



Ohio Legislative Service Commission

Bill Analysis

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Reps. Combs, Huffman, Grossman, Bubp, Evans, Stebelton, Harwood, Chandler, Okey, Derickson, Newcomb

BILL SUMMARY

- Requires the sheriff with whom an offender or delinquent child who is a specified type of tier III sex offender/child-victim offender or public registry-qualified juvenile offender registrant 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 who receives a notice described in the preceding dot point to provide a copy of the notice to all residents of the facility and to the sponsor of each of those residents.
- Directs 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

Sex Offender Registration and Notification Law background

The Sex Offender Registration and Notification Law (the SORN Law) is contained in R.C. Chapter 2950. It requires a person who is convicted of or pleads guilty to a "sexually oriented offense" or a "child-victim oriented offense" (see **COMMENT 1**) to register with the sheriff of the county in which the person was convicted of or pleaded guilty to the offense, to register with the appropriate sheriff the offender's residence address and a school, institution of higher education, or work address, to provide notice of a change of address and register the new address, and to periodically verify the registered address. There is also a restriction against residing within 1,000 feet of any school premises, a preschool, or child day-care premises if a person has been convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense. (R.C. 2950.04 to 2950.06, *not in the bill*.) Children who are adjudicated delinquent children for committing a sexually oriented offense or a child-victim oriented offense if committed by an adult and who are classified by the juvenile court as "juvenile offender registrants" (see **COMMENT 1**) also generally are subject to these duties (but they are subject to the school, institution of higher education, and work address provisions only in specified circumstances and are not subject to the residency restriction) (R.C. 2152.82 to 2152.86, *not in the bill*).

An offender who is convicted of or pleads guilty to a sexually oriented offense or a child-victim oriented offense and who is classified a "Tier III sex offender/child-victim offender" (see **COMMENT 1**) or a child who is adjudicated a delinquent child for committing any such offense and is classified a juvenile offender registrant and a Tier III sex offender/child-victim offender also has a duty to provide notice of an intent to reside in a county (R.C. 2950.04(G) and 2950.041(G), *not in the bill*).

Additionally, certain categories of offenders and delinquent children who must register under the SORN Law also are subject to mechanisms for providing victim notification and community notification of a residence address the person registers. Except as described in the next sentence, the victim and community notification provisions apply to:

- (1) An offender who is a Tier III sex offender/child-victim offender;
- (2) A delinquent child who is a "public registry-qualified juvenile offender registrant" (see **COMMENT 1**) and for whom a juvenile court has not removed the child's duty to comply with the SORN Law;

(3) A 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 the victim and community notification provisions prior to January 1, 2008, and if a juvenile court has not removed the child's duty to comply with the SORN Law;

(4) A 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 the community notification provisions, and a juvenile court has not removed the child's duty to comply with the SORN Law.

However, the community notification provisions do not apply to a person described in any of the above four categories if a court finds at a hearing, after considering specified factors (see **COMMENT 2**), that the person would not be subject to the notification provisions as they existed immediately prior to January 1, 2008. (R.C. 2950.10, *not in the bill*, and 2950.11.)

Community notification under the SORN Law

Current law

Under the current SORN Law, regardless of when the offense was committed, if a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is in any category described above in paragraph (1), (2), (3), or (4) under "**Sex Offender Registration and Notification Law background**," the sheriff with whom the offender or delinquent child most recently registered under that Law and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under that Law, within a specified period of time, must provide a written notice containing specified information to specified persons and entities in the community (R.C. 2950.11(A)).

The notice must include 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) under "**Sex Offender Registration and Notification Law background**" 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 and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside must provide the written notice to all of the following persons (R.C. 2950.11(A)):

(1) Neighbors of the offender or delinquent child, in accordance with the following:

- 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;
- 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;
- 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 Attorney General (the AG) by rule requires to be provided the notice and who reside within the sheriff's county;

(2) Specified officials of the public children services agency that has jurisdiction within the "specified geographical notification area" and is located within the sheriff's county;¹

¹ As used in the community notification provisions, "specified geographical notification area" means the geographic area or areas within which the AG, by rule, requires the notices to be given to the persons identified in this paragraph and in paragraphs (3) to (6), below; OAC 109:5-2-01, as adopted by the AG pursuant to R.C. 2950.13, provides that "specified geographical notification area" means the school

(3) Specified officials of each school district, school, and chartered nonpublic school within the specified geographical notification area and located within the sheriff's county, including the principal of the school the child attends or the appointing or hiring authority of each chartered nonpublic school, and, regardless of the school's location, the appointing or hiring officer of a chartered nonpublic school that the delinquent child attends;

(4) Specified officials of each preschool program and each child and family day-care center or home located within the specified geographical notification area and within the sheriff's county;

(5) Specified officials of each institution of higher education located within the specified geographical notification area and within the sheriff's county and the chief law enforcement officer of the university or campus law enforcement agency serving that institution;

(6) The sheriff of each county that includes any portion of the specified geographical notification area;

(7) If the offender or child resides within the sheriff's county, 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 regarding a specific offender or child or regarding all offenders or children who are located in the specified geographical notification area.

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 manager is required to provide a copy of the notice to all residents of the facility and to the sponsor of each of those residents. The manager and facility are generally immune

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.

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.² (R.C. 2950.11(A)(11) and 2950.12(A)(8).)

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

The bill additionally directs 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(A), *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.

"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.

² 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)).

"**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(E), *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(B), *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(D), *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. 109:5-2-03, promulgated pursuant to R.C. 2950.13(A)(10)).

COMMENT

1. Existing R.C. 2950.01 specifies that, as used in the SORN Law (R.C. 2950.01, unchanged by the bill as to these definitions):

"*Child-victim offender*" means a person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing any child-victim oriented offense.

"*Child-victim oriented offense*" means any of the following violations or offenses committed by a person, regardless of the person's age, when the victim is under 18 and is not a child of the person who commits the violation: (a) kidnapping, other than when it is committed for the purpose of engaging in sexual activity with the victim against the victim's will and other than when it involves a risk of serious physical harm to the victim or, if the victim is a minor, a risk of serious physical harm or the causing of physical harm to the victim, when the violation is not included in paragraph (g) of the definition of "sexually oriented offense" set forth above, (b) except when committed with a sexual motivation, abduction, unlawful restraint, or criminal child enticement, (c) 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) or (b) of this paragraph, or (d) any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in clause (a), (b), or (c) of this paragraph.

"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 14 years of age or older at the time of committing the offense, and who a juvenile court judge classifies a juvenile offender registrant and specifies has a duty to comply with the SORN Law. The term includes a person who, prior to January 1, 2008, was a "juvenile offender registrant" under the definition of that 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.

"Public registry-qualified juvenile offender registrant" means a person who is adjudicated a delinquent child and on whom a juvenile court has imposed a "serious youthful offender dispositional sentence" under R.C. 2152.13 before, on, or after, January 1, 2008, and to whom all of the following apply: (a) the person is adjudicated a delinquent child for committing, attempting to commit, conspiring to commit, or complicity in committing a violation of R.C. 2907.02, 2907.05(B), or 2907.03 when the victim was less than 12 years of age, or a violation of R.C. 2903.01, 2903.02, or 2905.01 that was committed with a purpose to gratify the sexual needs or desires of the child, (b) the person was 14, 15, 16, or 17 years of age at the time of committing the act, and (c) a juvenile court judge classifies the person a juvenile offender registrant, specifies the person has a duty to comply with the SORN Law, and classifies the person a public registry-qualified juvenile offender registrant and the classification has not been terminated pursuant to R.C. 2152.86(D).

"Sex offender" means, subject to the provision described in the next sentence, a person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing any sexually oriented offense. "Sex offender" does not include a person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing a sexually oriented offense if the offense involves consensual sexual conduct or consensual sexual contact and either of the following applies: (a) the victim of the sexually oriented offense was 18 years of age or older and, at the time of the sexually oriented offense, was not under the custodial authority of the person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing, the sexually oriented offense, or (b) the victim of the offense was 13 years of age or older, and the person who is convicted of,

pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing the sexually oriented offense is not more than four years older than the victim.

"Sexually oriented offense" means any of the following violations or offenses committed by a person, regardless of whether the person is 18 years of age or older or is under 18 years of age:

(a) Rape, sexual battery, gross sexual imposition, sexual imposition, importuning, voyeurism, compelling prostitution, pandering obscenity, pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, or illegal use of a minor in nudity-oriented material or performance;

(b) Unlawful sexual conduct with a minor 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 rape, sexual battery, unlawful sexual conduct with a minor, or the former offense of felonious sexual penetration;

(c) Unlawful sexual conduct with a minor 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 rape, sexual battery, unlawful sexual conduct with a minor, or the former offense of felonious sexual penetration;

(d) Aggravated murder, murder, or felonious assault when the violation was committed with a sexual motivation;

(e) Involuntary manslaughter, when the base offense is a felony and when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation;

(f) Menacing by stalking committed with a sexual motivation;

(g) Kidnapping, other than when it is committed for the purpose of engaging in sexual activity with the victim against the victim's will and other than when it involves a risk of serious physical harm to the victim or, if the victim is a minor, a risk of serious physical harm or the causing of physical harm to the victim, when the offense is committed with a sexual motivation;

(h) Kidnapping committed for the purpose of engaging in sexual activity with the victim against the victim's will;

(i) Kidnapping when it involves a risk of serious physical harm to the victim or, if the victim is a minor, a risk of serious physical harm or the causing of physical harm to the victim, when the victim of the offense is under 18 and the offender is not a parent of the victim of the offense;

(j) Abduction, unlawful restraint, and criminal child enticement committed with a sexual motivation, or endangering children committed by enticing, permitting, using, or allowing, etc., a child to participate in or be photographed for material or performance that is obscene, is sexually oriented matter, or is nudity-oriented matter;

(k) 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 paragraph (a) to (j) under this definition;

(l) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in paragraph (a) to (k) under this definition.

"Tier I sex offender/child-victim offender" means any of the following:

(a) 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: (i) sexual imposition, importuning, voyeurism, or pandering obscenity, (ii) unlawful sexual conduct with a minor 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 rape, sexual battery, or unlawful sexual conduct with a minor or the former offense of felonious sexual penetration, (iii) gross sexual imposition committed other than when the victim, or one of the victims, is less than 13, (iv) illegal use of a minor in a nudity-oriented material or performance based on possession or viewing of the material or performance, (v) menacing by stalking committed with a sexual motivation, unlawful restraint committed with a sexual motivation, or criminal child enticement committed with a sexual motivation, (vi) 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 (i), (ii), (iii), (iv), or (v) of this

paragraph, or (vii) any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in clause (i), (ii), (iii), (iv), (v), or (vi) of this paragraph.

(b) 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 and who is not in either category of child-victim offender that is included in the definition of Tier II sex offender/child-victim offender or the definition of Tier III sex offender/child-victim offender, both as described below.

(c) 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 classifies a Tier I sex offender/child-victim offender relative to the offense.

(d) 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 classifies a Tier I sex offender/child-victim offender relative to the offense.

"Tier II sex offender/child-victim offender" means any of the following:

(a) 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: (i) compelling prostitution, pandering obscenity involving a minor, or pandering sexually oriented matter involving a minor, (ii) unlawful sexual conduct with a minor 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 rape, sexual battery, unlawful sexual conduct with a minor, or the former offense of felonious sexual penetration, (iii) gross sexual imposition committed when the victim is under 13 (but see the definition of Tier III sex offender/child-victim offender) or illegal use of a minor in a nudity-oriented material or performance that is based on proscribed conduct other than possessing or viewing the material or performance, (iv) kidnapping, other than when it is committed for the purpose of engaging in sexual activity with the victim against the victim's will and other than when it involves a risk of serious physical harm to the victim or, if the victim is a minor, a risk of serious physical harm or the causing of physical harm to the victim, when the offense is committed with a sexual motivation, (v) kidnapping committed for the purpose of engaging in sexual activity with the victim against the victim's will, when the victim of the offense is 18 or older, (vi) abduction committed with a sexual motivation, or endangering children committed by enticing, permitting, using, or allowing, etc., a child to participate in or be photographed for material or performance

that is obscene, is sexually oriented matter, or is nudity-oriented matter, (vii) 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 (i), (ii), (iii), (iv), (v), or (vi) of this paragraph, (viii) any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in clause (i), (ii), (iii), (iv), (v), (vi), or (vii) of this paragraph, or (ix) 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 sex offender was classified a Tier I sex offender/child-victim offender.

(b) 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 I sex offender/child-victim offender.

(c) 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 classifies a Tier II sex offender/child-victim offender relative to the offense.

(d) 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 classifies a Tier II sex offender/child-victim offender relative to the current offense.

(e) A sex offender or child-victim offender who is not in any category of Tier II sex offender/child-victim offender set forth in paragraph (a) to (d), above, who prior to January 1, 2008, was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense, and who prior to that date was determined to be a habitual sex offender or determined to be a habitual child-victim offender, unless either of the following applies: (i) the sex offender or child-victim offender is reclassified pursuant to R.C. 2950.031 or 2950.032 as a Tier I sex offender/child-victim offender or a Tier III sex offender/child-victim offender relative to the offense, or (ii) a juvenile court classifies the child a Tier I sex offender/child-victim offender or a Tier III sex offender/child-victim offender relative to the offense.

"Tier III sex offender/child-victim offender" means any of the following:

(a) 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: (i) rape or sexual battery, (ii) gross sexual imposition committed when the victim is less than 12 years of age, the offender intentionally touches the genitalia of the victim, the touching is not through clothing, and the touching is done with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person, (iii) aggravated murder, murder, or felonious assault when the violation was committed with a sexual motivation, (iv) involuntary manslaughter, when the base offense is a felony, when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation, (v) kidnapping committed for the purpose of engaging in sexual activity with the victim against the victim's will, when the victim of the offense is under 18, (vi) kidnapping when it involves a risk of serious physical harm to the victim or, if the victim is a minor, a risk of serious physical harm or the causing of physical harm to the victim, when the victim of the offense is under 18 and the offender is not a parent of the victim of the offense, (vii) 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 (i) to (vi) of this paragraph, (viii) any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in clause (i) to (vii) of this paragraph, or (ix) any sexually oriented offense 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 sex offender was classified a Tier II or III sex offender/child-victim offender.

(b) 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 or III sex offender/child-victim offender.

(c) 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 classifies a Tier III sex offender/child-victim offender relative to the offense.

(d) 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 classifies a Tier III sex offender/child-victim offender relative to the current offense.

(e) A sex offender or child-victim offender who is not in any category of Tier III sex offender/child-victim offender set forth in paragraph (a) to (d) of this definition, who, prior to January 1, 2008, was convicted of or pleaded guilty to a sexually oriented offense or child-victim oriented offense or was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense and classified a juvenile offender registrant, and who, prior to that date, was adjudicated a sexual predator or child-victim predator, or determined to be a habitual child-victim offender and made subject to community notification relative to that offense, unless either of the following applies: (i) the sex offender or child-victim offender is reclassified pursuant to R.C. 2950.031 or 2950.032 as a Tier I or II sex offender/child-victim offender relative to the offense, or (ii) the sex offender or child-victim offender is a delinquent child and a juvenile court classifies the child a Tier I or II sex offender/child-victim offender relative to the offense.

(f) A sex offender who is convicted of, pleads guilty to, was convicted of, or pleaded guilty to a sexually oriented offense, if the sexually oriented offense and the circumstances in which it was committed are such that R.C. 2971.03(F), in the Sexually Violent Predator Sentencing Law, automatically classifies the offender as a Tier III sex offender/child-victim offender.

(g) A sex offender or child-victim offender who is convicted of, pleads guilty to, was convicted of, pleaded guilty to, is adjudicated a delinquent child for committing, or was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States, if both of the following apply: (i) under the law of the jurisdiction in which the offender was convicted or pleaded guilty or the delinquent child was adjudicated, the offender or delinquent child is in a category substantially equivalent to a category of Tier III sex offender/child-victim offender described in paragraph (a) to (f) of this definition, and (ii) subsequent to the conviction, plea of guilty, or adjudication in the other jurisdiction, the offender or delinquent child resides, has temporary domicile, attends school or an institution of higher education, is employed, or intends to reside in Ohio in any manner and for any period of time that subjects the offender or delinquent child to a duty to register or provide notice of intent to reside under R.C. 2950.04 or 2950.041.

2. The SORN Law's community notification provisions do not apply to a person described in any of the four categories that normally subject a person to community notification 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)):

- (a) The offender's or delinquent child's age;
- (b) The offender's or delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses;
- (c) 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;
- (d) Whether the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made involved multiple victims;
- (e) 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;
- (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 previous definitions of those terms;
- (k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

HISTORY

ACTION

DATE

Introduced

03-24-09

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