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ACT SUMMARY

- Defines a "public registry-qualified juvenile offender registrant" as meaning a delinquent child upon whom a juvenile court has imposed a serious youthful offender designation and to whom all of the following apply: (1) the person is adjudicated a delinquent child for committing, attempting to commit, conspiracy to commit, or complicity in committing rape, sexual battery if the victim was less than 12 years of age, or the act's new gross sexual imposition violation (discussed below), (2) the person was 14, 15, 16, or 17 at the time of the act, and (3) a juvenile court judge classifies the person as a juvenile offender registrant, specifies that the person has a duty to comply with the Sex Offender Registration and Notification Law (SORN Law), and classifies the person as a public registry-qualified juvenile offender registrant and that classification has not been terminated. (R.C. 2950.01(N).)
- Requires offenders and delinquent children required to register under the SORN Law to register immediately after a sentencing or dispositional hearing held on or after January 1, 2008, requires an offender or child to

register a residence address not later than three days after coming into a county to reside or be temporarily domiciled for more than three days, and removes the restrictions against the registration duties applying to "registration-exempt sexually oriented offenses." (R.C. 2950.04(A)(1) and 2950.041(A)(1).)

- Requires Ohio resident offenders and public registry-qualified juvenile offender registrants who are required to register under the SORN Law to register in the county of employment if the offender or public registry-qualified juvenile offender registrant has been employed in that county for more than 3 days or for an aggregate period of 14 or more days in that calendar year and requires such offenders and public registry-qualified juvenile offender registrants who are not Ohio residents to register if the offender or registrant has been employed at any location in Ohio within those time periods. (R.C. 2950.04(A)(2) and (3)(b) and 2950.041(A)(2).)
- Requires offenders and public registry-qualified juvenile offender registrants to register in another state upon being employed in that other state for more than 3 days or for an aggregate period of 14 or more days in that calendar year. (R.C. 2950.04(A)(2) and (3)(b) and 2950.041(A)(2).)
- Requires public registry-qualified juvenile offender registrants (in the same manner as offenders) to register immediately upon coming into a county in which the registrant attends a school or institution of higher education (R.C. 2950.04(A)(3)(b)).
- Expands the required content of a SORN Law registration form to additionally require the form to include: (1) any aliases used by the offender or delinquent child, (2) the offender's or child's Social Security number and date of birth, including any alternate Social Security numbers or dates of birth used by the offender or child, (3) if applicable, a statement that the offender or child is serving a term of confinement or is confined in a secure facility, (4) the name of the school, institution of higher education, or place of employment the address of which the offender or public registry-qualified juvenile offender registrant is registering, (5) the license plate number issued by Ohio or any other state of each vehicle the offender or child owns, has registered, operates as a part of employment, or regularly has available to operate, a description of where each vehicle is habitually parked, stored, docked, or otherwise kept and, if required by BCII, a photograph of each of those vehicles, (6)

the number of the offender's or child's driver's or commercial driver's license or permit or state identification card issued by Ohio or any other state, (7) if the offense resulting in the registration duty was committed in another jurisdiction, a DNA specimen from the offender or child, a citation for and the name of the offense resulting in the duty, and a certified copy of a document describing the text of that offense, (8) any other employment information, such as the general area where the offender or child is employed, (9) copies of travel and immigration documents, (10) a description of each professional and occupational license, permit, or registration held by the offender or child, and (11) any e-mail addresses, internet identifiers, or telephone numbers registered to or used by the offender or child. (R.C. 2950.04(B) and (C) and 2950.041(B) and (C).)

- Requires the Department of Rehabilitation and Correction (DRC), the Adult Parole Authority, and the Department of Youth Services (DYS), by January 1, 2008, to adopt rules to require parole officers to verify within three days of an offender's release that the offender or delinquent child has registered under the SORN Law. (R.C. 2950.042.)
- Changes some of the time frames within which a registered offender or public registry-qualified juvenile offender registrant must comply with the SORN Law's change of address provisions to: (1) require an offender or public registry-qualified juvenile offender registrant to provide written notice of a change of a registered place of employment address not later than three days after the change, (2) require an offender or public registry-qualified juvenile offender registrant to register a new place of employment address not later than three days after the change, and (3) specify that a notice of a change of address of a school, institution of higher education, or placement of employment must include the name of the new school, institution of higher education, or place of employment. (R.C. 2950.05(A) and (B).)
- Requires an offender or public registry-qualified juvenile offender registrant who is required to register under the SORN Law to provide written notice, within three days, of any change in vehicle information, e-mail addresses, internet identifiers, or telephone numbers registered to or used by the offender or registrant and requires the sheriff who receives this information to promptly forward the information to BCII. (R.C. 2950.05(D) and (E)(1).)

- Defines the new SORN Law terms "tier I sex offender/child-victim offender," "tier II sex offender/child-victim offender," and "tier III sex offender/child-victim offender" in such a manner that an offender or delinquent child who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense automatically is included within one of those categories for purposes of that Law based on the offense that was committed, without the need for any additional hearing or proceeding. (R.C. 2750.01(E), (F), and (G).)
- Permits the Attorney General to inspect sealed records for the purpose of determining an offender's or juvenile offender registrant's tier classification. (R.C. 2151.357 and 2953.35.)
- Changes the frequency with which a registered offender or delinquent child must verify the registered address to: (1) require an offender or child who is a tier I sex offender/child-victim offender to verify a registered address on each anniversary of the initial registration date, (2) require a tier II sex offender/child-victim offender to verify a registered address every 180 days after the initial registration date, and (3) require a tier III sex offender/child-victim offender to verify a registered address every 90 days after the initial registration date. (R.C. 2950.06(B).)
- Provides a transition period that specifies when an offender or child who has registered under existing law initially must register under the act's provisions. (R.C. 2950.07(A)(7).)
- Provides that an offender's duties under the SORN Law continue for the following periods of time: (1) until the offender's death if the offender is a tier III sex offender/child-victim offender, (2) for 25 years if the offender is a tier II sex offender/child-victim offender, or (3) for 15 years (subject to possible removal of the duties by a judge) if the offender is a tier I sex offender/child-victim offender. (R.C. 2950.07(B).)
- Specifies that the duties of a delinquent child who is subject to the SORN Law continue for the following periods: (1) until the child's death if the delinquent child is a tier III sex offender/child-victim offender or a public registry-qualified juvenile offender registrant (subject to possible reclassification as a tier II or tier I sex offender/child-victim offender if the child is not a public registry-qualified juvenile offender registrant), (2) 20 years if the delinquent child is a tier II sex offender/child-victim

offender (subject to possible reclassification as a tier I sex offender/child-victim offender if the child is not a public registry-qualified juvenile offender registrant), or (3) ten years if the delinquent child is a tier I sex offender/child-victim offender (subject to possible termination if the child is not a public registry-qualified juvenile offender registrant). (R.C. 2950.07(B).)

- Provides that if an offender or delinquent child had a duty to register under the SORN Law prior to January 1, 2008, the registration period of time described in the previous dot point applies to that offender or delinquent child and automatically replaces the period of time for which the offender or delinquent child had a duty to register prior to January 1, 2008. (R.C. 2950.07(C).)
- Conforms the existing SORN Law's provisions regarding notice to an offender or delinquent child of the offender's or child's duties under that Law to the changes described above. (R.C. 2950.03.)
- Applies the amended SORN Law and the new offense tiers it enacts to offenders and delinquent children who previously have registered under the SORN Law and to offenders and juvenile offender registrants who committed a sexually oriented offense or a child-victim oriented offense and will be confined on or after December 1, 2007, requires those offenders and children to be notified by a specified official of their duties and new tier classification under the amended SORN Law (generally, as determined by the Attorney General (AG)), and, in most cases, gives them a right to a court hearing to contest the application of the amended SORN Law to them. (R.C. 2950.031 and 2950.032.)
- Provides that if, on or before July 1, 2007, an offender or delinquent child has a duty to comply with the SORN Law and the offender's or child's duty to comply with that Law is scheduled to terminate on or after July 1, 2007, and prior to January 1, 2008, under the current version of that Law, notwithstanding that scheduled termination of that duty, the offender's or child's duty to comply with the SORN Law does not terminate as scheduled and remains in effect for the following period of time: (1) if the offender or child requests a hearing to contest his or her reclassification described in the preceding dot point, the duty continues at least until the court issues its decision on the request at or subsequent to the hearing and, unless the court's decision terminates the duty or provides a different duration for the duty, it continues subsequent to the



decision in accordance with, and for the duration specified in, the reclassification notice, (2) if the offender or child does not request a hearing to contest his or her reclassification, the duty continues in accordance with, and for the duration specified in, the reclassification notice, or (3) if the offender or child does not receive a reclassification notice that is required under the act, notwithstanding the failure of the offender or child to receive the notice, the offender's or child's duty to comply with the SORN Law continues in accordance with, and for the duration specified in, the SORN Law as it exists under the act's changes. (R.C. 2950.033.)

- Specifies that the provisions described in the previous dot point only apply to a delinquent child if the person is adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense prior to January 1, 2008, and who, under the version of the SORN Law that is scheduled to take effect on that date, will be a public registry-qualified juvenile offender registrant. (R.C. 2950.033(C).)
- Authorizes a court, upon the request of an offender who is a tier I sex offender/child-victim offender or a child who is a public registry-qualified juvenile offender registrant, upon the expiration of a specified period of time and the making of specified findings, to terminate the offender's or child's duty to comply with the SORN Law's requirements. (R.C. 2950.15.)
- Modifies the categories of offenders and delinquent children who are subject to the SORN Law's victim notification and community notification provisions so that, except as provided in the next dot point, the provisions apply regardless of when the offense in question was committed regarding: (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 the child's duty to comply with the SORN Law has not been removed by a juvenile judge, (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 prior to the act's effective date is subjected to the notification provisions and the child's duty to comply with the SORN Law has not been removed by a juvenile judge, 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 the act's effective date, the court imposed a requirement subjecting the delinquent child to the notification provisions, and the child's duty to comply with the SORN Law has not been removed by a juvenile judge. (R.C. 2950.10(B) and 2950.11(F)(1).)

- Specifies that the community notification provisions (but not the victim notification provisions) described in the preceding dot point do not apply to an offender or delinquent child if a court finds at a hearing, after considering specified factors, that the notification provisions do not apply. (R.C. 2950.11(F)(2).)
- Expands the SORN Law's community notification provisions to additionally (1) require a sheriff to provide notification of the registration of an offender or delinquent child who is subject to community notification under the SORN Law as described in the previous two dot points to volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, company, or individual who requests notification, (2) require each sheriff to allow a volunteer organization or other organization, company, or individual who wishes to receive such a notice regarding a specific offender or delinquent child or all offenders or delinquent children located in the notification area to notify the sheriff by electronic mail or through the sheriff's web site of this election, (3) require the AG to maintain a list of the requests, and (4) provide a qualified immunity to persons who request and receive the notification. (R.C. 2950.11(A)(10) and (J), 2950.12(A)(8), and 2950.13(A)(14).)
- Expands the SORN Law's community notification provisions to also require the sheriff to provide notification of a public registry-qualified juvenile offender registrant's school, institution of higher education, or place of employment address or addresses. (R.C. 2950.11(B)(2).)
- Requires the AG to include in the State Registry of Sex Offenders and Child-Victim Offenders any notice of an order issued under the act that terminates or modifies an offender's or delinquent child's duty to comply with the SORN Law and, for each offender or delinquent child who is listed in the Registry: (1) a citation for, the name of, and the text (at the time of commission) of all of the person's sexually oriented offenses or child-victim oriented offenses that resulted in a registration duty and the date on which they were committed, (2) a statement as to whether the person is 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 the offense described in clause (1), (3) the community supervision status of the person, (4) the offense and delinquency history of the person, (5) to the extent applicable and available, the BCII tracking number assigned to the person, the FBI number assigned to the person, and any other state identification number assigned to the person, (6) fingerprints and palmprints of the person, (7) a DNA specimen from the person, (8) whether the person has any outstanding arrest warrants, and (9) whether the person is in compliance with SORN Law duties. (R.C. 2950.13(A)(1).)

- States that the State Registry of Sex Offenders and Child-victim Offenders is not open to inspection by the public or any person other than a specified law enforcement officer, BCII employee, or the Registrar or employee of the Registrar of Motor Vehicles. (R.C. 2950.13(A)(1).)
- Expands the scope of the Internet Sex Offender and Child-Victim Offender Database to also contain information and material regarding public registry-qualified juvenile offender registrants. (R.C. 2950.13(A)(11).)
- Specifies that the Internet Database cannot include a victim's identity, any offender's or public registry-qualified juvenile offender registrant's Social Security number, the name of any school or institution of higher education attended by, or of the place of employment of, the offender or public registry-qualified juvenile offender registrant, any tracking or identification number assigned to the offender or registrant, or the offender's or public registry-qualified juvenile offender registrant's driver's or commercial driver's license or permit number or state identification card number issued by Ohio or another state. (R.C. 2950.13(A)(11).)
- Requires the Internet Database to include the following information relative to an offender or public registry-qualified juvenile offender registrant: (1) a citation for, the name of, and the text (at the time of commission) of all of a person's sexually oriented offenses or child-victim oriented offenses that resulted in a registration duty and the date on which they were committed, (2) a statement as to whether the person is a tier I, II, or III sex offender/child-victim offender for the offenses described in clause (1), (3) community supervision status, (4) the registered address of a school, institution of higher education, or place of

employment, (5) the license plate number of each vehicle a registered offender or public registry-qualified juvenile offender registrant owns, has registered, operates as a part of employment, or regularly has available to operate, a description of where each vehicle is habitually parked, stored, docked, or otherwise kept, and, if required by BCII, a photograph of each of those vehicles, (6) a chart describing which sexually oriented offenses or child-victim oriented offenses are included in the definitions of tier I sex offenders/child-victim offenders, tier II sex offenders/child-victim offenders, and tier III sex offenders/child-victim offenders, (7) fingerprints and palmprints, and a DNA specimen, (8) the offender's or public registry-qualified juvenile offender registrant's name and photograph, (9) any outstanding arrest warrants, and (10) SORN Law compliance status. (R.C. 2950.13(A)(11).)

- Requires the AG to develop software for sheriffs to establish on the Internet a sex offender and child-victim offender database for the public dissemination of information and materials that are public records, are not otherwise prohibited from inclusion, and pertain to registered offenders and public registry-qualified juvenile offender registrants. (R.C. 2950.13(A)(12).)
- Expands the information that the AG must include on the Internet database the AG operates that enables local law enforcement representatives to remotely search by electronic means the State Registry of Sex Offenders and Child-victim Offenders to also include all of the information and materials the act requires to be on the State Registry and must include a registered offender's or delinquent child's aliases, name and address of any place of employment, school, institution of higher education, and license plate number of each vehicle the offender or child operates as part of employment or regularly has available for his or her operation. (R.C. 2950.13(A)(13).)
- Requires the AG to establish and operate a system for the immediate electronic notice of appropriate officials in other states when an offender or delinquent child required to register in the other state registers an address in Ohio or provides a notice in Ohio of a change of address. (R.C. 2950.13(A)(15).)
- Provides that if on or after the effective date of the act, the U.S. Attorney General adopts any regulation, guideline, or standard that interprets or applies the Adam Walsh Act to require additional sex offender

- registration and notification than otherwise required by the SORN Law, as amended by the act, or notifies Ohio's AG that the act is not in substantial compliance with the Adam Walsh Act, the AG is required to adopt rules to require additional sex offender registration or notification so that Ohio's SORN Law requirements are consistent with, and not less stringent than, the Adam Walsh Act. (R.C. 2950.131.)
- Requires a sheriff who establishes an Internet sex offender and child-victim offender database to include in the Internet database a chart describing which offenses are included in the definitions of tier I, II, and III sex offenders/child-victim offenders and a statement identifying the tier in which each registered offender or child is classified. (R.C. 2950.081.)
 - Requires DRC, prior to releasing an offender who was convicted of or pleaded guilty to a sexually oriented offense or child-victim oriented offense, and DYS, prior to releasing a juvenile offender registrant, to provide BCII a physical description of the person and the terms and conditions of release. (R.C. 2950.14(B).)
 - Requires DRC and DYS, by July 1, 2008, to adopt rules pertaining to the certification of sex offender treatment programs, which rules must require the Departments to maintain a list of certified programs that is open to public inspection. (R.C. 2950.16.)
 - Specifies that, if a juvenile court judge classifies a delinquent child a juvenile offender registrant for purposes of the SORN Law and if the delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the judge may impose a requirement subjecting the child to the SORN Law's victim and community notification provisions. (R.C. 2152.82(B) and 2152.83(C)(2).)
 - Enacts a mechanism pursuant to which a juvenile court that classifies a delinquent child a juvenile offender registrant determines in a hearing the tier classification of the child unless the court is required to classify the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant. (R.C. 2152.831.)
 - Unless a juvenile offender registrant is a public registry-qualified juvenile offender registrant, retains the authority of a juvenile court to

determine that the child no longer is a juvenile offender registrant (i.e., declassify the child), and grants a juvenile court the authority to determine that a child whom the court previously has classified in a particular tier no longer is in that category. (R.C. 2152.84 and 2152.85.)

- Requires a juvenile court that adjudicates a child a delinquent child for committing a sexually oriented offense to classify the child a juvenile offender registrant, specify that the child has a duty to comply with the SORN Law, and classify the child a public registry-qualified juvenile offender registrant if the child is one described in the first dot point. (R.C. 2152.86.)
- Requires a court to reclassify a previously classified juvenile offender registrant as a public-registry qualified juvenile offender registrant if the child is one described in the first dot point and generally permits a child whose delinquent act was committed prior to January 1, 2008, to request a hearing to contest the reclassification. (R.C. 2152.86(A)(3) and (D).)
- Prohibits a person who is or has been convicted of or pleaded guilty to a sexually oriented offense or child-victim oriented offense from living within 1,000 feet of preschool or child day-care center premises in the same manner as such a person is prohibited under current law from living within 1,000 feet of school premises. (R.C. 2950.034.)
- Permits a landlord to terminate the rental agreement of, and to evict, a tenant who violates the prohibition against living within 1,000 feet of any preschool premises or child day-care center premises in the same manner as is provided under current law for the prohibition against residing within 1,000 feet of any school premises. (R.C. 1923.02.)
- If a person violates the prohibition against living within 1,000 feet of preschool or child day-care center premises, permits an owner or lessee of real property located within 1,000 feet of those premises or the appropriate chief legal officer of the county, municipal corporation, or township in which those premises are located to bring an action for injunctive relief against the person. (R.C. 2950.034.)
- Repeals the terms sexual predator, habitual sex offender, child-victim predator, and habitual child-victim offender and the mechanism for determining whether an offender or child is in any of those categories and, in the existing SORN Law provisions that use those terms and

subjects persons within those categories to more stringent and additional duties and restrictions; generally, replaces those terms with references to tier III sex offender/child-victim offenders.

- Eliminates references in the SORN Law and related provisions to "registration-exempt sexually oriented offense," "presumptive registration-exempt sexually oriented offense," and "aggravated sexually oriented offense" (which the act repeals).
- Modifies numerous miscellaneous existing provisions that relate to various aspects of the SORN Law to conform the provisions to the changes described in the preceding dot points.
- Prohibits a person from engaging in the offense of menacing by stalking, abduction, unlawful restraint, or criminal child enticement with a sexual motivation. (R.C. 2903.211(A)(3), 2905.02(B), 2905.03(B), and 2905.05(B).)
- Makes kidnapping of a victim under 13 a first degree felony in all cases if the offender also is convicted of or pleads guilty to a sexual motivation specification and requires that the offender be sentenced to an indefinite prison term of 15 years to life imprisonment or, if the victim is released in a safe place unharmed, ten years to life imprisonment, to be served under the Sexually Violent Predator Sentencing Law. (R.C. 2905.01(C) and 2971.03.)
- Requires a court to sentence an offender to an indefinite prison term of 30 years to life to be served under the Sexually Violent Predator Sentencing Law for aggravated murder when the victim is less than 13, the offender is convicted of or pleads guilty to a sexual motivation specification, the offender is not sentenced to death or a term of life imprisonment without parole, and the offender is not otherwise required to be sentenced under that Law as a sexually violent predator. (R.C. 2929.022(A)(2)(b)(ii) and (B)(2), 2929.03, and 2971.03.)
- Requires a court to sentence an offender to an indefinite prison term of 30 years to life to be served under the Sexually Violent Predator Sentencing Law for murder when the victim is less than 13, the offender is convicted of or pleads guilty to a sexual motivation specification, and the offender is not otherwise required to be sentenced under that Law. (R.C. 2929.02(B) and 2971.03.)

- Expands the offense of gross sexual imposition to prohibit a person from knowingly touching the genitalia of another who is less than 12 years of age (whether or not the offender knows the age of that person), when 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 desires of any person. (R.C. 2907.05(B).)
- Provides that the new gross sexual imposition prohibition described in the previous dot point is a felony of the third degree with generally a presumption for a prison term but a mandatory prison term in specified circumstances. (R.C. 2907.05(C)(2).)
- Modifies the definition of "harmful to juveniles" as used in the Sex Offenses Law to include any material or performance, when considered as a whole, appeals to the prurient interest of juveniles *in sex*. (R.C. 2907.01(E).)
- Provides, unless specified otherwise, that the provisions of the act take effect January 1, 2008.

TABLE OF CONTENTS

An overview of the act's changes	17
SORN Law definitions	18
Repealed definitions	26
SORN Law registration of residence, school, institution of higher education, and place of employment address.....	26
New duty--registration at time of sentencing or disposition.....	27
Registration of residence, school, institution of higher education, or employment address	27
Registration procedure and content of registration form.....	29
Procedures subsequent to registration.....	31
Transition provision	32
Parole officer verification of SORN Law registration.....	32
Change of address notification and new registration under SORN Law.....	33
Written notice of change of address.....	33
Registration of new address	33
Written notice of change in vehicle information, internet identifiers, and telephone numbers	33
Procedures subsequent to change of information.....	34
Meaning of "change in address"	34
Periodic verification of address under SORN Law	34

Manner of verification and content of verification form.....	34
Frequency of verification.....	35
Transition provisions	35
Notification under SORN Law of intent to reside in county	35
Commencement and duration of SORN Law duties.....	36
Commencement of duties	36
Duration of duties	38
Transition provisions	39
Notification to offender or delinquent child of duties under the SORN Law, in general.....	40
Official who must provide notice and time of provision.....	40
Additional duties of official, designee, or judge after notice is provided	42
Notification to offender or delinquent child who committed offense prior to act's effective date of duties under the SORN Law as amended by the act.....	43
Offenders and delinquent children who have registered before December 1, 2007, or who register on or after that date under a duty imposed prior to that date	43
Offenders and delinquent children who will be imprisoned or institutionalized on December 1, 2007; who commence a prison term or institutionalization on or after that date and have prior SORN Law duties; or who have SORN Law duties imposed on or after July 1, 2007, and are not sentenced to a prison term or institutionalization	47
Offenders and delinquent children whose SORN Law duties currently are scheduled to terminate on or after July 1, 2007, and prior to January 1, 2008.....	52
Voiding of termination and continuance of duties	52
Presumption of knowledge of the law and of the voiding of termination and continuance of duties	53
Delinquent children to whom the extension provision applies.....	54
Limited authority for termination of SORN Law duties	54
When motion may be filed	55
Material to be included with motion	55
Hearing on motion, and related duties	55
SORN Law restriction on residence.....	58
Applicable definitions	58
Victim notification under SORN Law	59
Community notification under SORN Law	60
Persons subjected to community notification	61
Public access to information possessed by a sheriff	63
State Registry of Sex Offenders and Child-victim Offenders	63
Public Internet Sex Offender and Child-victim Offender Database	64

Assistance to sheriff in establishing Internet database of sex offenders and child-victim offenders; development of software to be used by sheriffs in establishing the database	66
Internet database of sex offenders and child-victim offenders for law enforcement use	66
List of requests by volunteer organizations or other organizations, companies, or individuals who wish to receive community notification	67
Notification by electronic means of officials in other states, when registration or change of address under the SORN Law	67
Procedures for forwarding information to BCII	67
Attorney General adoption of rules to conform to federal regulations, guidelines, or standards	68
Sheriff's establishment of an Internet database	68
Certification of sex offender treatment programs	69
Notice by DRC or DYS to BCII prior to releasing a person who is subject to SORN Law	69
Inclusion of certain prior SORN Law terminology within the act's terminology	69
Juvenile court classification of a delinquent child as a juvenile offender registrant	70
Overview.....	70
Mandatory classification at time of disposition, if repeat offender.....	70
Mandatory classification at time of disposition or release from secure facility, if not repeat offender	72
Discretionary classification at time of disposition or release, if no prior mandatory classification.....	73
Juvenile court determination of tier classification of a juvenile offender registrant	75
Juvenile court reclassification or declassification of a delinquent child as a juvenile offender registrant	75
Mandatory review upon completion of disposition, and continuation, modification, or termination of prior registration order	75
Reclassification or declassification upon petition of juvenile offender registrant	77
Transition provisions regarding juvenile offender registrants	79
Juvenile court classification of a delinquent child as a public registry-qualified juvenile offender registrant	79
Issuance at time of disposition.....	80
Issuance upon release from DYS.....	80
Reclassification of previously classified juvenile offender registrant and issuance of new order	80
Duties subsequent to issuance of the order; duration of order and transition provisions	81

Hearing to contest classifications public registry-qualified juvenile offender registrant, if delinquent act committed prior to January 1, 2008.....	81
Miscellaneous changes related to SORN Law.....	83
BCII maintenance of criminal records.....	83
Crime victims rights pamphlet; charging of a fee for compliance with SORN Law duties.....	83
Repeal of existing R.C. 2152.811.....	83
Retention of control over delinquent child relative to SORN Law-related provisions.....	84
Taking of DNA samples.....	84
GPS device for a sexual predator.....	84
New prohibitions--offenses of menacing by stalking, abduction, unlawful restraint, and criminal child enticement.....	85
Menacing by stalking.....	85
Abduction.....	85
Unlawful restraint.....	85
Criminal child enticement.....	86
Provisions applicable to all new prohibitions.....	86
Penalty for kidnapping when the victim is under 13.....	87
Change in penalty.....	87
Sentence pursuant to R.C. 2971.03.....	87
Penalty for aggravated murder when victim is under 13, when offender not sentenced to death or life imprisonment without parole, and no sexual motivation specification and sexually violent predator specification.....	88
Change in penalty.....	88
Sentence pursuant to R.C. 2971.03.....	89
Penalty for murder when victim is under 13, and no sexual motivation specification and sexually violent predator specification.....	89
Change in penalty.....	89
Sentence pursuant to R.C. 2971.03.....	89
Sexually Violent Predator Sentencing Law--sentencing provisions for the act's new kidnapping provision.....	90
Miscellaneous changes related to special sentencing mechanism imposing sentences served under the Sexually Violent Predator Sentencing Law.....	90
Definition of "harmful to juveniles" as used in the Sex Offenses Law.....	91
New gross sexual imposition prohibition.....	91
Relocation of section.....	92

CONTENT AND OPERATION

An overview of the act's changes

The act substantially amends the Sex Offender Registration and Notification Act (SORN Law) by (1) making changes to when, where, how frequently, and for how long an offender or delinquent child is required to register, verify a registration, or update a registration, (2) expanding the required content of a registration form and database entries, (3) replacing the former classifications of sexually oriented offenders, child victim offenders, habitual sex offenders, habitual child-victim offenders, sexual predators, child-victim predators, and offenders convicted of or who pleaded guilty to an aggravated sexually oriented offense with tier I sex offenders/child-victim offenders, tier II sex offenders/child-victim offenders, and tier III sex offenders/child-victim offenders, (4) creating a new juvenile classification of public registry-qualified juvenile offender registrants, (5) expanding community notification, (6) repealing the terms "habitual sex offender," "habitual child-victim offender," "sexual predator," "adjudicated a sexual predator," "child-victim predator," and "adjudicated a child-victim predator" and the mechanism for determining whether an offender or child is in any of those categories and generally replacing those terms with a reference to "tier III sex offender/child-victim offender," (7) repealing the terms "presumptive registration-exempt sexually oriented offense," "registration-exempt sexually oriented offense," and "aggravated sexually oriented offense," and (8) prohibiting a person who is convicted of or pleads guilty to a sexually oriented offense or child-victim oriented offense from living within 1,000 feet of a preschool or child day-care center premises in the same manner as such a person is prohibited from living within 1,000 feet of a school premises. The changes are described further in succeeding parts of this analysis.

In addition to the SORN Law changes, the act also: (1) requires the Department of Rehabilitation and Correction (DRC) and the Department of Youth Services (DYS), by July 1, 2008, to adopt rules pertaining to the certification of sex offender treatment programs, (2) enacts new prohibitions in the offenses of menacing by stalking, abduction, unlawful restraint, and criminal child enticement, and (3) increases the penalty for the offenses of kidnapping, aggravated murder, and murder if the victim is under 13 years of age, the offender also was convicted of or pleaded guilty to a sexual motivation specification, and another penalty does not apply and requires that those sentences be served under the Sexually Violent Predator Sentencing Law.

Except as specifically stated to the contrary in the part of this analysis describing the particular provision, all of the provisions of the act take effect on January 1, 2008 (Sections 3 to 5 of the act).



SORN Law definitions

"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 (R.C. 2950.01(A)):

(1) 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;

(2) 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;

(3) 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;

(4) Aggravated murder, murder, or felonious assault when the violation was committed with a sexual motivation;

(5) 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;

(6) Menacing by stalking committed with a sexual motivation;

(7) 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;

(8) Kidnapping committed for the purpose of engaging in sexual activity with the victim against the victim's will;

(9) 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;

(10) 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;

(11) 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 (1), (2), (3), (4), (5), (6), (7), (8), (9), or (10) under this definition;

(12) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in paragraph (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) under this definition.

"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: (1) 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 (2) 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. (R.C. 2950.01(B).)

"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: (1) 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 (7) of the definition of "sexually oriented offense" set forth above, (2) except when committed with a sexual motivation, abduction, unlawful restraint, or criminal child enticement, (3) 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 (1) or (2) of this paragraph, or (4) any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in clause (1), (2), or (3) of this paragraph (R.C. 2950.01(C)).

"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 (R.C. 2950.01(D)).

"Tier I sex offender/child-victim offender" means any of the following (R.C. 2950.01(E)):

(1) 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: (a) sexual imposition, importuning, voyeurism, or pandering obscenity, (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, or unlawful sexual conduct with a minor or the former offense of felonious sexual penetration, (c) gross sexual imposition committed other than when the victim, or one of the victims, is less than 13, (d) illegal use of a minor in a nudity-oriented material or performance based on possession or viewing of the material or performance, (e) menacing by stalking committed with a sexual motivation, unlawful restraint committed with a sexual motivation, or criminal child enticement 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 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), (b), (c), (d), or (e) of this paragraph, or (g) any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in clause (a), (b), (c), (d), (e), or (f) of this paragraph.

(2) 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.

(3) 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.

(4) 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 (R.C. 2950.01(F)):

(1) 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: (a) compelling prostitution, pandering obscenity involving a minor, or pandering sexually oriented matter involving a minor, (b) 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, (c) gross sexual imposition committed when the victim is under 13 (but see the definition of tier III sex offender/child-victim offender) 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, (d) 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, (e) 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, (f) 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, (g) 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), (b), (c), (d), (e), or (f) of this paragraph, (h) any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in clause (a), (b), (c), (d), (e), (f), or (g) of this paragraph, or (i) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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 (1) to (4), 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: (a) 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 (b) 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 (R.C. 2950.01(G)):

(1) 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: (a) rape or sexual battery, (b) 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, (c) aggravated murder, murder, or felonious assault when the violation was committed with a sexual motivation, (d) 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, (e) 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, (f) 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, (g) 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), (b), (c), (d), (e), or (f) of this paragraph, (h) any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in clause (a), (b), (c), (d), (e), (f), or (g) of this paragraph, or (i) any sexually oriented offense that is 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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 (1) to (4) 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: (a) 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 (b) 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.

(6) 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.

(7) 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: (a) 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 (1), (2), (3), (4), (5), or (6) of this definition and (b) 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.

"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 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 (R.C. 2950.01(M)).

"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 before, on, or after, January 1, 2008, and to whom all of the following apply (R.C. 2950.01(N)): (1) 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, (2) the person was 14, 15, 16, or 17 years of age at the time of committing the act, and (3) 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).

"Out-of-state juvenile offender registrant" means a person who is adjudicated a delinquent child in a court in a state other than Ohio, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States for committing a sexually oriented offense or a child-victim oriented offense, who on or after January 1, 2002, moves to and resides in Ohio or temporarily is domiciled in Ohio for more than five days, and who has a duty to comply with the SORN Law. The term includes a person who, prior to January 1, 2008, was an "out-of-state 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 an "out-of-state juvenile sex offender registrant" under the former definition of that former term (R.C. 2951.01(P)).

"Sexually violent predator" means a person who, on or after January 1, 1997, commits a sexually violent offense and is likely to engage in the future in one or more sexually violent offenses. For purposes of this provision, any of the following factors may be considered as evidence tending to indicate that there is a likelihood that the person will engage in the future in one or more sexually violent offenses: (1) the person has been convicted two or more times, in separate criminal actions, of a sexually oriented offense or a child-victim oriented offense (for purposes of this division, convictions that result from or are connected with the same act or result from offenses committed at the same time are one

conviction, and a conviction set aside pursuant to law is not a conviction), (2) the person has a documented history from childhood, into the juvenile developmental years, that exhibits sexually deviant behavior, (3) available information or evidence suggests that the person chronically commits offenses with a sexual motivation, (4) the person has committed one or more offenses in which the person has tortured or engaged in ritualistic acts with one or more victims, (5) the person has committed one or more offenses in which one or more victims were physically harmed to the degree that the particular victim's life was in jeopardy, or (6) any other relevant evidence. (R.C. 2950.01(K), by reference to existing R.C. 2971.01, not in the act.)

Repealed definitions

For purposes of the SORN Law, the Delinquent Child Law, and other applicable Revised Code provisions, the act repeals the existing definitions of "habitual sex offender," "habitual child-victim offender," "sexual predator," "adjudicated a sexual predator," "child-victim predator," and "adjudicated a child-victim predator." Typically the act substitutes the term "tier III sex offender/child-victim offender" for these terms. Correspondingly, the act repeals the mechanisms by which a person is so classified.

The act also repeals the definitions of "presumptive registration-exempt sexually oriented offense," "registration-exempt sexually oriented offense," and "aggravated sexually oriented offense." (R.C. 2950.01 and conforming changes in 109.57(A)(4), 1923.02(A)(14) and (15), 2152.02(Y), 2152.19(G), 2152.191, 2929.01(LL), 2929.19(B)(4), 2929.23(A), 2950.11, 5139.13(A)(2), and 5321.03(A)(5), 2950.09 and 2950.091, with corresponding changes in 2152.82(B), 2152.83(A)(2), 2929.19(A)(2), and 2929.23(B).)

SORN Law registration of residence, school, institution of higher education, and place of employment address

The act imposes upon offenders and delinquent children who are required to register under the SORN Law a registration duty that applies immediately after sentencing or the dispositional hearing of the offender or delinquent child. It shortens the period of time within which an offender or delinquent child must register a residence address. It requires public registry-qualified juvenile offender registrants to register employment and school addresses in the same manner as offenders and changes the 14/30 day employment registration rule to a 3/14 day rule for offenders and public registry-qualified juvenile offender registrants. Finally, it expands the information and materials that must be included on or with a registration form. The act generally retains the other existing provisions regarding registration of a residence, school, and institution of higher education.

New duty--registration at time of sentencing or disposition

Under the act, immediately after a sentencing hearing held on or after January 1, 2008, for an offender who is convicted of or pleads guilty to a sexually oriented offense or child-victim oriented offense (hereafter "sexually oriented or child-victim oriented offender") and is sentenced to any type of confinement and before the offender is transferred to the custody of DRC or to the official in charge of the institution where the offender will be confined, the offender is required to register personally with the sheriff of the county in which the offender was convicted or pleaded guilty to the offense. Immediately after a dispositional hearing held on or after January 1, 2008, for a child who is adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense, is classified a juvenile offender registrant based on that adjudication, and is committed to the custody of DYS or to a secure facility that is not operated by DYS and before the child is transferred to DYS's custody or the secure facility, the delinquent child is also required to register personally with the sheriff of the county in which the child was classified a juvenile offender registrant based on that offense.

The act requires that a law enforcement officer be present at the sentencing hearing or dispositional hearing to immediately transport the subject offender or delinquent child to the sheriff of the county in which the offender or child is convicted, pleads guilty, or is adjudicated a delinquent child. After an offender or delinquent child who has registered pursuant to this provision is released from any type of confinement or from the custody of DYS or from a secure facility that is not operated by DYS, the offender or child must register under the other provisions of the SORN Law described below. (R.C. 2950.04(A)(1) and 2950.041(A)(1).)

Registration of residence, school, institution of higher education, or employment address

Registration duty for offenders and public registry-qualified juvenile offender registrants. Under the act, each sexually oriented or child-victim oriented offender, regardless of when the offense was committed, and each public registry-qualified juvenile offender registrant must register personally with the sheriff, or the sheriff's designee, of the county within three days of the offender's or registrant's coming into a county in which the offender or registrant resides, or temporarily is domiciled for more than three days (decreased from five days). The offender and registrant also must register personally with the sheriff, or the sheriff's designee, of the county immediately upon coming into a county in which the offender or registrant attends a school or institution of higher education on a full-time or part-time basis regardless of where the offender or registrant resides or has a temporary domicile; the sheriff, or the sheriff's designee, of the county where

employed if the offender or registrant resides or has a temporary domicile in Ohio and has been employed in that county for more than 3 days or for an aggregate period of 14 or more days in that calendar year; the sheriff, or the sheriff's designee, of the county where employed if the offender or registrant does not reside or have a temporary domicile in Ohio and has been employed at any Ohio location or locations more than 3 days or for an aggregate period of 14 or more days in that calendar year; and the sheriff, or designee, or other appropriate person of the other state immediately upon entering into any state other than Ohio in which the offender or registrant attends a school or institution of higher education on a full-time or part-time basis or upon being employed in any state other than Ohio for more than 3 days or for an aggregate period of 14 or more days in that calendar year regardless of whether the offender or registrant resides or has a temporary domicile in Ohio, the other state, or a different state. (R.C. 2950.04(A)(2) and (3) and 2950.041(A)(2).)

Registration duty for delinquent children who are not public registry-qualified juvenile offender registrants. Under the act, each child who is adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense and who is classified a juvenile offender registrant (hereafter "juvenile offender registrant") based on that adjudication must register personally with the sheriff of the county within three days (decreased from five) of the delinquent child's coming into a county in which the delinquent child resides or temporarily is domiciled for more than three days. As under ongoing law, if the delinquent child is committed for the sexually oriented offense to DYS or to a secure facility not operated by DYS, this duty begins when the child is discharged or released in any manner from custody in a DYS secure facility or from the secure facility not operated by DYS, if pursuant to the discharge or release the child is not committed to any other secure facility of DYS or any other secure facility. As under continuing law, the registration duty regarding schools, institutions of higher education, and places of employment does not apply to delinquent children who are not public registry-qualified juvenile offender registrants. (R.C. 2950.04(A)(3)(a) and (c) and 2950.041(A)(3).)

Registration duty for offenses committed in other jurisdictions. Under the act, regardless of when the offense was committed, each person who is convicted, pleads guilty, or is adjudicated a delinquent child in a court 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 for committing a sexually oriented offense or child-victim oriented offense must comply with the following registration requirements if, at the time the offender or delinquent child moves to and resides in Ohio or temporarily is domiciled in Ohio for more than three days, the offender or public registry-qualified juvenile offender registrant enters Ohio to attend a school or institution of higher education, or the offender or public registry-qualified juvenile

offender registrant is employed in Ohio for more than the specified period of time, the offender or child has a duty to register as a sex offender or child-victim offender under the law of that other jurisdiction as a result of the conviction, guilty plea, or adjudication: (1) each offender and delinquent child must register personally with the sheriff, or designee, of the county within three days of the offender's or child's coming into the county in which the offender or child resides or temporarily is domiciled for more than three days, and (2) each offender and public registry-qualified juvenile offender registrant must register personally with the sheriff, or designee, of the county immediately upon coming into a county in which the offender or public registry-qualified juvenile offender registrant attends a school or institution of higher education on a full-time or part-time basis regardless of whether the offender or public registry-qualified juvenile offender registrant resides or has a temporary domicile in Ohio or another state, the sheriff, or designee, of the county in which the offender or public registry-qualified juvenile offender registrant is employed if the offender or public registry-qualified juvenile offender registrant resides or has a temporary domicile in Ohio and has been employed in that county for more than 3 days or for an aggregate period of 14 days or more in that calendar year, and the sheriff, or designee, of the county in which the offender or public registry-qualified juvenile offender registrant is employed if the offender or public registry-qualified juvenile offender registrant does not reside or have a temporary domicile in Ohio and has not been employed at any Ohio location or locations for more than 3 days or for an aggregate period of 14 or more days in that calendar year (R.C. 2950.04(A)(4) and 2950.041(A)(4)).

The act specifies that an offender or a delinquent child who is a public registry-qualified juvenile offender registrant is not required to register under the SORN Law if a court issues an order under a provision enacted by the act terminating the offender's or child's duty to comply with the SORN Law (see "*Limited authority for termination of SORN Law duties,*" below). A delinquent child who is a juvenile offender registrant but is not a public-registry qualified juvenile offender registrant is not required to register under those provisions if a juvenile court issues an order declassifying the child as a juvenile offender registrant pursuant to R.C. 2152.84 or 2152.85 (see "*Juvenile court reclassification or declassification of a delinquent child as a juvenile offender registrant,*" below). (R.C. 2950.04(A)(5) and 2950.041(A)(5).)

Registration procedure and content of registration form

Under the act, an offender or delinquent child who is required to register in Ohio personally must obtain from the sheriff or from a designee of the sheriff a registration form that conforms to specified provisions, must complete and sign the form, and must return the completed form to the sheriff or the designee

together with the offender's or child's photograph, copies of travel and immigration documents, and any other required material described in the succeeding paragraphs. As under continuing law, the sheriff or designee must sign the form and indicate on the form the date on which it is so returned, and the registration is complete when the offender or delinquent child returns the form, containing the requisite information. (R.C. 2950.04(B) and 2950.041(B).)

The act requires the registration form to include or contain all of the following (R.C. 2950.04(C) and 2950.041(C)):

(1) The offender's or child's name and any aliases used by the offender or delinquent child;

(2) The offender's or child's Social Security number and date of birth, including any alternate Social Security numbers or dates of birth used by the offender or child;

(3) For an offender or child who is registering under the act's new requirement for registration at sentencing or disposition, a statement that the offender is serving a type of confinement or that the child is in the custody of DYS or is confined in a secure facility not operated by DYS;

(4) For an offender or child who is registering under a duty imposed other than under the provision described in (3), above, as a result of the offender or child residing in Ohio or temporarily being domiciled in Ohio for more than three days, the offender's or child's current residence address, the name and address of the offender's or child's employer if the offender or child is employed when registering or knows at that time that he or she will be employed by that employer, any other employment information, such as the general area where the offender or child is employed, if the offender or child is employed in many locations, and the name and address of the offender's or public registry-qualified juvenile offender registrant's school or institution of higher education if the offender or registrant attends one when registering or knows at that time that he or she will attend that school or institution of higher education;

(5) Regarding an offender or public registry-qualified juvenile offender registrant who is registering under a duty imposed other than under the provision described in (3), above, as a result of the offender or public registry-qualified juvenile offender registrant attending a school or institution of higher education in Ohio on a full-time or part-time basis or being employed in Ohio or in a particular Ohio county for more than 3 days or for an aggregate of 14 or more days in any calendar year, the name and current address of the school, institution of higher education, or place of employment of the offender or public registry-qualified juvenile offender registrant who is registering, including any other employment

information, such as the general area where the person is employed if employed in many locations;

(6)(a) The identification license plate number issued by Ohio or any other state of each vehicle the offender or child owns, each vehicle registered in the offender's or child's name, each vehicle the offender or child operates as a part of employment, and each other vehicle that is regularly available to be operated by the offender or child, (b) a description of where each vehicle is habitually parked, stored, docked, or otherwise kept, and (c) if required by BCII, a photograph of each of those vehicles;

(7) The number of any driver's license, commercial driver's license, or state identification card;

(8) If the offender or child was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing the sexually oriented offense or child-victim oriented offense resulting in the registration duty in a court 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, a DNA specimen from the offender or child, a citation for, and the name of, the sex offense or child-victim offense resulting in the registration duty, and a certified copy of a document that describes the text of that sex offense or child-victim offense;

(9) A description of each professional and occupational license, permit, or registration, including those licenses, permits, and registrations issued under Title 47 of the Revised Code, held by the offender or child;

(10) Any e-mail addresses, internet identifiers, or telephone numbers registered to or used by the offender or child;

(11) Any other information required by BCII.

Procedures subsequent to registration

Under continuing law, after an offender or delinquent child registers with a sheriff, the sheriff must forward the signed, written registration form, and photograph (and other required material, as added by the act) to BCII in accordance with specified forwarding procedures. If an offender registers a school, institution of higher education, or place of employment address, or provides a school or institution of higher education address with a residence address registration, the sheriff also must provide notice to the law enforcement agency with jurisdiction over the premises of the school, institution of higher education, or place of employment 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 is employed. BCII must include the information and materials forwarded to it under this provision in the State Registry of Sex Offenders and Child Victim Offenders established and maintained pursuant to law (see "*State Registry of Sex Offenders and Child-victim Offenders*," below). (R.C. 2950.04(D) and 2950.041(D) and conforming change in R.C. 2950.08.)

The act specifies that, if an offender or delinquent child registers with a sheriff on or after December 1, 2007, previously has not registered with any sheriff, and was convicted of, pleaded guilty to, or was classified a juvenile offender registrant relative to the sexually oriented offense or child-victim oriented offense upon which the registration was based prior to December 1, 2007, as soon as practicable after the registration, the sheriff must contact the Attorney General (the AG), inform the AG of the registration, and forward to the AG in the manner described in the preceding paragraph all of the information and material specified in that paragraph. Upon being informed of the registration and receiving the information and material, the AG within 14 days must determine the offender's or child's new classification as a tier I, II, or III sex offender/child-victim offender under the amended SORN Law, the offender's or child's new duties under that Law, and whether the child is a public registry-qualified juvenile offender registrant and must give the offender, child, and child's parent notice of the changes to the SORN Law, the offender's or child's classification under the new Law, and that the offender or child has a right to a hearing on the new classification. This provision takes effect on July 1, 2007. (R.C. 2950.043, and Sections 3 and 4 of the act.)

Transition provision

The act provides that if, immediately prior to January 1, 2008, an offender or delinquent child was required to register for committing a sexually oriented offense or a child-victim oriented offense as defined in existing law and if, on or after January 1, 2008, that offense is a sexually oriented offense as defined in R.C. 2950.01 on and after January 1, 2008 (i.e., under the act), the duty to register is to be considered for all purposes to be a continuation of the duty imposed upon the offender or delinquent child prior to January 1, 2008. (R.C. 2950.04(H) and 2950.041(H).)

Parole officer verification of SORN Law registration

The act specifies that, by January 1, 2008, DRC, the Adult Parole Authority (the APA), and DYS must adopt rules to require parole officers to verify within three days of an offender's release that the offender or delinquent child has registered as provided in the act. This provision takes effect on July 1, 2007. (R.C. 2950.042, and Sections 3 to 5 of the act.)

Change of address notification and new registration under SORN Law

The act modifies the time within which an offender must comply with the SORN Law's change-of-address provisions regarding a registered place of employment address and the content of a notice of a change of a registered school, institution of higher education, or place of employment address. The act also requires public registry-qualified juvenile offender registrants to comply with the change-of-address provisions in the same manner as offenders.

Written notice of change of address

Under the act a delinquent child who is not a public registry-qualified juvenile offender registrant must provide written notice of any change of residence address to the sheriff with whom the delinquent child most recently registered the address at least 20 days prior to changing the residence address. An offender or public registry-qualified juvenile offender registrant must provide written notice of any change of residence address, school, institution of higher education, or place of employment address to the sheriff with whom the person most recently registered the address at least 20 days prior to changing the residence, school, or institution of higher education address and not later than three days after changing the address of the place of employment (five days under former law). The act also specifies that a written notice of a change of school, institution of higher education, or place of employment address must include, in addition to the changed address, the name of the new school, institution of higher education, or place of employment. The act retains, without change, existing provisions that specify a special manner of providing the written notice of a change of residence address that is not to a fixed address. (R.C. 2950.05(A).)

Registration of new address

Under the act, at least 20 days prior to changing the residence, school, or institution of higher education address and not later than three days after changing the place of employment address, the offender or delinquent child must register the new address in the manner and using the form (added by the act) required for original registrations with the sheriff of the county in which the offender's or delinquent child's new address is located. The act retains, without change, existing provisions that specify a special manner of registering a new residence address when the change of residence address is not to a fixed address. (R.C. 2950.05(B).)

Written notice of change in vehicle information, internet identifiers, and telephone numbers

The act requires each offender or public registry-qualified juvenile offender to provide written notice, within three days of the change, of any change in vehicle

information, e-mail addresses, internet identifiers, or telephone numbers registered to or used by the offender or registrant to the sheriff with whom the offender or registrant has most recently registered (R.C. 2950.05(D)).

Procedures subsequent to change of information

Ongoing law provides that, upon receiving from an offender or delinquent child notice of a change of address, a sheriff promptly must forward the new address to BCII if the new address is in another state or to the sheriff of the county in which the new address is located. The act additionally provides that, upon receiving from an offender or public registry-qualified juvenile offender registrant notice of vehicle and identifier changes, a sheriff promptly must forward the new information to BCII. BCII must include all information forwarded to it in the State Registry of Sex Offenders and Child-victim Offenders and must forward notice of the new address to the appropriate officials in the other state. (R.C. 2950.05(E).)

Meaning of "change in address"

Ongoing law specifies that, as used in the SORN Law relative to a change in the offender's or child's address, "change in address" includes any circumstance in which the old address no longer is accurate, regardless of whether the person in question has a new address (R.C. 2950.05(I)).

Periodic verification of address under SORN Law

Manner of verification and content of verification form

Under the act, a delinquent child who is not a public registry-qualified juvenile offender registrant must periodically verify the child's residence address, and an offender and public registry-qualified juvenile offender registrant must periodically verify the address of residence, school, institution of higher education, or place of employment name and address, with the sheriff with whom he or she registered. The verification must be done by personally appearing before the sheriff not earlier than ten days before the date on which verification is required and not later than the date of required verification and filing a specified registration form. A sheriff may send reminders of upcoming verification dates to offenders or delinquent children and must send a warning to an offender or delinquent child who fails to register that provides a seven-day grace period after the failure before a prosecution for the failure may be commenced. The sheriff must forward a copy of the filed verification form to BCII. (R.C. 2950.06.)

Frequency of verification

Under the act, the frequency with which an offender or delinquent child must verify his or her current residence, school, institution of higher education, or place of employment address is as follows:

(1) Regardless of when the relevant sexually oriented offense or child-victim oriented was committed, if the offender or child is a tier I sex offender/child-victim offender, the offender or child must verify all applicable addresses on each anniversary of his or her initial registration date during the period he or she is required to register.

(2) Regardless of when the relevant sexually oriented offense or child-victim oriented offense was committed, if the offender or child is a tier II sex offender/child-victim offender, the offender or child must verify his or her applicable addresses, every 180 days after his or her initial registration date.

(3) Regardless of when the relevant sexually oriented offense or child-victim oriented offense was committed, if the offender or child is a tier III sex offender/child-victim offender, the offender or child must verify the applicable addresses every 90 days after his or her initial registration date. (R.C. 2950.06(A) and (B).)

Transition provisions

The act provides that if, prior to January 1, 2008, an offender or delinquent child registered with a sheriff under the SORN Law as a result of a sexually oriented offense or a child-victim oriented offense as those terms were defined in former law, the duty to register that is imposed on the offender or child on and after January 1, 2008, is a continuation of the duty imposed upon the offender or child prior to January 1, 2008, and, for purposes of the frequency of address verification, the offender's initial registration date related to that offense is the date on which the offender initially registered. (R.C. 2950.06(B)(4).)

Notification under SORN Law of intent to reside in county

The act modifies the ongoing "notice of intent to reside" provision of the SORN Law by replacing the references to "sexual predators," "habitual sex offenders," "child-victim predators," and "habitual child-victim offenders," all of which are repealed by the act, with a reference to a "tier III sex offender/child-victim offender." Under the act, if an offender or delinquent child who is required to register under the SORN Law is a tier III sex offender/child victim offender, the offender or child also is required to send the sheriff of the county in which the offender or child intends to reside written notice of his or her intent to reside in the

county. The offender or delinquent child must send the notice of intent to reside at least 20 days prior to the date he or she begins to reside in the county. The notice of intent to reside must contain the offender's or delinquent child's name, the address or addresses at which he or she intends to reside, and the sexually oriented offense or child-victim oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child. (R.C. 2950.04(G) and 2950.041(G).)

Commencement and duration of SORN Law duties

The act modifies the commencement time of the SORN Law registration, change of address, periodic address verification, and notice of intent to reside duties described above and also modifies the duration of those duties. The act does not change the provisions of continuing law specifying that the duration of the duties is "tolled" during any period during which an offender or delinquent child is returned to confinement in a secure facility or is imprisoned or that if an offender or delinquent child has the duties for multiple offenses, the duration of the duties is calculated separately for each of the offenses. (R.C. 2950.07.)

Commencement of duties

Under the act, the duty of a sexually oriented or child-victim oriented offender, a juvenile offender registrant, or an out-of-state juvenile offender registrant to comply with the duties imposed under the SORN Law commences on whichever of the following is applicable (R.C. 2950.07(A)):

(1) If the offender's or delinquent child's duty to register is the new duty the act imposes upon an offender or delinquent child to register immediately after sentencing or disposition in the county in which was committed the offense on which the duty is based, the offender's duty to comply commences immediately after the entry of judgment of conviction, and the child's duty to comply commences immediately after the order of disposition.

(2) If the offender's duty to register is imposed for a sexually oriented offense or child-victim oriented offense and requires him or her to register within a specified period of time in the county of residence, the county of attendance at a school or institution of higher education, and the county of employment, subject to paragraph (6), the offender's duty to comply commences on the date of release from confinement or, if the offender is not sentenced to confinement, on the date of the entry of the judgment of conviction of the offense on which the duty is based.

(3) If the offender's or delinquent child's duty to register is based on an offense committed in another jurisdiction, the offender's duty to comply

commences regarding residence addresses on the date the offender begins to reside or becomes temporarily domiciled in Ohio, the offender's duty regarding addresses of schools, institutions of higher education, and places of employment commences on the date the offender begins attending any school or institution of higher education in Ohio on a full-time or part-time basis or becomes employed in Ohio, and the child's duty commences on the date the child begins to reside or becomes temporarily domiciled in Ohio.

(4) If the delinquent child's duty to register requires him or her to register within a specified period of time in the county of residence, if the child's classification as a juvenile offender registrant is made at the time of the child's disposition for the sexually oriented offense or child-victim oriented offense, and if the child is committed for that offense to DYS or to a secure facility not operated by DYS, the child's duty to comply commences on the date of the child's discharge or release from DYS custody in the secure facility or from the secure facility not operated by DYS.

(5) If the delinquent child's duty to register requires him or her to register within a specified period of time in the county of residence and if either the child's classification as a juvenile offender registrant is made at the time of the child's disposition for that offense and the child is not committed to DYS or to a secure facility not operated by DYS or the child's classification as a juvenile offender registrant is made for an offense committed after January 1, 2002, the child was 16 or 17 at the time of the offense, and the child does have a prior such disposition, the child's duty to comply with those sections commences on the date of entry of the court's order that classifies the child a juvenile offender registrant.

(6) If the offender's or delinquent child's duty to register is described in paragraph (2), (3), or (4), above, and if the offender or child prior to January 1, 2008, has registered a residence, school, institution of higher education, or place of employment address pursuant to the SORN Law, the offender or delinquent child initially must register in accordance with the SORN Law's requirements as they exist on and after January 1, 2008, not later than the earlier of the following dates: (a) the date that is six months after the date on which the offender or child receives a registered letter from the AG notifying the offender or child of the act's changes to the SORN Law, of the offender's or child's classification under that Law, and the offender's or child's right to a hearing to contest that classification, or (b) the earlier of the date on which the offender or child would be required to verify a previously registered address under the law as it exists on and after January 1, 2008, or, if the offender or child has changed a previously registered address, the date on which the offender or child would be required to register a new address under the law as it exists on and after January 1, 2008. The offender's or delinquent child's duty to comply thereafter with the SORN Law's requirements as

they exist on and after January 1, 2008, commences on the date of that initial registration.

(7) If the offender's or delinquent child's duty to register was imposed pursuant to the SORN Law's requirements as they exist prior to January 1, 2008, the offender's or child's duty to comply with the SORN Law's requirements as they exist on and after January 1, 2008, is a continuation of the offender's or child's duty to register imposed prior to January 1, 2008, under the SORN Law's requirements and are to be considered for all purposes as having commenced on the date that the offender's or child's duty commenced under the SORN Law's requirements in existence prior to January 1, 2008.

Duration of duties

Under the act, the duty of an offender, a delinquent child, or out-of-state juvenile offender registrant to comply with the duties imposed under the SORN Law continues, after the date of commencement, for whichever of the following periods is applicable (R.C. 2950.07(B)):

(1) Except as otherwise described in this paragraph, if the person is an offender who is a tier III sex offender/child-victim offender, if the person is a delinquent child who is a tier III sex offender/child-victim offender (see "**Juvenile court determination of tier classification of a juvenile offender registrant**," below), or if the person is a delinquent child who is a public registry-qualified juvenile offender registrant, the offender's or child's duty to comply continues until the offender's or child's death. Regarding a delinquent child who is a tier III sex offender/child-victim offender but is not a public registry-qualified juvenile offender registrant, if the judge who made the disposition for the child or that judge's successor in office subsequently enters a determination that the child no longer is a tier III sex offender/child-victim offender, the child's duty to comply with the SORN Law continues for the period of time that is applicable to the child, based on the reclassification of the child (see "**Juvenile court classification of a delinquent child as a juvenile offender registrant**" and "**Juvenile court declassification of a delinquent child as juvenile offender registrant**," below). In no case may the lifetime duty to comply that is imposed under this provision on an offender who is a tier III sex offender/child-victim offender be removed or terminated. A delinquent child who is a public registry-qualified juvenile offender registrant may have the lifetime duty to register terminated only pursuant to the specific procedures enacted by the act (see "**Limited authority for termination of SORN Law duties**," below).

(2) If the person is an offender who is a tier II sex victim/child-victim offender, the offender's duty to comply continues for 25 years. Except as otherwise described in this paragraph, if the person is a delinquent child who is a

tier II sex offender/child-victim offender, the delinquent child's duty to comply continues for 20 years. Regarding a delinquent child who is a tier II sex offender/child-victim offender but is not a public registry-qualified juvenile offender registrant, if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination that the child no longer is a tier II sex offender/child-victim offender but remains a juvenile offender registrant, the child's duty to comply with duties imposed under the SORN Law continues for the period of time that is applicable to the delinquent child, based on the reclassification of the child (see "*Juvenile court classification of a delinquent child as a juvenile offender registrant*" and "*Juvenile court reclassification or declassification of a delinquent child as juvenile offender registrant*," below).

(3) Except as otherwise described in this paragraph, if the person is an offender who is a tier I sex victim/child-victim offender, the offender's duty to comply continues for 15 years. Except as otherwise described in this paragraph, if the person is a delinquent child who is a tier I sex offender/child-victim offender, the delinquent child's duty to comply with the SORN Law continues for ten years. Regarding a delinquent child who is a juvenile offender registrant and a tier I sex offender/child-victim offender but is not a public registry-qualified juvenile offender registrant, if the judge who made the disposition for the child or that judge's successor in office subsequently enters a determination that the child no longer is a juvenile offender registrant, the child's duty to comply with duties imposed under the SORN Law is terminated. A person who is an offender who is a tier I sex offender/child-victim offender may have the 15-year duty to register terminated only pursuant to the act's provisions described below in "*Limited authority for termination of SORN Law duties*."

Transition provisions

Under the act, if the juvenile judge or that judge's successor in office subsequently reclassifies the offense tier in which a juvenile offender registrant is classified (see "*Juvenile court classification of a delinquent child as a juvenile offender registrant*" and "*Juvenile court reclassification or declassification of a delinquent child as juvenile offender registrant*," below), the judge's subsequent determination to reclassify the child does not affect the date of commencement of the child's duty to comply with the SORN Law. The child's duty to comply with those sections after the reclassification is a continuation of the child's duty to comply with the sections that were in effect prior to the reclassification, and the duty continues for the period of time described above in "*Duration of duties*."

If, prior to January 1, 2008, an offender had a duty to comply with the SORN Law's requirements as a result of a sexually oriented offense or child-victim oriented offense as those terms were defined in former law or a delinquent

child had a duty to comply with those sections as a result of an adjudication as a delinquent child for committing one of those offenses as they were defined in former law, the periods of time described above in "**Duration of duties**" that apply on and after January 1, 2008, for which a person must comply with the SORN Law's requirements apply to the person, automatically replace the period of time for which the person had to comply with those requirements prior to January 1, 2008, and are a continuation of the person's duty to comply with the sections that were in effect prior to the reclassification. If, prior to January 1, 2008, an offender or delinquent child had a duty to comply with those requirements, the offender's or child's classification as 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 (hereafter collectively referred to as tier I, II, or III sex offender/child-victim offender) for purposes of those periods of time must be determined by the AG as described below in "**Notification to offender or delinquent child who committed offense prior to act's effective date of duties under the SORN Law as amended by the act.**" (R.C. 2950.07(C)(2).)

Notification to offender or delinquent child of duties under the SORN Law, in general

Official who must provide notice and time of provision

The act specifies that each sexually oriented or child-victim oriented offender and each juvenile offender registrant must be provided notice as described below of his or her duties imposed under the SORN Law and of the offender's similar duties in another state if the offender resides, is temporarily domiciled, attends a school or institution of higher education, or is employed in a state other than Ohio. Under the act, the following official is required to provide the notice to the specified person at the following time (R.C. 2950.03(A); also R.C. 2929.13(I) and 2929.23(A) and (B)):

(1) Regardless of when the person committed the sexually oriented or child-victim oriented offense, if the person is an offender who is sentenced for an offense to a prison term, a term of imprisonment, or any other type of confinement, and if, on or after January 1, 2008, the offender is serving that term or is under that confinement, subject to paragraph (5), below, the official in charge of the institution in which the offender serves the confinement, or a designee of that official, must provide the notice to the offender before the offender is released pursuant to any type of supervised release or before the offender otherwise is released from the confinement.

(2) Regardless of when the person committed the sexually oriented or child-victim oriented offense, if the person is an offender who is sentenced for the offense on or after January 1, 2008, and if the provision described in the preceding

paragraph does not apply, the judge must provide the notice to the offender at the time of sentencing.

(3) If the person is a delinquent child who is classified a juvenile offender registrant on or after January 1, 2008, the judge must provide the notice to the delinquent child at the time of the classification.

(4) If the person is a delinquent child who is classified as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant on or after January 1, 2008, the judge must provide the notice to the delinquent child at the time of the classification.

(5) If the person is an offender or delinquent child in any of the following categories, the AG, DRC, or DYS must provide the notice to the offender or delinquent child at the time and in the manner specified in the act (see "Notification to offender or delinquent child who committed offense prior to act's effective date of duties under the SORN Law as amended by the act," below): (a) an offender or delinquent child who, prior to December 1, 2007, has registered a residence, school, institution of higher education, or place of employment address pursuant to a SORN Law registration requirement, (b) an offender or delinquent child who registers with a sheriff pursuant to a SORN Law registration requirement on or after December 1, 2007, previously had not registered with that sheriff or any other sheriff, and was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing the sexually oriented offense or child-victim oriented offense upon which the registration was based prior to December 1, 2007, (c) an offender who, on December 1, 2007, is serving a prison term in a state correctional institution for a sexually oriented offense or child-victim oriented offense or a delinquent child who has been classified a juvenile offender registrant for any such offense and who on that date is confined in a DYS institution for that offense, or (d) an offender or delinquent child who, on or after December 2, 2007, commences a prison term in a state correctional institution or confinement in a DYS institution for a sexually oriented offense or child-victim oriented offense and who was convicted of, pleaded guilty to, or was classified a juvenile offender registrant relative to that offense prior to that date.

(6) If the person is an offender or delinquent child who, on or after July 1, 2007, and prior to January 1, 2008, is convicted of or pleads guilty to a sexually oriented offense or a child-victim oriented offense and is not sentenced to a prison term for that offense or is classified a juvenile offender registrant relative to any such offense and is not committed to the custody of DYS for that offense, the sentencing court must provide the notice to the offender at the time of sentencing, and the juvenile court must provide the notice to the delinquent child at the time that the notice is otherwise required to be provided under the Juvenile Code.



(7) Under continuing law, if the person is an offender or delinquent child who has a duty to register in Ohio when the sexually oriented offense or child-victim oriented offense on which the duty is based was committed in another jurisdiction, the offender or child is presumed to have knowledge of the law and of his or her duties imposed under the SORN Law.

Additional duties of official, designee, or judge after notice is provided

Under the act, similar to prior law, after an offender who is subject to the provisions described above in paragraph (1) or (2) under "**Official who must provide notice, and time of provision**" has signed the specified notification form or the official, official's designee, or judge has certified on the form that the form has been explained to the offender and that the offender indicated an understanding of the duties indicated on it, the official, designee, or judge must give one copy of the form to the offender, within three days must send one copy to BCII in accordance with specified procedures, and must send one copy to the sheriff of the county in which the offender expects to reside. In addition, the act requires the official, designee, or judge to send a copy of the form to the sheriff of the county in which the offender was convicted or pleaded guilty if the offender has a duty to register under the act's new duty to register at sentencing or disposition.

Under the act, similar to prior law, after a delinquent child who is subject to the provisions described above in paragraph (3) or (4) under "**Official who must provide notice, and time of provision**" and the child's parent, guardian, or custodian have signed the specified notification form or the judge has certified on the form that the form has been explained to the child or the parent, guardian, or custodian and that the child or the parent, guardian, or custodian indicated an understanding of the duties and information indicated on the form, the judge must give a copy of the form to both the child and the child's parent, guardian, or custodian, within three days must send one copy to BCII in accordance with specified procedures, and must send one copy to the sheriff of the county in which the child expects to reside. In addition, as added by the act, the judge must send a copy of the form to the sheriff of the county in which the child was adjudicated a delinquent child if the child has a duty to register under the act's new duty to register at sentencing or disposition. (R.C. 2950.03(B)(3).)

Similar to preexisting law, the official, official's designee, judge, "chief of police," or sheriff who is required to provide notice to an offender or delinquent child must determine the offender's or child's name, identifying factors, and expected future residence address in Ohio or any other state, obtain the offender's or child's criminal and delinquency history, and obtain a photograph and the fingerprints of the offender or child. Regarding an offender, the official, designee, or judge also must obtain from the offender his or her current or expected future

school, institution of higher education, or place of employment address in Ohio, if any. If the notice is provided by a judge, the sheriff must provide the offender's or delinquent child's criminal and delinquency history to the judge. Within three days after receiving the information and items, the official, designee, or judge must forward the information and items to BCII in accordance with the forwarding procedures adopted pursuant to R.C. 2950.13, to the sheriff of the county in which the offender or delinquent child expects to reside, and, regarding an offender, to the sheriff of the county, if any, in which the offender attends or will attend a school or institution of higher education or is or will be employed. In addition, as added by the act, the official, designee, or judge must forward the information and items to the sheriff of the county in which the offender or delinquent child was convicted, pleaded guilty, or adjudicated a delinquent child if the offender or child has a duty to register under the act's new duty to register at sentencing or disposition. Under continuing law, if the notice is provided by a judge regarding a delinquent child and the child has been committed to DYS or to a secure facility, the judge, in addition to the other information and items described above, also must forward to BCII and the sheriff notification that the child has been so committed. If it has not already done so, BCII must forward a copy of the fingerprints and conviction data received to the FBI. (R.C. 2950.03(C).)

Notification to offender or delinquent child who committed offense prior to act's effective date of duties under the SORN Law as amended by the act

The act enacts special notification provisions that must be used to notify certain offenders and delinquent children who commit a sexually oriented offense or a child-victim oriented offense prior to January 1, 2008, of their duties under the SORN Law as amended by the act. These notification provisions will take effect on July 1, 2007 (Sections 3 to 5 of the act).

Offenders and delinquent children who have registered before December 1, 2007, or who register on or after that date under a duty imposed prior to that date

Registration before December 1, 2007. The act provides that, at any time on or after July 1, 2007, and not later than December 1, 2007, the AG must determine for each offender or delinquent child who, prior to December 1, 2007, has registered a residence, school, institution of higher education, or place of employment address pursuant to the SORN Law the offender's or child's new classification as a tier I, II, or III sex offender/child-victim offender under the SORN Law as it will exist on January 1, 2008, the offender's or child's duties under the SORN Law, and, regarding a child, whether the child is a public registry-qualified juvenile offender registrant.

At any time on or after July 1, 2007, and not later than December 1, 2007, the AG must send to each such offender or delinquent child a registered letter that contains the information described in this paragraph. The registered letter must be sent return receipt requested to the last reported address of the person and, if the person is a delinquent child, the last reported address of the parents of the child. The letter must notify the offender or the child and the child's parents of all of the following: (1) the changes in the SORN Law that will be implemented on January 1, 2008, (2) subject to clause (3) of this paragraph, the offender's or child's new classification as a tier I, II, or III sex offender/child-victim offender, the offender's or child's duties under the SORN Law and the duration of those duties, whether the child is classified a public registry-qualified juvenile offender registrant, and the information contained in the notice to an offender or delinquent child of the offender's or child's duties under the SORN Law to the extent it is relevant to the offender or child, (3) the fact that the offender or child has a right to a hearing to contest the offender's or child's classification under the SORN Law as amended by the act, the procedures for requesting the hearing, and the period of time within which the request must be made, and (4) if the offender's or child's duty to comply with the SORN Law is scheduled to terminate on or after July 1, 2007, and prior to January 1, 2008, under the version of R.C. 2950.07 in effect prior to January 1, 2008, a summary of the provisions of R.C. 2950.033 described below in "Offenders and delinquent children whose SORN Law duties currently are scheduled to terminate on or after July 1, 2007, and prior to January 1, 2008," and the application of those provisions to the offender or child (clause (4) applies to a delinquent child only if the child is subject to R.C. 2950.033).

The AG must make the determinations described in the second preceding paragraph for each offender or delinquent child who has registered an address as described in that provision and must send the registered letter described in the preceding paragraph to each offender or delinquent child who has registered an address as described in that provision, even if the offender's duty to comply with the SORN Law is scheduled to terminate prior to January 1, 2008, under the version of R.C. 2950.07 in effect prior to January 1, 2008, or the delinquent child is subject to R.C. 2950.033 and the child's duty to comply with that Law is scheduled to terminate prior to January 1, 2008, under the version of R.C. 2950.07 in effect prior to that date. R.C. 2950.033 applies to any offender who has registered an address as described in the two preceding paragraphs and whose duty to comply with the SORN Law is scheduled to terminate prior to January 1, 2008, under the version of R.C. 2950.07 in effect prior to or any delinquent child who is subject to R.C. 2950.033 and whose duty to comply with that Law is scheduled to terminate prior to January 1, 2008, under the version of R.C. 2950.07 in effect prior to that date. (R.C. 2950.031(A).)

Registration on or after December 1, 2007, under a duty imposed prior to that date. If a sheriff informs the AG that an offender or delinquent child registered with the sheriff pursuant to the SORN Law on or after December 1, 2007, that the offender or child previously had not registered with any sheriff, and that the offender or child was convicted of, pleaded guilty to, or was classified a juvenile offender registrant relative to the sexually oriented offense or child-victim oriented offense upon which the registration was based prior to December 1, 2007, within 14 days after being so informed of the registration and receiving required information and material, the AG must determine for the offender or delinquent child all of the matters specified in the second preceding paragraph. Upon making the determinations, the AG immediately must send to the offender or to the delinquent child and the child's parents a registered letter that contains the information specified in the preceding paragraph. (R.C. 2950.031(B).)

Additional duties of the AG subsequent to sending letter. The act requires the AG to maintain the return receipts for all offenders, delinquent children, and parents of delinquent children who are sent a registered letter under the provisions described above. For each offender, delinquent child, and parents, the AG must send a copy of the return receipt for the offender, child, or parents to the sheriff with whom the offender or child most recently registered a residence address and, if applicable, a school, institution of higher education, or place of employment address and to the prosecutor who handled the case in which the offender or child was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing the sexually oriented offense or child-victim oriented offense that resulted in the offender's or child's registration duty under the SORN Law. If a return receipt indicates that the offender, child, or parents of a child to whom the registered letter was sent does not reside or have temporary domicile at the listed address, the AG immediately must provide notice of that fact to the sheriff with whom the offender or child registered that residence address.

The AG is required to mail to each sheriff a list of all offenders and delinquent children who have registered a residence address or a school, institution of higher education, or place of employment address with that sheriff and to whom a registered letter is sent under the provisions described above. The list must specify the offender's or child's new classification as a tier I, II, or III sex offender/child-victim offender, the offender's or child's duties under the SORN Law, and whether the child is a public registry-qualified juvenile offender registrant. (R.C. 2950.031(C) and (D).)

Hearing to contest application of new SORN Law requirements. The act permits an offender or delinquent child who is in any of the categories described above to request as a matter of right a court hearing to contest the application to the offender or child of the new registration requirements under the SORN Law as

amended by the act. The offender or child may contest the manner in which the letter sent to the offender or child as described above specifies that the new registration requirements apply to the offender or child or may contest whether those new registration requirements even apply to the offender or child. To request the hearing, an offender or child who resides in or is temporarily domiciled in Ohio must file a petition not later than the date that is 60 days after the offender or child received the registered letter sent by the AG as described above with the court of common pleas or, for a child, the juvenile court of the county in which the offender or child resides or temporarily is domiciled. If the offender does not reside in and is not temporarily domiciled in Ohio, the petition must be filed with the court of common pleas of the county in which the offender registered a school, institution of higher education, or place of employment address (but if the offender has registered addresses of that nature in more than one county, the offender may file a petition in the court of only one of those counties).

If the offender or child requests a hearing by timely filing a petition with the appropriate court, the offender or child must serve a copy of the petition on the prosecutor of the county in which the petition is filed. The prosecutor represents the interests of the state in the hearing. In the hearing, the Rules of Civil Procedure or, if the hearing is in a juvenile court, the Rules of Juvenile Procedure apply, except to the extent that those Rules would by their nature be clearly inapplicable. The court must schedule a hearing and must provide notice to the offender or child and prosecutor of the date, time, and place of the hearing.

If an offender or delinquent child requests a hearing, until the court issues its decision at or subsequent to the hearing, the offender or child is required to comply prior to January 1, 2008, with the SORN Law as it exists prior to that date and is required to comply on and after January 1, 2008, with the SORN Law as it exists on that date. At the hearing, all parties are entitled to be heard, and the court must consider all relevant information and testimony presented relative to the application to the offender or child of the new registration requirements under the SORN Law as amended by the act. If, at the conclusion of the hearing, the court finds that the offender or child has proven by clear and convincing evidence that the new registration requirements do not apply to the offender or child in the manner specified in the letter sent to the offender or child, the court must issue an order that specifies the manner in which the court has determined that the new registration requirements apply to the offender or child. If, at the conclusion of the hearing, the court finds that the offender or child has proven by clear and convincing evidence that the new registration requirements do not apply to the offender or child, the court must issue an order that specifies that the new registration requirements do not apply to the offender or child. The court promptly must serve a copy of an order issued under this provision upon the sheriff with whom the offender or child most recently registered under the SORN

Law and upon BCII. The offender or child and the prosecutor have the right to appeal the decision of the court issued under this provision.

If an offender or delinquent child fails to request a hearing within the applicable 60-day period, the failure constitutes a waiver by the offender or child of the offender's or child's right to a hearing under this provision, and the offender or delinquent child is bound by the determinations of the AG contained in the registered letter sent to the offender or child.

If a juvenile court issues an order under R.C. 2152.86 that classifies a delinquent child a public-registry qualified juvenile offender registrant and if the child's delinquent act was committed prior to January 1, 2008, a challenge to the classification contained in the order must be made as described below in "Juvenile court classification of a delinquent child as a public registry-qualified juvenile offender registrant." (R.C. 2950.031(E).)

Offenders and delinquent children who will be imprisoned or institutionalized on December 1, 2007; who commence a prison term or institutionalization on or after that date and have prior SORN Law duties; or who have SORN Law duties imposed on or after July 1, 2007, and are not sentenced to a prison term or institutionalization

Offenders and delinquent children serving a prison term or DYS institutionalization for a sexually oriented offense or child-victim oriented offense on December 1, 2007. The act provides that, at any time on or after July 1, 2007, and not later than December 1, 2007, for each offender who on December 1, 2007, will be serving a prison term in a state correctional institution for a sexually oriented offense or child-victim oriented offense, the AG must determine the offender's classification relative to that offense as a tier I, II, or III sex offender/child-victim offender under the SORN Law and the offender's duties under the SORN Law and must provide to DRC a document that describes those determinations. Also, at any time on or after July 1, 2007, and not later than December 1, 2007, for each delinquent child who has been classified a juvenile offender registrant and who on December 1, 2007, will be confined in a DYS institution for a sexually oriented offense or child-victim oriented offense, the AG must determine the classification and duties of the child as identified in the preceding sentence and whether the child is a public registry-qualified juvenile offender registrant and must provide to DYS a document that describes those determinations.

At any time on or after July 1, 2007, and not later than December 1, 2007, for each offender and delinquent child described in the preceding paragraph, the AG also must determine whether the AG is required to send a registered letter to that offender or child and child's parents describing the act's changes to the SORN



Law, stating the offender's or child's new classification under that Law, and specifying that the offender or child may request a hearing on the application of the new law to the offender or child relative to the sexually oriented offense or child-victim oriented offense for which the offender or child is serving the prison term or is confined. If the AG is required to send such a letter, the AG must include in the document provided to DRC or DYS under the provisions described in the preceding paragraph a conspicuous notice that the AG will be sending the offender or child the registered letter and that the Department is not required to provide to the offender or child the written notice described in the next paragraph.

At any time on or after July 1, 2007, and not later than December 1, 2007, except as otherwise described in this paragraph, DRC must provide to each offender described in the second preceding paragraph, and DYS must provide to each delinquent child described in that paragraph and to the child's parents, a written notice that contains the information described in this paragraph. DRC and DYS are not required to provide such a written notice if the AG included in the document provided to DRC or DYS notice that the AG will be sending that offender or that child and the child's parents a registered letter and that DRC or DYS is not required to provide to that offender or child the written notice. The written notice provided to an offender or a delinquent child and the child's parents must notify the offender or child of all of the following: (1) the act's changes in the SORN Law, (2) subject to the provision described in clause (3) of this paragraph, the offender's or child's new classification as a tier I, II, or III sex offender/child-victim offender, the offender's or child's duties under the amended SORN Law and the duration of those duties, whether the child is classified a public-registry qualified juvenile offender registrant, and the information contained in the notice to the offender or delinquent child of the offender's or child's duties under the SORN Law, to the extent it is relevant to the offender or child, (3) the fact that the offender or child has a right to a hearing to contest the offender's or child's classification, the procedures for requesting the hearing, and the period of time within which the request for the hearing must be made, and (4) if the offender's or child's duty to comply with the SORN Law is scheduled to terminate on or after July 1, 2007, and prior to January 1, 2008, under the version of R.C. 2950.07 in effect prior to January 1, 2008, a summary of the provisions of R.C. 2950.033, described below in '*Offenders and delinquent children whose SORN Law duties currently are scheduled to terminate on or after July 1, 2007, and prior to January 1, 2008,*' and the application of those provisions to the offender or child (clause (4) applies to a delinquent child only if the child is subject to R.C. 2950.033).

The AG must make the determinations described in the second and third preceding paragraphs for each offender who is described in either of those provisions even if the offender's or child's duty to comply with the SORN Law is



scheduled to terminate prior to January 1, 2008, under the version of R.C. 2950.07 in effect prior to January 1, 2008, or the delinquent child is subject to R.C. 2950.033 and the child's duty to comply with that Law is scheduled to terminate prior to January 1, 2008, under the version of R.C. 2950.07 in effect prior to that date. DRC and DYS must provide the notice described in the second preceding paragraph even if the offender's duty to comply with the SORN Law is scheduled to terminate prior to January 1, 2008, under the version of R.C. 2950.07 in effect prior to that date or if the delinquent child is subject to R.C. 2950.033 and the child's duty to comply with that Law is scheduled to terminate prior to January 1, 2008, under the version of R.C. 2950.07 in effect prior to that date. R.C. 2950.033, described below in **'Offenders and delinquent children whose SORN Law duties currently are scheduled to terminate on or after July 1, 2007, and prior to January 1, 2008,'** applies to any offender described in the second and third preceding paragraphs whose duty to comply with the SORN Law is scheduled to terminate prior to January 1, 2008, under the version of R.C. 2950.07 in effect prior to that date and any delinquent child who is subject to R.C. 2950.033 and whose duty to comply with that Law is scheduled to terminate prior to January 1, 2008, under the version of R.C. 2950.07 in effect prior to that date. (R.C. 2950.032(A).)

'Offenders and delinquent children commencing a prison term or DYS institutionalization on or after December 2, 2007, and having a registration duty imposed prior to that date.' The act provides that if, on or after December 2, 2007, an offender commences a prison term in a state correctional institution or a delinquent child commences confinement in a DYS institution for a sexually oriented offense or a child-victim oriented offense and if the offender or child was convicted of, pleaded guilty to, or was classified a juvenile offender registrant relative to the offense on or before that date, as soon as practicable, DRC or DYS, as applicable, must contact the AG, inform the AG of the commencement of the prison term or institutionalization, and forward to the AG information and material that identifies the offender or child and that describes the sexually oriented offense or child-victim oriented offense resulting in the prison term or institutionalization, the facts and circumstances of it, and the offender's or child's criminal or delinquency history. Within 14 days after being so informed of the commencement of the prison term or institutionalization and receiving the specified information and material, the AG must determine the offender's or delinquent child's classification relative to the offense as a tier I, II, or III sex offender/child-victim offender and the offender's or child's duties under the SORN Law and immediately provide to DRC or DYS a document that describes the offender's or child's classification and duties as so determined.

Upon receipt from the AG of a document described in the preceding paragraph that pertains to an offender or delinquent child, DRC must provide to

the offender or DYS must provide to the child, as applicable, a written notice that details the act's changes to the SORN Law, the offender's or child's new classification as a tier I, II, or III sex offender/child-victim offender, whether the child is a public registry-qualified juvenile offender registrant, the offender's or child's duties under the SORN Law, and the right to a hearing to contest the classification under the amended SORN Law. (R.C. 2950.032(B).)

Conviction of sexually oriented offense or child-victim oriented offense or classification as a juvenile offender registrant on or after July 1, 2007, and prior to January 1, 2008, and not sentenced to prison or committed to DYS. The act specifies that if, on or after July 1, 2007, and prior to January 1, 2008, an offender is convicted of or pleads guilty to a sexually oriented offense or child-victim oriented offense and the court does not sentence the offender to a prison term for that offense or if, on or after July 1, 2007, and prior to January 1, 2008, a delinquent child is classified a juvenile offender registrant relative to a sexually oriented offense or child-victim oriented offense and the juvenile court does not commit the child to the custody of DYS for that offense, the court at the time of sentencing or the juvenile court at the time of making the classification, whichever is applicable, must provide the offender or child with all of the following: (1) the notices required under former law regarding the offender's or child's duties under the SORN Law as it exists prior to January 1, 2008, (2) a written notice of the act's changes to the SORN Law, (3) the offender's or child's new tier I, II, or III sex offender/child-victim offender classification under the new Law, and the offender's or child's duties under that Law, and (4) a written notice that clearly indicates that the offender or child is required to comply with the duties described in the notice provided under clause (1) of this paragraph until January 1, 2008, and is required to comply with the duties described in clause (2) of this paragraph on and after that date. (R.C. 2950.032(C).)

Official's or judge's duties subsequent to providing the notice. The act provides that, except as otherwise described in this paragraph, the officer or employee of DRC or DYS who provides an offender or delinquent child with the notices described above must require the offender or child to read and sign a form stating that the changes in the amended SORN Law, the offender's or child's classification as a tier I, II, or III sex offender/child-victim offender, the offender's or child's duties under the SORN Law as so changed and the duration of those duties, the child's classification as a public registry-qualified juvenile offender registrant, if applicable, the information specified in R.C. 2950.03(B) to the extent it is relevant to the offender or child, and the right to a hearing, procedures for requesting the hearing, and period of time within which the request for the hearing must be made have been explained to the offender or child. Except as otherwise described in this paragraph, the judge who provides an offender or delinquent child with the notices described above must require the offender or child to read

and sign a form stating that all of the information described in the preceding paragraph has been explained to the offender or child. If the offender or child is unable to read, the official, employee, or judge must certify on the form that the official, employee, or judge specifically informed the offender or child of all of that information and that the offender or child indicated an understanding of it.

After an offender or delinquent child has signed the form described in the preceding paragraph or the official, employee, or judge has certified on the form that the form has been explained to the offender or child and that the offender or child indicated an understanding of the specified information, the official, employee, or judge must give one copy of the form to the offender or child, within three days must send one copy to BCII in accordance with the procedures adopted pursuant to R.C. 2950.13, and must send one copy to the sheriff of the county in which the offender or child expects to reside and one copy to the prosecutor who handled the case in which the offender or child was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing the sexually oriented offense or child-victim oriented offense that resulted in the offender's or child's registration duty under the SORN Law. (R.C. 2950.032(D).)

Hearing to contest application of new SORN Law requirements. The act permits an offender or delinquent child who is in any of the categories described above (except for one who is convicted or adjudicated a delinquent child on or after July 1, 2007, and is provided notice by a court) to request as a matter of right a court hearing to contest the application to the offender or child of the new registration requirements under the SORN Law as amended by the act. The offender or child may contest the manner in which the new registration requirements apply to the offender or child or may contest whether those new registration requirements even apply to the offender or child. To request the hearing, an offender or child must file a petition with the appropriate court not later than 60 days after the offender or child is provided the notice, and an offender or child who is provided a notice on or after December 2, 2007, must file a petition with the appropriate court not later than 60 days after the offender or child is provided the notice. The request for the hearing must be made in the same manner and with the same court as is specified above in "**Offenders and delinquent children who have registered before December 1, 2007, or who register on or after that date under a duty imposed prior to that date,**" and, except as otherwise described below, the provisions described in that part of this analysis regarding the service of process and notice regarding the hearing, the conduct of the hearing, the determinations to be made at the hearing, and appeals of those determinations also apply to a hearing requested as described in this paragraph.

If a hearing is requested, the offender or delinquent child must appear at the hearing by video conferencing equipment if available and compatible, except that, upon the court's own motion or the motion of the offender or child or the prosecutor and a determination by the court that the interests of justice require that the offender or child be present, the court may permit the offender or child to be physically present at the hearing. An appearance by video conferencing equipment pursuant to this provision has the same force and effect as if the offender or child were physically present at the hearing. The failure to timely request a hearing constitutes a waiver of the right to a hearing.

If a juvenile court issues an order under R.C. 2152.86 that classifies a delinquent child a public-registry qualified juvenile offender registrant and if the child's delinquent act was committed prior to January 1, 2008, a challenge to the classification contained in the order must be made as described below in "**Juvenile court classification of a delinquent child as a public registry-qualified juvenile offender registrant.**" (R.C. 2950.032(E).)

Offenders and delinquent children whose SORN Law duties currently are scheduled to terminate on or after July 1, 2007, and prior to January 1, 2008

Voiding of termination and continuance of duties

If, on or before July 1, 2007, an offender has been convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a delinquent child in a category described below in "**Delinquent children to whom the extension provision applies**" has a duty to comply with the SORN Law based on that offense and if the offender's or delinquent child's duty to comply with those sections based on that offense is scheduled to terminate on or after July 1, 2007, and prior to January 1, 2008, under the version of R.C. 2950.07 that is in effect prior to January 1, 2008, notwithstanding that scheduled termination of those duties, the offender's or delinquent child's duties under those sections do not terminate as scheduled and remain in effect for the following period of time (R.C. 2950.033(A); these provisions take effect on July 1, 2007, pursuant to Sections 3 to 5 of the act):

(1) If the offender or child has registered under the SORN Law prior to December 1, 2007, receives a registered letter from the AG pursuant to the provisions described above, and timely requests a hearing to contest the application to the offender or child of the new registration requirements under the SORN Law or the tier classification of the offender or child specified by the AG, the offender's or child's duty to comply with the SORN Law continues at least until the court issues its decision at or subsequent to the hearing. The offender's or child's duty to comply with that Law continues in accordance with, and for the duration specified in, the determinations of the AG that are specified in the

registered letter the offender or child received from the AG, unless the court's decision terminates the offender's or child's duty to comply with that Law or provides a different duration for which the offender or child has a duty to comply with it.

(2) If the offender or child has registered under the SORN Law prior to December 1, 2007, receives a registered letter from the AG pursuant to the provisions described above, and does not timely request a hearing to contest the application to the offender or delinquent child of the new registration requirements or the tier classification of the offender or child specified by the AG, the offender's or child's duty to comply with the SORN Law continues in accordance with, and for the duration specified in, the determinations of the AG that are specified in the registered letter the offender or child received from the AG.

(3) If the offender or delinquent child is serving a prison term or is in a DYS institution, receives a notice from DRC or DYS pursuant to the provisions described above, and timely requests a hearing in accordance with those provisions to contest the application to the offender or child of the new registration requirements or the tier classification of the offender or child specified by the AG, the offender's or child's duty to comply with the SORN Law continues in the same manner and for the same duration as is described above in paragraph (1).

(4) If the offender or child is serving a prison term or is in a DYS institution, receives a notice from DRC or DYS pursuant to the provisions described above, and does not timely request a hearing to contest the application to the offender or child of the new registration requirements or the tier classification of the offender or child specified by the AG, the offender's or child's duty to comply with the SORN Law continues in the same manner and for the same duration as is described above in paragraph (2).

(5) If the offender or child is in a category described above in paragraph (1), (2), (3), or (4) but does not receive a registered letter from the AG or a notice from DRC or DYS pursuant to the provisions referred to in those paragraphs, notwithstanding the failure of the offender or child to receive the registered letter or the notice, the offender's or child's duty to comply with the SORN Law continues in accordance with, and for the duration specified in, the provisions of the SORN Law as they exist under the changes to the provisions that are implemented on January 1, 2008.

Presumption of knowledge of the law and of the voiding of termination and continuance of duties

The act provides that an offender or a delinquent child in a category described below in "**Delinquent children to whom the extension provision**

applies" who, on or before July 1, 2007, has a duty to comply with the SORN Law based on a conviction of, plea of guilty to, or adjudication as a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and whose duty to comply with those sections is scheduled to terminate on or after July 1, 2007, and prior to January 1, 2008, under the version of R.C. 2950.07 that is in effect prior to January 1, 2008 is presumed to have knowledge of the law, the content of the provisions described above in "**Voiding of termination and continuance of duties**" and its application to the offender or child, and the offender's or child's duties under the SORN Law as it exists under the changes that are implemented on January 1, 2008. Any failure of any such offender or delinquent child to receive a required registered letter from the AG or to receive a required written notice from DRC or DYS does not negate, limit, or modify the presumption specified in this division. (R.C. 2950.033(B).)

These provisions take effect on July 1, 2007 (Sections 3 to 5 of the act).

Delinquent children to whom the extension provision applies

The act provides that the provisions described above regarding the extension of a person's duty to comply with the SORN Law apply to a person who is adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense only if the person is so adjudicated prior to January 1, 2008, and who, under the version of section 2950.01 of the Revised Code that is to take effect on January 1, 2008, will be a public registry-qualified juvenile offender registrant relative to that offense (R.C. 2950.033(C)).

These provisions take effect on July 1, 2007 (Sections 3 to 5 of the act).

Limited authority for termination of SORN Law duties

The act allows tier I sex offenders/child-victim offenders who were convicted or pleaded guilty to their offense and public registry-qualified juvenile offender registrants ("eligible offender") to seek and obtain court termination of those duties.¹

The act provides that an eligible offender may make a motion to the court of common pleas or, for a delinquent child, the juvenile court of the county in which the eligible offender resides requesting that the court terminate the eligible offender's duty to comply with the SORN Law's requirements. If the eligible offender is not an Ohio resident, he or she may make a motion to the court of

¹ Continuing law, discussed in a subsequent portion of this analysis, contains a different mechanism by which other juvenile offender registrants may seek modification or termination of SORN Law duties.

common pleas of the county in which he or she has registered pursuant to the SORN Law (but if the eligible offender has registered addresses of that nature in more than one county, the eligible offender may make such a motion in the court of only one of those counties). Notwithstanding any state or local rule assigning costs and fees for filing and processing civil and criminal cases, the fee for filing the motion is \$150. This fee must be applied to any further processing of the motion, including, but not limited to, the costs associated with investigating the motion, notifying relevant parties, scheduling hearings, and recording and reporting the court's determination. (R.C. 2950.15(A) and (B).)

When motion may be filed

Under the act, an eligible offender who is classified a tier I sex offender/child-victim offender may make a motion upon the expiration of ten years after the eligible offender's duty to register begins in relation to the offense for which the eligible offender is subject to registration. An eligible offender who is a public registry-qualified juvenile offender registrant may make a motion upon the expiration of 25 years after the eligible offender's duty to register begins in relation to the offense for which the eligible offender is subject to registration. (R.C. 2950.13(C).)

Material to be included with motion

An eligible offender must include all of the following with the motion (R.C. 2950.15(D)): (1) a certified copy of the judgment entry and any other documentation of the sentence or disposition given for the offense or offenses for which he or she was convicted, pleaded guilty, or was adjudicated a delinquent child, (2) documentation of the date of discharge from supervision or release, whichever is applicable, (3) evidence that the eligible offender has completed a sex offender treatment program certified by DRC or DYS pursuant to R.C. 2950.16, (4) evidence that the eligible offender has not been convicted of, pleaded guilty to, or been adjudicated delinquent for committing any subsequent sexually oriented offense or other criminal offense, except for a minor misdemeanor traffic offense, and (5) evidence that the eligible offender has paid any financial sanctions imposed upon him or her pursuant to the financial sanction provisions of the general Criminal Sentencing Law.

Hearing on motion, and related duties

Upon the filing of the motion described above, the offender or child must serve a copy of the petition on the prosecutor who handled the case in which the offender or child was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing the sexually oriented offense or child-victim oriented offense. Upon the filing of the motion, the court must set a tentative date



for a hearing on the motion that is not later than 180 days after the motion is filed unless good cause exists to hold the hearing at a later date and must notify the eligible offender and the prosecutor of the date, time, and place of the hearing. The court then must forward a copy of the motion and its supporting documentation to the court's probation department or another appropriate agency to investigate the merits of the motion. The probation department or agency is required to submit a written report detailing its investigation to the court within 60 days of receiving the motion and supporting documentation. Upon receipt of the written report from the probation department or other agency, the court must forward a copy of the motion, supporting documentation, and the written report to the prosecutor.

After the prosecutor is served with a copy of the motion, the prosecutor must notify the victim of any offense for which the eligible offender is requesting a termination of duties under the SORN Law. The victim may submit a written statement to the prosecutor regarding any knowledge the victim has of the eligible offender's conduct while subject to the duties imposed by the SORN Law.

At least seven days before the hearing date, the prosecutor may file an objection to the motion with the court and serve a copy of the objection to the eligible offender or the eligible offender's attorney.

In addition to the evidence that accompanies the motion and the written report submitted to the court as described above, in determining whether to grant a motion made under these provisions, the court may consider any other evidence it considers relevant, including, but not limited to, evidence of the following while the eligible offender has been subject to the duties imposed under the SORN Law: (1) whether the eligible offender's driver's or commercial driver's license or permit or nonresident operating privilege has ever been suspended, (2) whether the eligible offender has maintained financial responsibility for a motor vehicle as required by R.C. 4509.101, (3) whether the eligible offender has satisfied any child or spousal support obligations, if applicable, (4) whether the eligible offender has paid all local, state, and federal income taxes, and has timely filed all associated income tax returns, as required by local, state, or federal law, (5) whether there is evidence that the eligible offender has adequately addressed sex offending behaviors, (6) whether the eligible offender has maintained a residence for a substantial period of time, (7) whether the eligible offender has maintained employment, or if he or she has not been employed while subject to SORN Law duties, whether he or she has satisfied his or her financial obligations through other manners of support such as disability payments, a pension, spousal or child support, or scholarships or grants, (8) whether the eligible offender has adequately addressed any drug or alcohol abuse or addiction, (9) letters of reference, and (10)

documentation of the eligible offender's service to the community or to specific individuals in need.

The court, without a hearing, may issue an order denying the eligible offender's motion to terminate the eligible offender's duty to comply with the SORN Law requirements if the court, based on the evidence submitted with the motion and the written report submitted to it and after considering the factors described in the preceding paragraph, finds that those duties should not be terminated. If the prosecutor does not file an objection to the eligible offender's application, the court, without a hearing, may issue an order that terminates the eligible offender's duty to comply with the SORN Law requirements if the court, based on the evidence submitted with the motion and the written report submitted to it and after considering the factors described in the preceding paragraph, finds that those duties should be terminated.

If the court does not issue an order without a hearing, it must hold a hearing to determine whether to grant or deny the motion. At the hearing, the Rules of Civil Procedure or the Rules of Juvenile Procedure apply, except to the extent that those Rules would by their nature be clearly inapplicable. At the hearing, the eligible offender has the burden of going forward with the evidence and the burden of proof by a preponderance of the evidence. If, after considering the evidence submitted with the motion, the written report submitted to it, and the factors described above, the court finds that the eligible offender has satisfied the burden of proof, the court is required to issue an order that terminates the eligible offender's duty to comply with the SORN Law requirements. If the court finds that the eligible offender has not satisfied the burden of proof, the court must issue an order denying the motion.

The act requires the court to provide prompt notice of its order denying the motion or terminating the duty to comply with the SORN Law to the eligible offender or the eligible offender's attorney. If the court issues an order terminating the eligible offender's duty to comply with the SORN Law requirements, it promptly must forward a copy of the order to BCII. Upon receipt of the order, BCII is required to update all records pertaining to the eligible offender to reflect the termination order. BCII also must notify every sheriff with whom the eligible offender has most recently registered under the SORN Law of the termination order. If the court issues an order terminating the eligible offender's duty to comply with the SORN Law requirements, it promptly must forward a copy of the order to any court that sentenced the offender or adjudicated the child a delinquent child for a sexually oriented offense or child-victim oriented offense that is the basis of the termination order. The court that receives this notice must retain a copy of the order in the eligible offender's original case file. (R.C. 2950.15(E) to (H).)

SORN Law restriction on residence

The act prohibits a person who is convicted of, was convicted of, pleads guilty to, or pleaded guilty to a sexually oriented offense or a child-victim oriented offense from living within 1,000 feet of a preschool or child day-care center premises in the same manner as such an offender is prohibited from living within 1,000 feet of a school premises. Similarly, the act subjects an offender who violates this new prohibition to a forcible entry and detainer action, permits a landlord to repossess residential premises located within 1,000 feet of a preschool or child day-care center premises from a sex offender or child-victim offender, prohibits a tenant from allowing a sex offender or child-victim offender to live in residential premises that are within 1,000 feet of a preschool or child day-care center premises, and permits a landlord to terminate a rental agreement of a tenant who permits a sex offender or child-victim offender from living within 1,000 feet of a preschool or child day-care center premises. (R.C. 1923.01, 1923.02, 2950.034, 5321.01, 5321.03, and 5321.051.)

The act also relocates the SORN Law residency prohibition from R.C. 2950.031 to R.C. 2950.034 and specifies that the sections pertaining to this residency prohibition take effect on July 1, 2007. (Section 3.)

Applicable definitions

The act defines the following terms for purposes of this new prohibition (R.C. 2950.034(C)):

(1) "Child day-care center" means any place in which child care or publicly funded child care is provided for 13 or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven to twelve children at one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center are counted. "Child day-care center" does not include any of the following:

(a) A place located in and operated by a hospital, as defined in R.C. 3727.01, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a licensed physician or a licensed registered nurse, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;

(b) A child day camp;

(c) A place that provides child care, but not publicly funded child care, if all of the following apply: (i) an organized religious body provides the child care, (ii) a parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times, (iii) the child care is not provided for more than 30 days a year, and (iv) the child care is provided only for preschool and school children (referencing R.C. 5104.01(L)).

(2) "Preschool" means any public or private institution or center that provides early childhood instructional or educational services to children who are at least three years of age but less than six years of age and who are not enrolled in or are not eligible to be enrolled in kindergarten, whether or not those services are provided in a child day-care setting. "Preschool" does not include any place that is the permanent residence of the person who is providing the early childhood instructional or educational services to the children.

(3) "Preschool or child day-care center premises" means all of the following:

(a) Any building in which any of the preschool or child day-care center activities are conducted if the building has signage that indicates that the building houses a preschool or child day-care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances that may apply;

(b) The parcel of real property on which the preschool or child day-care center is situated if the parcel of real property has signage that indicates that a preschool or child day-care center is situated on the parcel, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply;

(c) Any grounds, play areas, and other facilities of the preschool or child day-care center that are regularly used by the children served by the preschool or child day-care center if the grounds, play areas, or other facilities have signage that indicates that they are regularly used by children served by the preschool or child day-care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply.

Victim notification under SORN Law

Ongoing law, amended by the act, provides a mechanism pursuant to which a victim of a sexually oriented offense or a child-victim oriented offense may obtain certain information about the offender or delinquent child who committed the offense, regardless of when the offense was committed, if the offender or delinquent child registers under the SORN Law and is one of the following persons (R.C. 2950.10(B)):

(1) Any offender who is a tier III sex offender/child-victim offender relative to the offense for which a victim requested to be provided notice;

(2) Any delinquent child who is a public registry-qualified juvenile offender registrant, and a juvenile court has not removed the child's duty to comply with the SORN Law pursuant to the provisions enacted in the act that are described below in "*Limited authority for termination of SORN Law duties*";

(3) Any 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 notification provisions prior to the act's effective date as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender as those terms were defined under former law, and a juvenile court has not removed the child's duty to comply with the SORN Law pursuant to the provisions described below in "*Juvenile court reclassification or declassification of a delinquent child as a juvenile offender registrant*"; or

(4) Any delinquent child who is a tier III sex offender/child-victim offender and is not a public registry-qualified juvenile offender registrant, if the delinquent child was classified a juvenile offender registrant on or after the act's effective date, the court imposed a requirement subjecting the delinquent child to the victim notification provisions, and a juvenile court has not removed the child's duty to comply with the SORN Law as described in clause (3), above, of this paragraph.

Community notification under SORN Law

Continuing law, as amended by the act, provides for sheriffs to notify specified persons and entities within a specified period of time when certain sex offenders and child-victim offenders reside in those persons' and entities' "community." The act adds to the list of persons and entities that must receive this notification to additionally include volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, company, or individual who requests notification as described in the next sentence (R.C. 2950.11(A)(10)). Related to this provision, the act (in R.C. 2950.11(J)) requires each sheriff to allow a volunteer organization or other organization, company, or individual who wishes to receive this notice regarding a specific offender or delinquent child or notice regarding all offenders and delinquent children who are located in the specified geographical notification area to notify the sheriff by electronic mail or through the sheriff's web site of this election. The sheriff promptly must inform BCII of these requests in accordance with the forwarding procedures adopted by the AG pursuant to R.C. 2950.13. The act also gives such an organization, company, or individual qualified immunity with respect to the

receipt or use of that information in the same manner as other notification recipients are given qualified immunity (R.C. 2950.12(A)(8)).

The act specifies that the notice provided to the specified persons in the community must include all of the following information regarding the subject offender or delinquent child (R.C. 2950.11(B)): (1) the offender's or child's name; the address or addresses of the offender's or public registry-qualified juvenile offender registrant's residence, school, institution of higher education, or place of employment, as applicable, or the residence address or addresses of a delinquent child who is not a public registry-qualified juvenile offender registrant; the sexually oriented offense or child-victim oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child; and the offender's or child's photograph, and (2) a statement that identifies the category specified below in "**Persons subjected to community notification**" that includes the offender or delinquent child and that subjects the offender or delinquent child to community notification.

Persons subjected to community notification

Except as provided below, the duty to provide the community notification notices apply regarding the following persons:

- (1) Any offender who is a tier III sex offender/child-victim offender;
- (2) Any 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) Any 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 community notification provisions prior to the act's effective date as a sexual predator, habitual sex offender, child-victim offender, or habitual child-victim offender as those terms were formerly defined and if a juvenile court has not removed the child's duty to comply with the SORN Law;
- (4) Any delinquent child who is a tier III sex offender/child-victim offender and is not a public registry-qualified juvenile offender registrant if the delinquent child was classified a juvenile offender registrant on or after the act's effective date, the court imposed a requirement subjecting the delinquent child to the community notification provisions, and a juvenile court has not removed the child's duty to comply with the SORN Law (R.C. 2950.11(F)(1)).

However, these notification provisions do not apply to a person described in the above four categories if a court finds at a hearing, after considering the

following factors, that the person would not be subject to the notification provisions as they existed immediately prior to the effective date of the act (R.C. 2950.11(F)(2)):

- (1) The offender's or delinquent child's age;
- (2) The offender's or delinquent 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 the order of disposition is to be made involved multiple victims;
- (5) Whether the offender or delinquent 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 delinquent 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 delinquent 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 delinquent child participated in available programs for sexual offenders;
- (7) Any mental illness or mental disability of the offender or delinquent child;
- (8) The nature of the offender's or delinquent 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 delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;
- (10) Whether the offender or delinquent child would have been a habitual sex offender or a habitual child-victim offender under the previous definitions of those terms;
- (11) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

Public access to information possessed by a sheriff

Under the act, all information that a sheriff possesses regarding an offender or delinquent child who is in a category specified above in "**Persons subjected to community notification**" that must be provided in a notice to a specified person in the community is a public record open to inspection under the state's Public Records Law. Also, a sheriff cannot cause to be publicly disseminated by means of the Internet any of the information described in this paragraph that is provided by a delinquent child unless that child is in a category specified above in "**Persons subjected to community notification**." (R.C. 2950.11(E).)

State Registry of Sex Offenders and Child-victim Offenders

Ongoing law requires the AG to establish and maintain a State Registry of Sex Offenders and Child-victim Offenders that is housed at BCII and that contains certain information. The act modifies the information that must be contained in the State Registry and other provisions regarding it.

Under the act, the State Registry must contain all of the registration, change of address, and address verification information BCII receives pursuant to the SORN Law's provisions regarding each sexually oriented or child-victim oriented offender and each juvenile offender registrant or out-of-state juvenile offender registrant, all of the information BCII receives from DRC or DYS prior to the release of a person who has committed a sexually oriented offense or child-victim oriented offense, and any notice of an order terminating or modifying an offender's or delinquent child's duty to comply with the SORN Law that BCII receives. For a sexually oriented or child-victim oriented offender, the State Registry also must indicate whether the conviction or guilty plea was in a criminal prosecution or in a serious youthful offender case. The act specifies that the State Registry is not open to inspection by the public or by any person other than certain peace officers, law enforcement officers, BCII employees, and the Registrar of Motor Vehicles. (R.C. 2950.13(A)(1).)

The act specifies that, in addition to the information and material described above, the State Registry must include all of the following regarding each person who is listed in it (R.C. 2950.13(A)(1)):

(1) A citation for, and the name of, all sexually oriented offenses or child-victim oriented offenses of which the person was convicted, to which the person pleaded guilty, or for which the person was adjudicated a delinquent child and that resulted in a registration duty, and the date on which those offenses were committed;

(2) The text of the sexually oriented offenses or child-victim oriented offenses identified in paragraph (1), above, as those offenses existed at the time the person was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing those offenses, or a link to a database that sets forth the text of those offenses;

(3) A statement as to whether the offender is a tier I, II, or III sex offender/child-victim offender for the sexually oriented offenses or child-victim oriented offenses identified in paragraph (1), above;

(4) The community supervision status of the person, including, but not limited to, whether the person is serving a community control sanction and the nature of any such sanction, whether the person is under supervised release and the nature of any such release, or regarding a juvenile, whether the juvenile is under any type of release authorized under R.C. Chapter 2152. or 5139. and the nature of any such release;

(5) The offense and delinquency history of the person, as determined from information gathered or provided from BCII under R.C. 109.57 or from DRC or DYS under R.C. 2950.14;

(6) The BCII tracking number assigned to the person if one has been so assigned, the FBI number assigned to the person if one has been assigned and BCII is aware of the number, and any other state identification number assigned to the person of which BCII is aware;

(7) Fingerprints and palmprints of the person;

(8) A DNA specimen from the person;

(9) Whether the person has any outstanding arrest warrants;

(10) Whether the person is in compliance with SORN Law duties.

Public Internet Sex Offender and Child-victim Offender Database

Ongoing law requires the AG, through BCII, to establish and operate on the Internet a Sex Offender and Child-victim Offender Database that contains certain information, that is a public record, and that must be searchable in a specified manner. Under former law, the Database contained information only regarding offenders (and not regarding any delinquent children). However, the act additionally requires the Public Internet Database to contain information for every delinquent child who has committed a sexually oriented offense, is a public registry-qualified juvenile offender registrant, and registers in any Ohio county.

BCII cannot include on the Public Database a victim's identity, any offender's or public registry-qualified juvenile offender registrant's Social Security number, the name of any school or institution of higher education attended by, or of the place of employment of, the offender or public registry-qualified juvenile offender registrant, any BCII tracking or state identification number, or the offender's or public registry-qualified juvenile offender registrant's driver's or commercial driver's license or permit number or state identification card number issued by Ohio or another state.

The act specifies that the Public Database is a public record open for inspection under the state's Public Records Law and that it must be searchable by offender or public registry-qualified juvenile offender registrant name, by county, by ZIP code, and by school district. The Database must provide a direct link to the web site of each sheriff who operates on the Internet a sex offender and child-victim offender database that contains information for offenders and public registry-qualified juvenile offender registrants who register in that county pursuant to the SORN Law.

The act requires BCII to provide on the Public Database, for each offender and public registry-qualified juvenile offender registrant, at least the following information: (1) the information described above in paragraphs (1) to (3) under "*State Registry of Sex Offenders and Child-victim Offenders*," (2) the address of the person's school, institution of higher education, or place of employment provided in a registration form, (3) the identification license plate number of each vehicle the person owns, has registered, operates as part of employment, or regularly has available for operation, a description of where each vehicle is habitually parked, stored, docked, or otherwise kept, and, if required by BCII, a photograph of each of those vehicles, (4) a chart describing which offenses are included in the definitions of tier I, II, and III sex offenders/child-victim offenders, (5) fingerprints and palmprints and a DNA specimen, (6) name and registered address or addresses, the sexually oriented offense or child-victim oriented offense on which the person's SORN Law duties are based, and a photograph, (7) any outstanding arrest warrants, and (8) the person's compliance status with the SORN Law. In addition to this specified information, BCII is required to determine the information to be provided on the Public Database for each offender and public registry-qualified juvenile offender registrant and to obtain that information from the information contained in the State Registry of Sex Offenders and Child-victim Offenders, which information, while in the possession of the sheriff who provided it, is a public record open for inspection. (R.C. 2950.13(A)(11).)

Assistance to sheriff in establishing Internet database of sex offenders and child-victim offenders; development of software to be used by sheriffs in establishing the database

Continuing law requires the AG, upon the request of any sheriff, to provide technical guidance to the requesting sheriff in establishing on the Internet a sex offender and child-victim offender database for the public dissemination of certain materials. The act expands the provision and imposes a new duty upon the AG. Under the act, the AG is required to develop software to be used by sheriffs in establishing this database for the public dissemination of some or all of the information and materials that are public records, that are not prohibited from inclusion, and that pertain to offenders and public registry-qualified juvenile offender registrants who register in the sheriff's county pursuant to the SORN Law and for the public dissemination of information the sheriff receives from DRC or DYS. As under prior law, upon the request of any sheriff, the AG must provide technical guidance to the sheriff in establishing on the Internet such a database. (R.C. 2950.13(A)(12).)

Internet database of sex offenders and child-victim offenders for law enforcement use

Ongoing law requires the AG, through BCII, to establish and operate on the Internet a database that enables local law enforcement representatives to remotely search by electronic means the State Registry of Sex Offenders and Child-victim Offenders and any information BCII receives from a sheriff, DRC, or DYS pursuant to the SORN Law. The database must enable local law enforcement representatives to obtain detailed information regarding each offender and delinquent child who is included in the State Registry, including certain specified information.

The act specifies that the database also must enable local law enforcement personnel to remotely search by electronic means any materials BCII receives from a sheriff, DRC, or DYS pursuant to the SORN Law, and expands the specified information that local law enforcement representatives must be able to obtain from the database. Under the act, the specified information includes, but is not limited to, the offender's or delinquent child's name, aliases, residence address, name and address of any place of employment, school, institution of higher education, if applicable, license plate number of each vehicle the offender or child owns, has registered, operates as part of employment, or regularly has available for operation if applicable, victim preference if available, date of most recent release from confinement if applicable, fingerprints and palmprints, all of the information described above in paragraphs (1) to (10) under "**State Registry of Sex Offenders and Child-victim Offenders**" regarding the offender or child, and other identification parameters BCII considers appropriate. Continuing law provides

that the database is not a public record open for inspection under the state's Public Records Law and is available only to law enforcement representatives. Information obtained by local law enforcement representatives through use of this database is not open to inspection by the public or by any person other than certain peace officers, law enforcement officers, BCII employees and the Registrar of Motor Vehicles. (R.C. 2950.13(A)(13).)

List of requests by volunteer organizations or other organizations, companies, or individuals who wish to receive community notification

The act requires the AG, through BCII, to maintain a list of requests for notice about a specified offender or delinquent child or specified geographical notification area made by a volunteer organization, or another organization, company, or individual, and, when an offender or delinquent child changes residence to another county, to forward any requests for information about that specific offender or child to the appropriate sheriff (R.C. 2950.13(A)(14)).

Notification by electronic means of officials in other states, when registration or change of address under the SORN Law

The act requires the AG, through BCII, to establish and operate a system for the immediate notification by electronic means of the appropriate officials in other states specified in this paragraph each time an offender or delinquent child subject to the SORN Law registers a residence, school, institution of higher education, or place of employment address, provides a notice of a change of address, or registers a new address. The immediate notification by electronic means must be provided to the appropriate officials in each state in which the offender or delinquent child is required to register a residence, school, institution of higher education, or place of employment address. The notification must contain the offender's or child's name and all of the information BCII receives from the sheriff with whom the offender or child registered the address, provided the notice of change of address, or registered the new address. (R.C. 2950.13(A)(15).)

Procedures for forwarding information to BCII

Continuing law requires the AG, in consultation with representatives of the officials, judges, and sheriffs, to adopt procedures for officials, judges, and sheriffs to use to forward information, photographs, and fingerprints to BCII pursuant to the SORN Law address registration, change of address, and address verification provisions. The act expands the provision to also require the AG, in consultation with the specified representatives, to adopt procedures for sheriffs to use to forward the required information with respect to volunteer organizations in which contact with minors or other vulnerable individuals might occur and organizations,

companies, and individuals who request community notification regarding offenders and delinquent children subject to the SORN Law. (R.C. 2950.13(A)(8).)

Attorney General adoption of rules to conform to federal regulations, guidelines, or standards

The act specifies that if, on or after July 1, 2007, the United States Attorney General, or an office established under the authority of the United States Attorney General, adopts any regulation, guideline, or standard that interprets or applies the Adam Walsh Act to require additional sex offender registration and notification than otherwise required under the SORN Law, as amended by the act, or notifies the Ohio AG that the act's amendments are not in substantial compliance with the Adam Walsh Act or regulations, guidelines, or standards interpreting that Act, the state AG within 180 days after a notification of non-compliance or the adoption of any regulations, guidelines, or standards must adopt rules in accordance with the Administrative Procedure Act to require additional sex offender registration and notification so that Ohio's sex offender registration and notification requirements are consistent with, and not less stringent than, the Adam Walsh Act and any interpreting regulations, guidelines, or standards (R.C. 2950.131).

This provision takes effect on July 1, 2007 (Sections 3 to 5 of the act).

Sheriff's establishment of an Internet database

The act, largely continuing former law, provides that, except when a child is classified a public registry-qualified juvenile offender registrant, a sheriff cannot cause to be publicly disseminated by means of the Internet any statements, information, photographs, fingerprints, or materials that are provided by a delinquent child who sends a notice of intent to reside, registers, provides notice of a change of residence address and registers the new residence address, or provides verification of a current residence address pursuant to the SORN Law and that are in the possession of the sheriff (R.C. 2950.081(B)).

Also under the act, if a sheriff establishes on the Internet a sex offender and child-victim offender database for the public dissemination of some or all of the materials that are not prohibited from inclusion, and that pertain to offenders or delinquent children who register in the sheriff's county, in addition to all of the other information and materials included, the sheriff is required to include in the database a chart describing which offenses are in the definitions of tier I, II, and III sex offenders/child-victim offenders and, for each offender or delinquent child in relation to whom information and materials are provided, a statement as to the tier in which the offender or delinquent child is classified (R.C. 2950.081(C)).

Certification of sex offender treatment programs

The act requires DRC and DYS, by July 1, 2008, to adopt rules pertaining to the certification of sex offender treatment programs. The rules must include requirements that DRC and DYS periodically inspect and certify sex offender treatment programs and that they maintain a list of certified sex offender treatment programs that is open to public inspection. (R.C. 2950.16.)

Notice by DRC or DYS to BCII prior to releasing a person who is subject to SORN Law

Ongoing law, as amended by the act, requires DRC and DYS, prior to release, to provide certain specified information to BCII regarding an offender or delinquent child who is under its custody and control and who has been convicted of, pleaded guilty to, or adjudicated a delinquent child and classified a juvenile offender registrant for committing any sexually oriented offense or child-victim oriented offense, regardless of when the offense was committed. Upon receipt of the information regarding an offender or delinquent child, BCII immediately must enter it into the State Registry of Sex Offenders and Child-victim Offenders that it maintains and into the criminal records that it maintains.

The information that DRC and DYS must provide includes the following: (1) the offender's or child's name and any aliases he or she uses, (2) all identifying factors concerning, *and a physical description of* (added by the act), the offender or child, (3) the offender's or child's anticipated future residence, (4) the offense and delinquency history *and the terms and conditions of release* (added by the act) of the offender or child, (5) whether the offender or child was treated for a mental abnormality or personality disorder while under the custody and control of DRC or DYS, and (6) any other information BCII indicates is relevant that DRC or DYS possesses. (R.C. 2950.14.)

Inclusion of certain prior SORN Law terminology within the act's terminology

The act provides that, except as specifically provided to the contrary in the SORN Law (R.C. 2950.011): (1) all references in any provisions of that Law to "sexually oriented offense" include, in addition to the violations specified in R.C. 2950.01(A) of that Law on and after January 1, 2008, any sexually oriented offense, as that term formerly was defined, that is committed prior to January 1, 2008, and that is not a registration-exempt sexually oriented offense, as that term formerly was defined, and (2) all references in any provisions of that Law to "child-victim oriented offense" include, in addition to the violations specified in R.C. 2950.01(C) of that Law on and after January 1, 2008, any child-victim oriented offense, as that term formerly was defined, that is committed prior to January 1, 2008.

Juvenile court classification of a delinquent child as a juvenile offender registrant

Overview

Under the ongoing Delinquent Child Law, as amended by the act, if a child is adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense, the juvenile court is required in certain circumstances and is authorized in other circumstances to classify the child a juvenile offender registrant and require the child to comply with the duties imposed under the SORN Law. The act generally retains the existing Delinquent Child Law's provisions that specify the circumstances in which a juvenile court is required, and the circumstances in which a juvenile court is authorized, to classify as a juvenile offender registrant a child who has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense, but it revises some of the procedures that a juvenile court follows in making the determination. The act repeals the existing provisions regarding determinations as to whether the delinquent child is a sexual predator, a habitual sex offender, a child-victim predator, or a habitual child-victim offender. It generally retains the existing mechanism by which a juvenile court reviews a juvenile offender registrant classification it has made of a delinquent child, upon the child's completion of the disposition imposed. The act enacts a new provision that applies regarding children adjudicated delinquent children for committing some of the most serious sexually oriented offenses and a new provision that permits a court to impose a requirement subjecting a delinquent child to the SORN Law's victim and community notification provisions if the delinquent child is a tier III sex offender/child-victim offender but is not a public registry-qualified juvenile offender registrant. Finally, the act enacts a mechanism by which a juvenile court that classifies a child a juvenile offender registrant also determines whether the child is a tier I, II, or III sex offender/child-victim offender (R.C. 2152.82 to 2152.86).

Mandatory classification at time of disposition, if repeat offender

Under the act, the court that adjudicates a child a delinquent child is required to issue as part of the dispositional order an order that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with the SORN Law's requirements if all of the following apply: (1) the act for which the child is adjudicated a delinquent child is a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 2002, (2) the child was 14, 15, 16, or 17 at the time of committing the offense, (3) the court has determined that the child previously was adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense, regardless of when the prior offense was committed and regardless of the child's

age at the time of committing the offense, and (4) the court is not required to classify the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant.

An order required under the provision described in the preceding paragraph must be issued when the judge makes the order of disposition for the delinquent child. Prior to issuing the order, the court generally must conduct a hearing under the act's provisions described below in "**Juvenile court determination of tier classification of a juvenile offender registrant**" to determine whether the child is a tier I, II, or III sex offender/child-victim offender. If the court determines that the delinquent child to whom the order applies is a tier III sex offender/child-victim offender and the child is not a public registry-qualified juvenile offender registrant, the judge may impose a requirement subjecting the child to the SORN Law's victim and community notification provisions. When a judge issues an order under the provision, the judge must do all of following: (1) include in the order a statement that, upon completion of the disposition of the delinquent child that was made for the sexually oriented offense or child-victim oriented offense upon which the order is based, a hearing will be conducted, and the order is subject to termination or modification pursuant to the provisions described below, (2) provide to the delinquent child and to the child's parent, guardian, or custodian a notice of the child's duties under the SORN Law, and provide as part of the notice a copy of the order, (3) include the order in the delinquent child's dispositional order and specify in the dispositional order that the juvenile offender registrant classification was made pursuant to this provision, (4) if the court determines that the delinquent child to whom the order applies is a tier III sex offender/child-victim offender, if the child is not a public registry-qualified juvenile offender registrant, and if the judge imposes a requirement subjecting the child to the SORN Law's victim and community notification provisions, include the requirement in the order, and (5) include in the order its determination as to whether the child is a tier I, II, or III sex offender/child-victim offender.

Except as described in the next paragraph, the order remains in effect for the period of time specified in R.C. 2950.07, subject to a modification or termination of the order under the act's provisions described below. If such an order is issued, the child's attainment of 18 or 21 years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this paragraph.

If a court issues an order under the provision described in the second preceding paragraph before January 1, 2008, not later than February 1, 2008, the court must terminate the order and issue a new order that reclassifies the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant if the court imposes a serious youthful offender disposition on the child

and if the act that was the basis of the classification of the delinquent child as a juvenile offender registrant is committing, attempting to commit, conspiring to commit, or complicity in committing: (1) rape, sexual battery, or the new gross sexual imposition described below in "*New gross sexual imposition prohibition*," if the victim of the violation was less than 12, or (2) aggravated murder, murder, or kidnapping committed with a purpose to gratify the sexual needs or desires of the child (hereafter termed a "public registry-qualified juvenile offender registrant qualifying offense" in subsequent portions of this analysis). (R.C. 2152.82.)

Mandatory classification at time of disposition or release from secure facility, if not repeat offender

Under the act, the court that adjudicates a child a delinquent child is required to issue as part of the dispositional order or, if the court commits the child for the delinquent act to the custody of a secure facility, to issue at the time of the child's release from the secure facility, an order that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with the SORN Law's requirements if all of the following apply: (1) the act for which the child is or was adjudicated a delinquent child is a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 2002, (2) the child was 16 or 17 at the time of committing the offense, and (3) the court was not required to classify the child a juvenile offender registrant or as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant. Prior to issuing the order, the court generally must conduct a hearing under the act's provisions described below in "*Juvenile court determination of tier classification of a juvenile offender registrant*" to determine whether the child is a tier I, II, or III sex offender/child-victim offender. When a judge issues the order, it must include in the order its determination as to the child's tier classification.

If a judge issues an order under the provision described in the preceding paragraph and the court determines that the delinquent child to whom the order applies is a tier III sex offender/child-victim offender and the child is not a public registry-qualified juvenile offender registrant, the judge may impose a requirement subjecting the child to the SORN Law's victim and community notification. If the judge imposes such a requirement, the judge must include the requirement in the order.

If a judge issues an order under the provision described in the second preceding paragraph, the judge must provide, at the time of the issuance of the order, to the delinquent child and to the child's parent, guardian, or custodian a copy of the order and a notice of the child's duties under the SORN Law. The judge also must include in the order a statement that, upon completion of the disposition of the delinquent child that was made for the sexually oriented offense

or child-victim oriented offense upon which the order is based, a hearing will be conducted and the order is subject to termination under the act's provisions described below. The order remains in effect for the period of time specified in R.C. 2950.07 (see "Commencement and duration of duties," above), subject to a modification or termination of the order under the act's provisions described below. The child's attainment of 18 or 21 does not affect or terminate the order, and the order remains in effect for the period of time described in this paragraph.

If a judge issues an order under the provision described in the third preceding paragraph before January 1, 2008, not later than February 1, 2008, the court must terminate the order and issue a new order that reclassifies the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant if the court imposed a serious youthful offender disposition on the child and if the act that was the basis of the classification of the delinquent child as a juvenile offender registrant is a public registry-qualified juvenile offender registrant qualifying offense. (R.C. 2152.83(A), (C), (E), (F), and (G).)

Discretionary classification at time of disposition or release, if no prior mandatory classification

The act provides that the court that adjudicates a child a delinquent child, on the judge's own motion, may conduct at the time of disposition of the child or, if the court commits the child for the delinquent act to the custody of a secure facility, may conduct at the time of the child's release from the secure facility, a hearing for the purposes described in the next paragraph if all of the following apply: (1) the act for which the child is adjudicated a delinquent child is a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 2002, (2) the child was 14 or 15 at the time of committing the offense, and (3) the court was not required to classify the child a juvenile offender registrant or as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant.

The act retains an existing provision that requires a judge to conduct a hearing as described in the preceding paragraph to review the effectiveness of the disposition made of the child and of any treatment provided for the child placed in a secure setting and to determine whether the child should be classified a juvenile offender registrant. The judge may conduct the hearing on the judge's own initiative or based upon a recommendation of a DYS officer or employee, a probation officer, a court employee, or a prosecutor or law enforcement officer. If the judge conducts the hearing, upon completion of the hearing, the judge, in the judge's discretion and after consideration of specified factors described below, must do either of the following: (1) decline to issue an order that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with the requirements of the SORN Law, or (2) issue an order that

classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with the requirements of the SORN Law and that states the determination the judge makes at the hearing held under the provisions described below in "Juvenile court determination of tier classification of a juvenile offender registrant" as to whether the child is a tier I, II, or III sex offender/child-victim offender.

If a judge issues an order under the provisions described in the two preceding paragraphs and the court determines that the delinquent child to whom the order applies is a tier III sex offender/child-victim offender and the child is not a public registry-qualified juvenile offender registrant, the judge may impose a requirement subjecting the child to the SORN Law's victim and community notification. If the judge imposes such a requirement, the judge must include the requirement in the order. If a judge issues an order under the provisions described in the two preceding paragraphs, the provisions described above in the third preceding paragraph under "Mandatory classification at time of disposition or at time of release from secure facility, if not repeat offender" apply. If a judge issues an order under the provisions described in the two preceding paragraphs before January 1, 2008, not later than February 1, 2008, the court must terminate the order and issue a new order that reclassifies the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant if the court imposed a serious youthful offender disposition on the child and if the act that was the basis of the classification of the delinquent child as a juvenile offender registrant is a public registry-qualified juvenile offender registrant qualifying offense.

The act provides that, in making a decision under the provisions described in the second and third preceding paragraphs as to whether a delinquent child should be classified a juvenile offender registrant, a judge must consider all relevant factors, including, but not limited to, all of the following: (1) the nature of the sexually oriented offense or the child-victim oriented offense committed by the child, (2) whether the child has shown any genuine remorse or compunction for the offense, (3) the public interest and safety, (4) the factors set forth in R.C. 2950.11(K) that a court uses in determining whether to suspend the application of the SORN Law's community notification provisions to a person, provided that references in those factors to "the offender" are to be construed for purposes of this provision to be references to "the delinquent child," (5) the factors set forth in R.C. 2929.12(B) and (C) under the Felony Sentencing Law as those factors apply regarding the delinquent child, the offense, and the victim, and (6) the results of any treatment provided to the child and of any follow-up professional assessment of the child. (R.C. 2152.83(B) to (G).)

Juvenile court determination of tier classification of a juvenile offender registrant

The act specifies that if, on or after January 1, 2008, a juvenile court adjudicates a child a delinquent child and classifies the child a juvenile offender registrant pursuant to R.C. 2152.82 or 2152.83 (both as described above), before issuing the order that classifies the child a juvenile offender registrant, the court generally must conduct a hearing to determine whether to classify the child a tier I, II, or III sex offender/child-victim offender. The act also requires that when a judge issues an order under R.C. 2152.82 or 2152.83 that classifies a delinquent child a juvenile offender registrant, in addition to the other statements and information required by the section under which the order is issued, the judge must include in the order its determination made at the hearing as to whether the child is a tier I, II, or III sex offender/child-victim offender. When a judge issues an order under R.C. 2152.84 or 2152.85 (see "**Juvenile court reclassification or declassification of a delinquent child as a juvenile offender registrant**," below) that reclassifies a delinquent child from one tier of sex offender/child-victim offender to a different tier of sex offender/child-victim offender, in addition to the other statements and information required by the section under which the order is issued, the judge must include in the order its determination as to the reclassification of the child and the tier to which the child is reclassified.

These provisions do not apply to a delinquent child if the court is required to classify the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to R.C. 2152.86, as described below in "**Juvenile court classification of a delinquent child as a public registry-qualified juvenile offender registrant**." (R.C. 2152.831.)

Juvenile court reclassification or declassification of a delinquent child as a juvenile offender registrant

Mandatory review upon completion of disposition, and continuation, modification, or termination of prior registration order

The act provides that, when a juvenile court judge issues an order that classifies a delinquent child a juvenile offender registrant and specifies that the child has a duty to comply with the requirements of the SORN Law, upon completion of the disposition of that child made for the sexually oriented offense or the child-victim oriented offense on which the juvenile offender registrant order was based, the judge or the judge's successor in office is required to conduct a hearing to review the effectiveness of the disposition and of any treatment provided for the child, to determine the risks that the child might re-offend, to determine whether the prior classification of the child as a juvenile offender registrant should be continued or terminated as described below, and, generally, to

determine whether its prior determination made at the hearing held pursuant to R.C. 2152.831 as to whether the child is a tier I, II, or III sex offender/child-victim offender should be continued or modified as described below. Upon completion of the hearing, the judge, in the judge's discretion and after consideration of all relevant factors, including, but not limited to, the factors described above in the last paragraph of "*Discretionary classification at time of disposition or release, if no prior mandatory classification*" must do one of the following, as applicable (R.C. 2152.84):

(1) Enter an order that continues the classification of the delinquent child as a juvenile offender registrant made in the prior order and the prior determination that the child is a tier I, II, or III sex offender/child-victim offender, whichever is applicable. If the judge issues such an order, the prior classification and tier determination remain in effect.

(2) If the prior order was not a mandatory juvenile offender registrant order, enter an order that contains a determination that the delinquent child no longer is a juvenile offender registrant and no longer has a duty to comply with the requirements of the SORN Law. An order of this type also terminates all prior determinations that the child is a tier I, II, or III sex offender/child-victim offender. This provision does not apply regarding a prior mandatory juvenile offender registrant order.

(3) Regardless of whether the prior order was a mandatory juvenile offender registrant order or a discretionary juvenile offender registrant order, enter an order that continues the classification of the delinquent child as a juvenile offender registrant made in the prior order and that modifies the prior determination made at the hearing held pursuant to R.C. 2152.831 that the child is a tier I, II, or III sex offender/child-victim offender, whichever is applicable. An order issued under this provision cannot include a determination that increases to a higher tier the tier classification of the delinquent child. However, such an order may include a determination that decreases the tier classification of the delinquent child. An order issued under this provision must specify the new determination made by the court at the hearing as to whether the child is a tier I, II, or III sex offender/child-victim offender, whichever is applicable.

If a judge issues an order that declassifies or reclassifies the delinquent child as a juvenile offender registrant, the judge must provide a copy of the order to BCII. BCII, upon receipt of the copy of the order, promptly must notify the sheriff with whom the child most recently registered under the SORN Law of the declassification or reclassification.

If a judge issues any type of order, the judge must provide to the delinquent child and the child's parent, guardian, or custodian a copy of the order and, if

applicable, a notice of the child's duties under the SORN Law. The order remains in effect for the period of time specified in R.C. 2950.07 (see "Commencement and duration of duties," above), subject to a modification on termination of the order under the act's provisions described below. If a judge issues an order under the provisions described in the preceding paragraph, the child's attainment of 18 or 21 years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this paragraph.

The act states that the provisions described in the preceding paragraphs do not apply to a delinquent child who is classified as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant. (R.C. 2152.84.)

Reclassification or declassification upon petition of juvenile offender registrant

Under the act, regardless of when the delinquent child was classified a juvenile offender registrant, upon the expiration of a specified period of time (see the second succeeding paragraph), a delinquent child who has been classified a juvenile offender registrant generally may petition the judge who made the classification, or that judge's successor in office, to do one of the following (R.C. 2152.85(A)):

(1) If the order containing the juvenile offender registrant classification also includes a determination that the delinquent child is a tier III sex offender/child-victim offender, to enter, as applicable, an order that contains a determination that reclassifies the child as either a tier II sex offender/child-victim offender or a tier I sex offender/child-victim offender, the reason or reasons for that reclassification, and a determination that the child remains a juvenile offender registrant, or an order that contains a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with the SORN Law's requirements.

(2) If the order containing the juvenile offender registrant classification also includes a determination that the delinquent child is a tier II sex offender/child-victim offender, to enter, as applicable, an order that contains a determination that reclassifies the child as a tier I sex offender/child-victim offender, the reason or reasons for that reclassification, and a determination that the child remains a juvenile offender registrant, or an order that contains a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with the SORN Law's requirements.

(3) If the order containing the juvenile offender registrant classification also includes a determination that the delinquent child is a tier I sex

offender/child-victim offender, to enter an order that contains a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with the SORN Law's requirements.

A child who has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense, regardless of when the offense was committed, and who has been classified a juvenile offender registrant relative to that offense may file a petition as described above requesting reclassification or declassification after the expiration of one of the following periods of time: (1) the delinquent child initially may file a petition not earlier than three years after the entry of the juvenile court judge's order after the mandatory hearing conducted after completion of the child's disposition made for the offense on which the juvenile offender registrant classification was based to review the disposition and treatment effectiveness, determine re-offend risks, and whether to continue that classification, (2) after the child's initial filing of a petition under clause (1) of this paragraph, the child may file a second petition not earlier than three years after the judge has entered an order deciding the petition under that clause, or (3) after the child's filing of a petition under clause (2) of this paragraph, thereafter, the child may file a petition under this clause upon the expiration of five years after the judge has entered an order deciding the petition under clause (2) or the most recent petition the child has filed under this clause.

Upon the filing of a petition requesting declassification or reclassification, the judge may review the prior classification in question and, upon consideration of all relevant factors and information, including, but not limited to, the factors listed in R.C. 2152.83, the judge, in the judge's discretion, must either enter an order denying the petition or issue an order that reclassifies or declassifies the delinquent child in the requested manner. If a judge issues an order that denies a petition, the prior classification of the delinquent child as a juvenile offender registrant and the prior tier classification remain in effect.

A judge may issue an order that reclassifies a child from a tier III sex offender/child-victim offender classification to a tier II sex offender/child-victim offender classification or a tier I sex offender/child-victim offender classification. Also, a judge may issue an order that contains a determination that reclassifies a child from a tier II sex offender/child-victim offender classification to a tier I sex offender/child-victim offender classification.

If a judge issues an order that declassifies a child, the order also terminates all prior determinations that the child is a tier I, II, or III sex offender/child-victim offender.

If a judge issues an order that reclassifies or declassifies the delinquent child, the judge must provide a copy of the order to BCII, and BCII, upon receipt

of the copy of the order, promptly must notify the sheriff with whom the child most recently registered under the SORN Law of the declassification or reclassification. If a judge issues any type of order, the judge must provide to the delinquent child and the child's parent, guardian, or custodian a copy of the order and, if applicable, notice of the delinquent child's duties under the SORN Law. The order remains in effect for the period of time specified in R.C. 2950.07 (see "Commencement and duration of SORN Law duties," above), subject to a future termination of the order under the provisions described in this part of the analysis. If a judge issues an order as described in this paragraph, the child's attainment of 18 or 21 years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this paragraph.

The act states that the provisions described in this section do not apply to a delinquent child who is classified as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant. (R.C. 2152.85.)

Transition provisions regarding juvenile offender registrants

The act states that if, prior to January 1, 2008, a judge issues under R.C. 2152.82 through 2152.85 an order that classified a delinquent child a juvenile offender registrant based on an adjudication for a sexually oriented offense or a child-victim oriented offense as those terms were defined in former law, and if, on and after January 1, 2008, the offense upon which the order was based is a sexually oriented offense or a child-victim oriented offense as those terms are defined by the act on and after January 1, 2008, notwithstanding the changes to the provisions under which the order was issued that are made on January 1, 2008, on and after that date, the order remains in effect for the period described in the provision under which it was issued as that provision exists on and after January 1, 2008, subject to subsequent modification or termination by the juvenile court, or the period of time described below in "Juvenile court classification of a delinquent child as a public registry-qualified juvenile offender registrant" if that provision applies, subject to subsequent modification or termination by the juvenile court, and the duty to comply with the requirements of the SORN Law is considered for all purposes to be a continuation of the duty imposed upon the child prior to January 1, 2008, under the order that classified the child a juvenile offender registrant. (R.C. 2152.851.)

Juvenile court classification of a delinquent child as a public registry-qualified juvenile offender registrant

The act enacts a series of provisions that require a juvenile court, at various specified times, to issue an order that classifies the child a juvenile offender registrant, specifies that the child has a duty to comply with the requirements of the SORN Law, and additionally classifies the child a public registry-qualified

juvenile offender registrant (R.C. 2152.86 and conforming changes in R.C. 2151.23(A)(15) and 2152.191).

Issuance at time of disposition

The act requires a court that, on or after January 1, 2008, adjudicates a child a delinquent child to issue as part of the dispositional order an order that classifies the child a juvenile offender registrant, specifies that the child has a duty to comply with the SORN Law, and additionally classifies the child a public registry-qualified juvenile offender registrant if the child was 14, 15, 16, or 17 years of age at the time of committing the delinquent act, the court imposed a serious youthful offender disposition on the child, and the delinquent act is a public registry-qualified juvenile offender registrant qualifying offense (R.C. 2152.86(A)(1)).

Issuance upon release from DYS

The act requires the court, upon a child's release, on or after January 1, 2008, from DYS, to issue an order that classifies the child a juvenile offender registrant, specifies that the child has a duty to comply with the SORN Law, and additionally classifies the child a public registry-qualified juvenile offender registrant if the child was adjudicated a delinquent child for committing a public registry-qualified juvenile offender registrant qualifying offense, the court imposed a serious youthful offender disposition on the child, the child was 14, 15, 16, or 17 years of age at the time of committing the act, and the court, at the time of disposition, did not issue an order classifying the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant (R.C. 2152.86(A)(2)).

Reclassification of previously classified juvenile offender registrant and issuance of new order

The act provides that, if a court issued an order classifying a child a juvenile offender registrant prior to January 1, 2008, not later than February 1, 2008, the court must issue a new order that reclassifies the child a juvenile offender registrant, specifies that the child has a duty to comply with the SORN Law, and additionally classifies the child a public registry-qualified juvenile offender registrant if the child was adjudicated a delinquent child for committing a public registry-qualified juvenile offender registrant qualifying offense, the court imposed a serious youthful offender disposition on the child, and the child was 14, 15, 16, or 17 years of age at the time of committing the act (R.C. 2152.86(A)(3)).

Duties subsequent to issuance of the order; duration of order and transition provisions

If a judge issues an order under a provision described in any of the three preceding paragraphs, the SORN Law's classification of tier I, II, or III sex offender/child-victim offender automatically applies to the delinquent child based on the sexually oriented offense or child-victim oriented offense the child committed, subject to a possible reclassification as described below for a child whose delinquent act was committed prior to January 1, 2008. The order must inform a child whose delinquent act was committed prior to January 1, 2008, that the child has a right to a hearing as described below and inform the child of the procedures for requesting the hearing and the period of time within which the request for the hearing must be made. When a judge issues an order under a provision described in any of the three preceding paragraphs, the judge must provide to the delinquent child who is the subject of the order and to the child's parent, guardian, or custodian notice of the child's duties under the SORN Law and provide as part of that notice a copy of the order. The judge must include the order in the delinquent child's dispositional order and specify in the dispositional order the Revised Code section pursuant to which the order was issued.

An order issued under any of those provisions remains in effect for the period of time specified in R.C. 2950.07 as it exists on and after January 1, 2008 (see "**Commencement and duration of SORN Law duties**," above), subject to a judicial termination of that period of time under the act or a possible tier reclassification of the child if the delinquent act was committed prior to January 1, 2008. If such an order is issued, the child's attainment of 18 or 21 years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this paragraph. If the court issues a new order that reclassifies a delinquent child a juvenile offender registrant and additionally classifies the child a public registry-qualified juvenile offender registrant, the duty to comply with the requirements of the SORN Law based upon that order is considered for all purposes to be a continuation of the duty to comply with those requirements imposed upon the child prior to January 1, 2008, under the former order that classified the child a juvenile offender registrant. (R.C. 2152.86(B) and (C).)

Hearing to contest classifications public registry-qualified juvenile offender registrant, if delinquent act committed prior to January 1, 2008

Under the act, if an order classifying a child as a public registry-qualified juvenile offender registrant is issued under the provisions described above regarding a delinquent child whose delinquent act was committed prior to January 1, 2008, the child generally may request as a matter of right a court hearing to contest the court's classification in the order of the child as a public registry-

qualified juvenile offender registrant. To request the hearing, not later than the date that is 60 days after the delinquent child is provided with the copy of the order, the delinquent child must file a petition with the juvenile court that issued the order.

If the delinquent child requests a hearing by timely filing a petition with the juvenile court, the delinquent child must serve a copy of the petition on the prosecutor who handled the case in which the delinquent child was adjudicated a delinquent child for committing the sexually oriented offense or child-victim oriented offense that resulted in the delinquent child's registration duty under the SORN Law. The prosecutor is to represent the interest of the state in the hearing. In the hearing, the Rules of Juvenile Procedure apply, except to the extent that those Rules would by their nature be clearly inapplicable. The court must schedule a hearing and provide notice to the delinquent child, the delinquent child's parent, guardian, or custodian, and the prosecutor of the date, time, and place of the hearing.

If the delinquent child requests a hearing in accordance with this provision, until the court issues its decision at or subsequent to the hearing, the delinquent child must comply with the SORN Law as it exists on and after January 1, 2008. If a delinquent child requests a hearing, at the hearing, all parties are entitled to be heard, and the court must consider all relevant information and testimony presented relative to the issue of whether the child should be classified a public registry-qualified juvenile offender registrant. Notwithstanding the court's classification of the delinquent child as a public registry-qualified juvenile offender registrant, the court may terminate that classification if it determines by clear and convincing evidence that the classification is in error.

If the court decides to terminate the court's classification of the delinquent child as a public registry-qualified juvenile offender registrant, the court must issue an order that specifies that it has determined that the child is not a public registry-qualified juvenile offender registrant and that it has terminated the court's classification of the delinquent child as a public registry-qualified juvenile offender registrant. The court promptly must serve a copy of the order upon the sheriff with whom the delinquent child most recently registered under the SORN Law and upon BCII. The delinquent child and the prosecutor have the right to appeal the decision of the court issued under this division.

If the delinquent child fails to request a hearing within the applicable 60-day period, the failure constitutes a waiver by the delinquent child of the delinquent child's right to a hearing, and the child is bound by the court's classification of the delinquent child as a public registry-qualified juvenile offender registrant.

An order issued under these provisions is independent of any order of a type described in R.C. 2950.031(F) or 2950.032(E), and the court may issue any of these types of orders. A court that conducts a hearing under the provisions described above may consolidate that hearing with a hearing conducted for the same delinquent child under R.C. 2950.031(F) or 2950.032(E). (R.C. 2152.86(D).)

Miscellaneous changes related to SORN Law

BCII maintenance of criminal records

The act specifies that the Superintendent of BCII must gather specified information that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for inclusion in the State Registry of Sex Offenders and in the Internet Sex Offender and Child-victim Offender Database operated by the AG and for possible inclusion in the Internet database operated by the AG for law enforcement use. (R.C. 109.57(C)(2), (D), and (J).)

Crime victims rights pamphlet; charging of a fee for compliance with SORN Law duties

In ongoing provisions that pertain to a crime victims rights pamphlet and to the charging of a fee for compliance with SORN Law duties, the act modifies the provisions by removing references to "registration-exempt sexually oriented offense" and "aggravated sexually oriented offense" and by replacing references to "sexual predator," "habitual sex offender," "child-victim predator," and "habitual child-victim offender" with a reference to "tier III sex offenders/child-victim offenders" and, in the crime victims rights pamphlet provisions, to delinquent children who are subjected to victim and community notification (R.C. 109.42(A)(16) and 311.171).

Repeal of existing R.C. 2152.811

Consistent with its repeal of the terms "registration-exempt sexually oriented offense" and "presumptive registration-exempt sexually oriented offense" and its elimination of the use of those terms in the SORN Law, the act repeals a former provision that contained procedures for a court that adjudicates a child a delinquent child for committing a presumptive registration-exempt sexually oriented offense to remove the presumption and subject the child to the SORN Law (repeal of R.C. 2152.811 in Sections 2 to 4 of the act).

Retention of control over delinquent child relative to SORN Law-related provisions

Continuing law. Continuing law provides that (R.C. 2152.22(A)): (1) when a child is committed to the legal custody of DYS, the juvenile court relinquishes control with respect to the child, except as provided in R.C. 2152.22(B), (C), and (G), which are not relevant to the act, or in the provisions dealing with the classification and declassification of delinquent children as juvenile offender registrants, and (2) subject to a series of specified statutory provisions, including the provisions dealing with the classification and declassification of delinquent children as juvenile offender registrants, all other dispositional orders made by a juvenile court under the Delinquent Child Law are temporary and continue for a period designated by the court, until terminated or modified by the court or until the child attains 21 years of age.

Operation of the act. The act expands the existing exception to the relinquishment provision and the existing exception to the dispositional order-duration provision so they do not apply to the court's duties and activities dealing with the classification and declassification of delinquent children as juvenile offender registrants and public registry-qualified juvenile offender registrants. (R.C. 2152.22(A).)

Taking of DNA samples

The act modifies provisions regarding the collection of DNA specimens by specified persons by replacing references to "sexual predator," "child-victim predator," "habitual sex offender," and "habitual child-victim offender" with a reference to "tier III sex offender/child-victim offender" and conforms the list of circumstances specified in the Felony Sentencing Law and Misdemeanor Sentencing Law that require the judge to include the DNA specimen requirement in the offender's sentence with the list of circumstances under continuing law that require the collection of a DNA specimen. (R.C. 2901.07(D)(4), 2929.13(H), and 2929.23(A).)

GPS device for a sexual predator

In a former provision that pertained to the sentencing of a sexual predator who does not serve a prison term or jail term, and to the discretionary imposition as part of a sentence of the use of a global positioning device, the act replaces the reference to "sexual predator" with a reference to "tier III sex offender/child-victim offender" (R.C. 2929.13(L)).

New prohibitions--offenses of menacing by stalking, abduction, unlawful restraint, and criminal child enticement

Menacing by stalking

Continuing law. Continuing law prohibits a person, by engaging in a pattern of conduct, from knowingly causing another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person. Continuing law also prohibits a person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, from posting a message with purpose to urge or incite another to commit a violation of the prior prohibition. A violation of either prohibition is the offense of menacing by stalking. The offense generally is a misdemeanor of the first degree, but it is a felony of the fourth or fifth degree if certain specified circumstances apply. (R.C. 2903.211.)

Operation of the act. The act additionally prohibits a person with a sexual motivation from engaging in any of the conduct currently prohibited under the offense of menacing by stalking. The ongoing penalty structure for menacing by stalking applies to a violation of the new prohibition. (R.C. 2903.211.)

Abduction

Continuing law. Continuing law prohibits a person, without privilege to do so, from knowingly doing any of the following: (1) by force or threat, removing another from the place where the other person is found, (2) by force or threat, restraining the liberty of another person under circumstances that create a risk of physical harm to the victim or place the other person in fear, or (3) holding another in a condition of involuntary servitude. A violation of any of the prohibitions is the offense of "abduction," a felony of the third degree. (R.C. 2905.02.)

Operation of the act. The act additionally prohibits a person with a sexual motivation from engaging in any of the conduct currently prohibited under the offense of abduction. As with a violation of any of the ongoing prohibitions, a violation of the new prohibition is a felony of the third degree. (R.C. 2905.02.)

Unlawful restraint

Continuing law. Continuing law prohibits a person, without privilege to do so, from knowingly restraining another of the other person's liberty. A violation of the prohibition is the offense of "unlawful restraint," a misdemeanor of the third degree. (R.C. 2905.03.)

Operation of the act. The act additionally prohibits a person without privilege to do so and with a sexual motivation from knowingly restraining another of the other person's liberty. As with a violation of the ongoing prohibition, a violation of the new prohibition is a misdemeanor of the third degree. (R.C. 2905.03.)

Criminal child enticement

Continuing law. Continuing law prohibits a person, by any means and without privilege to do so, from knowingly soliciting, coaxing, enticing, or luring any child under 14 years of age to accompany the person in any manner, including entering into any vehicle or onto any vessel, whether or not the offender knows the age of the child, if both of the following apply: (1) the actor does not have the express or implied permission of the parent, guardian, or other legal custodian of the child in undertaking the activity, and (2) the actor is not a law enforcement officer, medic, firefighter, or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of, any board of education, or the actor is any of those persons, but, at the time the actor undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity. A violation of the prohibition is the offense of "criminal child enticement." The offense generally is a misdemeanor of the first degree but is a felony of the fifth degree if the offender previously has been convicted of criminal child enticement or any of a list of other specified offenses. (R.C. 2905.05.)

Operation of the act. The act additionally prohibits a person with a sexual motivation from engaging in the conduct currently prohibited under the offense of criminal child enticement. As with a violation of the ongoing prohibition, a violation of the new prohibition generally is a misdemeanor of the first degree, but is a felony of the fifth degree if the offender previously has been convicted of criminal child enticement or any of a list of other specified offenses. (R.C. 2905.05.)

Provisions applicable to all new prohibitions

As used in all of the new prohibitions, "sexual motivation" means a purpose to gratify the sexual needs or desires of the offender (R.C. 2903.211(D)(9), 2905.02(D), 2905.03(D), and 2905.05(E)(1) and, by reference, R.C. 2971.01, not in the act).

A violation of any of the new prohibitions is included within the act's definitions of "sexually oriented offense," and a person who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of any of the prohibitions is a tier I sex offender/child-victim offender.

Penalty for kidnapping when the victim is under 13

Change in penalty

The act changes the penalty for kidnapping committed on or after its effective date when the victim of the offense is less than 13 years of age and the offender also is convicted of or pleads guilty to a sexual motivation specification so that the penalty is always a felony of the first degree (under prior law if the offender released the victim in a safe place unharmed, kidnapping was a felony of the second degree). The act also specifies that, notwithstanding the definite sentence provided for a felony of the first degree in R.C. 2929.14 or another Revised Code section other than R.C. 2929.14(D) and (E) that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to kidnapping or that specifies the manner and place of service of a prison term and if the sentencing provisions of the Sexually Violent Predator Sentencing Law as modified by the act do not apply regarding the person (see "**Sexually Violent Predator Sentencing Law--sentencing provisions for the act's new kidnapping provision**," below), when the victim is under 13 and the offender also is convicted of a sexual motivation specification, the offender must be sentenced pursuant to R.C. 2971.03 (see "**Sentence pursuant to R.C. 2971.03**," below) to one of the following terms: (1) except as provided in clause (2), an indefinite prison term consisting of a minimum term of 15 years and a maximum term of life imprisonment, or (2) if the offender releases the victim in a safe place unharmed, an indefinite prison term consisting of a minimum term of ten years and a maximum term of life imprisonment. (R.C. 2905.01(C), 2929.13(F)(15), 2929.14(G)(4), and 2971.03(A)(3)(b) and (B)(3)(a) and (b).)

The act also specifies that the offender's conviction of or plea of guilty to kidnapping of a person less than 18 years of age automatically classifies the offender as a tier III sex offender/child-victim offender for purposes of the SORN Law (R.C. 2971.03(F)(4)).

Sentence pursuant to R.C. 2971.03

When a person is sentenced for kidnapping pursuant to this special sentencing mechanism, with one exception regarding the mandatory use of active global positioning system device to supervise the person, the person must serve the term of imprisonment so imposed under the provisions of the Sexually Violent Predator Sentencing Law that govern the place and manner of service of a prison term imposed under that Law and in the same manner as if the person had been convicted of a sexually violent offense and a sexually violent predator specification under that Law. (R.C. 2971.03, 2971.04, 2971.05(A) to (D), 2971.06, and 2971.07.)

Under the act, if a prison term imposed for a kidnapping conviction under the act's special sentencing mechanism is modified or terminated, the court must require the APA to supervise the offender and may require that the APA's supervision of the offender be with an active global positioning system device during any time period in which the offender is not incarcerated in a state correctional institution. If the APA is required to so supervise the offender, unless the court terminates that requirement, the offender is subject to supervision with an active global positioning system device for his or her entire life. The costs of administering the supervision of offenders with an active global positioning system device pursuant to this division is paid out of funds from the Reparations Fund (R.C. 2743.191). The procedures described in this paragraph are similar to the procedures that apply under ongoing law to a person who is convicted of a sexually violent offense and a sexually violent predator specification and sentenced under the Sexually Violent Predator Sentencing Law, except that, under the ongoing provisions, the APA supervision of the offender with an active global positioning system device when not incarcerated in a state correctional institution is mandatory. (R.C. 2971.05(E).)

Penalty for aggravated murder when victim is under 13, when offender not sentenced to death or life imprisonment without parole, and no sexual motivation specification and sexually violent predator specification

Change in penalty

Under the act, notwithstanding the Felony Sentencing Law or another Revised Code section other than R.C. 2929.14(D) and (E) that authorizes or requires a specified prison term or a mandatory prison term for aggravated murder or that specifies the manner and place of service of a prison term and if the sentencing provisions of the Sexually Violent Predator Sentencing Law do not apply regarding the person, the court sentencing an offender for aggravated murder committed on or after its effective date when the victim is less than 13 years of age, when the offender also is convicted of a sexual motivation specification, when the offender is not sentenced to death or a term of life imprisonment without parole under the Aggravated Murder Sentencing Law, and when a sentence of life without parole is not required under R.C. 2971.03 must sentence the offender to an indefinite term of 30 years to life that must be served pursuant to R.C. 2971.03 (see "**Sentence pursuant to R.C. 2971.03**," below). (R.C. 2929.022(A)(2)(b) and (B), 2929.03(A)(1), (C)(1), (C)(2), (D)(2), (D)(3), (E)(1), and (F), 2929.06(A) and (B), 2929.14(G)(5), and 2971.03(B)(3)(c).)

The act also specifies that the offender's conviction of or plea of guilty to aggravated murder in the circumstances described in the preceding paragraph automatically classifies the offender as a tier III sex offender/child-victim offender for purposes of the SORN Law (R.C. 2971.03(F)(4)).

Sentence pursuant to R.C. 2971.03

When a person is sentenced for aggravated murder pursuant to this special sentencing mechanism, with one exception (regarding the mandatory use of active global positioning system device to supervise the person), the person must serve the term of imprisonment so imposed under the provisions of the Sexually Violent Predator Sentencing Law that govern the place and manner of service of a prison term imposed under that Law and in the same manner as if the person had been convicted of a sexually violent offense and a sexually violent predator specification under that Law. The act's discretionary active global positioning system device provisions regarding APA monitoring that are summarized above in "**Sentence pursuant to R.C. 2971.03**" under "**Penalty for kidnapping when the victim is under 13**" also apply to a person sentenced for aggravated murder pursuant to this special sentencing mechanism (R.C. 2971.03, 2971.04, 2971.05, 2971.06, and 2971.07).

Penalty for murder when victim is under 13, and no sexual motivation specification and sexually violent predator specification

Change in penalty

Under the act, notwithstanding the Felony Sentencing Law or another Revised Code section other than R.C. 2929.14(D) and (E) that authorizes or requires a specified prison term or a mandatory prison term for murder or that specifies the manner and place of service of a prison term and if the sentencing provisions of the Sexually Violent Predator Sentencing Law do not apply regarding the person, the court sentencing an offender for murder committed on or after its effective date when the victim is less than 13 years of age, the offender also is convicted of a sexual motivation specification, and a sentence of life without parole is not required under R.C. 2971.03 must sentence the offender to an indefinite prison term of 30 years to life that must be served pursuant to R.C. 2971.03 (see "**Sentence pursuant to R.C. 2971.03**," below). (R.C. 2929.02(B), 2929.14(G)(6), and 2971.03(B)(3)(d).)

The act also specifies that the offender's conviction of or plea of guilty to murder in the circumstances described in the preceding paragraph automatically classifies the offender as a tier III sex offender/child-victim offender for purposes of the SORN Law (R.C. 2971.03(F)(4)).

Sentence pursuant to R.C. 2971.03

When a person is sentenced for murder pursuant to this special sentencing mechanism (with one exception regarding the mandatory use of active global positioning system device to supervise the person), the person must serve the term

of imprisonment so imposed under the provisions of the Sexually Violent Predator Sentencing Law that govern the place and manner of service of a prison term imposed under that Law and in the same manner as if the person had been convicted of a sexually violent offense and a sexually violent predator specification under that Law. The act's discretionary active global positioning system device provisions regarding APA monitoring that are summarized above in "*Sentence pursuant to R.C. 2971.03*" under "*Penalty for kidnapping when the victim is under 18*" also apply to a person sentenced for murder pursuant to this special sentencing mechanism (R.C. 2971.03, 2971.04, 2971.05, 2971.06, and 2971.07).

Sexually Violent Predator Sentencing Law--sentencing provisions for the act's new kidnapping provision

The act modifies the sexually violent predator sentencing scheme to conform it to the new penalty the act enacts for kidnapping when the victim is under 13 so that except for repeat offenders, if the offense is kidnapping that is a felony of the first degree and if the offense is committed on or after the act's effective date and the victim is less than 13 years of age, the court must impose an indefinite prison term consisting of one of the following terms: (1) except as provided in clause (2), an indefinite prison term consisting of a minimum term of 15 years and a maximum term of life imprisonment, or (2) if the offender releases the victim in a safe place unharmed, an indefinite prison term consisting of a minimum term of ten years and a maximum term of life imprisonment.

The act specifies that all of the provisions of the Sexually Violent Predator Sentencing Law apply to a person sentenced for a kidnapping conviction under this special sentencing mechanism. (R.C. 2971.03, 2971.04, 2971.05, 2971.06, and 2971.07.)

Miscellaneous changes related to special sentencing mechanism imposing sentences served under the Sexually Violent Predator Sentencing Law

The act amends the following provisions to conform them to the special sentencing mechanism it enacts for kidnapping, aggravated murder, and murder and that is described above: R.C. 109.42(A)(17) (crime victim's rights pamphlet), R.C. 2743.191(A)(1)(m) (uses for the Reparations Fund), R.C. 2921.34 (the offense of escape), 2929.01(Y)(3) (the definition of "mandatory prison term"), R.C. 2921.148 (the form of the Sexually Violent Predator specification), 2950.11(H)(4) (suspension of SORN Law community notification), R.C. 2930.16(B)(2) (notice of a R.C. 2971.05 hearing), R.C. 2967.12(E) (notice of the Parole Board's termination of control over a sexually violent predator sentence), R.C. 2967.121 (notice of a sexually violent predator's release from confinement), R.C. 5120.49 (DRC guidelines regarding termination of a sexually violent

predator sentence), R.C. 5120.61 (DRC assessment standards for sexually violent predators), R.C. 5120.66 (DRC database of offenders), and R.C. 5149.10 (Parole Board control over the service of a sexually violent predator sentence).

Definition of "harmful to juveniles" as used in the Sex Offenses Law

Ongoing law, partially amended by the act, provides that, as used in R.C. Chapter 2907. (the Sex Offenses Law), "harmful to juveniles" means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply: (1) the material or performance, when considered as a whole, appeals to the prurient interest of juveniles *in sex* (formerly the phrase "in sex" preceded "of juveniles"), (2) the material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles, and (3) the material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value (R.C. 2907.01).

The definition is used in the offenses of "disseminating matter harmful to juveniles" (R.C. 2907.31), "displaying matter harmful to juveniles" (R.C. 2907.311), and "deception to obtain matter harmful to juveniles" (R.C. 2907.33) and in a provision located outside of the Sex Offenses Law that requires Internet-based or computer-based community schools to use or install filtering devices or software to protect against Internet access to materials that are harmful to juveniles (R.C. 3314.21).

New gross sexual imposition prohibition

The act enacts a new prohibition in the offense of "gross sexual imposition." The new prohibition prohibits a person from knowingly touching the genitalia of another, when the touching is not through clothing, the other person is less than 12 years of age, whether or not the offender knows the age of that person, and the touching is done with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person (R.C. 2907.05(B)).

A violation of the new prohibition is penalized in the same manner as a violation of the ongoing prohibition included in the offense that prohibits a person from having sexual contact with another, causing another to have sexual contact with the offender, or causing two or more other persons to have sexual contact when the other person, or one of the other persons is less than 13 years of age, whether or not the offender knows the age of that person (i.e., it is a felony of the third degree, with a presumption for a prison term in most cases and a mandatory prison term in certain specified cases) (R.C. 2907.05(C)).



Relocation of section

The act relocates from R.C. 2152.821 to R.C. 2152.811 a provision that pertains to the taking of depositions of mentally retarded or developmentally disabled victims of specified delinquent acts, the taking of their testimony outside the courtroom for televising by closed circuit equipment into the courtroom, or the taking and recording of their testimony outside the courtroom for showing in the courtroom (R.C. 2152.811).

HISTORY

ACTION	DATE
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