



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. S.B. 42 of the 128th G.A.

Date: May 6, 2009

Status: As Passed by the Senate

Sponsor: Sen. Schaffer

Local Impact Statement Procedure Required: No — Minimal cost

Contents: SORN Law Residence Restrictions

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions of the state.

Detailed Fiscal Analysis

Overview

The bill makes clarifying changes to existing law regarding residency restrictions for certain sex offenders and the registration requirements of children adjudicated delinquent for a sexually oriented offense and classified a juvenile offender registrant.

Residency restrictions

Amended Substitute Senate Bill 5 of the 125th General Assembly prohibited certain sex offenders from residing or occupying a residence located within 1,000 feet of a school. This act was subsequently amended by Am. Sub. H.B. 473 of the 125th General Assembly and Am. Sub. S.B. 10 of the 127th General Assembly to include preschools and child day-care centers, and grant certain local officials a cause of action for injunctive relief when an offender violates its prohibition against residing within 1,000 feet of these restricted localities. Due to recent court rulings, the applicability of these provisions on certain offenders is currently in question.

The bill provides that, regardless of whether the person committed the offense prior to, on, or after the act's effective date, no person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to a sexually oriented offense or a child-victim oriented offense may not violate certain residency restrictions.

Fiscal effect

Any potential fiscal effects should be no more than minimal for the state or any of its political subdivisions, as the bill's residency restriction provisions appear to be primarily clarifying in nature (or a restatement of the original legislative intent).

Registration requirements

The bill modifies the existing law pertaining to the registration duty of a child who is adjudicated a delinquent child in Ohio for committing a sexually oriented offense. The bill clarifies that the duty applies regardless of when the offense was committed.¹ The SORN Law explicitly states that an offender's registration duties apply regardless of when the sexually oriented offense or child-victim oriented offense was committed and, except in one instance, also explicitly states that a delinquent child's registration duties apply regardless of when the sexually oriented offense or child-victim oriented offense was committed. The one instance in which the SORN Law does not explicitly state that a delinquent child's registration duty applies regardless of when the offense was committed concerns the registration duty of a child who is adjudicated a delinquent child in Ohio for committing a sexually oriented offense. The bill appears to correct this omission.

Fiscal effect

Since these registration requirements only recently became effective, it appears unlikely the bill's modifications will create any notable fiscal effect for the state or any of its political subdivisions.

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¹. Under the existing Sex Offender Registration and Notification Law (SORN), an offender who is convicted of or pleads guilty to a sexually oriented offense or a child-victim oriented offense has the duty to register the offender's residence, school, institution of higher education, and place of employment address. A child who is adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and who is classified a juvenile offender registrant based on that adjudication has the duty to register the child's residence address and, if the child also is determined to be a public registry-qualified juvenile offender registrant, the child's school, institution of higher education, and place of employment address.