



**H.B. 656**

126th General Assembly  
(As Introduced)

**Reps. Schaffer, Combs, Law, Hughes, C. Evans, Taylor, Cassell, Trakas,  
D. White, Setzer, Yuko, J. McGregor, Fende, Collier, Fessler, Wagoner**

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**BILL SUMMARY**

- Generally increases the penalties when a person who is subject to the SORN Law's registration, notice of intent to reside, change of address notification, or address verification provisions fails to comply with those provisions, as described in the following dot points.
- If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is aggravated murder, murder, or a felony of the first, second, third, or fourth degree if committed by an adult or a comparable category of offense committed in another jurisdiction, provides that an offender is guilty of a felony of the same degree as the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address, or address verification requirement.
- If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is a felony of the fifth degree or a misdemeanor if committed by an adult or a comparable category of offense committed in another jurisdiction, provides that an offender is guilty of a felony of the fourth degree.
- If the offender previously has been convicted of or pleaded guilty to, or previously has been adjudicated a delinquent child for committing, a violation of a prohibition in R.C. 2950.04, 2950.041, 2950.05, or 2950.06 and the most serious sexually oriented offense or child-victim oriented

offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is aggravated murder, murder, or a felony of the first, second, or third degree if committed by an adult or a comparable category of offense committed in another jurisdiction, provides that the offender is guilty of a felony of the same degree as the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address, or address verification requirement that was violated under the prohibition.

- If the offender previously has been convicted of or pleaded guilty to, or previously has been adjudicated a delinquent child for committing, a violation of a prohibition in R.C. 2950.04, 2950.041, 2950.05, or 2950.06 and the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is a felony of the fourth or fifth degree or a misdemeanor if committed by an adult or a comparable category of offense committed in another jurisdiction, provides that the offender is guilty of a felony of the third degree.
- In addition to any penalty or sanction imposed upon an offender as described in the preceding dot points, requires a court imposing sentence upon an offender who has previously been convicted of or pleaded guilty to, or previously has been adjudicated delinquent for committing a violation of R.C. 2950.04, 2950.041, 2950.05, or 2950.06 to impose a definite prison term of not less than three years upon the offender.

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## **CONTENT AND OPERATION**

### **Penalties for violating the Sex Offender Registration Law**

The Sex Offender Registration and Notification Law ("SORN Law") requires persons who are subject to its requirements to register with specified county sheriffs, to provide notice of an intent to reside (R.C. 2950.04 and 2950.041, not in the bill), to provide notice of a change of address (R.C. 2950.05, not in the bill) and to periodically verify the person's current address (R.C. 2950.06, not in the bill). If an adult offender fails to comply with one of these requirements, the person must be punished under current law and as amended by

the bill, as described in the following tables. (R.C. 2950.99(A)(1).) (See **COMMENT 1** and **2** for applicable definitions.)

<b>Most serious underlying offense<sup>1</sup></b>	<b>Penalty under current law</b>	<b>Penalty under the bill</b>
Aggravated murder or a comparable category of offense committed in another jurisdiction	F3	Felony of the same degree as the most serious underlying offense
Murder or a comparable category of offense committed in another jurisdiction	F3	Felony of the same degree as the most serious underlying offense
F1 or a comparable category of offense committed in another jurisdiction	F3	Felony of the same degree as the most serious underlying offense
F2 or a comparable category of offense committed in another jurisdiction	F3	Felony of the same degree as the most serious underlying offense
F3 or a comparable category of offense committed in another jurisdiction	F3	Felony of the same degree as the most serious underlying offense
F4 or a comparable category of offense committed in another jurisdiction	Felony of the same degree as the most serious underlying offense	Felony of the same degree as the most serious underlying offense
F5 or a comparable category of offense committed in another jurisdiction	Felony of the same degree as the most serious underlying offense	F4
Misdemeanor or a comparable category of offense committed in another jurisdiction	Misdemeanor of the same degree as the most serious underlying offense	F4

If the offender has previously been convicted of or pleaded guilty to, or previously has been adjudicated a delinquent child for committing, a violation of a

<sup>1</sup> As used in these tables, "most serious underlying offense" means the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated.

prohibition in R.C. 2950.04, 2950.041, 2950.05, or 2950.06, an adult offender who violates one of these provisions must be punished as follows (R.C. 2950.99(A)(1)(b)):

<b>Most serious underlying offense</b>	<b>Penalty under current law</b>	<b>Penalty under the bill</b>
Aggravated murder or a comparable category of offense committed in another jurisdiction	F3	Felony of the same degree as the most serious underlying offense
Murder or a comparable category of offense committed in another jurisdiction	F3	Felony of the same degree as the most serious underlying offense
F1 or a comparable category of offense committed in another jurisdiction	F3	Felony of the same degree as the most serious underlying offense
F2 or a comparable category of offense committed in another jurisdiction	F3	Felony of the same degree as the most serious underlying offense
F3 or a comparable category of offense committed in another jurisdiction	F3	Felony of the same degree as the most serious underlying offense
F4 or a comparable category of offense committed in another jurisdiction	F3	F3
F5 or a comparable category of offense committed in another jurisdiction	F4	F3
M1 or a comparable category of offense committed in another jurisdiction	F5	F3
Other misdemeanor or a comparable category of offense committed in another jurisdiction	Misdemeanor that is one degree higher than the most serious underlying offense	F3

### **Additional penalty**

In addition to any penalty or sanction described in the preceding paragraphs that is imposed on an offender, the bill also requires a court imposing sentence upon an offender who has previously been convicted of or pleaded guilty to, or previously has been adjudicated delinquent for committing a violation of R.C. 2950.04, 2950.041, 2950.05, or 2950.06 to impose a definite prison term of not less than three years upon the offender. The definite prison term is not restricted by R.C. 2929.14(B) (the provision of the Felony Sentencing Law that generally requires a court to impose the shortest prison term on the offender unless certain findings are made)<sup>2</sup> and cannot be reduced to less than three years pursuant to R.C. Chapter 2967. or any other provision of the Revised Code. (R.C. 2950.99(A)(2)(b).)

The bill makes no change to a provision of current law that specifies that a violation of the registration, intent to reside notification, change of address notification, or address verification constitutes a violation of the terms and conditions of any community control sanction, parole, post-release control sanction, or other type of supervised release to which the offender is subject (R.C. 2950.99(A)(2)(a)).

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## **COMMENT**

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

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

(a) Regardless of the age of the victim of the offense, a violation of R.C. 2907.02, 2907.03, 2907.05, or 2907.07;

(b) Any of the following offenses involving a minor, in the circumstances specified:

(i) A violation of R.C. 2905.01(A)(4) or R.C. 2907.04, 2907.06, or 2907.08, when the victim of the offense is under 18 years of age;

(ii) A violation of R.C. 2907.21 when the person who is compelled, induced, procured, encouraged, solicited, requested, or facilitated to engage in,

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<sup>2</sup> *The Ohio Supreme Court in State v. Foster (2006), 109 Ohio St.3d 1, found this provision unconstitutional.*

paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under 18 years of age;

(iii) A violation of R.C. 2907.321(A)(1) or (3) or 2907.322(A)(1) or (3);

(iv) A violation of R.C. 2907.323(A)(1) or (2);

(v) A violation of R.C. 2919.22(B)(5) when the child who is involved in the offense is under 18 years of age;

(vi) A violation of R.C. 2905.01(A)(1), (2), (3), or (5), of R.C. 2903.211, 2905.02, 2905.03, or 2905.05, or of former R.C. 2905.04, when the victim of the offense is under 18 years of age and the offense is committed with a sexual motivation.

(c) Regardless of the age of the victim of the offense, a violation of R.C. 2903.01, 2903.02, 2903.11, or 2905.01 or R.C. 2903.04(A), that is committed with a sexual motivation;

(d) A violent sex offense, or a designated homicide, assault, or kidnapping offense if the offender also was convicted of or pleaded guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the designated homicide, assault, or kidnapping offense;

(e) A violation of R.C. 2907.06 or 2907.08 when the victim of the offense is 18 years of age or older, or a violation of R.C. 2903.211 when the victim of the offense is 18 years of age or older and the offense is committed with a sexual motivation;

(f) A violation of any former law of this state, 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 (1)(a), (b), (c), (d), or (e) above;

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

(2) An act committed by a person under 18 years of age that is any of the following:

(a) Subject to paragraph (2)(i) below, regardless of the age of the victim of the violation, a violation of R.C. 2907.02, 2907.03, 2907.05, or 2907.07;



(b) Subject to paragraph (2)(i) below, any of the following acts involving a minor in the circumstances specified:

(i) A violation of R.C. 2905.01(A)(4) or R.C. 2907.06 or 2907.08 when the victim of the violation is under 18 years of age;

(ii) A violation of R.C. 2907.21 when the person who is compelled, induced, procured, encouraged, solicited, requested, or facilitated to engage in, paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under 18 years of age;

(iii) A violation of R.C. 2919.22(B)(5) when the child who is involved in the violation is under 18 years of age;

(iv) A violation of R.C. 2905.01(A)(1), (2), (3), or (5), R.C. 2903.211, or former R.C. 2905.04, when the victim of the violation is under 18 years of age and the offense is committed with a sexual motivation.

(c) Subject to paragraph (2)(i) below, any of the following:

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

(ii) Any designated homicide, assault, or kidnapping offense if that offense, if committed by an adult, would be a felony of the first, second, third, or fourth degree and if the court determined that, if the child was an adult, the child would be guilty of a sexual motivation specification regarding that offense.

(d) Subject to paragraph (2)(i) below, a violation of R.C. 2903.01, 2903.02, 2903.11, 2905.01, or 2905.02, a violation of R.C. 2903.04(A), or an attempt to violate any of those sections or that division that is committed with a sexual motivation;

(e) Subject to paragraph (2)(i) below, a violation of R.C. 2907.321(A)(1) or (3), R.C. 2907.322(A)(1) or (3), or R.C. 2907.323(A)(1) or (2), or an attempt to violate any of those divisions, if the person who violates or attempts to violate the division is four or more years older than the minor who is the victim of the violation;

(f) Subject to paragraph (2)(i) below, a violation of R.C. 2907.06 or 2907.08 when the victim of the violation is 18 years of age or older, or a violation of R.C. 2903.211 when the victim of the violation is 18 years of age or older and the offense is committed with a sexual motivation;

(g) Subject to paragraph (2)(i) below, any violation of any former law of this state, 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 (2)(a), (b), (c), (d), (e), or (f) above and that, if committed by an adult, would be a felony of the first, second, third, or fourth degree;

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

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

"Child-victim oriented offense" means any of the following:

(1)(a) Subject to paragraph (2) below, any of the following violations or offenses committed by a person 18 years of age or older, when the victim of the violation is under 18 years of age and is not a child of the person who commits the violation:

(i) A violation of R.C. 2905.01(A)(1), (2), (3), or (5), R.C. 2905.02, 2905.03, or 2905.05, or former R.C. 2905.04;

(ii) A violation of any former law of this state, 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 (1)(a)(i) above;

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

(b) Subject to paragraph (2) below, an act committed by a person under 18 years of age that is any of the following, when the victim of the violation is under 18 years of age and is not a child of the person who commits the violation:

(i) Subject to paragraph (1)(b)(iv), a violation of R.C. 2905.01(A)(1), (2), (3), or (5) or of former R.C. 2905.04;

(ii) Subject to paragraph (1)(b)(iv) below, any violation of any former law of this state, 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 (1)(b)(i) above and that, if committed by an adult, would be a felony of the first, second, third, or fourth degree;

(iii) Subject to paragraph (1)(b)(iv) below, any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in paragraph (1)(b)(i) or (ii) above;

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

(2) "Child-victim oriented offense" does not include any offense identified in paragraph (1)(a) or (b) above that is a sexually violent offense. An offense identified in paragraph (1)(a) or (b) above that is a sexually violent offense is within the definition of a sexually oriented offense.

2. "Comparable category of offense committed in another jurisdiction," as amended by the bill, means a sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated, that is a violation of an existing or former law of another state or the United States, an existing or former law applicable in a military court or in an Indian tribal court, or an existing or former law of any nation other than the United States, and that, if it had been committed in this state, would constitute or would have constituted aggravated murder, murder, or a felony of the first, second, third, or fourth degree for purposes of R.C. 2950.99(A)(1)(a)(i), a felony of the fifth degree or a misdemeanor for purposes of R.C. 2950.99(A)(1)(a)(ii), aggravated murder, murder, or a felony of the first, second, or third degree for purposes of R.C. 2950.99(A)(1)(b)(i), a felony of the fourth or fifth degree or a misdemeanor for purposes of R.C. 2950.99(A)(1)(b)(ii) (R.C. 2950.99(A)(3)).

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## HISTORY

ACTION	DATE
Introduced	09-14-06

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