



H.B. 524

125th General Assembly
(As Introduced)

Rep. DeGeeter

BILL SUMMARY

- Establishes a criminal penalty for violating the statute that prohibits certain sex offenders from living within 1,000 feet of school premises.

CONTENT AND OPERATION

Criminal penalty for sex offender living within 1,000 feet of school premises

Current law prohibits any person who has been convicted of or pleaded guilty to a sexually oriented offense that is not registration-exempt sexually oriented offense or a child-victim oriented offense from establishing a residence or occupying residential premises within 1,000 feet of any school premises (see "**Background**," below) (R.C. 2950.031(A)). Current law authorizes an owner or lessee of real property that is located within 1,000 feet of any school premises to enforce the residency prohibition by bringing an action for an injunction against the person who violates the residency prohibition. The owner or lessee who brings the action does not have to prove irreparable harm, which is usually a prerequisite to obtaining an injunction. However, under current law, there is no criminal penalty for violating the residency prohibition. (R.C. 2950.031(B).)

The bill makes a violation of the residency prohibition in R.C. 2950.031(A) a felony of the fifth degree (R.C. 2950.99(D)).

Background

The Sex Offender Registration and Notification Law, contained in R.C. Chapter 2950., generally requires an offender who is convicted of or pleads guilty to a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense to register his or her name, residence address, and educational institution or place of employment address with the sheriff of the offender's county of residence or temporary domicile or the sheriff where the educational institution or place of employment is located. A sexually

oriented offense includes any of certain sex offenses, certain offenses committed against a minor, or certain violent offenses committed with a sexual motivation, a sexually violent offense, or an attempt to commit, conspiracy to commit, or complicity in committing any such offense. A child-victim oriented offense is any of certain sexual offenses that are not sexually violent offenses and that are committed against a person under 18 years of age. (R.C. 2950.01(D) and (S) and 2950.04.)

"Residential premises" means the building in which a residential unit is located and the grounds upon which that building stands, extending to the perimeter of the property. "Residential premises" includes any type of structure in which a residential unit is located, including, but not limited to, multi-unit buildings and mobile and manufactured homes. (R.C. 2950.01(W).)

"Residential unit" means a dwelling unit for residential use and occupancy, and includes the structure or part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or two or more persons who maintain a common household. "Residential unit" does not include a halfway house or a community-based correctional facility. (R.C. 2950.01(X).)

"School premises" means the parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed or any other parcel of real property that is owned or leased by a board of education of a school or the governing body of a school for which the State Board of Education prescribes minimum standards under R.C. 3301.07 and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed (R.C. 2950.01(R) by reference to R.C. 2925.01(R)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	07-08-04	p. 2136

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