

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**S. B. No. 358**

**Senator Schaffer**

**Cosponsor: Senator Bacon**

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**A B I L L**

To amend sections 2907.09 and 2950.01 of the Revised 1  
Code to require an offender who purposely commits 2  
the offense of public indecency under certain 3  
circumstances involving conduct likely to be 4  
viewed by minors to register as a Tier I sex 5  
offender/child-victim offender. 6

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

**Section 1.** That sections 2907.09 and 2950.01 of the Revised 7  
Code be amended to read as follows: 8

**Sec. 2907.09.** (A) No person shall recklessly do any of the 9  
following, under circumstances in which the person's conduct is 10  
likely to be viewed by and affront others who are in the person's 11  
physical proximity and who are not members of the person's 12  
household: 13

(1) Expose the person's private parts; 14

(2) Engage in sexual conduct or masturbation; 15

(3) Engage in conduct that to an ordinary observer would 16  
appear to be sexual conduct or masturbation. 17

(B) No person shall knowingly do any of the following, under 18

circumstances in which the person's conduct is likely to be viewed 19  
by and affront another person who is a minor, who is not the 20  
spouse of the offender, and who resides in the person's household: 21

(1) Engage in masturbation; 22

(2) Engage in sexual conduct; 23

(3) Engage in conduct that to an ordinary observer would 24  
appear to be sexual conduct or masturbation; 25

(4) Expose the person's private parts with the purpose of 26  
personal sexual arousal or gratification or to lure the minor into 27  
sexual activity. 28

(C)(1) No person shall purposely do any of the following, 29  
under circumstances in which the person's conduct is likely to be 30  
viewed by and affront others who are in the person's physical 31  
proximity, who are not members of the person's household, and who 32  
are minors: 33

(1) Expose the person's private parts; 34

(2) Engage in sexual conduct or masturbation; 35

(3) Engage in conduct that to an ordinary observer would 36  
appear to be sexual conduct or masturbation. 37

(D)(1) Whoever violates this section is guilty of public 38  
indecenty and shall be punished as provided in divisions 39  
~~(C)(D)~~(2), (3), (4), ~~and~~ (5), (6), and (7) of this section. 40

(2) Except as otherwise provided in division ~~(C)(D)~~(2) of 41  
this section, a violation of division (A)(1) of this section is a 42  
misdemeanor of the fourth degree. If the offender previously has 43  
been convicted of or pleaded guilty to one violation of this 44  
section, a violation of division (A)(1) of this section is a 45  
misdemeanor of the third degree or, if any person who was likely 46  
to view and be affronted by the offender's conduct was a minor, a 47  
misdemeanor of the second degree. If the offender previously has 48

been convicted of or pleaded guilty to two violations of this 49  
section, a violation of division (A)(1) of this section is a 50  
misdemeanor of the second degree or, if any person who was likely 51  
to view and be affronted by the offender's conduct was a minor, a 52  
misdemeanor of the first degree. If the offender previously has 53  
been convicted of or pleaded guilty to three or more violations of 54  
this section, a violation of division (A)(1) of this section is a 55  
misdemeanor of the first degree or, if any person who was likely 56  
to view and be affronted by the offender's conduct was a minor, a 57  
felony of the fifth degree. 58

(3) Except as otherwise provided in division ~~(C)~~(D)(3) of 59  
this section, a violation of division (A)(2) or (3) of this 60  
section is a misdemeanor of the third degree. If the offender 61  
previously has been convicted of or pleaded guilty to one 62  
violation of this section, a violation of division (A)(2) or (3) 63  
of this section is a misdemeanor of the second degree or, if any 64  
person who was likely to view and be affronted by the offender's 65  
conduct was a minor, a misdemeanor of the first degree. If the 66  
offender previously has been convicted of or pleaded guilty to two 67  
or more violations of this section, a violation of division (A)(2) 68  
or (3) of this section is a misdemeanor of the first degree or, if 69  
any person who was likely to view and be affronted by the 70  
offender's conduct was a minor, a felony of the fifth degree. 71

(4) Except as otherwise provided in division ~~(C)~~(D)(4) of 72  
this section, a violation of division (B)(1), (2), or (3) of this 73  
section is a misdemeanor of the second degree. If the offender 74  
previously has been convicted of or pleaded guilty to one 75  
violation of this section, a violation of division (B)(1), (2), or 76  
(3) of this section is a misdemeanor of the first degree. If the 77  
offender previously has been convicted of or pleaded guilty to two 78  
or more violations of this section, a violation of division 79  
(B)(1), (2), or (3) of this section is a felony of the fifth 80

degree. 81

(5) Except as otherwise provided in division ~~(C)~~(D)(5) of 82  
this section, a violation of division (B)(4) of this section is a 83  
misdemeanor of the first degree. If the offender previously has 84  
been convicted of or pleaded guilty to any violation of this 85  
section, a violation of division (B)(4) of this section is a 86  
felony of the fifth degree. 87

(6) Except as otherwise provided in division (D)(6) of this 88  
section, a violation of division (C)(1) of this section is a 89  
misdemeanor of the fourth degree. If the offender previously has 90  
been convicted of or pleaded guilty to one violation of this 91  
section, a violation of division (C)(1) of this section is a 92  
misdemeanor of the third degree. If the offender previously has 93  
been convicted of or pleaded guilty to two violations of this 94  
section, a violation of division (C)(1) of this section is a 95  
misdemeanor of the second degree. If the offender previously has 96  
been convicted of or pleaded guilty to three or more violations of 97  
this section, a violation of division (C)(1) of this section is a 98  
misdemeanor of the first degree. 99

(7) Except as otherwise provided in division (D)(7) of this 100  
section, a violation of division (C)(2) or (3) of this section is 101  
a misdemeanor of the third degree. If the offender previously has 102  
been convicted of or pleaded guilty to one violation of this 103  
section, a violation of division (C)(2) or (3) of this section is 104  
a misdemeanor of the second degree. If the offender previously has 105  
been convicted of or pleaded guilty to two or more violations of 106  
this section, a violation of division (C)(2) or (3) of this 107  
section is a misdemeanor of the first degree. 108

**Sec. 2950.01.** As used in this chapter, unless the context 109  
clearly requires otherwise: 110

(A) "Sexually oriented offense" means any of the following 111

violations or offenses committed by a person, regardless of the 112  
person's age: 113

(1) A violation of section 2907.02, 2907.03, 2907.05, 114  
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 115  
2907.322, or 2907.323 of the Revised Code; 116

(2) A violation of section 2907.04 of the Revised Code when 117  
the offender is less than four years older than the other person 118  
with whom the offender engaged in sexual conduct, the other person 119  
did not consent to the sexual conduct, and the offender previously 120  
has not been convicted of or pleaded guilty to a violation of 121  
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 122  
violation of former section 2907.12 of the Revised Code; 123

(3) A violation of section 2907.04 of the Revised Code when 124  
the offender is at least four years older than the other person 125  
with whom the offender engaged in sexual conduct or when the 126  
offender is less than four years older than the other person with 127  
whom the offender engaged in sexual conduct and the offender 128  
previously has been convicted of or pleaded guilty to a violation 129  
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 130  
violation of former section 2907.12 of the Revised Code; 131

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 132  
the Revised Code when the violation was committed with a sexual 133  
motivation; 134

(5) A violation of division (A) of section 2903.04 of the 135  
Revised Code when the offender committed or attempted to commit 136  
the felony that is the basis of the violation with a sexual 137  
motivation; 138

(6) A violation of division (A)(3) of section 2903.211 of the 139  
Revised Code; 140

(7) A violation of division (A)(1), (2), (3), or (5) of 141  
section 2905.01 of the Revised Code when the offense is committed 142

with a sexual motivation;	143
(8) A violation of division (A)(4) of section 2905.01 of the Revised Code;	144 145
(9) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense;	146 147 148 149
(10) A violation of division (B) of section 2903.03, of division (B) of section 2905.02, of division (B) of section 2905.03, of division (B) of section 2905.05, or of division (B)(5) of section 2919.22 of the Revised Code;	150 151 152 153
(11) A violation of section 2905.32 of the Revised Code when the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person knowing that the person would be compelled to engage in sexual activity for hire, engage in a performance that was obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that was obscene, sexually oriented, or nudity oriented;	154 155 156 157 158 159 160 161 162 163
(12) <u>A violation of division (C) of section 2907.09 of the Revised Code;</u>	164 165
<u>(13)</u> 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 (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), <del>or</del> (11), <u>or</u> (12) of this section;	166 167 168 169 170 171 172 173

~~(13)~~(14) Any attempt to commit, conspiracy to commit, or 174  
complicity in committing any offense listed in division (A)(1), 175  
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), ~~or~~ (12), or 176  
(13) of this section. 177

(B)(1) "Sex offender" means, subject to division (B)(2) of 178  
this section, a person who is convicted of, pleads guilty to, has 179  
been convicted of, has pleaded guilty to, is adjudicated a 180  
delinquent child for committing, or has been adjudicated a 181  
delinquent child for committing any sexually oriented offense. 182

(2) "Sex offender" does not include a person who is convicted 183  
of, pleads guilty to, has been convicted of, has pleaded guilty 184  
to, is adjudicated a delinquent child for committing, or has been 185  
adjudicated a delinquent child for committing a sexually oriented 186  
offense if the offense involves consensual sexual conduct or 187  
consensual sexual contact and either of the following applies: 188

(a) The victim of the sexually oriented offense was eighteen 189  
years of age or older and at the time of the sexually oriented 190  
offense was not under the custodial authority of the person who is 191  
convicted of, pleads guilty to, has been convicted of, has pleaded 192  
guilty to, is adjudicated a delinquent child for committing, or 193  
has been adjudicated a delinquent child for committing the 194  
sexually oriented offense. 195

(b) The victim of the offense was thirteen years of age or 196  
older, and the person who is convicted of, pleads guilty to, has 197  
been convicted of, has pleaded guilty to, is adjudicated a 198  
delinquent child for committing, or has been adjudicated a 199  
delinquent child for committing the sexually oriented offense is 200  
not more than four years older than the victim. 201

(C) "Child-victim oriented offense" means any of the 202  
following violations or offenses committed by a person, regardless 203  
of the person's age, when the victim is under eighteen years of 204

age and is not a child of the person who commits the violation:	205
(1) A violation of division (A)(1), (2), (3), or (5) of	206
section 2905.01 of the Revised Code when the violation is not	207
included in division (A)(7) of this section;	208
(2) A violation of division (A) of section 2905.02, division	209
(A) of section 2905.03, or division (A) of section 2905.05 of the	210
Revised Code;	211
(3) A violation of any former law of this state, any existing	212
or former municipal ordinance or law of another state or the	213
United States, any existing or former law applicable in a military	214
court or in an Indian tribal court, or any existing or former law	215
of any nation other than the United States that is or was	216
substantially equivalent to any offense listed in division (C)(1)	217
or (2) of this section;	218
(4) Any attempt to commit, conspiracy to commit, or	219
complicity in committing any offense listed in division (C)(1),	220
(2), or (3) of this section.	221
(D) "Child-victim offender" means a person who is convicted	222
of, pleads guilty to, has been convicted of, has pleaded guilty	223
to, is adjudicated a delinquent child for committing, or has been	224
adjudicated a delinquent child for committing any child-victim	225
oriented offense.	226
(E) "Tier I sex offender/child-victim offender" means any of	227
the following:	228
(1) A sex offender who is convicted of, pleads guilty to, has	229
been convicted of, or has pleaded guilty to any of the following	230
sexually oriented offenses:	231
(a) A violation of section 2907.06, 2907.07, 2907.08,	232
2907.22, or 2907.32 of the Revised Code;	233
(b) A violation of section 2907.04 of the Revised Code when	234



the offender is less than four years older than the other person 235  
with whom the offender engaged in sexual conduct, the other person 236  
did not consent to the sexual conduct, and the offender previously 237  
has not been convicted of or pleaded guilty to a violation of 238  
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 239  
violation of former section 2907.12 of the Revised Code; 240

(c) A violation of division (A)(1), (2), (3), or (5) of 241  
section 2907.05 of the Revised Code; 242

(d) A violation of division (A)(3) of section 2907.323 of the 243  
Revised Code; 244

(e) A violation of division (A)(3) of section 2903.211, of 245  
division (B) of section 2905.03, or of division (B) of section 246  
2905.05 of the Revised Code; 247

(f) A violation of division (C) of section 2907.09 of the 248  
Revised Code; 249

(g) A violation of any former law of this state, any existing 250  
or former municipal ordinance or law of another state or the 251  
United States, any existing or former law applicable in a military 252  
court or in an Indian tribal court, or any existing or former law 253  
of any nation other than the United States, that is or was 254  
substantially equivalent to any offense listed in division 255  
(E)(1)(a), (b), (c), (d), ~~or (e)~~, or (f) of this section; 256

~~(g)~~(h) Any attempt to commit, conspiracy to commit, or 257  
complicity in committing any offense listed in division (E)(1)(a), 258  
(b), (c), (d), (e), ~~or (f)~~, or (g) of this section. 259

(2) A child-victim offender who is convicted of, pleads 260  
guilty to, has been convicted of, or has pleaded guilty to a 261  
child-victim oriented offense and who is not within either 262  
category of child-victim offender described in division (F)(2) or 263  
(G)(2) of this section. 264

(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing 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 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:

(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 previously has been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or former section 2907.12 of the Revised Code;

(c) A violation of division (A)(4) of section 2907.05 or of division (A)(1) or (2) of section 2907.323 of the Revised Code;

(d) A violation of division (A)(1), (2), (3), or (5) of section 2905.01 of the Revised Code when the offense is committed

with a sexual motivation;	296
(e) A violation of division (A)(4) of section 2905.01 of the Revised Code when the victim of the offense is eighteen years of age or older;	297 298 299
(f) A violation of division (B) of section 2905.02 or of division (B)(5) of section 2919.22 of the Revised Code;	300 301
(g) A violation of section 2905.32 of the Revised Code when the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person knowing that the person would be compelled to engage in sexual activity for hire, engage in a performance that was obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that was obscene, sexually oriented, or nudity oriented;	302 303 304 305 306 307 308 309 310 311
(h) 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 (F)(1)(a), (b), (c), (d), (e), (f), or (g) of this section;	312 313 314 315 316 317 318
(i) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (F)(1)(a), (b), (c), (d), (e), (f), (g), or (h) of this section;	319 320 321
(j) Any sexually oriented offense that is committed after the sex offender previously has been convicted of, pleaded guilty to, or has been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier I sex	322 323 324 325 326

offender/child-victim offender. 327

(2) A child-victim offender who is convicted of, pleads 328  
guilty to, has been convicted of, or has pleaded guilty to any 329  
child-victim oriented offense when the child-victim oriented 330  
offense is committed after the child-victim offender previously 331  
has been convicted of, pleaded guilty to, or been adjudicated a 332  
delinquent child for committing any sexually oriented offense or 333  
child-victim oriented offense for which the offender was 334  
classified a tier I sex offender/child-victim offender. 335

(3) A sex offender who is adjudicated a delinquent child for 336  
committing or has been adjudicated a delinquent child for 337  
committing any sexually oriented offense and who a juvenile court, 338  
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 339  
Revised Code, classifies a tier II sex offender/child-victim 340  
offender relative to the offense. 341

(4) A child-victim offender who is adjudicated a delinquent 342  
child for committing or has been adjudicated a delinquent child 343  
for committing any child-victim oriented offense and whom a 344  
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 345  
2152.85 of the Revised Code, classifies a tier II sex 346  
offender/child-victim offender relative to the current offense. 347

(5) A sex offender or child-victim offender who is not in any 348  
category of tier II sex offender/child-victim offender set forth 349  
in division (F)(1), (2), (3), or (4) of this section, who prior to 350  
January 1, 2008, was adjudicated a delinquent child for committing 351  
a sexually oriented offense or child-victim oriented offense, and 352  
who prior to that date was determined to be a habitual sex 353  
offender or determined to be a habitual child-victim offender, 354  
unless either of the following applies: 355

(a) The sex offender or child-victim offender is reclassified 356  
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 357

tier I sex offender/child-victim offender or a tier III sex offender/child-victim offender relative to the offense. 358  
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(b) A juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the child a tier I sex offender/child-victim offender or a tier III sex offender/child-victim offender relative to the offense. 360  
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(G) "Tier III sex offender/child-victim offender" means any of the following: 364  
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(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: 366  
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(a) A violation of section 2907.02 or 2907.03 of the Revised Code; 369  
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(b) A violation of division (B) of section 2907.05 of the Revised Code; 371  
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(c) A violation of section 2903.01, 2903.02, or 2903.11 of the Revised Code when the violation was committed with a sexual motivation; 373  
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(d) A violation of division (A) of section 2903.04 of the Revised Code when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation; 376  
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(e) A violation of division (A)(4) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age; 380  
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(f) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense; 383  
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(g) A violation of division (B) of section 2903.03 of the 387

Revised Code;	388
(h) 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 (G)(1)(a), (b), (c), (d), (e), (f), or (g) of this section;	389 390 391 392 393 394 395
(i) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (G)(1)(a), (b), (c), (d), (e), (f), (g), or (h) of this section;	396 397 398
(j) Any sexually oriented offense that is committed after the sex 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.	399 400 401 402 403 404
(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 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.	405 406 407 408 409 410 411 412 413
(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing 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	414 415 416 417 418

offender relative to the offense. 419

(4) A child-victim offender who is adjudicated a delinquent 420  
child for committing or has been adjudicated a delinquent child 421  
for committing any child-victim oriented offense and whom a 422  
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 423  
2152.85 of the Revised Code, classifies a tier III sex 424  
offender/child-victim offender relative to the current offense. 425

(5) A sex offender or child-victim offender who is not in any 426  
category of tier III sex offender/child-victim offender set forth 427  
in division (G)(1), (2), (3), or (4) of this section, who prior to 428  
January 1, 2008, was convicted of or pleaded guilty to a sexually 429  
oriented offense or child-victim oriented offense or was 430  
adjudicated a delinquent child for committing a sexually oriented 431  
offense or child-victim oriented offense and classified a juvenile 432  
offender registrant, and who prior to that date was adjudicated a 433  
sexual predator or adjudicated a child-victim predator, unless 434  
either of the following applies: 435

(a) The sex offender or child-victim offender is reclassified 436  
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 437  
tier I sex offender/child-victim offender or a tier II sex 438  
offender/child-victim offender relative to the offense. 439

(b) The sex offender or child-victim offender is a delinquent 440  
child, and a juvenile court, pursuant to section 2152.82, 2152.83, 441  
2152.84, or 2152.85 of the Revised Code, classifies the child a 442  
tier I sex offender/child-victim offender or a tier II sex 443  
offender/child-victim offender relative to the offense. 444

(6) A sex offender who is convicted of, pleads guilty to, was 445  
convicted of, or pleaded guilty to a sexually oriented offense, if 446  
the sexually oriented offense and the circumstances in which it 447  
was committed are such that division (F) of section 2971.03 of the 448  
Revised Code automatically classifies the offender as a tier III 449

sex offender/child-victim offender; 450

(7) A sex offender or child-victim offender who is convicted 451  
of, pleads guilty to, was convicted of, pleaded guilty to, is 452  
adjudicated a delinquent child for committing, or was adjudicated 453  
a delinquent child for committing a sexually oriented offense or 454  
child-victim offense in another state, in a federal court, 455  
military court, or Indian tribal court, or in a court in any 456  
nation other than the United States if both of the following 457  
apply: 458

(a) Under the law of the jurisdiction in which the offender 459  
was convicted or pleaded guilty or the delinquent child was 460  
adjudicated, the offender or delinquent child is in a category 461  
substantially equivalent to a category of tier III sex 462  
offender/child-victim offender described in division (G)(1), (2), 463  
(3), (4), (5), or (6) of this section. 464

(b) Subsequent to the conviction, plea of guilty, or 465  
adjudication in the other jurisdiction, the offender or delinquent 466  
child resides, has temporary domicile, attends school or an 467  
institution of higher education, is employed, or intends to reside 468  
in this state in any manner and for any period of time that 469  
subjects the offender or delinquent child to a duty to register or 470  
provide notice of intent to reside under section 2950.04 or 471  
2950.041 of the Revised Code. 472

(H) "Confinement" includes, but is not limited to, a 473  
community residential sanction imposed pursuant to section 2929.16 474  
or 2929.26 of the Revised Code. 475

(I) "Prosecutor" has the same meaning as in section 2935.01 476  
of the Revised Code. 477

(J) "Supervised release" means a release of an offender from 478  
a prison term, a term of imprisonment, or another type of 479  
confinement that satisfies either of the following conditions: 480



(1) The release is on parole, a conditional pardon, under a community control sanction, under transitional control, or under a post-release control sanction, and it requires the person to report to or be supervised by a parole officer, probation officer, field officer, or another type of supervising officer.

(2) The release is any type of release that is not described in division (J)(1) of this section and that requires the person to report to or be supervised by a probation officer, a parole officer, a field officer, or another type of supervising officer.

(K) "Sexually violent predator specification," "sexually violent predator," "sexually violent offense," "sexual motivation specification," "designated homicide, assault, or kidnapping offense," and "violent sex offense" have the same meanings as in section 2971.01 of the Revised Code.

(L) "Post-release control sanction" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.

(M) "Juvenile offender registrant" means a person who is adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense or a child-victim oriented offense, who is fourteen years of age or older at the time of committing the offense, and who a juvenile court judge, pursuant to an order issued under section 2152.82, 2152.83, 2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a juvenile offender registrant and specifies has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. "Juvenile offender registrant" includes a person who prior to January 1, 2008, was a "juvenile offender registrant" under the definition of the term in existence prior to January 1, 2008, and a person who prior to July 31, 2003, was a "juvenile sex offender registrant" under the former definition of that former term.

(N) "Public registry-qualified juvenile offender registrant" 512  
means a person who is adjudicated a delinquent child and on whom a 513  
juvenile court has imposed a serious youthful offender 514  
dispositional sentence under section 2152.13 of the Revised Code 515  
before, on, or after January 1, 2008, and to whom all of the 516  
following apply: 517

(1) The person is adjudicated a delinquent child for 518  
committing, attempting to commit, conspiring to commit, or 519  
complicity in committing one of the following acts: 520

(a) A violation of section 2907.02 of the Revised Code, 521  
division (B) of section 2907.05 of the Revised Code, or section 522  
2907.03 of the Revised Code if the victim of the violation was 523  
less than twelve years of age; 524

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 525  
the Revised Code that was committed with a purpose to gratify the 526  
sexual needs or desires of the child; 527

(c) A violation of division (B) of section 2903.03 of the 528  
Revised Code. 529

(2) The person was fourteen, fifteen, sixteen, or seventeen 530  
years of age at the time of committing the act. 531

(3) A juvenile court judge, pursuant to an order issued under 532  
section 2152.86 of the Revised Code, classifies the person a 533  
juvenile offender registrant, specifies the person has a duty to 534  
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 535  
Code, and classifies the person a public registry-qualified 536  
juvenile offender registrant, and the classification of the person 537  
as a public registry-qualified juvenile offender registrant has 538  
not been terminated pursuant to division (D) of section 2152.86 of 539  
the Revised Code. 540

(O) "Secure facility" means any facility that is designed and 541  
operated to ensure that all of its entrances and exits are locked 542

and under the exclusive control of its staff and to ensure that, 543  
because of that exclusive control, no person who is 544  
institutionalized or confined in the facility may leave the 545  
facility without permission or supervision. 546

(P) "Out-of-state juvenile offender registrant" means a 547  
person who is adjudicated a delinquent child in a court in another 548  
state, in a federal court, military court, or Indian tribal court, 549  
or in a court in any nation other than the United States for 550  
committing a sexually oriented offense or a child-victim oriented 551  
offense, who on or after January 1, 2002, moves to and resides in 552  
this state or temporarily is domiciled in this state for more than 553  
five days, and who has a duty under section 2950.04 or 2950.041 of 554  
the Revised Code to register in this state and the duty to 555  
otherwise comply with that applicable section and sections 2950.05 556  
and 2950.06 of the Revised Code. "Out-of-state juvenile offender 557  
registrant" includes a person who prior to January 1, 2008, was an 558  
"out-of-state juvenile offender registrant" under the definition 559  
of the term in existence prior to January 1, 2008, and a person 560  
who prior to July 31, 2003, was an "out-of-state juvenile sex 561  
offender registrant" under the former definition of that former 562  
term. 563

(Q) "Juvenile court judge" includes a magistrate to whom the 564  
juvenile court judge confers duties pursuant to division (A)(15) 565  
of section 2151.23 of the Revised Code. 566

(R) "Adjudicated a delinquent child for committing a sexually 567  
oriented offense" includes a child who receives a serious youthful 568  
offender dispositional sentence under section 2152.13 of the 569  
Revised Code for committing a sexually oriented offense. 570

(S) "School" and "school premises" have the same meanings as 571  
in section 2925.01 of the Revised Code. 572

(T) "Residential premises" means the building in which a 573

residential unit is located and the grounds upon which that 574  
building stands, extending to the perimeter of the property. 575  
"Residential premises" includes any type of structure in which a 576  
residential unit is located, including, but not limited to, 577  
multi-unit buildings and mobile and manufactured homes. 578

(U) "Residential unit" means a dwelling unit for residential 579  
use and occupancy, and includes the structure or part of a 580  
structure that is used as a home, residence, or sleeping place by 581  
one person who maintains a household or two or more persons who 582  
maintain a common household. "Residential unit" does not include a 583  
halfway house or a community-based correctional facility. 584

(V) "Multi-unit building" means a building in which is 585  
located more than twelve residential units that have entry doors 586  
that open directly into the unit from a hallway that is shared 587  
with one or more other units. A residential unit is not considered 588  
located in a multi-unit building if the unit does not have an 589  
entry door that opens directly into the unit from a hallway that 590  
is shared with one or more other units or if the unit is in a 591  
building that is not a multi-unit building as described in this 592  
division. 593

(W) "Community control sanction" has the same meaning as in 594  
section 2929.01 of the Revised Code. 595

(X) "Halfway house" and "community-based correctional 596  
facility" have the same meanings as in section 2929.01 of the 597  
Revised Code. 598

**Section 2.** That existing sections 2907.09 and 2950.01 of the 599  
Revised Code are hereby repealed. 600