



# Ohio Legislative Service Commission

## Bill Analysis

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### **S.B. 217**

128th General Assembly  
(As Introduced)

**Sens.** Turner, Cafaro, Smith, Strahorn, R. Miller, Fedor, Wagoner, Kearney, Morano

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## **BILL SUMMARY**

- Modifies the procedure that an offender or delinquent child who has a duty to register a residence address under the SORN Law must follow in order to satisfy that duty to require, in addition to the currently mandated steps, that the offender or child provide proof that the offender or child resides at the registered residence address.
- Modifies the SORN Law's periodic address verification mechanism by increasing the frequency with which a Tier III sex offender/child-victim offender must verify a registered residence, school, institution of higher education, or work address from every 90 days after the offender's or child's initial registration date to every 30 days after that date, and specifies the manner in which the modification applies to such offenders who committed their offense prior to the bill's effective date and verify a registered residence address.
- Modifies the procedure that an offender or delinquent child must follow in order to verify a residence address registered under the SORN Law to require, in addition to the currently mandated steps, that the offender or child provide proof that the offender or delinquent child resides at that residence address.
- Specifies that an offender or delinquent child who registers a residence address under the SORN Law or who verifies a registered residence address under that Law must provide proof that he or she resides at the address registered or verified by showing to the sheriff either: (1) a current and valid photo identification or military identification of the offender or child that includes that address as his or her residence address, (2) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the offender's or child's name and that residence address for the offender or child, or (3) another type of

proof of residence specified in a rule adopted by the Attorney General that shows that the offender or child resides at that residence address.

- Provides that, if an offender or delinquent child who registers a residence address under the SORN Law does not have any form of proof of residence described in the preceding dot point regarding the address being registered, the offender or child may execute an affirmation under penalty of falsification that he or she cannot provide the proof of residence so required regarding that residence address but that he or she resides at that residence address.
- Requires the Attorney General, not later than 30 days after the bill's effective date, to: (1) adopt a rule that specifies one or more types of proof of residence that an offender or delinquent child may use to provide proof that he or she resides at a residence address he or she registers or verifies, and (2) prescribe the form of an affirmation that an offender or delinquent child may execute pursuant to the provisions described in the preceding dot point to provide proof that he or she resides at a residence address he or she registers.
- Provides that: (1) if an offender or delinquent child who is a Tier III sex offender/child-victim offender registers a residence address, the sheriff must confirm that the offender or child actually resides at the address registered, (2) if an offender or delinquent child who is a Tier III sex offender/child-victim offender verifies a registered residence address, the sheriff generally must confirm that the offender or child actually resides at the address verified, but specifies that the sheriff is not required to confirm that the offender or child actually resides at that address if, within the preceding 90 days, the sheriff has confirmed that the offender or child actually resides at that address, and (3) a sheriff who is required to confirm that an offender or delinquent child who registers or verifies a residence address actually resides at that address must confirm the actual residence by going to the address and personally observing the offender or child at that address.
- Specifies that, if a sheriff, in attempting to confirm pursuant to the provisions described in the preceding dot point that an offender or delinquent child actually resides at a residence address the offender or child registered or verified, is unable after a good faith effort to personally observe the offender or child at that address: (1) not later than two weeks after the unsuccessful effort, the sheriff must make another attempt to confirm pursuant to those provisions that the offender or child actually resides at that address, (2) if the sheriff makes a good faith effort under the provision described in the preceding clause to confirm that the offender or child actually resides at that address but is unable to personally observe the offender or child at that address, the sheriff may take other steps to confirm that the offender or child actually resides at that address, and (3) the inability of the sheriff to confirm

pursuant to the provisions described in the two preceding clauses that the offender or child actually resides at that address does not affect the validity of the offender's or child's registration or address verification, whichever is applicable, subject to the provision described in the next dot point.

- Provides that, if a sheriff, in attempting to confirm pursuant to the provisions described in the second preceding dot point that an offender or delinquent child actually resides at a residence address the offender or child registered or verified, determines that the offender or child does not reside at that address, the offender or child is considered to be in violation of the SORN Law's prohibition against failing to register, against failing to provide notice of a change in address or to register a new address, or against failing to verify a registered address, whichever is applicable.
- Expands the SORN Law's community notification provisions so that, if an offender or delinquent child who is in any category that currently is subject to those provisions regarding address registration verifies a registered residence address under that Law, the sheriff with whom the offender or child verifies the residence address must provide notice to the same persons and entities to whom community notification currently must be provided regarding address registration, specifies that the sheriff must provide the residence address verification notice to the specified persons and entities once each year after the offender's or child's verification that occurs nearest to the anniversary date of the offender's or child's initial registration of that address, and modifies numerous existing provisions so that they apply to or are conformed to the community notification provisions as expanded to residence address verification.
- Repeals the exception that currently specifies that the SORN Law community notification provisions do not apply to an offender or delinquent child in any category that otherwise is subject to those provisions if a court finds at a hearing after considering specified factors that the offender or child would not be subject to the community notification provisions under the law that existed immediately prior to January 1, 2008, and also repeals the list of specified factors that currently must be considered at the hearing.

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## CONTENT AND OPERATION

### Sex Offender Registration and Notification Law background

The Sex Offender Registration and Notification Law (the SORN Law) requires a person who is convicted of or pleads guilty to a "sexually oriented offense" or a "child-victim oriented offense" (see **COMMENT 1** for definitions of terms in quotes) to register with the sheriff of the county in which the person was convicted of or pleaded guilty to the offense, to register a 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 and 2950.06 and R.C. 2950.05, which is not in the bill.) Children who are adjudicated delinquent children for committing an act that would be 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" also generally are subject to these duties. Juvenile offender registrants are subject to the school, institution of higher education, and work address provisions only if they also are classified as "public registry-qualified juvenile offender registrants" (see **COMMENT 1**; hereafter referred to as "PRQJO registrants") 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" 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)).

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 an 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" 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 a juvenile court has not removed the child's duty to comply with the SORN Law, and (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 child was classified a juvenile offender registrant on or after January 1, 2008, the court imposed a requirement subjecting the child to the victim and 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, that the person would not be subject to the notification provisions as they existed immediately prior to January 1, 2008. (R.C. 2950.10 and 2950.11.)

All offenders who are convicted of or plead guilty to a sexually oriented offense or child-victim oriented offense and all children who are adjudicated delinquent children for committing an act that would be such an offense if committed by an adult and are classified as juvenile offender registrants are included as either a "Tier I sex offender/child-victim offender," a "Tier II sex offender/child-victim offender," or a "Tier III sex offender/child-victim offender." For offenders, the tier classification is determined automatically based on the offense committed. For juveniles, the juvenile court has some discretion in determining the delinquent child's tier classification. (R.C. 2152.82 to 2152.86, not in the bill, and 2950.01.)

## **Procedure for registration of residence address**

### **Existing law**

As described above, under the SORN Law, offenders who are convicted of or plead guilty to a sexually oriented offense or child-victim oriented offense, and children who are adjudicated delinquent children for committing a sexually oriented offense or child-victim oriented offense and are classified by the juvenile court as juvenile offender registrants, have a duty to register their residence address and, except for juvenile offender registrants who are not determined to be PRQJO registrants, their school, institution of higher education, and work address (R.C. 2950.04(A) and 2950.041(A)). If an offender or delinquent child who has a duty to register an address registers it and subsequently changes his or her residence, school, institution of higher education, or work address, the offender or child must provide written notice of the change to the

sheriff with whom the offender or child registered the address and also must register the new address (R.C. 2950.05, not in the bill).

An offender or delinquent child who has a duty to register an address as described in the preceding paragraph personally must obtain from the sheriff or from a designee of the sheriff a registration form that conforms to requirements set forth in R.C. 2950.04(C) or 2950.041(C), complete and sign the form, and return the completed form together with the offender's or child's photograph, copies of travel and immigration documents, and any other required material to the sheriff or the designee. The sheriff or designee must sign the form and indicate on the form the date on which it is returned. The registration is complete when the offender or delinquent child returns the form, containing the requisite information, photograph, other required material, signatures, and date, to the sheriff or designee. (R.C. 2950.04(B) and 2950.041(B).)

After an offender or delinquent child registers with a sheriff or the sheriff's designee as described in the preceding paragraph, the sheriff or designee must forward the signed, written registration form, photograph, and other material to the Bureau of Criminal Identification and Investigation (BCII) of the Attorney General's Office in accordance with forwarding procedures adopted by the Attorney General (the AG). If an offender registers a school, institution of higher education, or work address, or provides a school or institution of higher education address, the sheriff also must provide notice to the law enforcement agency with jurisdiction over the premises of the school, institution of higher education, or workplace of the offender's name and that the offender has registered that address as a place at which the offender attends school or an institution of higher education or at which the offender is employed.

### **Operation of the bill**

The bill modifies the procedure that an offender or delinquent child who has a duty to register a residence address must follow in order to satisfy that duty and complete the registration. Under the bill, in addition to personally obtaining from the sheriff or the sheriff's designee a registration form, completing and signing the form, and returning the completed form together with the offender's or delinquent child's photograph, copies of travel and immigration documents, and any other required material to the sheriff or the designee, *if the address being registered is the offender's or delinquent child's residence address, the offender or child must provide proof in accordance with the procedure described below in "**Provision of proof of residency**" that he or she resides at that residence address.* The sheriff or designee must sign the form and indicate on the form the date on which it is so returned and, as added by the bill, *must indicate on the form the type of proof of residence provided.* The registration is complete when the offender or child returns the form, containing the requisite information, photograph, other required material, signatures, and date, to the sheriff or designee *and, if the address being*

*registered is the offender's or child's residence address, provides proof that he or she resides at that residence address. (R.C. 2950.04(B) and 2950.041(B).)*

The bill enacts a mechanism described below in "**Confirmation of residence address by personal observance of sheriff**" pursuant to which a sheriff or a designee of a sheriff generally must confirm by personal observation that an offender or delinquent child who registers a residence address actually resides at the registered address (R.C. 2950.112).

## **Procedure for periodic verification of registered address**

### **Existing law**

As described above, under the SORN Law, an offender or delinquent child who is required to register a residence, school, institution of higher education, or work address must periodically verify the address as current. If the offender or child is a Tier I sex offender/child-victim offender, the offender must verify his or her current residence, school, institution of higher education, or work address, and the child must verify his or her current residence address on each anniversary of the offender's or child's initial registration date during the period he or she is required to register. If the offender or child is a Tier II sex offender/child-victim offender, the offender must verify his or her current residence, school, institution of higher education, or work address, and the child must verify his or her current residence address every 180 days after the offender's or child's initial registration date during the period he or she is required to register. If the offender or child is a Tier III sex offender/child-victim offender, the offender must verify his or her current residence, school, institution of higher education, or work address, and the child must verify his or her current residence address and, if the child is a PRQJO registrant, his or her current school, institution of higher education, or work address every 90 days after the offender's or child's initial registration date during the period he or she is required to register.

An offender or delinquent child who is required to verify his or her current residence, school, institution of higher education, or work address must verify the address with the sheriff with whom the offender or child most recently registered the address by personally appearing before the sheriff or a designee of the sheriff no earlier than ten days before the date on which the verification is required and no later than the date so required for verification, and completing and signing a copy of the verification form prescribed by BCII. The sheriff or designee must sign the completed form and indicate on the form the date on which it is completed. The verification is complete when the offender or delinquent child personally appears before the sheriff or designee and completes and signs the form as described in this paragraph. (R.C. 2950.06(A) to (C).)

## Operation of the bill

The bill modifies the SORN Law's address verification mechanism by increasing the frequency with which a Tier III sex offender/child-victim offender must verify a residence, school, institution of higher education, or work address from every 90 days to *every 30 days*. Under the bill, regardless of when the sexually oriented offense or child-victim oriented offense for which the offender or child is required to register was committed, if the offender or child is a Tier III sex offender/child-victim offender, the offender must verify his or her current residence, school, institution of higher education, or work address, and the child must verify his or her current residence address and, if the child is a PRQJO registrant, his or her current school, institution of higher education, or work address *every 30 days after the offender's or child's initial registration date* during the period he or she is required to register. The bill specifies that this amendment applies to all offenders and delinquent children who: (a) commit their sexually oriented offense or child-victim oriented offense on or after the bill's effective date, or (b) on and after January 1, 2008, and prior to the bill's effective date, were required between those dates to verify a *residence address* every 90 days after the offender's or child's initial registration date, provided that the amendment does not apply to those offenders and children until the first time on or after the bill's effective date that the offender or child verifies the *residence address*, provides notice of a change in *residence address*, or registers a new *residence address*. The bill also specifies that, if an offender or delinquent child, on and after January 1, 2008, and prior to the bill's effective date, was required between those dates to verify a *residence address* every 90 days after the offender's or child's initial registration date, the first time on or after the bill's effective date that the offender or child verifies the *residence address*, provides notice of a change in *residence address*, or registers a new *residence address*, the sheriff with whom the offender or child verifies or registers the address or to whom the offender or child provides the notice of a change in address must inform the offender or child of this amendment and of his or her duty thereafter to verify the *residence address* with the frequency specified in the amendment. The bill does not mention school, institution of higher education, or work addresses in either of the above provisions. (R.C. 2950.06(B)(3) and (5).)

The bill also modifies the procedure that an offender or delinquent child must follow in order to verify a residence address. Under the bill, in addition to personally appearing before the sheriff or a designee of the sheriff within the specified ten-day time period and completing and signing a copy of the verification form prescribed by BCII, *if the address being verified is the offender's or delinquent child's residence address, the offender or child must provide proof in accordance with the procedure described below in "Provision of proof of residency" that he or she resides at that residence address*. The sheriff or designee must sign the completed form and indicate on the form the date on which it is completed and, as added by the bill, *must indicate the type of proof of residence*



*provided.* The verification is complete when the offender or delinquent child personally appears before the sheriff or designee and completes and signs the form *and, if the address being verified is the offender's or delinquent child's residence address, provides the proof that he or she resides at the address verified.* (R.C. 2950.06(C)(1).)

The bill enacts a mechanism described below in "**Confirmation of residence address by personal observance of sheriff**" pursuant to which a sheriff or the sheriff's designee generally must confirm by personal observation that an offender or delinquent child who verifies a residence address actually resides at the verified address (R.C. 2950.112).

### **Provision of proof of residency**

The bill specifies that an offender or delinquent child who registers a residence address under the SORN Law or who verifies a registered residence address under the SORN Law must provide proof that he or she resides at the address registered or verified by showing to the sheriff or designee with whom he or she registers or verifies the address one of the following: (1) a current and valid photo identification or military identification of the offender or child that includes that address as his or her residence address, (2) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the offender's or child's name and that residence address for him or her, or (3) another type of proof of residence specified in a rule adopted by the AG that shows that the offender or child resides at that residence address.

If an offender or delinquent child who registers a residence address does not have any of the forms of proof of residence required as described in the preceding paragraph regarding the address being registered, the offender or child may execute an affirmation under penalty of falsification that he or she cannot provide the proof of residence so required regarding that residence address but that he or she resides at that residence address. The AG must prescribe the form of the affirmation, which must include the offender's or delinquent child's name, the residence address he or she registered, and his or her signature affirming that the address so registered is his or her residence address at that time. If an offender or delinquent child who registers a residence address executes an affirmation as described in this paragraph, both of the following apply: (1) the execution of the affirmation constitutes proof that the offender or child resides at that residence address for purposes of the registration of the residence address, and (2) the execution of the affirmation is not relevant and does not constitute proof of residence for purposes of any subsequent verification of that residence address.

The bill specifies that the provisions described in the second preceding paragraph apply to a residence address verified as described in that paragraph only if the residence address is verified on and after the effective date of a rule adopted by the AG that specifies one or more types of proof of residence, in addition to those identified in clauses (1) and (2) of that paragraph, that an offender or delinquent child may use to provide proof that he or she resides at a verified residence address. It also specifies that the provisions described in the two preceding paragraphs apply to a residence address registered as described in the second preceding paragraph only if the residence address is registered on and after the effective date described in the first sentence of this paragraph or the date on which the AG prescribes the form of an affirmation that an offender or delinquent child may execute to provide proof that he or she resides at a registered residence address, whichever is later. (R.C. 2950.044.)

Related to the provisions described in the three preceding paragraphs, the bill requires the AG to do the following, not later than 30 days after the bill's effective date (R.C. 2950.13(A)(16) and (17)):

(1) Adopt a rule that specifies one or more types of proof of residence in addition to those identified in clauses (1) and (2) of the third preceding paragraph that an offender or delinquent child may use to provide proof that he or she resides at a residence address he or she registers or verifies;

(2) Prescribe the form of an affirmation that an offender or delinquent child may execute pursuant to the provisions described in the second preceding paragraph to provide proof that he or she resides at a residence address he or she registers or as a registration after a change of a previously registered residence address.

### **Confirmation of residence address by personal observance of sheriff**

The bill provides that, if an offender or delinquent child who is a Tier III sex offender/child-victim offender registers a residence address, the sheriff with whom the offender or child so registered or the sheriff's designee must confirm in the manner described in the next paragraph that the offender or child actually resides at the address he or she registered. It also provides that, if an offender or delinquent child who is a Tier III sex offender/child-victim offender verifies a current residence address, except as otherwise described in this paragraph, the sheriff with whom the offender or child verified the current residence address or the sheriff's designee must confirm in the manner described in the next paragraph that the offender or child actually resides at the address he or she verified. When an offender or delinquent child who is a Tier III sex offender/child-victim offender verifies a current residence address, the sheriff or designee is not required to confirm that the offender or child actually resides at the address so verified if, within the preceding 90 days, the sheriff or a designee has

confirmed in the manner described in the next paragraph that the offender or child actually resides at that address.

A sheriff or designee who is required as described in the preceding paragraph to confirm that an offender or delinquent child who registers or verifies a residence address actually resides at that address must confirm the actual residence by going to the address and personally observing the offender or child at that address. The sheriff or designee must confirm that the offender or delinquent child actually resides at that address as soon as possible after the offender or child registers or verifies the address. A sheriff or designee must comply with the provisions described in this paragraph and the preceding paragraph each time an offender or delinquent child who is a Tier III sex offender/child-victim offender registers a residence address and, subject to the exception described in the preceding paragraph, each time an offender or delinquent child who is a Tier III sex offender/child-victim offender verifies a current residence address. (R.C. 2950.112(A).)

If a sheriff or designee, in attempting to confirm that an offender or delinquent child actually resides at a residence address the offender or child registered or verified, is unable after a good faith effort to personally observe the offender or child at that address, all of the following apply (R.C. 2950.112(B)):

(1) Not later than two weeks after the unsuccessful effort to confirm that the offender or child actually resides at that address, the sheriff or designee must make another attempt to confirm pursuant to those provisions that the offender or child actually resides at that address.

(2) If the sheriff or designee makes a good faith effort pursuant to the provision described in paragraph (1) to confirm that the offender or child actually resides at that address but is unable to personally observe the offender or child at that address, the sheriff or a designee may take the steps described below in "**Confirmation by sheriff of residence address by contacting property owner, etc.**," to confirm that the offender or child actually resides at that address.

(3) The inability of the sheriff or designee to confirm pursuant to the provision described in paragraph (1) or the provision described in paragraph (1) or (2) that the offender or child actually resides at that address does not affect the validity of the offender's or child's registration or address verification, whichever is applicable, subject to the provision described in the next paragraph.

If a sheriff or designee, in attempting to confirm that an offender or delinquent child actually resides at a residence address the offender or delinquent child registered or verified, determines that the offender or child does not reside at that address, the offender or child is considered to be in violation of the SORN Law's prohibition against

failing to register in R.C. 2950.04(E) or 2950.041(E), its prohibition against failing to provide notice of a change in address or to register a new address set forth in R.C. 2950.05(F)(2), or its prohibition against failing to verify a registered address set forth in R.C. 2950.06(F), whichever is applicable.

A sheriff or designee who attempts to confirm that an offender or delinquent child actually resides at a residence address the offender or delinquent child registered or verified must include a summary of the attempt, including the results of the attempt, in the records maintained by the sheriff regarding the offender or delinquent child. All such summaries that are in the possession of a sheriff are public records open to public inspection under the existing Public Records Law and must be included in the Internet Sex Offender and Child-Victim Offender Database established and maintained by the AG, to the extent provided in R.C. 2950.13.

The bill specifies that the provisions described above regarding confirmation by personal observance of a sheriff or designee of a registered or verified residence address apply to every offender and delinquent child who is a Tier III sex offender/child-victim offender, regardless of when the offender or child committed the sexually oriented offense or child-victim oriented offense that is the basis of the classification as a Tier III sex offender/child-victim offender. (R.C. 2950.081 and 2950.112(C), (D), and (E).)

### **Confirmation by sheriff of residence address by contacting property owner, etc.**

#### **Existing law**

Existing law provides that, if an offender or delinquent child registers a residence address, provides notice of a change of a registered residence address, or verifies a registered residence address pursuant to the SORN Law, all of the following apply:

(1) At any time after the registration, provision of the notice, or verification, the sheriff with whom the offender or child so registered or to whom the offender or child so provided the notice or verified the current address, or a designee of that sheriff, may contact a person who owns, leases, or otherwise has custody, control, or supervision of the premises at the address provided by the offender or child in the registration, notice, or verification and request that the person confirm or deny that the offender or child currently resides at that address.

(2) Upon receipt of a request as described in paragraph (1), notwithstanding any other provision of law, the person who owns, leases, or otherwise has custody, control, or supervision of the premises, or an agent of that person, is required to comply with the request and inform the sheriff or designee who made the request whether or not the offender or child currently resides at that address.

(3) The immunity provisions of R.C. 2950.12, which is not in the bill, apply to a person who, as described in paragraph (2), provides information of the type described in that paragraph.

The provisions described in the preceding paragraph apply to any public or private residential premises, including, but not limited to, a private residence, a multi-unit residential facility, a halfway house, a homeless shelter, or any other type of residential premises. Those provisions do not apply to an offender's registration, provision of notice of a change in, or verification of a school, institution of higher education, or work address pursuant to the SORN Law.

A sheriff or designee of a sheriff may attempt to confirm that an offender or delinquent child who registers a residence address, provides notice of a change of a registered residence address, or verifies a registered residence address pursuant to the SORN Law currently resides at the address in question in manners other than the manner described in the second preceding paragraph. A sheriff or designee of a sheriff is not limited in the number of requests that may be made under the provisions described in this paragraph and the second preceding paragraph regarding any registration, provision of notice, or verification, or in the number of times that the sheriff or designee may attempt to confirm, in manners other than the manner described in this paragraph and the second preceding paragraph, that an offender or delinquent child currently resides at the address in question. (R.C. 2950.111.)

### **Operation of the bill**

The bill specifies that the existing provisions described above may be used unless the bill's provisions described above in "**Confirmation of residence address by personal observance of sheriff**" require confirmation of a registered or verified residence address by personal observance by a sheriff or a designee (R.C. 2950.111).

### **Community notification**

#### **Existing law**

##### **Mandatory notification subsequent to registration or sending of notice of intent to reside, and offenders and delinquent children who are subject to it**

Under the 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 child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing any such 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 child is in a category described in the next paragraph, 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, within a specified period of time, must provide a written notice containing specified information to specified persons and entities in the community. If the sheriff has sent a notice to the specified persons and entities as a result of receiving a notice of intent to reside and if the offender or delinquent child registers a residence address that is the same residence address described in the notice of intent to reside, the sheriff is not required to send an additional notice when the offender or delinquent child registers. (R.C. 2950.11(A).)

Except as described in the next paragraph, the duties to provide the notices to the persons and entities in the community as described in the preceding paragraph apply to an offender or delinquent child who is in any of the following categories (R.C. 2950.11(F)(1)):

(1) An offender who is a Tier III sex offender/child-victim offender;

(2) A delinquent child who is a PRQJO registrant 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 PRQJO registrant, if the child was subjected to community notification prior to January 1, 2008, as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in the SORN Law as it existed prior to that date and a juvenile court has not removed the delinquent 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 PRQJO registrant, if the child was classified a juvenile offender registrant on or after January 1, 2008, the court imposed a requirement subjecting the child to the community notification provisions, and a juvenile court has not removed the delinquent child's duty to comply with the SORN Law.

However, existing law specifies that the community notification provisions do not apply to an offender or delinquent child in any of the four categories described in the preceding paragraph if a court finds at a hearing after considering the factors described in this paragraph that the offender or child would not be subject to the community notification provisions under the SORN Law as it existed immediately prior to January 1, 2008. In making the determination of whether an offender or delinquent child would have been subject to the community notification provisions under that prior Law, the court must consider the following factors: (1) the offender's or child's age, (2) the offender's or 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 disposition is to be made involved multiple victims, (5) whether the offender or 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 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 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 child participated in available programs for sexual offenders, (7) any mental illness or mental disability of the offender or child, (8) the nature of the offender's or 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 child, during the commission of the sexually oriented offense for which sentence is to be imposed or disposition is to be made, displayed cruelty or made one or more threats of cruelty, (10) whether the offender or child would have been a habitual sex offender or a habitual child victim offender under the definitions of those terms that existed prior to January 1, 2008, and (11) any additional behavioral characteristics that contribute to the offender's or child's conduct. (R.C. 2950.11(F)(2).)

The SORN Law provides limited circumstances in which a judge may suspend the community notification provisions as they apply to an offender who is subject to the provisions and is not in a category for which such a suspension is prohibited (R.C. 2950.11(H) and (K)), and limited circumstances in which a judge may reclassify a delinquent child from a Tier III classification or declassify the child if the child is not a PRQJO registrant and, thus, remove the child from the categories of persons who are subject to community notification. (R.C. 2152.84 and 2152.85, not in the bill.)

#### **Persons and entities to whom community notification must be provided**

When community notification is required, the sheriff must provide the written notice to specified neighbors of the offender or delinquent child, specified officials of specified public children services agencies, schools, preschools, day-care centers or homes, and institutions of higher education, specified law enforcement officials, and specified volunteer organizations (R.C. 2950.11(A); see **COMMENT 2** for a more detailed list of the persons and entities that are to be provided notice).

#### **Secondary community notification by a sheriff**

When community notification is required, the sheriff required to provide the community notification notice must provide it to the sheriff of each other county that includes any portion of the specified geographical notification area (see paragraph (f)

under **COMMENT 2**). Each sheriff who receives a notice under this provision from another sheriff then must provide community notification notices to the specified neighbors of the offender or delinquent child, specified officials of specified public children services agencies, schools, preschools, day-care centers or homes, and institutions of higher education, specified law enforcement officials, and specified volunteer organizations (R.C. 2950.11(A); see **COMMENT 2** for a more detailed list of the persons and entities that are to be provided notice) that are located within the specified geographical notification area and within the county served by the sheriff in question. (R.C. 2950.11(C).) In succeeding parts of this analysis, community notification provided by a sheriff who receive a notice from another sheriff is referred to as "secondary community notification."

#### **Period of time within which community notification must be provided**

A sheriff required to provide community notification regarding an offender or delinquent child must provide the notice within the following time periods (R.C. 2950.11(D)):

(1) The sheriff must provide the notice to the specified neighbors and the specified law enforcement personnel as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is providing secondary community notification, no later than five days after the sheriff is provided the notice from the other sheriff.

(2) The sheriff must provide the notice to all other specified persons and entities as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is providing secondary community notification, no later than five days after the sheriff is provided the notice from the other sheriff.

#### **Discretionary notification subsequent to verification, and offenders and delinquent children who are subject to it**

If an offender or delinquent child in relation to whom the provisions requiring community notification subsequent to registration or the sending of a notice of intent to reside apply verifies the offender's or delinquent child's current residence, school, institution of higher education, or work address, as applicable, with a sheriff pursuant to the SORN Law's address verification provisions, the sheriff may provide a written community notification notice to the persons and entities to whom mandatory community notification is required subsequent to registration or the sending of a notice of intent to reside. Any such notice is to contain the same information as a mandatory community notification notice. If a sheriff provides any such notice to a sheriff of



another county that includes any portion of the specified geographical notification area, the recipient sheriff may provide, but is not required to provide, secondary community notification notices. (R.C. 2950.11(D)(2).)

### **Operation of the bill**

#### **Mandatory notification subsequent to residence address verification, and offenders and delinquent children who are subject to community notification**

The bill expands the circumstances in which a sheriff is required to provide community notification and revises the criteria that are used in determining whether an offender or delinquent child is subject to community notification.

Under the bill, 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 child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing any such 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 child is in a category described in the next paragraph, in addition to the circumstances in which a sheriff currently is required to provide community notification (i.e., subsequent to a registration or sending of a notice of intent to reside), *the sheriff with whom the offender or child most recently verified a residence address as described above in "Procedure for periodic verification of registered address"* must provide a written notice containing specified information to the same specified persons and entities in the community to whom notice must be provided under current law when community notification is required. A sheriff required to provide community notification regarding an offender or delinquent child under the bill's new mandatory community notification provision described in this paragraph must provide the notice to the specified persons and entities *once each year* after the offender's or child's verification that occurs nearest to the anniversary date of the offender's or child's initial registration of that residence address. (R.C. 2950.11(A) and (D)(1).)

Under the bill, the duties to provide the notices to the persons and entities in the community under the bill's new mandatory community notification provision described in the preceding paragraph or under the existing mandatory community notification provisions (i.e., subsequent to a registration or sending of a notice of intent to reside) apply to an offender or delinquent child who is in any of the following categories:

- (1) An offender who is a Tier III sex offender/child-victim offender;
- (2) A delinquent child who is a PRQJO registrant 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 PRQJO registrant, if the child was subjected to community notification prior to January 1, 2008, as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in the SORN Law as it existed prior to that date and a juvenile court has not removed the delinquent 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 PRQJO registrant, if the child was classified a juvenile offender registrant on or after January 1, 2008, the court imposed a requirement subjecting the child to the community notification provisions, and a juvenile court has not removed the delinquent child's duty to comply with the SORN Law.

The bill repeals the existing provision that specifies that the community notification provisions do not apply to an offender or delinquent child in any of the four categories described in the preceding sentence if a court finds at a hearing after considering specified factors that the offender or child would not be subject to the community notification provisions under the law that existed immediately prior to January 1, 2008, and also repeals the list of specified factors that must be considered at the hearing. (R.C. 2950.11(F)(1), redesignated as R.C. 2950.11(F), and repeal of existing R.C. 2950.11(F)(2)).

The bill amends several existing provisions to conform them to the repeal of existing R.C. 2950.11(F)(2), as described in the preceding paragraph (R.C. 2950.11(A), (B)(4), (E), (H)(3)(e), and (I).)

#### **Secondary community notification by a sheriff**

The bill modifies the existing secondary community notification provisions to reflect its new mandatory community notification provision that applies subsequent to residence address verification as described above. Under the bill, each sheriff who receives a community notification notice from another sheriff *under the bill's new mandatory community notification provision subsequent to residence address verification* or under the existing mandatory community notification provisions (i.e., subsequent to a registration or sending of a notice of intent to reside) then must provide community notification notices to the specified neighbors of the offender or delinquent child, specified officials of specified public children services agencies, schools, preschools, day-care centers or homes, and institutions of higher education, specified law enforcement officials, and specified volunteer organizations (R.C. 2950.11(A); see **COMMENT 2** for a more detailed list of the persons and entities that are to be provided notice) that are located within the specified geographical notification area and within the county served by the sheriff in question. (R.C. 2950.11(C).)

### **Period of time within which community notification must be provided**

The bill modifies the existing provisions that specify the period of time within which community notification must be provided to reflect its new mandatory community notification provision that applies subsequent to residence address verification as described above. Under the bill (R.C. 2950.11(D)(1)):

(1) A sheriff required to provide community notifications subsequent to a registration or sending of a notice of intent to reside, as specified under existing law, must provide the notices within the same period of time as is specified under existing law.

(2) A sheriff required to provide notices regarding an offender or delinquent child under the bill's new provision subsequent to the offender's or child's verification of a residence address must provide the notices as soon as practicable, but not later than seven days after the offender or delinquent child verifies that address with the sheriff or, if the sheriff is providing secondary community notification, not later than five days after the sheriff is provided the notice from the other sheriff. Note that, as described above in "**Mandatory notification subsequent to residence address verification, and offenders and delinquent children who are subject to community notification,**" community notification under this new provision is required *once each year* after the subject offender's or delinquent child's verification that occurs nearest to the anniversary date of the offender's or child's initial registration of the residence address.

### **Discretionary notification subsequent to verification, and offenders and delinquent children who are subject to it**

The bill removes from the existing provision that authorizes discretionary community notification regarding an offender or delinquent child subsequent to address verification the reference to *residence address verification*. Under the bill, the discretionary community notification provision applies only subsequent to a verification of a current school, institution of higher education, or work address by an offender or delinquent child to whom the provisions requiring community notification subsequent to registration or the sending of a notice of intent to reside apply. The bill otherwise retains without change the existing discretionary community notification provision. (R.C. 2950.11(D)(2).)

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## **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 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)):

(a) Neighbors of the offender or delinquent child, in accordance with the following: (i) 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, (ii) 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, (iii) 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 (in addition to this notice, the sheriff must either post the notice in the building in a specified manner or provide it to all building occupants), and (iv) all additional persons who are within any category of neighbors of the offender or child that the Attorney General (the AG) by rule adopted under R.C. 2950.13 requires to be provided the notice and who reside within the sheriff's county;

(b) 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 (as used in the community notification provisions, "specified geographical notification area" means the geographic area or areas within which the AG, by rule adopted under R.C. 2950.13, requires the notices to be given to the persons identified in this paragraph and in paragraphs (c) to (f), 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 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);

(c) 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;

(d) 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;

(e) 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;

(f) The sheriff of each county that includes any portion of the specified geographical notification area (this sheriff then has the duty to provide the written notice to all the other persons and entities listed in paragraphs (a) to (e), (g), and (h) within the sheriff's county);

(g) 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;

(h) 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.

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## HISTORY

ACTION	DATE
Introduced	11-25-09

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