



**Sub. H.B. 57**

127th General Assembly  
(As Reported by H. Criminal Justice)

**Reps. Combs, J. McGregor, Fessler, Setzer, Jones, Adams, D. Stewart,  
Collier, Heard**

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**BILL SUMMARY**

- Requires the sheriff with whom an offender or delinquent child has most recently registered under the SORN Law and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under that Law to provide written notice that includes specified information about the offender or delinquent child to the manager of a long-term care facility where the offender or delinquent child will reside or that is located within the specified geographical notification area and within the county served by the sheriff.
- Requires the manager of a long-term care facility to maintain a file of the notices described in the previous dot point that is easily accessible to residents, sponsors, and employees, post a copy of each such notice in a place easily accessible to employees of the facility, give each resident and sponsor a notice at the time of admission stating that the facility may have to admit registered sex offenders or child-victim offenders for treatment, and post a copy of the notice given at the time of admission in the common area of the facility where the facility's license is displayed.
- Requires the Department of Health to compile, maintain, and update twice a year a list of all long-term care facilities that contains the name of each long-term care facility, the county in which it is located, and its address and telephone number and requires the Department to provide the list, upon request, to the sheriff who is required to provide community notification.

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## CONTENT AND OPERATION

### Community notification of certain sex offenders and child-victim offenders

#### Current law

The current Sex Offender Registration and Notification Law ("SORN Law") requires community notification for the following four classifications of offenders (R.C. 2950.11(A) and (F)(1)):

(1) Any offender who is a tier III sex offender/child-victim offender;

(2) Any delinquent child who is a public registry-qualified juvenile offender registrant and for whom a juvenile court has not removed the child's duty to comply with the SORN Law;

(3) Any delinquent child who is a tier III sex offender/child-victim offender and is not a public registry-qualified juvenile offender registrant if the child was subjected to community notification prior to January 1, 2008, as a sexual predator, habitual sex offender, child-victim offender, or habitual child-victim offender as those terms were formerly defined and if a juvenile court has not removed the child's duty to comply with the SORN Law;

(4) Any delinquent child who is a tier III sex offender/child-victim offender and is not a public registry-qualified juvenile offender registrant if the delinquent child was classified a juvenile offender registrant on or after January 1, 2008, the court imposed a requirement subjecting the delinquent child to community notification, and a juvenile court has not removed the child's duty to comply with the SORN Law. (See **COMMENT.**)

The notice includes all of the following information regarding the subject offender or delinquent child: (1) the offender's or child's name; the address or addresses of the offender's or public registry-qualified juvenile offender registrant's residence, school, institution of higher education, or place of employment, as applicable, or the residence address or addresses of a delinquent child who is not a public registry-qualified juvenile offender registrant; 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; and the offender's or child's photograph, and (2) a statement that identifies the category specified above in paragraph (1), (2), (3), or (4) that includes the offender or delinquent child and that subjects the offender or delinquent child to community notification (R.C. 2950.11(B)).

The sheriff with whom the offender or delinquent child has most recently registered under the SORN Law and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under that Law must provide the written notice to all of the following persons if they are located in the sheriff's county (R.C. 2950.11(A)):

(1) Neighbors of the offender or delinquent child, in accordance with the following: (a) any occupant of each residential unit that is located within 1,000 feet of the offender's or child's residential premises, is within the county served by the sheriff, and is not in a multi-unit building, (b) if the offender or child resides in a multi-unit building, any occupant of each residential unit that is located in that multi-unit building and "shares a common hallway" with the offender or child, (c) the building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within 1,000 feet of the offender's or child's residential premises, including a multi-unit building in which the offender or child resides, and is within the county served by the sheriff; and all additional persons who are within any category of neighbors of the offender or child that the AG by rule adopted under R.C. 2950.13 requires to be provided the notice and who reside within the sheriff's county;

(2) Specified public children services agency officials;

(3) Specified school district, school, and chartered nonpublic school officials, including the principal of the school or the appointing or hiring authority of each chartered nonpublic school that the delinquent child attends;

(4) Specified preschool and child and family day-care officials;

(5) Specified institution of higher education officials;

(6) The sheriffs of specified counties;

(7) The chief of police, marshal, or other chief law enforcement officer of the municipality in which the offender or delinquent child resides or, if the offender or delinquent child resides in an unincorporated area, the constable or police chief of the township in which the offender or delinquent child resides.

(8) Volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, company, or individual who requests notification.

### *The bill*

The bill additionally requires the sheriff with whom the offender or delinquent child has most recently registered under the SORN Law and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under that Law to provide the written notice to the manager of a long-term care facility where the offender or delinquent child will reside or that is located "within the specified geographical notification area and" within the county served by the sheriff. The bill makes numerous changes to provisions of law that cross reference this list to include a cross reference to the provision added by the bill. (R.C. 2950.11(A)(11), 2950.11(A), (C), and (D)(1) and (2), 2950.12(A)(8), and 2950.13(A)(1).)

The manager is required to do both of the following (R.C. 2950.112(A)):

(1) Maintain a file of all notices received pursuant to the community notification section that is easily accessible to residents, sponsors, and employees upon request;

(2) Post a copy of each notice in a location that is accessible to employees of the facility.

In addition, the manager must give each resident and sponsor a notice at the time of admission to the facility that states the following in typeface that is at least one-quarter inch tall (R.C. 2950.112(B)(1)):

"This facility may have to admit registered sex offenders or child-victim offenders for treatment. If you would like to receive information about such offenders, please go to the Attorney General's esorn web site located at <http://www.esorn.ag.state.oh.us> and either search for offenders near this facility's address or register for notification by e-mail. If you do not have access to a computer, contact the manager's office for assistance."

Each resident and sponsor who receives such a notice must sign a statement attesting to receipt of the notice. The signed statement is to be retained in the resident's file. In addition, the manager of a long-term care facility must conspicuously post a copy of the notice just described in the common area of the facility where the facility's license is displayed. (R.C. 2950.112(B)(2) and (C).)

The manager and facility are generally immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly

caused by an act or omission in connection with this notification duty<sup>1</sup> (R.C. 2950.12(A)(8)).

The notice from the sheriff must be provided in the same manner and within the same period of time as under existing law (R.C. 2950.11(B), (C), and (D)).

The bill additionally requires the Department of Health to compile, maintain, and update in January and July of each year, a list of all long-term care facilities that contains the name of each long-term care facility, the county in which it is located, and its address and telephone number. The sheriff who is required to provide community notification may request this information from the Department of Health, and the Department must provide the information to the sheriff. (R.C. 2950.11(G)(4) and (5).)

The bill defines the following terms for use in the SORN Law (R.C. 2950.01(Y)):

"Long-term care facility" includes any residential facility that provides personal care services for more than 24 hours for two or more unrelated adults, including all of the following (R.C. 2950.01(Y), referencing R.C. 173.14, *not in the bill*):

(1) A "nursing home," "residential care facility," or "home for the aging" as defined in R.C. 3721.01;

(2) A facility authorized to provide extended care services under Title XVIII of the Social Security Act;

(3) A county home or district home operated pursuant to R.C. Chapter 5155.;

(4) An "adult care facility," as defined in R.C. 3722.01;

(5) A facility approved by the Veterans Administration and used exclusively for the placement and care of veterans;

(6) An adult foster home certified under R.C. 173.36.

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<sup>1</sup> Immunity does not apply if, in relation to the act or omission in question, any of the following apply: (1) the act or omission was manifestly outside the scope of the person's employment or official responsibilities, (2) the act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner, or (3) liability for the act or omission is expressly imposed by a section of the Revised Code (R.C. 2950.12(B)).

"Long-term care facility" does not include a "residential facility," as defined in R.C. 5119.22, or a "residential facility," as defined in R.C. 5123.19.

"Sponsor" means an adult relative, friend, or guardian who has an interest in or responsibility for the welfare of a resident or a recipient (R.C. 2950.01(Y), referencing R.C. 173.14, *not in the bill*).

The following terms are relevant to the definition of sponsor:

"Resident" means a resident of a long-term care facility and, where appropriate, includes a prospective, previous, or deceased resident of a long-term care facility (R.C. 173.14, *not in the bill*).

"Recipient" means a recipient of community-based long-term care services and, where appropriate, includes a prospective, previous, or deceased recipient of community-based long-term care services (R.C. 173.14, *not in the bill*).

"Specified geographical notification area" means the school district, as classified and defined in R.C. Chapter 3311., within which the person who is subject to community notification, resides, is employed, or attends a school or institution of higher education (O.A.C. 109:5-2-01, promulgated pursuant to R.C. 2950.13(A)(10)).

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## COMMENT

However, these notification provisions do not apply to a person described in the above four categories if a court finds at a hearing, after considering the following factors, that the person would not be subject to community notification as they existed immediately prior to January 1, 2008 (R.C. 2950.11(F)(2)):

- (1) The offender's or delinquent child's age;
- (2) The offender's or delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses;
- (3) The age of the victim of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made;
- (4) Whether the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made involved multiple victims;
- (5) Whether the offender or delinquent child used drugs or alcohol to impair the victim of the sexually oriented offense or to prevent the victim from resisting;

(6) 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;

(7) Any mental illness or mental disability of the offender or delinquent child;

(8) 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;

(9) 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;

(10) Whether the offender or delinquent child would have been a habitual sex offender or a habitual child-victim offender under the previous definitions of those terms;

(11) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

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## HISTORY

ACTION	DATE
Introduced	02-21-07
Reported, H. Criminal Justice	04-14-08

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