



**Sub. S.B. 10**

127th General Assembly  
(As Reported by H. Criminal Justice)

**Sens. Austria, Carey, Clancy, Faber, Gardner, Goodman, Grendell, Harris, Kearney, Mumper, Niehaus, Padgett, Schaffer, Schuler, Spada, Stivers, J. Wilson, Cates, Buehrer, Fedor, R. Miller, Schuring, Mason, Jacobson**

**Reps. Jones, Bulp, Hughes, Widowfield, Barrett, Latta, Yuko, Dyer**

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**BILL 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 bill'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 (instead of five) days after coming into a county to reside or be temporarily domiciled for more than three (instead of five) 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 (instead of 14) days or for an aggregate period of 14 (instead of 30) 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 (instead of 14) days or for an aggregate period of 14 (instead of 30) 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 email 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, email 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 bill'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 bill, 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 will exist under the bill'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 bill'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 bill'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 that person would not be subject to the version of the community notification provisions that exist immediately prior to the effective date of these new community notification provisions. (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 bill 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 bill 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 bill, 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 bill, or notifies Ohio's AG that the bill 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.)
- Appropriates \$250,000 in fiscal year 2008 and fiscal year 2009 to the Attorney General for implementation of the bill's provisions. (Section 3.)
- 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 bill 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 bill take effect January 1, 2008.

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## HISTORY

ACTION	DATE
Introduced	02-20-07
Reported, S. Judiciary - Criminal Justice	05-16-07
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