
January 1, 2014, be amended to read as follows: 11567

Sec. 109.57. (A)(1) The superintendent of the bureau of 11568
criminal identification and investigation shall procure from 11569
wherever procurable and file for record photographs, pictures, 11570
descriptions, fingerprints, measurements, and other information 11571
that may be pertinent of all persons who have been convicted of 11572
committing within this state a felony, any crime constituting a 11573
misdemeanor on the first offense and a felony on subsequent 11574
offenses, or any misdemeanor described in division (A)(1)(a), 11575
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 11576
all children under eighteen years of age who have been adjudicated 11577

delinquent children for committing within this state an act that 11578
would be a felony or an offense of violence if committed by an 11579
adult or who have been convicted of or pleaded guilty to 11580
committing within this state a felony or an offense of violence, 11581
and of all well-known and habitual criminals. The person in charge 11582
of any county, multicounty, municipal, municipal-county, or 11583
multicounty-municipal jail or workhouse, community-based 11584
correctional facility, halfway house, alternative residential 11585
facility, or state correctional institution and the person in 11586
charge of any state institution having custody of a person 11587
suspected of having committed a felony, any crime constituting a 11588
misdemeanor on the first offense and a felony on subsequent 11589
offenses, or any misdemeanor described in division (A)(1)(a), 11590
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 11591
having custody of a child under eighteen years of age with respect 11592
to whom there is probable cause to believe that the child may have 11593
committed an act that would be a felony or an offense of violence 11594
if committed by an adult shall furnish such material to the 11595
superintendent of the bureau. Fingerprints, photographs, or other 11596
descriptive information of a child who is under eighteen years of 11597
age, has not been arrested or otherwise taken into custody for 11598
committing an act that would be a felony or an offense of violence 11599
who is not in any other category of child specified in this 11600
division, if committed by an adult, has not been adjudicated a 11601
delinquent child for committing an act that would be a felony or 11602
an offense of violence if committed by an adult, has not been 11603
convicted of or pleaded guilty to committing a felony or an 11604
offense of violence, and is not a child with respect to whom there 11605
is probable cause to believe that the child may have committed an 11606
act that would be a felony or an offense of violence if committed 11607
by an adult shall not be procured by the superintendent or 11608
furnished by any person in charge of any county, multicounty, 11609

municipal, municipal-county, or multicounty-municipal jail or 11610
workhouse, community-based correctional facility, halfway house, 11611
alternative residential facility, or state correctional 11612
institution, except as authorized in section 2151.313 of the 11613
Revised Code. 11614

(2) Every clerk of a court of record in this state, other 11615
than the supreme court or a court of appeals, shall send to the 11616
superintendent of the bureau a weekly report containing a summary 11617
of each case involving a felony, involving any crime constituting 11618
a misdemeanor on the first offense and a felony on subsequent 11619
offenses, involving a misdemeanor described in division (A)(1)(a), 11620
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 11621
involving an adjudication in a case in which a child under 11622
eighteen years of age was alleged to be a delinquent child for 11623
committing an act that would be a felony or an offense of violence 11624
if committed by an adult. The clerk of the court of common pleas 11625
shall include in the report and summary the clerk sends under this 11626
division all information described in divisions (A)(2)(a) to (f) 11627
of this section regarding a case before the court of appeals that 11628
is served by that clerk. The summary shall be written on the 11629
standard forms furnished by the superintendent pursuant to 11630
division (B) of this section and shall include the following 11631
information: 11632

(a) The incident tracking number contained on the standard 11633
forms furnished by the superintendent pursuant to division (B) of 11634
this section; 11635

(b) The style and number of the case; 11636

(c) The date of arrest, offense, summons, or arraignment; 11637

(d) The date that the person was convicted of or pleaded 11638
guilty to the offense, adjudicated a delinquent child for 11639
committing the act that would be a felony or an offense of 11640

violence if committed by an adult, found not guilty of the 11641
offense, or found not to be a delinquent child for committing an 11642
act that would be a felony or an offense of violence if committed 11643
by an adult, the date of an entry dismissing the charge, an entry 11644
declaring a mistrial of the offense in which the person is 11645
discharged, an entry finding that the person or child is not 11646
competent to stand trial, or an entry of a nolle prosequi, or the 11647
date of any other determination that constitutes final resolution 11648
of the case; 11649

(e) A statement of the original charge with the section of 11650
the Revised Code that was alleged to be violated; 11651

(f) If the person or child was convicted, pleaded guilty, or 11652
was adjudicated a delinquent child, the sentence or terms of 11653
probation imposed or any other disposition of the offender or the 11654
delinquent child. 11655

If the offense involved the disarming of a law enforcement 11656
officer or an attempt to disarm a law enforcement officer, the 11657
clerk shall clearly state that fact in the summary, and the 11658
superintendent shall ensure that a clear statement of that fact is 11659
placed in the bureau's records. 11660

(3) The superintendent shall cooperate with and assist 11661
sheriffs, chiefs of police, and other law enforcement officers in 11662
the establishment of a complete system of criminal identification 11663
and in obtaining fingerprints and other means of identification of 11664
all persons arrested on a charge of a felony, any crime 11665
constituting a misdemeanor on the first offense and a felony on 11666
subsequent offenses, or a misdemeanor described in division 11667
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 11668
Revised Code and of all children under eighteen years of age 11669
arrested or otherwise taken into custody for committing an act 11670
that would be a felony or an offense of violence if committed by 11671
an adult. The superintendent also shall file for record the 11672

fingerprint impressions of all persons confined in a county, 11673
multicounty, municipal, municipal-county, or multicounty-municipal 11674
jail or workhouse, community-based correctional facility, halfway 11675
house, alternative residential facility, or state correctional 11676
institution for the violation of state laws and of all children 11677
under eighteen years of age who are confined in a county, 11678
multicounty, municipal, municipal-county, or multicounty-municipal 11679
jail or workhouse, community-based correctional facility, halfway 11680
house, alternative residential facility, or state correctional 11681
institution or in any facility for delinquent children for 11682
committing an act that would be a felony or an offense of violence 11683
if committed by an adult, and any other information that the 11684
superintendent may receive from law enforcement officials of the 11685
state and its political subdivisions. 11686

(4) The superintendent shall carry out Chapter 2950. of the 11687
Revised Code with respect to the registration of persons who are 11688
convicted of or plead guilty to a sexually oriented offense or a 11689
child-victim oriented offense and with respect to all other duties 11690
imposed on the bureau under that chapter. 11691

(5) The bureau shall perform centralized recordkeeping 11692
functions for criminal history records and services in this state 11693
for purposes of the national crime prevention and privacy compact 11694
set forth in section 109.571 of the Revised Code and is the 11695
criminal history record repository as defined in that section for 11696
purposes of that compact. The superintendent or the 11697
superintendent's designee is the compact officer for purposes of 11698
that compact and shall carry out the responsibilities of the 11699
compact officer specified in that compact. 11700

(B) The superintendent shall prepare and furnish to every 11701
county, multicounty, municipal, municipal-county, or 11702
multicounty-municipal jail or workhouse, community-based 11703
correctional facility, halfway house, alternative residential 11704

facility, or state correctional institution and to every clerk of 11705
a court in this state specified in division (A)(2) of this section 11706
standard forms for reporting the information required under 11707
division (A) of this section. The standard forms that the 11708
superintendent prepares pursuant to this division may be in a 11709
tangible format, in an electronic format, or in both tangible 11710
formats and electronic formats. 11711

(C)(1) The superintendent may operate a center for 11712
electronic, automated, or other data processing for the storage 11713
and retrieval of information, data, and statistics pertaining to 11714
criminals and to children under eighteen years of age who are 11715
adjudicated delinquent children for committing an act that would 11716
be a felony or an offense of violence if committed by an adult, 11717
criminal activity, crime prevention, law enforcement, and criminal 11718
justice, and may establish and operate a statewide communications 11719
network to be known as the Ohio law enforcement gateway to gather 11720
and disseminate information, data, and statistics for the use of 11721
law enforcement agencies and for other uses specified in this 11722
division. The superintendent may gather, store, retrieve, and 11723
disseminate information, data, and statistics that pertain to 11724
children who are under eighteen years of age and that are gathered 11725
pursuant to sections 109.57 to 109.61 of the Revised Code together 11726
with information, data, and statistics that pertain to adults and 11727
that are gathered pursuant to those sections. 11728

(2) The superintendent or the superintendent's designee shall 11729
gather information of the nature described in division (C)(1) of 11730
this section that pertains to the offense and delinquency history 11731
of a person who has been convicted of, pleaded guilty to, or been 11732
adjudicated a delinquent child for committing a sexually oriented 11733
offense or a child-victim oriented offense for inclusion in the 11734
state registry of sex offenders and child-victim offenders 11735
maintained pursuant to division (A)(1) of section 2950.13 of the 11736

Revised Code and in the internet database operated pursuant to 11737
division (A)(13) of that section and for possible inclusion in the 11738
internet database operated pursuant to division (A)(11) of that 11739
section. 11740

(3) In addition to any other authorized use of information, 11741
data, and statistics of the nature described in division (C)(1) of 11742
this section, the superintendent or the superintendent's designee 11743
may provide and exchange the information, data, and statistics 11744
pursuant to the national crime prevention and privacy compact as 11745
described in division (A)(5) of this section. 11746

(4) The attorney general may adopt rules under Chapter 119. 11747
of the Revised Code establishing guidelines for the operation of 11748
and participation in the Ohio law enforcement gateway. The rules 11749
may include criteria for granting and restricting access to 11750
information gathered and disseminated through the Ohio law 11751
enforcement gateway. The attorney general shall permit the state 11752
medical board and board of nursing to access and view, but not 11753
alter, information gathered and disseminated through the Ohio law 11754
enforcement gateway. 11755

The attorney general may appoint a steering committee to 11756
advise the attorney general in the operation of the Ohio law 11757
enforcement gateway that is comprised of persons who are 11758
representatives of the criminal justice agencies in this state 11759
that use the Ohio law enforcement gateway and is chaired by the 11760
superintendent or the superintendent's designee. 11761

(D)(1) The following are not public records under section 11762
149.43 of the Revised Code: 11763

(a) Information and materials furnished to the superintendent 11764
pursuant to division (A) of this section; 11765

(b) Information, data, and statistics gathered or 11766
disseminated through the Ohio law enforcement gateway pursuant to 11767

division (C)(1) of this section; 11768

(c) Information and materials furnished to any board or 11769
person under division (F) or (G) of this section. 11770

(2) The superintendent or the superintendent's designee shall 11771
gather and retain information so furnished under division (A) of 11772
this section that pertains to the offense and delinquency history 11773
of a person who has been convicted of, pleaded guilty to, or been 11774
adjudicated a delinquent child for committing a sexually oriented 11775
offense or a child-victim oriented offense for the purposes 11776
described in division (C)(2) of this section. 11777

(E)(1) The attorney general shall adopt rules, in accordance 11778
with Chapter 119. of the Revised Code and subject to division 11779
(E)(2) of this section, setting forth the procedure by which a 11780
person may receive or release information gathered by the 11781
superintendent pursuant to division (A) of this section. A 11782
reasonable fee may be charged for this service. If a temporary 11783
employment service submits a request for a determination of 11784
whether a person the service plans to refer to an employment 11785
position has been convicted of or pleaded guilty to an offense 11786
listed or described in division (A)(1), (2), or (3) of section 11787
109.572 of the Revised Code, the request shall be treated as a 11788
single request and only one fee shall be charged. 11789

(2) Except as otherwise provided in this division, a rule 11790
adopted under division (E)(1) of this section may provide only for 11791
the release of information gathered pursuant to division (A) of 11792
this section that relates to the conviction of a person, or a 11793
person's plea of guilty to, a criminal offense. The superintendent 11794
shall not release, and the attorney general shall not adopt any 11795
rule under division (E)(1) of this section that permits the 11796
release of, any information gathered pursuant to division (A) of 11797
this section that relates to an adjudication of a child as a 11798
delinquent child, or that relates to a criminal conviction of a 11799

person under eighteen years of age if the person's case was 11800
transferred back to a juvenile court under division (B)(2) or (3) 11801
of section 2152.121 of the Revised Code and the juvenile court 11802
imposed a disposition or serious youthful offender disposition 11803
upon the person under either division, unless either of the 11804
following applies with respect to the adjudication or conviction: 11805

(a) The adjudication or conviction was for a violation of 11806
section 2903.01 or 2903.02 of the Revised Code. 11807

(b) The adjudication or conviction was for a sexually 11808
oriented offense, the juvenile court was required to classify the 11809
child a juvenile offender registrant for that offense under 11810
section 2152.82, or 2152.83, ~~or 2152.86~~ of the Revised Code, and 11811
that classification has not been removed. 11812

(F)(1) As used in division (F)(2) of this section, "head 11813
start agency" means an entity in this state that has been approved 11814
to be an agency for purposes of subchapter II of the "Community 11815
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 11816
as amended. 11817

(2)(a) In addition to or in conjunction with any request that 11818
is required to be made under section 109.572, 2151.86, 3301.32, 11819
3301.541, division (C) of section 3310.58, or section 3319.39, 11820
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 11821
5153.111 of the Revised Code or that is made under section 11822
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 11823
board of education of any school district; the director of 11824
developmental disabilities; any county board of developmental 11825
disabilities; any provider or subcontractor as defined in section 11826
5123.081 of the Revised Code; the chief administrator of any 11827
chartered nonpublic school; the chief administrator of a 11828
registered private provider that is not also a chartered nonpublic 11829
school; the chief administrator of any home health agency; the 11830
chief administrator of or person operating any child day-care 11831

center, type A family day-care home, or type B family day-care 11832
home licensed under Chapter 5104. of the Revised Code; the chief 11833
administrator of any head start agency; the executive director of 11834
a public children services agency; a private company described in 11835
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 11836
Code; or an employer described in division (J)(2) of section 11837
3327.10 of the Revised Code may request that the superintendent of 11838
the bureau investigate and determine, with respect to any 11839
individual who has applied for employment in any position after 11840
October 2, 1989, or any individual wishing to apply for employment 11841
with a board of education may request, with regard to the 11842
individual, whether the bureau has any information gathered under 11843
division (A) of this section that pertains to that individual. On 11844
receipt of the request, subject to division (E)(2) of this 11845
section, the superintendent shall determine whether that 11846
information exists and, upon request of the person, board, or 11847
entity requesting information, also shall request from the federal 11848
bureau of investigation any criminal records it has pertaining to 11849
that individual. The superintendent or the superintendent's 11850
designee also may request criminal history records from other 11851
states or the federal government pursuant to the national crime 11852
prevention and privacy compact set forth in section 109.571 of the 11853
Revised Code. Within thirty days of the date that the 11854
superintendent receives a request, subject to division (E)(2) of 11855
this section, the superintendent shall send to the board, entity, 11856
or person a report of any information that the superintendent 11857
determines exists, including information contained in records that 11858
have been sealed under section 2953.32 of the Revised Code, and, 11859
within thirty days of its receipt, subject to division (E)(2) of 11860
this section, shall send the board, entity, or person a report of 11861
any information received from the federal bureau of investigation, 11862
other than information the dissemination of which is prohibited by 11863
federal law. 11864

(b) When a board of education or a registered private provider is required to receive information under this section as a prerequisite to employment of an individual pursuant to division (C) of section 3310.58 or section 3319.39 of the Revised Code, it may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by an individual applying for employment with the district in lieu of requesting that information itself. In such a case, the board shall accept the certified copy issued by the bureau in order to make a photocopy of it for that individual's employment application documents and shall return the certified copy to the individual. In a case of that nature, a district or provider only shall accept a certified copy of records of that nature within one year after the date of their issuance by the bureau.

(c) Notwithstanding division (F)(2)(a) of this section, in the case of a request under section 3319.39, 3319.391, or 3327.10 of the Revised Code only for criminal records maintained by the federal bureau of investigation, the superintendent shall not determine whether any information gathered under division (A) of this section exists on the person for whom the request is made.

(3) The state board of education may request, with respect to any individual who has applied for employment after October 2, 1989, in any position with the state board or the department of education, any information that a school district board of education is authorized to request under division (F)(2) of this section, and the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(4) When the superintendent of the bureau receives a request for information under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received

from a school district board of education and shall comply with 11897
divisions (F)(2)(a) and (c) of this section. 11898

(5) When a recipient of a classroom reading improvement grant 11899
paid under section 3301.86 of the Revised Code requests, with 11900
respect to any individual who applies to participate in providing 11901
any program or service funded in whole or in part by the grant, 11902
the information that a school district board of education is 11903
authorized to request under division (F)(2)(a) of this section, 11904
the superintendent of the bureau shall proceed as if the request 11905
has been received from a school district board of education under 11906
division (F)(2)(a) of this section. 11907

(G) In addition to or in conjunction with any request that is 11908
required to be made under section 3701.881, 3712.09, or 3721.121 11909
of the Revised Code with respect to an individual who has applied 11910
for employment in a position that involves providing direct care 11911
to an older adult or adult resident, the chief administrator of a 11912
home health agency, hospice care program, home licensed under 11913
Chapter 3721. of the Revised Code, or adult day-care program 11914
operated pursuant to rules adopted under section 3721.04 of the 11915
Revised Code may request that the superintendent of the bureau 11916
investigate and determine, with respect to any individual who has 11917
applied after January 27, 1997, for employment in a position that 11918
does not involve providing direct care to an older adult or adult 11919
resident, whether the bureau has any information gathered under 11920
division (A) of this section that pertains to that individual. 11921

In addition to or in conjunction with any request that is 11922
required to be made under section 173.27 of the Revised Code with 11923
respect to an individual who has applied for employment in a 11924
position that involves providing ombudsperson services to 11925
residents of long-term care facilities or recipients of 11926
community-based long-term care services, the state long-term care 11927
ombudsperson, ombudsperson's designee, or director of health may 11928

request that the superintendent investigate and determine, with 11929
respect to any individual who has applied for employment in a 11930
position that does not involve providing such ombudsperson 11931
services, whether the bureau has any information gathered under 11932
division (A) of this section that pertains to that applicant. 11933

In addition to or in conjunction with any request that is 11934
required to be made under section 173.394 of the Revised Code with 11935
respect to an individual who has applied for employment in a 11936
position that involves providing direct care to an individual, the 11937
chief administrator of a community-based long-term care agency may 11938
request that the superintendent investigate and determine, with 11939
respect to any individual who has applied for employment in a 11940
position that does not involve providing direct care, whether the 11941
bureau has any information gathered under division (A) of this 11942
section that pertains to that applicant. 11943

In addition to or in conjunction with any request that is 11944
required to be made under section 3712.09 of the Revised Code with 11945
respect to an individual who has applied for employment in a 11946
position that involves providing direct care to a pediatric 11947
respite care patient, the chief administrator of a pediatric 11948
respite care program may request that the superintendent of the 11949
bureau investigate and determine, with respect to any individual 11950
who has applied for employment in a position that does not involve 11951
providing direct care to a pediatric respite care patient, whether 11952
the bureau has any information gathered under division (A) of this 11953
section that pertains to that individual. 11954

On receipt of a request under this division, the 11955
superintendent shall determine whether that information exists 11956
and, on request of the individual requesting information, shall 11957
also request from the federal bureau of investigation any criminal 11958
records it has pertaining to the applicant. The superintendent or 11959
the superintendent's designee also may request criminal history 11960

records from other states or the federal government pursuant to 11961
the national crime prevention and privacy compact set forth in 11962
section 109.571 of the Revised Code. Within thirty days of the 11963
date a request is received, subject to division (E)(2) of this 11964
section, the superintendent shall send to the requester a report 11965
of any information determined to exist, including information 11966
contained in records that have been sealed under section 2953.32 11967
of the Revised Code, and, within thirty days of its receipt, shall 11968
send the requester a report of any information received from the 11969
federal bureau of investigation, other than information the 11970
dissemination of which is prohibited by federal law. 11971

(H) Information obtained by a government entity or person 11972
under this section is confidential and shall not be released or 11973
disseminated. 11974

(I) The superintendent may charge a reasonable fee for 11975
providing information or criminal records under division (F)(2) or 11976
(G) of this section. 11977

(J) As used in this section: 11978

(1) "Pediatric respite care program" and "pediatric care 11979
patient" have the same meanings as in section 3712.01 of the 11980
Revised Code. 11981

(2) "Sexually oriented offense" and "child-victim oriented 11982
offense" have the same meanings as in section 2950.01 of the 11983
Revised Code. 11984

(3) "Registered private provider" means a nonpublic school or 11985
entity registered with the superintendent of public instruction 11986
under section 3310.41 of the Revised Code to participate in the 11987
autism scholarship program or section 3310.58 of the Revised Code 11988
to participate in the Jon Peterson special needs scholarship 11989
program. 11990

Sec. 2950.11. (A) Regardless of when the sexually oriented 11991
offense or child-victim oriented offense was committed, if a 11992
person is convicted of, pleads guilty to, has been convicted of, 11993
or has pleaded guilty to a sexually oriented offense or a 11994
child-victim oriented offense or a person is or has been 11995
adjudicated a delinquent child for committing a sexually oriented 11996
offense or a child-victim oriented offense and is classified a 11997
juvenile offender registrant or is an out-of-state juvenile 11998
offender registrant based on that adjudication, and if the 11999
offender or delinquent child is in any category specified in 12000
division (F)(1)(a), (b), ~~or (c)~~, (d), or (e) of this section, the 12001
sheriff with whom the offender or delinquent child has most 12002
recently registered under section 2950.04, 2950.041, or 2950.05 of 12003
the Revised Code and the sheriff to whom the offender or 12004
delinquent child most recently sent a notice of intent to reside 12005
under section 2950.04 or 2950.041 of the Revised Code, within the 12006
period of time specified in division (C) of this section, shall 12007
provide a written notice containing the information set forth in 12008
division (B) of this section to all of the persons described in 12009
divisions (A)(1) to (10) of this section. If the sheriff has sent 12010
a notice to the persons described in those divisions as a result 12011
of receiving a notice of intent to reside and if the offender or 12012
delinquent child registers a residence address that is the same 12013
residence address described in the notice of intent to reside, the 12014
sheriff is not required to send an additional notice when the 12015
offender or delinquent child registers. The sheriff shall provide 12016
the notice to all of the following persons: 12017

(1)(a) Any occupant of each residential unit that is located 12018
within one thousand feet of the offender's or delinquent child's 12019
residential premises, that is located within the county served by 12020
the sheriff, and that is not located in a multi-unit building. 12021
Division (D)(3) of this section applies regarding notices required 12022

under this division. 12023

(b) If the offender or delinquent child resides in a 12024
multi-unit building, any occupant of each residential unit that is 12025
located in that multi-unit building and that shares a common 12026
hallway with the offender or delinquent child. For purposes of 12027
this division, an occupant's unit shares a common hallway with the 12028
offender or delinquent child if the entrance door into the 12029
occupant's unit is located on the same floor and opens into the 12030
same hallway as the entrance door to the unit the offender or 12031
delinquent child occupies. Division (D)(3) of this section applies 12032
regarding notices required under this division. 12033

(c) The building manager, or the person the building owner or 12034
condominium unit owners association authorizes to exercise 12035
management and control, of each multi-unit building that is 12036
located within one thousand feet of the offender's or delinquent 12037
child's residential premises, including a multi-unit building in 12038
which the offender or delinquent child resides, and that is 12039
located within the county served by the sheriff. In addition to 12040
notifying the building manager or the person authorized to 12041
exercise management and control in the multi-unit building under 12042
this division, the sheriff shall post a copy of the notice 12043
prominently in each common entryway in the building and any other 12044
location in the building the sheriff determines appropriate. The 12045
manager or person exercising management and control of the 12046
building shall permit the sheriff to post copies of the notice 12047
under this division as the sheriff determines appropriate. In lieu 12048
of posting copies of the notice as described in this division, a 12049
sheriff may provide notice to all occupants of the multi-unit 12050
building by mail or personal contact; if the sheriff so notifies 12051
all the occupants, the sheriff is not required to post copies of 12052
the notice in the common entryways to the building. Division 12053
(D)(3) of this section applies regarding notices required under 12054

this division. 12055

(d) All additional persons who are within any category of 12056
neighbors of the offender or delinquent child that the attorney 12057
general by rule adopted under section 2950.13 of the Revised Code 12058
requires to be provided the notice and who reside within the 12059
county served by the sheriff; 12060

(2) The executive director of the public children services 12061
agency that has jurisdiction within the specified geographical 12062
notification area and that is located within the county served by 12063
the sheriff; 12064

(3)(a) The superintendent of each board of education of a 12065
school district that has schools within the specified geographical 12066
notification area and that is located within the county served by 12067
the sheriff; 12068

(b) The principal of the school within the specified 12069
geographical notification area and within the county served by the 12070
sheriff that the delinquent child attends; 12071

(c) If the delinquent child attends a school outside of the 12072
specified geographical notification area or outside of the school 12073
district where the delinquent child resides, the superintendent of 12074
the board of education of a school district that governs the 12075
school that the delinquent child attends and the principal of the 12076
school that the delinquent child attends. 12077

(4)(a) The appointing or hiring officer of each chartered 12078
nonpublic school located within the specified geographical 12079
notification area and within the county served by the sheriff or 12080
of each other school located within the specified geographical 12081
notification area and within the county served by the sheriff and 12082
that is not operated by a board of education described in division 12083
(A)(3) of this section; 12084

(b) Regardless of the location of the school, the appointing 12085

or hiring officer of a chartered nonpublic school that the delinquent child attends.

(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff;

(6) The administrator of each child day-care center or type A family day-care home that is located within the specified geographical notification area and within the county served by the sheriff, and each holder of a license to operate a type B family day-care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child day-care center," "type A family day-care home," and "type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.

(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff, and the chief law enforcement officer of the state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code, if any, that serves that institution;

(8) The sheriff of each county that includes any portion of the specified geographical notification area;

(9) If the offender or delinquent child resides within the county served by the sheriff, the chief of police, marshal, or other chief law enforcement officer of the municipal corporation in which the offender or delinquent child resides or, if the offender or delinquent child resides in an unincorporated area,

the constable or chief of the police department or police district 12117
police force of the township in which the offender or delinquent 12118
child resides; 12119

(10) Volunteer organizations in which contact with minors or 12120
other vulnerable individuals might occur or any organization, 12121
company, or individual who requests notification as provided in 12122
division (J) of this section. 12123

(B) The notice required under division (A) of this section 12124
shall include all of the following information regarding the 12125
subject offender or delinquent child: 12126

(1) The offender's or delinquent child's name; 12127

(2) The address or addresses of the offender's ~~or public~~ 12128
~~registry qualified juvenile offender registrant's~~ residence, 12129
school, institution of higher education, or place of employment, 12130
as applicable, or the residence address or addresses of a 12131
delinquent child ~~who is not a public registry qualified juvenile~~ 12132
~~offender registrant;~~ 12133

(3) The sexually oriented offense or child-victim oriented 12134
offense of which the offender was convicted, to which the offender 12135
pleaded guilty, or for which the child was adjudicated a 12136
delinquent child; 12137

(4) A statement that identifies the category specified in 12138
division (F)(1)(a), (b), ~~or~~ (c), (d), or (e) of this section that 12139
includes the offender or delinquent child and that subjects the 12140
offender or delinquent child to this section; 12141

(5) The offender's or delinquent child's photograph. 12142

(C) If a sheriff with whom an offender or delinquent child 12143
registers under section 2950.04, 2950.041, or 2950.05 of the 12144
Revised Code or to whom the offender or delinquent child most 12145
recently sent a notice of intent to reside under section 2950.04 12146

or 2950.041 of the Revised Code is required by division (A) of 12147
this section to provide notices regarding an offender or 12148
delinquent child and if, pursuant to that requirement, the sheriff 12149
provides a notice to a sheriff of one or more other counties in 12150
accordance with division (A)(8) of this section, the sheriff of 12151
each of the other counties who is provided notice under division 12152
(A)(8) of this section shall provide the notices described in 12153
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 12154
each person or entity identified within those divisions that is 12155
located within the specified geographical notification area and 12156
within the county served by the sheriff in question. 12157

(D)(1) A sheriff required by division (A) or (C) of this 12158
section to provide notices regarding an offender or delinquent 12159
child shall provide the notice to the neighbors that are described 12160
in division (A)(1) of this section and the notices to law 12161
enforcement personnel that are described in divisions (A)(8) and 12162
(9) of this section as soon as practicable, but no later than five 12163
days after the offender sends the notice of intent to reside to 12164
the sheriff and again no later than five days after the offender 12165
or delinquent child registers with the sheriff or, if the sheriff 12166
is required by division (C) of this section to provide the 12167
notices, no later than five days after the sheriff is provided the 12168
notice described in division (A)(8) of this section. 12169

A sheriff required by division (A) or (C) of this section to 12170
provide notices regarding an offender or delinquent child shall 12171
provide the notices to all other specified persons that are 12172
described in divisions (A)(2) to (7) and (A)(10) of this section 12173
as soon as practicable, but not later than seven days after the 12174
offender or delinquent child registers with the sheriff or, if the 12175
sheriff is required by division (C) of this section to provide the 12176
notices, no later than five days after the sheriff is provided the 12177
notice described in division (A)(8) of this section. 12178

(2) If an offender or delinquent child in relation to whom
division (A) of this section applies verifies the offender's or
delinquent child's current residence, school, institution of
higher education, or place of employment address, as applicable,
with a sheriff pursuant to section 2950.06 of the Revised Code,
the sheriff may provide a written notice containing the
information set forth in division (B) of this section to the
persons identified in divisions (A)(1) to (10) of this section. If
a sheriff provides a notice pursuant to this division to the
sheriff of one or more other counties in accordance with division
(A)(8) of this section, the sheriff of each of the other counties
who is provided the notice under division (A)(8) of this section
may provide, but is not required to provide, a written notice
containing the information set forth in division (B) of this
section to the persons identified in divisions (A)(1) to (7) and
(A)(9) and (10) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or
(b) of this section, and may provide notice under division
(A)(1)(c) of this section to a building manager or person
authorized to exercise management and control of a building, by
mail, by personal contact, or by leaving the notice at or under
the entry door to a residential unit. For purposes of divisions
(A)(1)(a) and (b) of this section, and the portion of division
(A)(1)(c) of this section relating to the provision of notice to
occupants of a multi-unit building by mail or personal contact,
the provision of one written notice per unit is deemed as
providing notice to all occupants of that unit.

(E) All information that a sheriff possesses regarding an
offender or delinquent child who is in a category specified in
division (F)(1)(a), (b), ~~or (c)~~, (d), or (e) of this section that
is described in division (B) of this section and that must be
provided in a notice required under division (A) or (C) of this

section or that may be provided in a notice authorized under 12211
division (D)(2) of this section is a public record that is open to 12212
inspection under section 149.43 of the Revised Code. 12213

The sheriff shall not cause to be publicly disseminated by 12214
means of the internet any of the information described in this 12215
division that is provided by a delinquent child ~~unless that child~~ 12216
~~is in a category specified in division (F)(1)(a), (b), or (c) of~~ 12217
~~this section.~~ 12218

(F)(1) Except as provided in division (F)(2) of this section, 12219
the duties to provide the notices described in divisions (A) and 12220
(C) of this section apply regarding any offender or delinquent 12221
child who is in any of the following categories: 12222

(a) The offender is a tier III sex offender/child-victim 12223
~~offender, or the delinquent child is a public registry qualified~~ 12224
~~juvenile offender registrant, and a juvenile court has not removed~~ 12225
~~pursuant to section 2950.15 of the Revised Code the delinquent~~ 12226
~~child's duty to comply with sections 2950.04, 2950.041, 2950.05,~~ 12227
~~and 2950.06 of the Revised Code.~~ 12228

(b) The offender or delinquent child is a ~~tier III sex~~ 12229
~~offender/child victim offender who is not a public~~ 12230
~~registry qualified juvenile offender registrant, the delinquent~~ 12231
~~child was subjected to this section prior to January 1, 2008, as a~~ 12232
~~sexual predator, habitual sex offender, or child-victim predator,~~ 12233
~~or habitual child victim offender, as those terms were defined in~~ 12234
~~section 2950.01 of the Revised Code as it existed prior to January~~ 12235
~~1, 2008, and.~~ 12236

(c) The offender or delinquent child is a habitual sex 12237
offender or habitual child-victim offender, a court has imposed a 12238
requirement subjecting the habitual sex offender or habitual 12239
child-victim offender to the notification provisions of the 12240
version of this section in existence immediately prior to July 1, 12241

2007, or the version of this section as it exists on and after the 12242
effective date of this amendment, and, with respect to a 12243
delinquent child, a juvenile court has not removed pursuant to 12244
section 2152.84 or 2152.85 of the Revised Code the delinquent 12245
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 12246
and 2950.06 of the Revised Code. 12247

~~(e)(d)~~ The delinquent child is a tier III sex 12248
offender/child-victim offender ~~who is not a public~~ 12249
~~registry qualified juvenile offender registrant,~~ the delinquent 12250
child was classified a juvenile offender registrant with respect 12251
to a sexually oriented offense or child-victim oriented offense 12252
committed on or after January 1, 2008, the court has imposed a 12253
requirement under section 2152.82, 2152.83, or 2152.84 of the 12254
Revised Code subjecting the delinquent child to this section, and 12255
a juvenile court has not removed pursuant to section 2152.84 or 12256
2152.85 of the Revised Code the delinquent child's duty to comply 12257
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 12258
Revised Code. 12259

(e) The sexually oriented offense for which the offender has 12260
the duty to register under section 2950.04 of the Revised Code is 12261
an aggravated sexually oriented offense, regardless of whether the 12262
offender has been adjudicated a sexual predator with respect to 12263
the offense or has been determined to be a habitual sex offender, 12264
and, if the offender has been so determined to be a habitual sex 12265
offender, regardless of whether the habitual sex offender 12266
determination has been removed pursuant to section 2152.84 or 12267
2152.85 of the Revised Code regarding a delinquent child. 12268

(2) The notification provisions of this section do not apply 12269
to a person described in division (F)(1)(a), (b), or ~~(e)(d)~~ of 12270
this section if a court finds at a hearing after considering the 12271
factors described in this division that the person would not be 12272
subject to the notification provisions of this section that were 12273

in the version of this section that existed immediately prior to 12274
January 1, 2008. In making the determination of whether a person 12275
would have been subject to the notification provisions under prior 12276
law as described in this division, the court shall consider the 12277
following factors: 12278

(a) The offender's or delinquent child's age; 12279

(b) The offender's or delinquent child's prior criminal or 12280
delinquency record regarding all offenses, including, but not 12281
limited to, all sexual offenses; 12282

(c) The age of the victim of the sexually oriented offense 12283
for which sentence is to be imposed or the order of disposition is 12284
to be made; 12285

(d) Whether the sexually oriented offense for which sentence 12286
is to be imposed or the order of disposition is to be made 12287
involved multiple victims; 12288

(e) Whether the offender or delinquent child used drugs or 12289
alcohol to impair the victim of the sexually oriented offense or 12290
to prevent the victim from resisting; 12291

(f) If the offender or delinquent child previously has been 12292
convicted of or pleaded guilty to, or been adjudicated a 12293
delinquent child for committing an act that if committed by an 12294
adult would be, a criminal offense, whether the offender or 12295
delinquent child completed any sentence or dispositional order 12296
imposed for the prior offense or act and, if the prior offense or 12297
act was a sex offense or a sexually oriented offense, whether the 12298
offender or delinquent child participated in available programs 12299
for sexual offenders; 12300

(g) Any mental illness or mental disability of the offender 12301
or delinquent child; 12302

(h) The nature of the offender's or delinquent child's sexual 12303

conduct, sexual contact, or interaction in a sexual context with 12304
the victim of the sexually oriented offense and whether the sexual 12305
conduct, sexual contact, or interaction in a sexual context was 12306
part of a demonstrated pattern of abuse; 12307

(i) Whether the offender or delinquent child, during the 12308
commission of the sexually oriented offense for which sentence is 12309
to be imposed or the order of disposition is to be made, displayed 12310
cruelty or made one or more threats of cruelty; 12311

(j) Whether the offender or delinquent child would have been 12312
a habitual sex offender or a habitual child victim offender under 12313
the definitions of those terms set forth in section 2950.01 of the 12314
Revised Code as that section existed prior to January 1, 2008; 12315

(k) Any additional behavioral characteristics that contribute 12316
to the offender's or delinquent child's conduct. 12317

(G)(1) The department of job and family services shall 12318
compile, maintain, and update in January and July of each year, a 12319
list of all agencies, centers, or homes of a type described in 12320
division (A)(2) or (6) of this section that contains the name of 12321
each agency, center, or home of that type, the county in which it 12322
is located, its address and telephone number, and the name of an 12323
administrative officer or employee of the agency, center, or home. 12324

(2) The department of education shall compile, maintain, and 12325
update in January and July of each year, a list of all boards of 12326
education, schools, or programs of a type described in division 12327
(A)(3), (4), or (5) of this section that contains the name of each 12328
board of education, school, or program of that type, the county in 12329
which it is located, its address and telephone number, the name of 12330
the superintendent of the board or of an administrative officer or 12331
employee of the school or program, and, in relation to a board of 12332
education, the county or counties in which each of its schools is 12333
located and the address of each such school. 12334

(3) The Ohio board of regents shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding an offender or delinquent child, or a designee of a sheriff of that type, may request the department of job and family services, department of education, or Ohio board of regents, by telephone, in person, or by mail, to provide the sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom the notices described in divisions (A)(2) to (7) of this section are to be provided. Upon receipt of a request, the department or board shall provide the requesting sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom those notices are to be provided.

(H)(1) Upon the motion of the offender or the prosecuting attorney of the county in which the offender was convicted of or pleaded guilty to the sexually oriented offense or child-victim oriented offense for which the offender is subject to community notification under this section, or upon the motion of the sentencing judge or that judge's successor in office, the judge may schedule a hearing to determine whether the interests of justice would be served by suspending the community notification requirement under this section in relation to the offender. The judge may dismiss the motion without a hearing but may not issue an order suspending the community notification requirement without a hearing. At the hearing, all parties are entitled to be heard,

and the judge shall consider all of the factors set forth in 12367
division (K) of this section. If, at the conclusion of the 12368
hearing, the judge finds that the offender has proven by clear and 12369
convincing evidence that the offender is unlikely to commit in the 12370
future a sexually oriented offense or a child-victim oriented 12371
offense and if the judge finds that suspending the community 12372
notification requirement is in the interests of justice, the judge 12373
may suspend the application of this section in relation to the 12374
offender. The order shall contain both of these findings. 12375

The judge promptly shall serve a copy of the order upon the 12376
sheriff with whom the offender most recently registered under 12377
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 12378
the bureau of criminal identification and investigation. 12379

An order suspending the community notification requirement 12380
does not suspend or otherwise alter an offender's duties to comply 12381
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 12382
Revised Code and does not suspend the victim notification 12383
requirement under section 2950.10 of the Revised Code. 12384

(2) A prosecuting attorney, a sentencing judge or that 12385
judge's successor in office, and an offender who is subject to the 12386
community notification requirement under this section may 12387
initially make a motion under division (H)(1) of this section upon 12388
the expiration of twenty years after the offender's duty to comply 12389
with division (A)(2), (3), or (4) of section 2950.04, division 12390
(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 12391
2950.06 of the Revised Code begins in relation to the offense for 12392
which the offender is subject to community notification. After the 12393
initial making of a motion under division (H)(1) of this section, 12394
thereafter, the prosecutor, judge, and offender may make a 12395
subsequent motion under that division upon the expiration of five 12396
years after the judge has entered an order denying the initial 12397
motion or the most recent motion made under that division. 12398

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a sexually violent predator;

(b) A person who is convicted of or pleads guilty to a sexually oriented offense that is a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code;

(c) A person who is convicted of or pleads guilty to a sexually oriented offense that is attempted rape committed on or after January 2, 2007, and who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code;

(d) A person who is convicted of or pleads guilty to an offense described in division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and who is sentenced for that offense pursuant to that division;

(e) An offender who is in a category specified in division (F)(1)(a), (b), ~~or (c)~~, (d), or (e) of this section and who, subsequent to being subjected to community notification, has pleaded guilty to or been convicted of a sexually oriented offense or child-victim oriented offense.

(I) If a person is convicted of, pleads guilty to, has been

convicted of, or has pleaded guilty to a sexually oriented offense 12430
or a child-victim oriented offense or a person is or has been 12431
adjudicated a delinquent child for committing a sexually oriented 12432
offense or a child-victim oriented offense and is classified a 12433
juvenile offender registrant or is an out-of-state juvenile 12434
offender registrant based on that adjudication, and if the 12435
offender or delinquent child is not in any category specified in 12436
division (F)(1)(a), (b), ~~(c)~~, (d), or (e) of this section, the 12437
sheriff with whom the offender or delinquent child has most 12438
recently registered under section 2950.04, 2950.041, or 2950.05 of 12439
the Revised Code and the sheriff to whom the offender or 12440
delinquent child most recently sent a notice of intent to reside 12441
under section 2950.04 or 2950.041 of the Revised Code, within the 12442
period of time specified in division (D) of this section, shall 12443
provide a written notice containing the information set forth in 12444
division (B) of this section to the executive director of the 12445
public children services agency that has jurisdiction within the 12446
specified geographical notification area and that is located 12447
within the county served by the sheriff. 12448

(J) Each sheriff shall allow a volunteer organization or 12449
other organization, company, or individual who wishes to receive 12450
the notice described in division (A)(10) of this section regarding 12451
a specific offender or delinquent child or notice regarding all 12452
offenders and delinquent children who are located in the specified 12453
geographical notification area to notify the sheriff by electronic 12454
mail or through the sheriff's web site of this election. The 12455
sheriff shall promptly inform the bureau of criminal 12456
identification and investigation of these requests in accordance 12457
with the forwarding procedures adopted by the attorney general 12458
pursuant to section 2950.13 of the Revised Code. 12459

(K) In making a determination under division (H)(1) of this 12460
section as to whether to suspend the community notification 12461

requirement under this section for an offender, the judge shall 12462
consider all relevant factors, including, but not limited to, all 12463
of the following: 12464

(1) The offender's age; 12465

(2) The offender's prior criminal or delinquency record 12466
regarding all offenses, including, but not limited to, all 12467
sexually oriented offenses or child-victim oriented offenses; 12468

(3) The age of the victim of the sexually oriented offense or 12469
child-victim oriented offense the offender committed; 12470

(4) Whether the sexually oriented offense or child-victim 12471
oriented offense the offender committed involved multiple victims; 12472

(5) Whether the offender used drugs or alcohol to impair the 12473
victim of the sexually oriented offense or child-victim oriented 12474
offense the offender committed or to prevent the victim from 12475
resisting; 12476

(6) If the offender previously has been convicted of, pleaded 12477
guilty to, or been adjudicated a delinquent child for committing 12478
an act that if committed by an adult would be a criminal offense, 12479
whether the offender completed any sentence or dispositional order 12480
imposed for the prior offense or act and, if the prior offense or 12481
act was a sexually oriented offense or a child-victim oriented 12482
offense, whether the offender or delinquent child participated in 12483
available programs for sex offenders or child-victim offenders; 12484

(7) Any mental illness or mental disability of the offender; 12485

(8) The nature of the offender's sexual conduct, sexual 12486
contact, or interaction in a sexual context with the victim of the 12487
sexually oriented offense the offender committed or the nature of 12488
the offender's interaction in a sexual context with the victim of 12489
the child-victim oriented offense the offender committed, 12490
whichever is applicable, and whether the sexual conduct, sexual 12491

contact, or interaction in a sexual context was part of a 12492
demonstrated pattern of abuse; 12493

(9) Whether the offender, during the commission of the 12494
sexually oriented offense or child-victim oriented offense the 12495
offender committed, displayed cruelty or made one or more threats 12496
of cruelty; 12497

(10) Any additional behavioral characteristics that 12498
contribute to the offender's conduct. 12499

(L) As used in this section, "specified geographical 12500
notification area" means the geographic area or areas within which 12501
the attorney general, by rule adopted under section 2950.13 of the 12502
Revised Code, requires the notice described in division (B) of 12503
this section to be given to the persons identified in divisions 12504
(A)(2) to (8) of this section. 12505

Sec. 2950.13. (A) The attorney general shall do all of the 12506
following: 12507

(1) No later than July 1, 1997, establish and maintain a 12508
state registry of sex offenders and child-victim offenders that is 12509
housed at the bureau of criminal identification and investigation 12510
and that contains all of the registration, change of residence, 12511
school, institution of higher education, or place of employment 12512
address, and verification information the bureau receives pursuant 12513
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 12514
Code regarding each person who is convicted of, pleads guilty to, 12515
has been convicted of, or has pleaded guilty to a sexually 12516
oriented offense or a child-victim oriented offense and each 12517
person who is or has been adjudicated a delinquent child for 12518
committing a sexually oriented offense or a child-victim oriented 12519
offense and is classified a juvenile offender registrant or is an 12520
out-of-state juvenile offender registrant based on that 12521
adjudication, all of the information the bureau receives pursuant 12522

to section 2950.14 of the Revised Code, and any notice of an order 12523
terminating or modifying an offender's or delinquent child's duty 12524
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 12525
the Revised Code the bureau receives pursuant to section 2152.84, 12526
2152.85, or 2950.15 of the Revised Code. For a person who was 12527
convicted of or pleaded guilty to the sexually oriented offense or 12528
child-victim related offense, the registry also shall indicate 12529
whether the person was convicted of or pleaded guilty to the 12530
offense in a criminal prosecution or in a serious youthful 12531
offender case. The registry shall not be open to inspection by the 12532
public or by any person other than a person identified in division 12533
(A) of section 2950.08 of the Revised Code. In addition to the 12534
information and material previously identified in this division, 12535
the registry shall include all of the following regarding each 12536
person who is listed in the registry: 12537

(a) A citation for, and the name of, all sexually oriented 12538
offenses or child-victim oriented offenses of which the person was 12539
convicted, to which the person pleaded guilty, or for which the 12540
person was adjudicated a delinquent child and that resulted in a 12541
registration duty, and the date on which those offenses were 12542
committed; 12543

(b) The text of the sexually oriented offenses or 12544
child-victim oriented offenses identified in division (A)(1)(a) of 12545
this section as those offenses existed at the time the person was 12546
convicted of, pleaded guilty to, or was adjudicated a delinquent 12547
child for committing those offenses, or a link to a database that 12548
sets forth the text of those offenses; 12549

(c) A statement as to whether the person is a tier I sex 12550
offender/child-victim offender, a tier II sex 12551
offender/child-victim offender, ~~or~~ a tier III sex 12552
offender/child-victim offender, a sexual predator, a child-victim 12553
predator, a habitual sex offender, a habitual child-victim 12554

offender, a sexually oriented offender, or a child-victim oriented offender for the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section; 12555
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(d) The community supervision status of the person, including, but not limited to, whether the person is serving a community control sanction and the nature of any such sanction, whether the person is under supervised release and the nature of the release, or regarding a juvenile, whether the juvenile is under any type of release authorized under Chapter 2152. or 5139. of the Revised Code and the nature of any such release; 12559
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(e) The offense and delinquency history of the person, as determined from information gathered or provided under sections 109.57 and 2950.14 of the Revised Code; 12566
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(f) The bureau of criminal identification and investigation tracking number assigned to the person if one has been so assigned, the federal bureau of investigation number assigned to the person if one has been assigned and the bureau of criminal identification and investigation is aware of the number, and any other state identification number assigned to the person of which the bureau is aware; 12569
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(g) Fingerprints and palmprints of the person; 12576

(h) A DNA specimen, as defined in section 109.573 of the Revised Code, from the person; 12577
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(i) Whether the person has any outstanding arrest warrants; 12579

(j) Whether the person is in compliance with the person's duties under this chapter. 12580
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(2) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that contain guidelines necessary for the implementation of this 12582
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chapter; 12585

(3) In consultation with local law enforcement 12586
representatives, adopt rules for the implementation and 12587
administration of the provisions contained in section 2950.11 of 12588
the Revised Code that pertain to the notification of neighbors of 12589
an offender or a delinquent child who has committed a sexually 12590
oriented offense or a child-victim oriented offense and is in a 12591
category specified in division (F)(1) of that section and rules 12592
that prescribe a manner in which victims of a sexually oriented 12593
offense or a child-victim oriented offense committed by an 12594
offender or a delinquent child who is in a category specified in 12595
division (B)(1) of section 2950.10 of the Revised Code may make a 12596
request that specifies that the victim would like to be provided 12597
the notices described in divisions (A)(1) and (2) of section 12598
2950.10 of the Revised Code; 12599

(4) In consultation with local law enforcement 12600
representatives and through the bureau of criminal identification 12601
and investigation, prescribe the forms to be used by judges and 12602
officials pursuant to section 2950.03 or 2950.032 of the Revised 12603
Code to advise offenders and delinquent children of their duties 12604
of filing a notice of intent to reside, registration, notification 12605
of a change of residence, school, institution of higher education, 12606
or place of employment address and registration of the new school, 12607
institution of higher education, or place of employment address, 12608
as applicable, and address verification under sections 2950.04, 12609
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 12610
the forms to be used by sheriffs relative to those duties of 12611
filing a notice of intent to reside, registration, change of 12612
residence, school, institution of higher education, or place of 12613
employment address notification, and address verification; 12614

(5) Make copies of the forms prescribed under division (A)(4) 12615
of this section available to judges, officials, and sheriffs; 12616

(6) Through the bureau of criminal identification and investigation, provide the notifications, the information and materials, and the documents that the bureau is required to provide to appropriate law enforcement officials and to the federal bureau of investigation pursuant to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code;

(7) Through the bureau of criminal identification and investigation, maintain the verification forms returned under the address verification mechanism set forth in section 2950.06 of the Revised Code;

(8) In consultation with representatives of the officials, judges, and sheriffs, adopt procedures for officials, judges, and sheriffs to use to forward information, photographs, and fingerprints to the bureau of criminal identification and investigation pursuant to the requirements of sections 2950.03, 2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised Code;

(9) In consultation with the director of education, the director of job and family services, and the director of rehabilitation and correction, adopt rules that contain guidelines to be followed by boards of education of a school district, chartered nonpublic schools or other schools not operated by a board of education, preschool programs, child day-care centers, type A family day-care homes, licensed type B family day-care homes, and institutions of higher education regarding the proper use and administration of information received pursuant to section 2950.11 of the Revised Code relative to an offender or delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section;

(10) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that

designate a geographic area or areas within which the notice 12649
described in division (B) of section 2950.11 of the Revised Code 12650
must be given to the persons identified in divisions (A)(2) to (8) 12651
and (A)(10) of that section; 12652

(11) Through the bureau of criminal identification and 12653
investigation, not later than January 1, 2004, establish and 12654
operate on the internet a sex offender and child-victim offender 12655
database that contains information for every offender who has 12656
committed a sexually oriented offense or a child-victim oriented 12657
offense and registers in any county in this state pursuant to 12658
section 2950.04 or 2950.041 of the Revised Code ~~and for every~~ 12659
~~delinquent child who has committed a sexually oriented offense, is~~ 12660
~~a public registry qualified juvenile offender registrant, and~~ 12661
~~registers in any county in this state pursuant to either such~~ 12662
~~section.~~ The bureau shall not include on the database the identity 12663
of any offender's ~~or public registry qualified juvenile offender~~ 12664
~~registrant's~~ victim, any offender's ~~or public registry qualified~~ 12665
~~juvenile offender registrant's~~ social security number, the name of 12666
any school or institution of higher education attended by any 12667
offender ~~or public registry qualified juvenile offender~~ 12668
~~registrant~~, the name of the place of employment of any offender ~~or~~ 12669
~~public registry qualified juvenile offender registrant~~, any 12670
tracking or identification number described in division (A)(1)(f) 12671
of this section, or any information described in division (C)(7) 12672
of section 2950.04 or 2950.041 of the Revised Code. The bureau 12673
shall provide on the database, for each offender ~~and each public~~ 12674
~~registry qualified juvenile offender registrant~~, at least the 12675
information specified in divisions (A)(11)(a) to (h) of this 12676
section. Otherwise, the bureau shall determine the information to 12677
be provided on the database for each offender ~~and public~~ 12678
~~registry qualified juvenile offender registrant~~ and shall obtain 12679
that information from the information contained in the state 12680
registry of sex offenders and child-victim offenders described in 12681

division (A)(1) of this section, which information, while in the possession of the sheriff who provided it, is a public record open for inspection as described in section 2950.081 of the Revised Code. The database is a public record open for inspection under section 149.43 of the Revised Code, and it shall be searchable by offender ~~or public registry qualified juvenile offender registrant~~ name, by county, by zip code, and by school district. The database shall provide a link to the web site of each sheriff who has established and operates on the internet a sex offender and child-victim offender database that contains information for offenders ~~and public registry qualified juvenile offender registrants~~ who register in that county pursuant to section 2950.04 or 2950.041 of the Revised Code, with the link being a direct link to the sex offender and child-victim offender database for the sheriff. The bureau shall provide on the database, for each offender ~~and public registry qualified juvenile offender registrant~~, at least the following information:

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

(b) The address of the offender's ~~or public registry qualified juvenile offender registrant's~~ school, institution of higher education, or place of employment provided in a registration form;

(c) ~~The~~ If the sexually oriented offense or child-victim oriented offense that is the basis of the offender's duty to register was committed on or after January 1, 2008, all of the following:

(i) The information described in division (C)(6) of section 2950.04 or 2950.041 of the Revised Code;

~~(d)~~ (ii) A chart describing which sexually oriented offenses

and child-victim oriented offenses are included in the definitions 12713
of tier I sex offender/child-victim offender, tier II sex 12714
offender/child-victim offender, and tier III sex 12715
offender/child-victim offender; 12716

~~(e)(iii)~~ Fingerprints and palmprints of the offender ~~or~~ 12717
~~public registry qualified juvenile offender registrant~~ and a DNA 12718
specimen from the offender ~~or public registry qualified juvenile~~ 12719
~~offender registrant;~~ 12720

~~(f)(d)~~ The information set forth in division (B) of section 12721
2950.11 of the Revised Code; 12722

~~(g) Any (e) If the sexually oriented offense or child-victim~~ 12723
~~oriented offense that is the basis of the offender's duty to~~ 12724
~~register was committed on or after January 1, 2008, any~~ 12725
outstanding arrest warrants for the offender ~~or public~~ 12726
~~registry qualified juvenile offender registrant;~~ 12727

~~(h)(f)~~ The offender's ~~or public registry qualified juvenile~~ 12728
~~offender registrant's~~ compliance status with duties under this 12729
chapter. 12730

(12) Develop software to be used by sheriffs in establishing 12731
on the internet a sex offender and child-victim offender database 12732
for the public dissemination of some or all of the information and 12733
materials described in division (A) of section 2950.081 of the 12734
Revised Code that are public records under that division, that are 12735
not prohibited from inclusion by division (B) of that section, and 12736
that pertain to offenders ~~and public registry qualified juvenile~~ 12737
~~offender registrants~~ who register in the sheriff's county pursuant 12738
to section 2950.04 or 2950.041 of the Revised Code and for the 12739
public dissemination of information the sheriff receives pursuant 12740
to section 2950.14 of the Revised Code that pertains to offenders 12741
and, upon the request of any sheriff, provide technical guidance 12742
to the requesting sheriff in establishing on the internet such a 12743

database; 12744

(13) Through the bureau of criminal identification and 12745
investigation, not later than January 1, 2004, establish and 12746
operate on the internet a database that enables local law 12747
enforcement representatives to remotely search by electronic means 12748
the state registry of sex offenders and child-victim offenders 12749
described in division (A)(1) of this section and any information 12750
and materials the bureau receives pursuant to sections 2950.04, 12751
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 12752
database shall enable local law enforcement representatives to 12753
obtain detailed information regarding each offender and delinquent 12754
child who is included in the registry, including, but not limited 12755
to the offender's or delinquent child's name, aliases, residence 12756
address, name and address of any place of employment, school, 12757
institution of higher education, if applicable, license plate 12758
number of each vehicle identified in division (C)(5) of section 12759
2950.04 or 2950.041 of the Revised Code to the extent applicable, 12760
victim preference if available, date of most recent release from 12761
confinement if applicable, fingerprints, and palmprints, all of 12762
the information and material described in divisions (A)(1)(a) to 12763
(h) of this section regarding the offender or delinquent child, 12764
and other identification parameters the bureau considers 12765
appropriate. The database is not a public record open for 12766
inspection under section 149.43 of the Revised Code and shall be 12767
available only to law enforcement representatives as described in 12768
this division. Information obtained by local law enforcement 12769
representatives through use of this database is not open to 12770
inspection by the public or by any person other than a person 12771
identified in division (A) of section 2950.08 of the Revised Code. 12772

(14) Through the bureau of criminal identification and 12773
investigation, maintain a list of requests for notice about a 12774
specified offender or delinquent child or specified geographical 12775

notification area made pursuant to division (J) of section 2950.11 12776
of the Revised Code and, when an offender or delinquent child 12777
changes residence to another county, forward any requests for 12778
information about that specific offender or delinquent child to 12779
the appropriate sheriff; 12780

(15) Through the bureau of criminal identification and 12781
investigation, establish and operate a system for the immediate 12782
notification by electronic means of the appropriate officials in 12783
other states specified in this division each time an offender or 12784
delinquent child registers a residence, school, institution of 12785
higher education, or place of employment address under section 12786
2950.04 or 2950.041 of the Revised Code or provides a notice of a 12787
change of address or registers a new address under division (A) or 12788
(B) of section 2950.05 of the Revised Code. The immediate 12789
notification by electronic means shall be provided to the 12790
appropriate officials in each state in which the offender or 12791
delinquent child is required to register a residence, school, 12792
institution of higher education, or place of employment address. 12793
The notification shall contain the offender's or delinquent 12794
child's name and all of the information the bureau receives from 12795
the sheriff with whom the offender or delinquent child registered 12796
the address or provided the notice of change of address or 12797
registered the new address. 12798

(B) The attorney general in consultation with local law 12799
enforcement representatives, may adopt rules that establish one or 12800
more categories of neighbors of an offender or delinquent child 12801
who, in addition to the occupants of residential premises and 12802
other persons specified in division (A)(1) of section 2950.11 of 12803
the Revised Code, must be given the notice described in division 12804
(B) of that section. 12805

(C) No person, other than a local law enforcement 12806
representative, shall knowingly do any of the following: 12807

(1) Gain or attempt to gain access to the database 12808
established and operated by the attorney general, through the 12809
bureau of criminal identification and investigation, pursuant to 12810
division (A)(13) of this section. 12811

(2) Permit any person to inspect any information obtained 12812
through use of the database described in division (C)(1) of this 12813
section, other than as permitted under that division. 12814

(D) As used in this section, "local law enforcement 12815
representatives" means representatives of the sheriffs of this 12816
state, representatives of the municipal chiefs of police and 12817
marshals of this state, and representatives of the township 12818
constables and chiefs of police of the township police departments 12819
or police district police forces of this state. 12820

Section 4. That the existing versions of sections 109.57, 12821
2950.11, and 2950.13 of the Revised Code that are scheduled to 12822
take effect on January 1, 2014, are hereby repealed. 12823

Section 5. Sections 3 and 4 of this act shall take effect on 12824
January 1, 2014. 12825

Section 6. The General Assembly, applying the principle 12826
stated in division (B) of section 1.52 of the Revised Code that 12827
amendments are to be harmonized if reasonably capable of 12828
simultaneous operation, finds that the following sections, 12829
presented in Section 1 of this act as composites of the sections 12830
as amended by the acts indicated, are the resulting versions of 12831
the sections in effect prior to the effective date of the sections 12832
as presented in this act: 12833

Section 109.572 of the Revised Code as amended by both Am. 12834
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. 12835

Section 1923.02 of the Revised Code as amended by both Sub. 12836

H.B. 56 and Am. Sub. S.B. 10 of the 127th General Assembly.	12837
Section 2929.13 of the Revised Code is presented in this act	12838
as a composite of the section as amended by Am. Sub. H.B. 62, Am.	12839
Sub. H.B. 262, and Am. Sub. S.B. 160 of the 129th General	12840
Assembly.	12841
Section 2929.19 of the Revised Code as amended by both Am.	12842
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	12843
Section 7. The General Assembly, applying the principle	12844
stated in division (B) of section 1.52 of the Revised Code that	12845
amendments are to be harmonized if reasonably capable of	12846
simultaneous operation, finds that the following section,	12847
presented in Section 3 of this act as a composite of the section	12848
as amended by the acts indicated, is the resulting version of the	12849
section in effect prior to the effective date of the section as	12850
presented in this act:	12851
Section 109.57 of the Revised Code as amended by Am. Sub.	12852
H.B. 487, Am. Sub. S.B. 316, and Am. Sub. S.B. 337 of the 129th	12853
General Assembly.	12854