



H.B. 360

125th General Assembly
(As Introduced)

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S. Smith, Ujvagi, Harwood**

BILL SUMMARY

- Includes additional persons adjudicated sexual predators or child-victim predators within the registration and notification requirements of the SORN Law.

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CONTENT AND OPERATION

Persons subject to the SORN Law registration requirements

Current law--sexually oriented offenses

Current law requires the following offenders who are convicted of, plead guilty to, have been convicted of, or have pleaded guilty to, and the following children who are adjudicated delinquent children, for a sexually oriented offense that is not a registration-exempt sexually oriented offense to comply with the Sex Offender Registration and Notification (SORN) Law's registration requirements (R.C. 2950.04(A)):¹

(1) Regardless of when the sexually oriented offense was committed, an offender who is sentenced for the sexually oriented offense to a prison term, a term of imprisonment, or any other type of confinement and, on or after July 1, 1997, is released in any manner from the prison term, term of imprisonment, or confinement (R.C. 2950.04(A)(1)(a));

(2) Regardless of when the sexually oriented offense was committed, an offender who is sentenced for a sexually oriented offense on or after July 1, 1997, and to whom paragraph (1), above, does not apply (R.C. 2950.04(A)(1)(b));

(3) If the sexually oriented offense was committed prior to July 1, 1997, an offender who immediately prior to July 1, 1997, was a habitual sex offender who was required to register and to whom neither paragraph (1) nor (2), above, applies (R.C. 2950.04(A)(1)(c));

(4) A child adjudicated a delinquent child for committing a sexually oriented offense that is not a registration-exempt sexually oriented offense, who is classified a juvenile offender registrant based on that adjudication, and who is not confined in a Department of Youth Services facility or any other secure facility (R.C. 2950.04(A)(2));

(5) Regardless of when the sexually oriented offense was committed and if paragraphs (1) through (4), above, do not apply, a person to whom either of the following applies (R.C. 2950.04(A)(3)):

(a) The offender or delinquent child (i) is convicted, pleads guilty, or is adjudicated a delinquent child in a court in another state, in a federal court, military court, Indian tribal court, or in a court in any nation other than the U.S. for

¹ See **COMMENT 1** for a brief explanation of an offender's registration obligations.

committing a sexually oriented offense that is not a registration-exempt sexually oriented offense, (ii) lives in Ohio under specified circumstances² on or after July 1, 1997 (or if a delinquent child, on or after January 1, 2002), and (iii) has a duty to register as a sex offender or child-victim offender under the law of the other jurisdiction as a result of the conviction, guilty plea, or adjudication.

(b) The offender or delinquent child (i) is convicted, pleads guilty, or is adjudicated a delinquent child in a court in another state, in a federal court, military court, Indian tribal court, or in a court in any nation other than the U.S. for committing a sexually oriented offense that is not a registration-exempt sexually oriented offense, (ii) is released from imprisonment or confinement on or after July 1, 1997 (or if a delinquent child, is released from detention on or after January 1, 2002), and (iii) lives in Ohio under specified circumstances (see footnote 2) on or after July 1, 1997 (or if a delinquent child, on or after January 1, 2002). For adult offenders, this duty to report applies regardless of whether the offender has a duty to report in the other jurisdiction. For delinquent children, this duty to report applies only if (a) the delinquent child has a duty to register as a child-victim offender or sex offender under the law of the other jurisdiction at the time the child lives in Ohio or (b) if the delinquent child adjudication had occurred in Ohio, the adjudicating juvenile court judge would have been required to issue an order classifying the child as juvenile offender registrant.

(6) *An offender who is adjudicated a sexual predator under R.C. 2950.09(C) subsequent to the offender's release from a term of imprisonment served in a state correctional institution and to whom paragraph (1), above, applies. (For an explanation of a R.C. 2950.09(C) adjudication see "Adjudication under R.C. 2950.09(C) and 2950.091(C) as a sexual predator or child-victim predator," below). (See COMMENT 2.)*

Operation of the bill

The bill expands the category of sexual predators described above in paragraph (6) who are subject to the SORN Law. Under the bill, any person to whom paragraphs (1) through (5), above, do not apply and who is adjudicated a sexual predator pursuant to R.C. 2950.09(C) (R.C. 2950.041(A)(4) in the bill

² *For an offender who is convicted, pleads guilty to, or adjudicated a delinquent child for a sexually oriented offense in another jurisdiction, the duty to register based on the offender's or child's presence in Ohio applies if the offender (a) moves to and resides in Ohio, (b) temporarily is domiciled in Ohio for more than five days, (c) enters Ohio to attend any school or institution of higher education on a full-time or part-time basis, or (d) is employed in Ohio for more than 14 days or for an aggregate period of 30 or more days in any calendar year (R.C. 2950.04(A)(3)).*

should refer to R.C. 2950.091(C)) must comply with the registration and notification requirements of the SORN Law. The requirements in current law that the adjudication be "subsequent to release" and that paragraph (1), described above, apply are removed by the bill. (R.C. 2950.04(A)(4).)

Current law--child-victim oriented offenses

Current law requires the following offenders who are convicted of, plead guilty to, have been convicted of, or have pleaded guilty to, and the following children who are adjudicated delinquent children for, a child-victim oriented offense to comply with the SORN Law's registration requirements (R.C. 2950.041(A)):

(1) Regardless of when the child-victim oriented offense was committed, an offender who is sentenced for the child-victim oriented offense to a prison term, a term of imprisonment, or any other type of confinement and, on or after July 31, 2003, is released in any manner from the prison term, term of imprisonment, or confinement (R.C. 2950.041(A)(1)(a));

(2) Regardless of when the child-victim oriented offense was committed, an offender who is sentenced for a child-victim oriented offense on or after July 31, 2003, and to whom paragraph (1), above, does not apply (R.C. 2950.041(A)(1)(b));

(3) If the child-victim oriented offense was committed prior to July 31, 2003, if the offense was considered prior to that date to be a sexually oriented offense, and if neither paragraph (1) nor (2), above, applies, an offender who immediately prior to July 31, 2003, was required to register as a result of conviction or guilty plea to the commission of that offense (R.C. 2950.041(A)(1)(c));

(4) Regardless of when the child-victim oriented offense was committed, a child who on or after July 31, 2003, is adjudicated a delinquent child for committing a child-victim oriented offense, who is classified a juvenile offender registrant based on that adjudication, and who is not confined in a Department of Youth Services facility or any other secure facility (R.C. 2950.041(A)(2)(a));

(5) If paragraph (4), above, does not apply, a delinquent child who immediately prior to July 31, 2003, was required to register as a result of a delinquent child adjudication for the commission of a child-victim oriented offense that was committed prior to July 31, 2003, and was considered a sexually oriented offense prior to that date (R.C. 2950.041(A)(2)(b));

(6) Regardless of when the sexually oriented offense was committed and if paragraphs (1) through (5), above, do not apply, a person to whom either of the following applies (R.C. 2950.041(A)(3)):

(a) The offender or delinquent child (i) is convicted, pleads guilty, or is adjudicated a delinquent child in a court in another state, in a federal court, military court, Indian tribal court, or in a court in any nation other than the U.S. for committing a child-victim oriented offense, (ii) lives in Ohio under the specified circumstances discussed above in footnote 2, on or after July 31, 2003, and (iii) has a duty to register as a sex offender or child-victim offender under the law of the other jurisdiction as a result of the conviction, guilty plea, or adjudication.

(b) The offender or delinquent child (i) is convicted, pleads guilty, or is adjudicated a delinquent child in a court in another state, in a federal court, military court, Indian tribal court, or in a court in any nation other than the U.S. for committing a child-victim oriented offense, (ii) is released from imprisonment or confinement on or after July 31, 2003, and (iii) lives in Ohio under specified circumstances (see footnote 2) on or after July 31, 2003. For adult offenders, this duty to report applies regardless of whether the offender has a duty to report in the other jurisdiction. For delinquent children, this duty to report applies only if (i) the delinquent child has a duty to register as a child-victim offender or sex offender under the law of the other jurisdiction at the time the child lives in Ohio or (ii) if the delinquent child adjudication had occurred in Ohio, the adjudicating juvenile court judge would have been required to issue an order classifying the child as a juvenile offender registrant.

(7) *An offender who is adjudicated a child-victim predator under R.C. 2950.09(C) (this cross reference should read R.C. 2950.091(C)) subsequent to the offender's release from a term of imprisonment served in a state correctional institution and to whom paragraph (1), above, applies. (For an explanation of a R.C. 2950.09(C) adjudication see "Adjudication under R.C. 2950.09(C) and 2950.091(C) as a sexual predator or child-victim predator," below.) (See COMMENT 2.)*

Operation of the bill

The bill expands the category of child-victim predators described above in paragraph (7) who are subject to the SORN Law. Under the bill, any person to whom paragraphs (1) through (6), above, do not apply and who is adjudicated a child-victim predator pursuant to R.C. 2950.09(C) (this reference should be to R.C. 2950.091(C)) must comply with the registration and notification requirements of the SORN Law. The requirements in current law that the adjudication be "subsequent to release" and that paragraph (1), described above, apply are removed by the bill. (R.C. 2950.041(A)(4).)

Current law--notification requirements

Depending on the circumstances of the individual offender or delinquent child, current law requires the official, or the official's designee, in charge of a jail, workhouse, state correctional institution, or other institution; a judge; chief of police; or sheriff to provide notice to an offender of the offender's registration requirements under the SORN Law (R.C. 2950.03(A)).

Operation of the bill--notification requirements

The bill requires a judge who adjudicates a person a sexual predator under R.C. 2950.09(C) or a child-victim predator under R.C. 2950.091(C) to provide notice to the sexual predator or child-victim offender of the requirement to comply with the SORN Law registration requirements. This provision of the bill is consistent with above-discussed changes made by the bill. (R.C. 2950.03(A)(4).)

Adjudication under R.C. 2950.09(C) and 2950.091(C) as a sexual predator or child-victim predator

Sexually oriented offenders subject to R.C. 2950.09(C)

Under continuing law, unaffected by the bill, the court that sentenced the offender must conduct a hearing to determine whether the offender is a sexual predator if both of the following factors are met (R.C. 2950.09(C)(1) and (2)--not in the bill):

(1) A person (a) was convicted of or pleaded guilty to a sexually oriented offense that is not a registration-exempt sexually oriented offense prior to January 1, 1997, (b) was not sentenced for the offense on or after January 1, 1997, and (c) on or after January 1, 1997, is serving a term of imprisonment in a state correctional institution.

(2) The Department of Rehabilitation and Correction (DRC) notifies the court of either of the following:

(a) The sexually oriented offense was either (i) aggravated murder, murder, involuntary manslaughter that is the proximate result of the offender's committing or attempting to commit a felony, felonious assault, or kidnapping that was committed with a sexual motivation or (ii) a violent sex offense.

(b) If paragraph (a), above, does not apply, DRC recommends that the offender should be adjudicated a sexual predator.

Child-victim oriented offenders subject to R.C. 2950.091(C)

Under continuing law, unaffected by the bill, the court that sentenced the offender must conduct a hearing to determine whether the offender is a child-victim predator if both of the following conditions are met (R.C. 2950.091(C)(1) and (2)--not in the bill):

(1) If (a) a person was convicted of or pleaded guilty to a sexually oriented offense prior to July 31, 2003, (b) on and after July 31, 2003, the sexually oriented offense no longer is considered a sexually oriented offense but instead is a child-victim oriented offense, (c) the person was not sentenced for the offense on or after January 1, 1997, and (d) on or after July 31, 2003, the offender is serving a term of imprisonment in a state correctional institution.

(2) DRC recommends the person be adjudicated a child-victim predator.

Overview of the adjudication process under R.C. 2950.09(C) and 2950.091(C)

If a court is required by R.C. 2950.09(C) or 2950.091(C) to hold a sexual predator or child-victim predator adjudication hearing, the hearing may be held either subsequent to the offender's release from imprisonment or at any time within one year following the offender's release from imprisonment (R.C. 2950.09(C)(2)(a) and 2950.091(C)(2)(a)). At such a hearing, the offender and the prosecutor have an opportunity to testify, present evidence, call and examine witnesses and expert witnesses, and cross-examine witnesses and expert witnesses regarding the determination of whether the offender is a sexual predator or child-victim predator. The offender has the right to be represented by counsel and, if indigent, the right to have appointed counsel.

In making the determination of whether an offender is a sexual predator or child-victim predator, the judge must consider all relevant factors including all of the following (R.C. 2950.09(C)(2)(c) and 2950.091(C)(2)(c)):

(a) The offender's age;

(b) The offender's prior criminal or delinquency record regarding all offenses including sexual offenses (or child-victim offenses for a child-victim predator determination);

(c) The age of the victim of the sexually oriented offense (or child-victim offense for a child-victim predator determination) for which sentence is to be imposed;

(d) Whether the sexually oriented offense (or child-victim offense for a child-victim predator determination) for which sentence is to be imposed involved multiple victims;

(e) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense (or child-victim offense for a child-victim predator determination) or to prevent the victim from resisting;

(f)(i) If the offender 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 completed any sentence or dispositional order imposed for the prior offense or act, and (ii) if the prior offense or act was a sex offense or a sexually oriented offense (or child-victim offense for a child-victim predator determination), whether the offender participated in available programs for sexual offenders (or child-victim offenders for a child-victim predator determination);

(g) Any mental illness or mental disability of the offender;

(h) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense (or child-victim offense for a child-victim predator determination) 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, during the commission of the sexually oriented offense (or child-victim offense for a child-victim predator determination) for which sentence is to be imposed, displayed cruelty or made one or more threats of cruelty;

(j) Any additional behavioral characteristics that contribute to the offender's conduct.

After reviewing all of this information, the judge must determine, by clear and convincing evidence, whether the offender is a sexual predator or child-victim predator. (R.C. 2950.09(C)(2)(c) and 2950.091(C)(2)(c).)

Definitions

Sexually oriented offense

"Sexually oriented offense" means any of the following (R.C. 2950.01(D)):

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

(a) Regardless of the age of the victim, rape, sexual battery, gross sexual imposition, or importuning;

(b) Any of the following offenses involving a minor, in the circumstances specified: (i) kidnapping for the purpose of engaging in sexual activity with the victim against the victim's will, unlawful sexual conduct with a minor, sexual imposition, or voyeurism when the victim of the offense is under 18 years of age, (ii) compelling prostitution when the person compelled, induced, procured, etc. to engage in the sexual activity in question is under 18 years of age, (iii) certain violations of the offenses of pandering obscenity to a minor and pandering sexually oriented matter involving a minor, (iv) illegal use of a minor in a nudity-oriented material or performance when the offense is a felony of the second degree, (v) endangering children when the offense is committed by enticing, coercing, permitting, encouraging, compelling, hiring, employing, using, or allowing a child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, is sexually oriented matter, or is nudity-oriented matter and the child is under 18, or (vi) kidnapping for a purpose other than engaging in sexual activity with the victim against the victim's will, menacing by stalking, abduction, unlawful restraint, criminal child enticement, or the former offense of child stealing when the victim of the offense is under 18 and the offense is committed with a sexual motivation.

(c) Regardless of the age of the victim, aggravated murder, murder, involuntary manslaughter that is the proximate result of the offender's committing or attempting to commit a felony, felonious assault, or kidnapping that is committed with a sexual motivation;

(d) A sexually violent offense;

(e) Sexual imposition or voyeurism when the victim of the offense is 18 or older or menacing by stalking when the victim of the offense is 18 or older and the offense is committed with a sexual motivation;

(f) A violation of any former law of Ohio, any existing or former municipal ordinance or law of another state or the U.S., any existing or former law applicable in a military court or Indian tribal court, or any existing or former law of any foreign nation that is or was substantially equivalent to any offense listed in (1)(a) to (e), above;

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

(2) The following violations when committed by a person under 18 years of age (paragraphs 2(a) through (h) are subject to paragraph 2(i)):

(a) Regardless of the age of the victim, rape, sexual battery, gross sexual imposition, or importuning;

(b) Any of the following offenses involving a minor, in the circumstances specified: (i) kidnapping for the purpose of engaging in sexual activity with the victim against the victim's will, sexual imposition, or voyeurism when the victim of the offense is under 18 years of age, (ii) compelling prostitution when the person compelled, induced, procured, etc. to engage in the sexual activity in question is under 18 years of age, (iii) endangering children when the offense is committed by enticing, coercing, permitting, encouraging, compelling, hiring, employing, using, or allowing a child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, is sexually oriented matter, or is nudity-oriented matter and the child is under 18, or (iv) kidnapping for a purpose other than engaging in sexual activity with the victim against the victim's will, menacing by stalking, abduction, unlawful restraint, criminal child enticement, or the former offense of child stealing when the victim of the offense is under 18 and the offense is committed with a sexual motivation;

(c) Any sexually violent offense that, if committed by an adult, would be a felony of the first, second, third, or fourth degree;

(d) Aggravated murder, murder, involuntary manslaughter that is the proximate result of the offender's committing or attempting to commit a felony, felonious assault, abduction, or kidnapping or an attempt to violate any of these provisions that is committed with a sexual motivation;

(e) Certain violations of the offenses of pandering obscenity to a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance or an attempt to violate any of these provisions if the person who violates or attempts to violate the provision is four or more years older than the minor who is the victim of the violation;

(f) Sexual imposition or voyeurism when the victim of the offense is 18 or older or menacing by stalking when the victim of the offense is 18 or older and the offense is committed with a sexual motivation;

(g) A violation of any former law of Ohio, any existing or former municipal ordinance or law of another state or the U.S., any existing or former law applicable in a military court or Indian tribal court, or any existing or former law

of any foreign nation that is or was substantially equivalent to any offense listed in (1)(a) to (f), above;

(h) An attempt to commit, conspiracy to commit, or complicity in committing any offense listed in (1)(a) to (f), above.

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

Registration-exempt sexually oriented offense

"Registration-exempt sexually oriented offense," generally, means a sexually oriented offense described below, when the offense is committed by a person who previously has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing any sexually oriented offense or any child-victim oriented offense when the victim or intended victim of the offense is 18 years of age or older, and a court has not determined that the offender should be subjected to registration under the SORN Law (R.C. 2950.01(P) and (Q)):

(1) Sexual imposition, voyeurism, or menacing by stalking when the offense is committed with sexual motivation;

(2) Any violation of any former law of Ohio, any existing or former municipal ordinance or law of another state or the U.S., any existing or former law applicable in a military court or Indian tribal court, or any existing or former law of any foreign nation that is committed by a person who is 18 or older and is or was substantially equivalent to any offense listed in (1), above;

(3) Subject to paragraph (5), below, a violation of any former law of Ohio, any existing or former municipal ordinance or law of another state or the U.S., any existing or former law applicable in a military court or Indian tribal court, or any existing or former law of any foreign nation committed by a person under 18 that is or was substantially equivalent to any offense listed in (1), above, and that would be a felony of the fourth degree if committed by an adult;

(4)(a) If the person is 18 or older, any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in paragraph (1) or (2), above, or (b) if the person is under 18, any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in paragraph (1) or (3), above, subject to paragraph (5), below;

(5) Regarding an act committed by a person under 18, if the child's case has been transferred for criminal prosecution under R.C. 2152.12, the act is any offense listed in paragraph (1), (2), or (4), above.

Child-victim oriented offense

"Child-victim oriented offense" excludes all sexually oriented offenses and includes only the following offenses (R.C. 2950.01(S)):

(1) If committed by a person 18 or older when the victim of the offense is under 18 years of age and is not the child of the person who commits the offense:

(a) Kidnapping for a purpose other than engaging in sexual activity with the victim against the victim's will, abduction, unlawful restraint, criminal child enticement, or the former offense of child stealing;

(b) A violation of any former law of Ohio, any existing or former municipal ordinance or law of another state or the U.S., any existing or former law applicable in a military court or Indian tribal court, or any existing or former law of any foreign nation that is or was substantially equivalent to any offense listed in (1)(a), above;

(c) An attempt to commit, conspiracy to commit, or complicity in committing any offense listed in paragraph (1)(a) or (b), above.

(2) If committed by a person under the age of 18 when the victim of the offense is under 18 years of age and is not the child of the person who commits the offense:

(a) Subject to paragraph (2)(d), below, kidnapping for a purpose other than engaging in sexual activity with the victim against the victim's will or the former offense of child stealing;

(b) Subject to paragraph (2)(d), below, a violation of any former law of Ohio, any existing or former municipal ordinance or law of another state or the U.S., any existing or former law applicable in a military court or Indian tribal court, or any existing or former law of any foreign nation that is or was substantially equivalent to any offense listed in (2)(b), above;

(c) Subject to paragraph (2)(d), below, an attempt to commit, conspiracy to commit, or complicity in committing any offense listed in (2)(a) or (b), above;

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

Sexual predator

"Sexual predator" means a person who has either (1) been convicted of or pleaded guilty to committing a sexually oriented offense that is not a registration-exempt sexually oriented offense and is likely to engage in the future in one or more sexually oriented offenses, or (2)(a) has been adjudicated a delinquent child for committing a sexually oriented offense that is not a registration-exempt sexually oriented offense, (b) was 14 years of age or older at the time of committing the offense, (c) was classified a juvenile offender registrant based on that adjudication, and (d) is likely to engage in the future in one or more sexually oriented offenses. (R.C. 2950.01(E).)

Child-victim predator

"Child-victim predator" means a person who either (1) has been convicted of or pleaded guilty to committing a child-victim oriented offense and is likely to engage in the future in one or more child-victim oriented offenses, or (2)(a) has been adjudicated a delinquent child for committing a child-victim oriented offense, (b) was 14 years of age or older at the time of committing the offense, (c) was classified a juvenile offender registrant based on that adjudication, and (d) is likely to engage in the future in one or more child-victim oriented offenses. (R.C. 2950.01(U).)

COMMENT

1. Continuing law requires the offenders and delinquent children described in "*Persons subject to the SORN Law registration requirements,*" above, to register personally with the sheriff of the county. Generally, this registration must contain the offender's or delinquent child's: photograph, current residence address, the employer's name and address if applicable, the name and address of the school or institution of higher education that the offender attends, if applicable, and any other information required by the Bureau of Criminal Identification and Investigation. (R.C. 2950.04(C)(1) and (2) and 2950.041(C)(1) and (2).)

If an offender or delinquent child is adjudicated a sexual predator or child-victim predator relative to the sexually oriented offense or child-victim oriented offense at issue, the registration must also contain the identification license plate number of each motor vehicle the offender or delinquent child owns and of each motor vehicle registered in the offender's or delinquent child's name. Additionally, the registration must contain a specific declaration if an offender or delinquent child is adjudicated a sexual predator or child-victim predator, determined to be an habitual offender, or convicted of or pleaded guilty to an

aggravated sexually oriented offense relative to the sexually oriented offense or child-victim oriented offense at issue. (R.C. 2950.04(C)(3) and 2950.041(C)(3).)

An offender's duty to register generally lasts for 10 years. However, if an offender is adjudicated a sexual predator or a child-victim predator the offender, generally, has a lifetime duty to report. (R.C. 2950.07(B).)

2. In *State v. Taylor*, 100 Ohio St.3d 172, the Ohio Supreme Court held that an individual adjudicated a sexual predator after a release from a prison term for an offense other than the offense for which the offender is adjudicated a sexual predator has no duty to register as a sexual predator under R.C. 2950.04 if the individual does not fit the categories of offenders under R.C. 2950.04(A)(1) who are required to register. In *State v. Taylor*, the appellees were separately convicted of sex crimes in the 1970s. After release from confinement for the sexually oriented offenses, they were later convicted of nonsexual offenses and sent to prison for the nonsexual offenses. After one appellee was released in 2000 and while the other appellee was still incarcerated, the trial court held a hearing and determined that the appellee was required to register as a sexual predator. Later, the second trial court determined that the other appellee was a sexual predator and was to register as such. On appeal, the appellate courts overruled the trial courts. The Ohio Supreme Court, affirming the appellate court, held that the appellees were not required to register as sexual predators because the appellees did not plainly fit any of the R.C. 2950.04(A)(1) categories.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	12-23-03	p. 1343

h0360-i-125.doc/kl