



Dennis M. Papp

*Bill Analysis*  
*Legislative Service Commission*

## **S.B. 56**

127th General Assembly  
(As Introduced)

**Sen. Coughlin**

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### **BILL SUMMARY**

- Creates Sex Offender Registration and Notification Law (SORN Law) license plates and requires them to have a fluorescent green background and carry a special serial number.
- Subject to three specified exceptions, requires all motor vehicles that are operated by offenders convicted of a sexually oriented offense who are required to register a residence address with a sheriff to display the license plates on any vehicles they operate.
- Provides that the requirement described in the preceding dot point generally remains in effect for the same period of time that the offender is required to register a residence address, but authorizes the court that imposed the requirement, in specified circumstances, to terminate the requirement.
- Provides exceptions to the requirement described in the second preceding dot point, if specified criteria are satisfied, for: (1) persons operating a motor vehicle owned by their employer, while performing their work duties, (2) motor vehicles registered in a state other than Ohio, and (3) recently purchased motor vehicles.
- Expands the offense of "wrongful entrustment of a motor vehicle" to also apply to a person who knows or has reasonable cause to believe that another person is subject to a SORN Law license plate order but permits the other person to drive the offender's motor vehicle without such license plates.
- Provides a five-year mandatory prison term for a person convicted of a felony sexually oriented offense or child-victim oriented offense who is

subject to a SORN Law license plate order and who uses a motor vehicle without such license plates in committing the offense, to arrive at the location where it was committed, or to flee immediately after committing it.

- Provides a one-year mandatory jail term for a person convicted of a misdemeanor sexually oriented offense or child-victim oriented offense who is subject to a SORN Law license plate order and who uses a motor vehicle without such license plates in committing the offense, to arrive at the location where it was committed, or to flee immediately after committing it.

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## CONTENT AND OPERATION

### *Order requiring the display of SORN Law license plates*

#### *Background*

Under current law, an offender who is convicted of any "sexually oriented offense" that is not a "registration-exempt sexually oriented offense" or any "child-victim oriented offense" (see **COMMENT 1** for definitions) must register personally with the sheriff of the county immediately upon coming into a county in which the offender resides or temporarily is domiciled for more than five days. The registration must include the offender's photograph, current residence address, employment address if employed or commencing employment, school address if attending or commencing school, and other information required by the Bureau of Criminal Identification and Investigation of the Attorney General's office. If an offender who is required to register changes his or her residence, the offender must provide notice of the change with the sheriff with whom he or she most recently

registered and register the new residence address with the appropriate sheriff. An offender who registers also must periodically verify the offender's residence address with the sheriff with whom he or she registered (see **COMMENT 2**). These requirements last for a period ranging from ten years to life, depending upon the status classification of the offender (e.g., sexual predator, habitual sex offender, etc.), and conviction automatically brings about the requirements. An offender who commits a "presumptive registration-exempt sexually oriented offenses" is not subject to the registration and related requirements unless the sentencing court determines that they should apply to the offender. These provisions are located in R.C. Chapter 2950. and are generally referred to as the Sex Offender Registration and Notification Law (SORN Law).

### **Operation of the bill**

**In general.** Under the bill, in the case of an offender who is sentenced on or after the bill's effective date for a sexually oriented offense and is required to register the offender's residence address under the provisions described in the preceding paragraph, the sentencing court must issue an order prohibiting the offender from operating a motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking unless, subject to the provision described below in "**Exceptions,**" the vehicle displays the Sex Offender Registration and Notification Law (SORN Law) license plates the bill creates (see "**SORN Law license plates,**" below). The court must provide a copy of the order to the offender, and, except as described below in "**Possible termination of order,**" the order remains in effect for the same period of time that the offender is required to register a residence address. If an offender is convicted of a registration-exempt sexually oriented offense and is sentenced on or after the bill's effective date, the sentencing court may issue such an order; if the court does so, it must include the duration of the order in the order.

The bill requires that a separate order be issued under this provision for each sexually oriented offense for which an offender is sentenced on or after the bill's effective date and for which the offender is required to register a residence address based on that offense. If the offender is required to register a residence address based on the conviction of or plea of guilty to more than one sexually oriented offense for which sentence is imposed on or after the bill's effective date, the period of time for which the orders issued under this provision remain in effect is to be separately calculated for each of the sexually oriented offenses, and the separately calculated periods of time are to be complied with independently. (R.C. 2950.15(A)(1) and (2).)

**Possible termination of order.** The bill provides that, not sooner than five years after imposition of an order as described above, an offender who is subject to the order may file a petition in the court that issued the order requesting that the

order be terminated. The court may deny the petition without a hearing or may conduct a hearing on the matter. In deciding whether to terminate the order, the court must consider all relevant factors, including public safety, the interests of justice, and the determinations, findings, and declarations of the General Assembly regarding sex offenders and child-victim offenders that are part of the SORN Law, set forth in R.C. 2950.02. A court is not permitted to terminate the order if the person, within the duration of the order, has been convicted of any sexually oriented offense, including any presumptive registration-exempt sexually oriented offense, or any child-victim oriented offense.

If more than one order issued under the provision applies to an offender, the five-year period prescribed in the preceding paragraph must be applied separately for each of those orders. If more than one order issued under the provision applies to an offender, the termination of one of those orders does not terminate or affect any of the other orders that apply to the offender. (R.C. 2950.15(B).)

**Prohibition and penalty.** The bill prohibits a person to whom an order issued under the provision applies from operating a motor vehicle in violation of the order. A person to whom an order issued under the provision applies and who operates a motor vehicle under authority of any provision described below in "**Exceptions**" without displaying on that vehicle SORN Law license plates is not in violation of the order while so operating the motor vehicle. The bill provides that a violation of the prohibition is a misdemeanor of the first degree. (R.C. 2950.15(D) and 2950.99(D).)

**Exceptions.** The bill provides several exceptions to the prohibition against a person who is subject to a SORN Law license plate order operating a motor vehicle without SORN Law license plates. The exceptions specify that:

(1) If a court issues a SORN Law license plate order under the provision, the offender to whom the order applies may operate a motor vehicle that is owned by the offender's employer only if the offender is required to operate that motor vehicle in the course and scope of the offender's employment. An offender to whom such an order applies and who is required to operate a motor vehicle owned by the offender's employer in the course and scope of the offender's employment may operate that vehicle without displaying on that vehicle SORN Law license plates if the employer has been notified that the offender is subject to the order and of the nature of and basis for the order and if the offender has proof of the offender's notification in the offender's possession while operating the employer's vehicle for normal business duties. A motor vehicle owned by a business that is partly or entirely owned or controlled by an offender to whom a SORN Law license plate order issued under the provision applies is not a motor vehicle owned by an employer, for purposes of this exception. (R.C. 2950.15(C)(1).)

(2) If a court issues a SORN Law license plate order under the provision and if the motor vehicle to be operated by the offender to whom the order applies is registered in a state other than Ohio, the offender may operate that vehicle without displaying on that vehicle SORN Law license plates if, instead of the SORN Law license plates, the offender displays on that vehicle a decal, as prescribed by the Registrar of Motor Vehicles, that states that the offender is subject to the SORN Law license plate order and of the nature of and basis for the order. The decal must be displayed on the bottom left corner of the back window of the vehicle or, if there is no back window, on the bottom left corner of the windshield of the vehicle. The bill requires the Bureau of Motor Vehicles to adopt rules providing for the decentralization of the issuance of decals described in this exception, with the rules providing for the issuance of the decals by at least one agency in each county. (R.C. 2950.15(C)(2).)

(3) If a court issues a SORN Law license plate order under the provision, if the motor vehicle to be operated by the offender to whom the order applies was purchased within the preceding 30 days by the offender or by another person, and if a temporary license placard or windshield sticker has been issued to the purchaser under R.C. 4503.182 (see **COMMENT 3**) and R.C. 4503.237 (see "**SORN Law license plates**," below), the offender may operate that vehicle without displaying on that vehicle SORN Law license plates if, instead of the SORN Law license plates, the temporary license placard or windshield sticker is displayed on the motor vehicle in accordance with R.C. 4503.182, and the motor vehicle is operated in accordance with that section. The offender may operate the motor vehicle under authority of this exception until the applicant is provided the SORN Law license plates or until the expiration of the 30-day period of validity described in R.C. 4503.182 for temporary license placards or windshield stickers, whichever is earlier. (R.C. 2950.15(C)(3).)

### **SORN Law license plates**

Under the bill, when an applicant for a motor vehicle registration complies with all laws governing such registration and also presents the Registrar of Motor Vehicles with the court order requiring the display of SORN Law license plates, the Registrar must issue SORN Law license plates to the applicant. The license plates may be issued for any vehicle registered in the name of the offender named in the order or for any vehicle the offender intends to operate.

SORN Law license plates must have a distinctive fluorescent green background color and carry a special serial number that is readily identified by law enforcement officers. The Registrar must designate the distinctive fluorescent green color and serial number to be used on SORN Law license plates, which must remain the same from year to year and may not be displayed on any other motor vehicles.

The Bureau of Motor Vehicles must adopt rules providing for the decentralization of the issuance of SORN Law license plates, and the rules must provide for their issuance by at least one agency in each county.

If a person to whom a SORN Law license plate order applies purchases a motor vehicle or if another person purchases a motor vehicle that a person to whom such an order applies will operate, and if the purchaser presents the order as described in the preceding paragraph, the purchaser may be issued a temporary license placard or windshield sticker in accordance with R.C. 4503.182 (see **COMMENT 3**). If a temporary license placard or windshield sticker is issued to the purchaser under this provision in accordance with R.C. 4503.182, the person to whom the SORN Law license plate order applies may operate the motor vehicle in accordance with the provision described above in (3) under "Exceptions" without displaying on that vehicle SORN Law license plates. The person may operate the motor vehicle in accordance with that exception until the person is provided the SORN Law license plates or until the expiration of the 30-day period described in R.C. 4503.182, whichever is earlier. (R.C. 4503.237(A).)

The bill prohibits any person operating a motor vehicle displaying SORN Law license plates from knowingly disguising or obscuring the color of the license plates. Violation of this prohibition is a minor misdemeanor. (R.C. 4503.237(B) and (C).)

### **Wrongful entrustment of a motor vehicle**

#### **Existing law**

Existing law prohibits a person from permitting a motor vehicle owned by the person (as used in this provision, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name) or under the person's control to be driven by another if any of the following applies: (1) the offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges, (2) the offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under R.C. Chapter 4510. or any other provision of the Revised Code, (3) the offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in R.C. Chapter 4509., or (4) the offender knows or has reasonable cause to believe that the other person's act of driving would violate R.C. 4511.19 (state OVI and OVUAC) or any substantially equivalent municipal ordinance.

Existing law provides that, without limiting or precluding the consideration of any other evidence in determining whether a violation of the prohibition has occurred, it is prima-facie evidence that the offender knows or has reasonable cause to believe that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in clause (1), (2), (3), or (4) of the preceding paragraph if any of the following applies: (1) regarding an operator allegedly in the category described in clause (1) or (3), the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity, (2) regarding an operator allegedly in the category described in clause (2), the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit, or privilege, or (3) regarding an operator allegedly in the category described in clause (4), the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

A violation of the prohibition is the offense of "wrongful entrustment of a motor vehicle," a misdemeanor of the first degree. In addition to the penalties imposed under the Criminal Sentencing Law, the court must impose a Class 7 suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. 4510.02(A)(7), and, if the vehicle involved in the offense is registered in the name of the offender, the court must order one of the following: (1) except as otherwise provided in clause (2) or (3) of this paragraph, the court must order, for 30 days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates, in accordance with R.C. 4503.233, (2) if the offender previously has been convicted of or pleaded guilty to one wrongful entrustment offense or a violation of a substantially equivalent municipal ordinance, the court must order, for 60 days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates, in accordance with R.C. 4503.233, and (3) if the offender previously has been convicted of or pleaded guilty to two or more wrongful entrustment offenses or violations of a substantially equivalent municipal ordinance, the court must order the criminal forfeiture to the state of the vehicle involved in the offense, in accordance with R.C. 4503.234.

If title to a motor vehicle that is subject to an order for criminal forfeiture is assigned or transferred and R.C. 4503.234(B)(2) or (3) applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealer's association. If a court orders the immobilization of a vehicle, the court

cannot release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

If a court orders the criminal forfeiture of a vehicle, upon receipt of the order from the court, neither the Registrar of Motor Vehicles nor any deputy registrar may accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period of denial is five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the Registrar of the termination. If the court terminates the forfeiture and notifies the Registrar, the Registrar must take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

The offense of wrongful entrustment of a motor vehicle and the related provisions described above do not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in R.C. 4549.65.

#### **Operation of the bill**

The bill expands the prohibition that currently comprises the offense of wrongful entrustment of a motor vehicle so that, in addition to the currently prohibited conduct, the prohibition also prohibits a person from permitting a motor vehicle owned by the person (as used in this provision, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name) or under the person's control to be driven by another if the offender knows or has reasonable cause to believe that a SORN Law license plate court order issued under the bill applies to the person, the motor vehicle does not display SORN Law license plates, and the offender is not authorized by any of the provisions described above under "**Exceptions**" to operate that vehicle without displaying on that vehicle SORN Law license plates. The existing penalty provisions will apply to a person who violates the expanded prohibition. The bill does not change any other provision contained in existing law regarding the offense of wrongful entrustment of a motor vehicle. (R.C. 4511.203.)

#### **Mandatory prison or jail term--use of a vehicle without SORN Law license plates in committing a sexually oriented offense or child-victim oriented offense**

The bill requires a mandatory prison or jail term for a person who is subject to a SORN Law license plate order, who is convicted of a sexually oriented offense or child-victim oriented offense, and who used a vehicle in a specified manner related to the offense that did not display SORN Law license plates. Specifically, it provides that, if an offender is convicted of or pleads guilty to a



sexually oriented offense or a child-victim oriented offense (see **COMMENT 1**) and also is convicted of or pleads guilty to a specification that charges that, at the time the offender committed the offense, a SORN Law license plate order applied to the offender, that the offender used a motor vehicle in committing the offense, to arrive at the location at which the offense was committed, or to flee immediately after committing the offense, and that the motor vehicle so used did not display SORN Law license plates, the court must impose on the offender one of the following: (1) a mandatory prison term of five years, if the sexually oriented or child-victim oriented offense is a felony, or (2) a mandatory jail term of one year, if the sexually oriented offense or child-victim oriented offense is a misdemeanor. The specification must be stated at the end of the body of the document charging the sexually oriented offense or child-victim oriented offense and must be substantially in a form specified in the bill.

The sentencing provisions apply regardless of whether the motor vehicle used in committing the offense, to arrive at the location at which the offense was committed, or to flee immediately after committing the offense is owned by the offender or another person, or is rented or leased. If a mandatory prison term is imposed upon a felony offender under the sentencing provision, the offender must serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying sexually oriented offense or child-victim oriented offense, and the term to be served is the aggregate of all of the terms imposed. If a mandatory jail term is imposed upon a misdemeanor offender under the sentencing provision, the mandatory jail term cannot be reduced pursuant to any provision of the Revised Code and the offender must serve the mandatory jail term consecutively to and prior to any jail term imposed for the underlying sexually oriented offense or child-victim oriented offense and consecutively to any other mandatory term imposed in relation to that offense. (R.C. 2929.14(B), (D)(7), (E)(6), and (E)(7), 2929.24(E)(2), and 2941.1421.)

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## COMMENT

1. Existing R.C. 2950.01, not in the bill, contains the following definitions that apply throughout R.C. Chapter 2950. and that are relevant to the bill:

**Sexually oriented offense** means any of the following:

(1) Any of the following violations or offenses committed by a person 18 years of age or older:

(a) Regardless of the age of the victim of the offense, a violation of R.C. 2907.02, 2907.03, 2907.05, or 2907.07;

(b) Any of the following offenses involving a minor, in the circumstances specified: (i) a violation of R.C. 2905.01(A)(4) or R.C. 2907.04, 2907.06, or 2907.08, when the victim of the offense is under 18 years of age, (ii) a violation of R.C. 2907.21 when the person who is compelled, induced, procured, encouraged, solicited, requested, or facilitated to engage in, paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under 18 years of age, (iii) a violation of division (A)(1) or (3) of R.C. 2907.321 or 2907.322, (iv) a violation of R.C. 2907.323(A)(1) or (2), (v) a violation of R.C. 2919.22(B)(5) when the child who is involved in the offense is under 18 years of age, or (vi) a violation of R.C. 2905.01(A)(1), (2), (3), or (5), of R.C. 2903.211, 2905.02, 2905.03, or 2905.05, or of former R.C. 2905.04, when the victim of the offense is under 18 years of age and the offense is committed with a sexual motivation.

(c) Regardless of the age of the victim of the offense, a violation of R.C. 2903.01, 2903.02, 2903.11, or 2905.01, or of R.C. 2903.04(A), that is committed with a sexual motivation;

(d) A violent sex offense, or a designated homicide, assault, or kidnapping offense if the offender also was convicted of or pleaded guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the designated homicide, assault, or kidnapping offense;

(e) A violation of R.C. 2907.06 or 2907.08 when the victim of the offense is 18 years of age or older, or a violation of R.C. 2903.211 when the victim of the offense is 18 years of age or older and the offense is committed with a sexual motivation;

(f) A violation of any former law of Ohio, 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 (1)(a), (b), (c), (d), or (e), above;

(g) An attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (1)(a), (b), (c), (d), (e), or (f), above.

(2) An act committed by a person under 18 years of age that is any of the following:

(a) Subject to (2)(i), below, regardless of the age of the victim of the violation, a violation of R.C. 2907.02, 2907.03, 2907.05, or 2907.07;

(b) Subject to (2)(i), below, any of the following acts involving a minor in the circumstances specified: (i) a violation of R.C. 2905.01(A)(4), 2907.06, or 2907.08, when the victim of the violation is under eighteen years of age, (ii) a violation of R.C. 2907.21 when the person who is compelled, induced, procured, encouraged, solicited, requested, or facilitated to engage in, paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under 18 years of age, (iii) a violation of R.C. 2919.22(B)(5) when the child who is involved in the violation is under 18 years of age, or (iv) a violation of R.C. 2905.01(A)(1), (2), (3), or (5), R.C. 2903.211, or former R.C. 2905.04, when the victim of the violation is under 18 years of age and the offense is committed with a sexual motivation.

(c) Subject to (2)(i), below, any of the following: (i) any violent sex offense that, if committed by an adult, would be a felony of the first, second, third, or fourth degree, or (ii) any designated homicide, assault, or kidnapping offense if that offense, if committed by an adult, would be a felony of the first, second, third, or fourth degree and if the court determined that, if the child was an adult, the child would be guilty of a sexual motivation specification regarding that offense.

(d) Subject to (2)(i), below, a violation of R.C. 2903.01, 2903.02, 2903.11, 2905.01, or 2905.02, a violation of R.C. 2903.04(A), or an attempt to violate any of those sections or that division that is committed with a sexual motivation;

(e) Subject to (2)(i), below, a violation of division (A)(1) or (3) of R.C. 2903.321 or 2903.322, of R.C. 2907.323(A)(1) or (2), or an attempt to violate any of those divisions, if the person who violates or attempts to violate the division is four or more years older than the minor who is the victim of the violation;

(f) Subject to (2)(i), below, a violation of R.C. 2907.06 or 2907.08 when the victim of the violation is 18 years of age or older, or a violation of R.C. 2903.211 when the victim of the violation is 18 years of age or older and the offense is committed with a sexual motivation;

(g) Subject to (2)(i), below, any violation of any former law of Ohio, 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 (2)(a), (b), (c), (d), (e), or (f), above, and that, if committed by an adult, would be a felony of the first, second, third, or fourth degree;

(h) Subject to (2)(i), below, any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in (2)(a), (b), (c), (d), (e), (f), or (g), above;

(i) If the child's case has been transferred for criminal prosecution under R.C. 2152.12, the act is any violation listed in (1)(a), (b), (c), (d), (e), (f), or (g), above, or would be any offense listed in any of those divisions if committed by an adult.

**Presumptive registration-exempt sexually oriented offense** means any of the following sexually oriented offenses, when the offense is committed by a person who previously has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing any of those sexually oriented offenses, any other sexually oriented offense, or any child-victim oriented offense and when the victim or intended victim of the offense is 18 years of age or older:

(1) Any sexually oriented offense that is a violation of R.C. 2907.06 or 2907.08 when the victim of the offense is 18 years of age or older, or a violation of R.C. 2903.211 when the victim of the offense is 18 years of age or older and the offense is committed with a sexual motivation, committed by a person who is 18 years of age or older or, subject to (5), below, committed by a person who is under 18 years of age;

(2) Any violation of any former law of Ohio, 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 committed by a person who is 18 years of age or older and that is or was substantially equivalent to any sexually oriented offense listed in (1), above;

(3) Subject to (5), below, any violation of any former law of Ohio, 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 committed by a person who is under eighteen years of age, that is or was substantially equivalent to any sexually oriented offense listed in (1), above, and that would be a felony of the fourth degree if committed by an adult;

(4) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in (1) or (2), above, if the person is 18 years of age or older or, subject to division (5), below, listed in (1) or (2), above, if the person is under 18 years of age.

(5) Regarding an act committed by a person under 18 years of age, if the child's case has been transferred for criminal prosecution under R.C. 2152.12, the act is any sexually oriented offense listed in (1), (2), or (3), above.

**Presumptive registration-exempt sexually oriented offense** does not include any sexually oriented offense described in (1), (2), (3), (4), or (5), above, that is committed by a person who previously has been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing any sexually oriented offense described in (1), (2), (3), (4), or (5), above, or any other sexually oriented offense.

**Registration-exempt sexually oriented offense** means any presumptive registration-exempt sexually oriented offense, if a court does not issue an order under R.C. 2950.021 that removes the presumptive exemption and subjects the offender who was convicted of or pleaded guilty to the offense to registration under R.C. 2950.04 and all other duties and responsibilities generally imposed under R.C. Chapter 2950. upon persons who are convicted of or plead guilty to any sexually oriented offense other than a presumptive registration-exempt sexually oriented offense or that removes the presumptive exemption and potentially subjects the child who was adjudicated a delinquent child for committing the offense to classification as a juvenile offender registrant under R.C. 2152.82, 2152.83, 2152.84, or 2152.85 and to registration under R.C. 2950.04 and all other duties and responsibilities generally imposed under R.C. Chapter 2950. upon persons who are adjudicated delinquent children for committing a sexually oriented offense other than a presumptive registration-exempt sexually oriented offense.

**Registration-exempt sexually oriented offense** does not include a presumptive registration-exempt sexually oriented offense if a court issues an order under R.C. 2950.021 that removes the presumptive exemption and subjects the offender or potentially subjects the delinquent child to the duties and responsibilities described in the preceding paragraph.

**Child-victim oriented offense** means any of the following:

(1) Subject to (3), below, any of the following violations or offenses committed by a person 18 years of age or older, when the victim of the violation is under 18 years of age and is not a child of the person who commits the violation: (a) a violation of R.C. 2905.01(A)(1), (2), (3), or (5), of R.C. 2905.02, 2905.03, or 2905.05, or of former R.C. 2905.04; (b) a violation of any former law of Ohio, 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 clause (a) of this paragraph, or (c) an attempt to commit, conspiracy to commit, or complicity in committing any offense listed in clause (a) or (b) of this paragraph.

(2) Subject to (3), below, an act committed by a person under 18 years of age that is any of the following, when the victim of the violation is under 18 years of age and is not a child of the person who commits the violation: (a) subject to clause (d) of this paragraph, a violation of R.C. 2905.01(A)(1), (2), (3), or (5) or of former R.C. 2905.04, (b) subject to clause (d) of this paragraph, any violation of any former law of Ohio, 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 clause (a) of this paragraph and that, if committed by an adult, would be a felony of the first, second, third, or fourth degree, (c) subject to clause (d) of this paragraph, any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in clause (a) or (b) of this paragraph, or (d) if the child's case has been transferred for criminal prosecution under R.C. 2152.12, the act is any violation listed in the preceding paragraph or would be any offense listed in that paragraph if committed by an adult.

(3) "Child-victim oriented offense" does not include any offense identified in (1) or (2), above, that is a sexually violent offense. An offense identified in (1) or (2), above, that is a sexually violent offense is within the definition of a sexually oriented offense.

2. In addition to these residence address, change of residence address, and residence address verification registration requirements, existing law also imposes on persons convicted of a sexually oriented offense or child-victim oriented offense, in specified circumstances, a duty to register the offender's employer's address and the address of a school or institution of higher education the offender attends. The change of address and address verification requirements also apply in relation to a registered employer, school, and institution of higher education address (R.C. 2950.04, 2950.041, 2950.05, and 2950.06). In specified circumstances, children who are adjudicated delinquent for committing an act that would be a sexually oriented offense or a child-victim oriented offense if committed by an adult also are subject to the residence address, change of residence address, and residence address verification registration requirements (R.C. 2152.84, 2152.85, 2950.04, 2950.041, 2950.05, and 2950.06).

3. Existing R.C. 4503.182, not in the bill, provides in relevant part that a purchaser of a motor vehicle, upon application and proof of purchase of the vehicle, may be issued a temporary license placard or windshield sticker for the motor vehicle. A purchaser applying for a temporary license placard or windshield sticker must execute an affidavit stating that the purchaser has not been issued previously during the current registration year a license plate that could legally be transferred to the vehicle. Placards or windshield stickers may be issued

only for the applicant's use of the vehicle to enable the applicant to legally operate the motor vehicle while proper title, license plates, and a certificate of registration are being obtained, and must be displayed on no other motor vehicle. Placards or windshield stickers issued under this provision are valid for a period of 30 days from date of issuance and are not transferable or renewable.

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## HISTORY

ACTION	DATE
Introduced	02-20-07

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