



Ohio Legislative Service Commission

Bill Analysis

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Sens. Smith, Cafaro, Morano, D. Miller, Goodman, Turner, Seitz, Fedor, Strahorn

BILL SUMMARY

- Provides that, the first time on or after the bill's effective date that an offender or delinquent child who is subject to the SORN Law's victim notification provisions or community notification provisions personally appears and completes a verification form under the SORN Law that pertains to the offender's or delinquent child's current residence address, the sheriff must make the determinations and perform the duties described in the next two points, as applicable.
- Provides that: (1) if an offender or delinquent child verifying a residence address as described in the preceding dot point is subject to the SORN Law's victim notification provisions, the sheriff must determine whether the victim of the sexually oriented offense or child-victim oriented offense that is the basis of the offender's or delinquent child's address verification duty has requested that the victim be provided the SORN Law's victim notification notices and, if such a request has been made, determine whether any victim notification notice previously has been provided to the victim regarding the offender or delinquent child and the verified residence address, and (2) if the sheriff determines that the victim has made such a request and previously has not been provided a victim notification notice regarding the offender or delinquent child and the verified residence address, the offender or delinquent child is subject to the SORN Law's victim notification provisions, and the sheriff must provide notice to the victim in accordance with those provisions regarding the offender or delinquent child and the verified residence address.
- Provides that: (1) if an offender or delinquent child verifying a residence address as described in the second preceding dot point is subject to the SORN Law's community notification provisions, the sheriff must determine whether any community notification notices previously have been provided to the persons entitled to such notices regarding the offender or delinquent child and the verified

residence address, and (2) if the sheriff determines that such persons previously have not been provided community notification notices regarding the offender or delinquent child and the verified residence address, the offender or delinquent child is subject to the SORN Law's community notification provisions, and the sheriff must provide community notification notices to the persons entitled to such notices regarding the offender or delinquent child and the verified residence address.

- Repeals the exception that currently specifies that the SORN Law community notification provisions do not apply to an offender or delinquent child in any category that otherwise is subject to those provisions if a court finds at a hearing after considering specified factors that the offender or child would not be subject to the community notification provisions under the law that existed immediately prior to January 1, 2008, and also repeals the list of specified factors that currently must be considered at the hearing.

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CONTENT AND OPERATION

Sex Offender Registration and Notification Law background

Currently

The Sex Offender Registration and Notification Law (the SORN Law) requires a person who is convicted of or pleads guilty to a "sexually oriented offense" or a "child-victim oriented offense" (see **COMMENT** 1 for definitions of terms in quotation marks in this paragraph and the three succeeding paragraphs) to register with the sheriff of the county in which the person was convicted of or pleaded guilty to the offense, to register a residence address and a school, institution of higher education, or work address, to provide notice of a change of address and register the new address, and to periodically verify the registered address. There is also a restriction against residing within 1,000 feet of any school premises, a preschool, or child day-care premises if a person has been convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense. (R.C. 2950.04, 2950.041, and 2950.05, which are not in the bill, and R.C. 2950.06.) Children who are adjudicated delinquent children for committing an act that would be a sexually oriented offense or a child-victim oriented offense if committed by an adult and who are classified by the juvenile court as "juvenile offender registrants" also generally are subject to these duties. Juvenile offender registrants are subject to the school, institution of higher education, and work address provisions only if they also are classified as "public registry-qualified juvenile offender registrants" (hereafter referred to as "PRQJO registrants"), and they are not subject to the residency restriction. (R.C. 2152.82 to 2152.86, not in the bill.)

An offender who is convicted of or pleads guilty to a sexually oriented offense or a child-victim oriented offense and who is classified a "Tier III sex offender/child-victim offender" or a child who is adjudicated a delinquent child for committing any such offense and is classified a juvenile offender registrant and a Tier III sex offender/child-victim offender also has a duty to provide notice of an intent to reside in a county (R.C. 2950.04(G) and 2950.041(G), not in the bill).

Additionally, certain categories of offenders and delinquent children who must register under the SORN Law also are subject to mechanisms for providing victim notification and community notification of an address the person registers. Except as described in the next sentence, the victim and community notification provisions apply to: (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 for whom a juvenile court has not removed the child's duty to comply with the SORN Law, (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 was subjected to the victim

and community notification provisions prior to January 1, 2008, and a juvenile court has not removed the child's duty to comply with the SORN Law, 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 January 1, 2008, the court imposed a requirement subjecting the child to the victim and community notification provisions, and a juvenile court has not removed the child's duty to comply with the SORN Law. However, the community notification provisions do not apply to a person described in any of the above four categories if a court finds at a hearing, after considering specified factors, that the person would not be subject to the notification provisions as they existed immediately prior to January 1, 2008. (R.C. 2950.10 and 2950.11.)

All offenders who are convicted of or plead guilty to a sexually oriented offense or child-victim oriented offense and all children who are adjudicated delinquent children for committing an act that would be such an offense if committed by an adult and are classified as juvenile offender registrants are included as either 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 offenders, the tier classification is determined automatically based on the offense committed. For juveniles, the juvenile court has some discretion in determining the delinquent child's tier classification. (R.C. 2152.82 to 2152.86 and 2950.01, not in the bill.)

Prior to January 1, 2008

The Tier System described above in the last paragraph under "**Currently**" took effect on January 1, 2008. Prior to that date, the SORN Law applied to the following three former categories of offenders: (1) persons who were convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense or who were adjudicated a delinquent child for committing any such offense and were classified by a juvenile court as a juvenile offender registrant, (2) persons adjudicated a habitual sex offender or habitual child-victim offender, (3) persons adjudicated a sexual predator or child-victim predator, and (4) persons described in clause (1) of this paragraph whose sexually oriented offense was an "aggravated sexually oriented offense." (Former R.C. 2950.01, 2950.04(A) to (F), and 2950.041(A) to (F).)

Under the pre-January 1, 2008, version of the SORN Law, the Law's address registration, change of address, and address verification provisions applied to persons in any of the three categories. However, other provisions of that Law did not apply to persons in some of the categories: (1) the Law's "notice of intent to reside" provisions applied only to persons who were adjudicated a sexual predator or child-victim predator, adjudicated a habitual sex offender or child-victim offender and subjected to the Law's community notification provisions, or convicted of or pleaded guilty to an

aggravated sexually oriented offense (former R.C. 2950.04(G) and 2950.041(G)), (2) the Law's "1,000-foot residence restriction" applied only to persons who were convicted of or pleaded guilty to a sexually oriented offense that was not a "registration exempt sexually oriented offense" or a child-victim oriented offense (former R.C. 2950.031), (3) the Law's "victim notification" mechanism applied only to persons who were adjudicated a sexual predator or child-victim predator, adjudicated a habitual sex offender or habitual child-victim offender and subjected to the Law's community notification provisions, or convicted of or pleaded guilty to an aggravated sexually oriented offense (former R.C. 2950.10), and (4) the Law's "community notification" mechanism applied only to persons in any of the categories described in clause (3) of this paragraph (former R.C. 2950.11).

Reclassification of persons subject to pre-January 1, 2008, SORN Law into Tier System under post-January 1, 2008, SORN Law

Under a mechanism that took effect on and after July 1, 2007, each person who was subjected to the pre-January 1, 2008, version of the SORN Law was categorized into one of the three tiers under the Tier System described above in the last paragraph under "**Currently.**" The tier into which a person was reclassified generally was based on the offense the person committed that subjected the person to that Law. The Attorney General did the reclassification and notified each person of the reclassification and of the person's new duties under the new SORN Law. The mechanism afforded each person a right to a hearing to contest the application to the person of the new registration requirements under the new SORN Law. (R.C. 2950.031 to 2950.033, not in the bill.)

Under the reclassification mechanism, it was possible for a person who, prior to January 1, 2008, had been convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense or had been adjudicated a delinquent child for committing any such offense and classified as a juvenile offender registrant but who had not been adjudicated to be a habitual sex offender, a habitual child-victim offender, a sexual predator, or a child-victim predator and whose sexually oriented offense was not an "aggravated sexually oriented offense" (i.e., a person who was in the "lowest" classification under the pre-January 1, 2008, version of the SORN Law) to be reclassified as a Tier III sex offender/child-victim offender (i.e., the "highest" classification under the post-January 1, 2008 version of the Law). Under the reclassification mechanism, it also was possible for a person who, prior to January 1, 2008, had been adjudicated a sexual predator or a child-victim predator (i.e., a person who was in the "highest" classification under the pre-January 1, 2008, version of the SORN Law) to be reclassified as a Tier I sex offender/child-victim offender (i.e., the "lowest" classification under the post-January 1, 2008 version of the Law).

Procedure for periodic verification of registered address

Existing law

As described above, under the SORN Law, an offender or delinquent child who is required to register a residence, school, institution of higher education, or work address must periodically verify the address as current. If the offender or child is a Tier I sex offender/child-victim offender, the offender must verify his or her current residence, school, institution of higher education, or work address, and the child must verify his or her current residence address on each anniversary of the offender's or child's initial registration date during the period he or she is required to register. If the offender or child is a Tier II sex offender/child-victim offender, the offender must verify his or her current residence, school, institution of higher education, or work address, and the child must verify his or her current residence address every 180 days after the offender's or child's initial registration date during the period he or she is required to register. If the offender or child is a Tier III sex offender/child-victim offender, the offender must verify his or her current residence, school, institution of higher education, or work address, and the child must verify his or her current residence address and, if the child is a PRQJO registrant, his or her current school, institution of higher education, or work address every 90 days after the offender's or child's initial registration date during the period he or she is required to register.

An offender or delinquent child who is required to verify his or her current residence, school, institution of higher education, or work address must verify the address with the sheriff with whom the offender or child most recently registered the address by personally appearing before the sheriff or a designee of the sheriff no earlier than ten days before the date on which the verification is required and no later than the date so required for verification, and completing and signing a copy of the verification form prescribed by BCII that conforms to requirements as to content set forth in R.C. 2950.06(D). The sheriff or designee must sign the completed form and indicate on the form the date on which it is completed. The verification is complete when the offender or delinquent child personally appears before the sheriff or designee and completes and signs the form as described in this paragraph. (R.C. 2950.06(A) to (C).)

Existing law contains procedures for forwarding the information provided at verification to BCII and procedures to facilitate the verification of an address (R.C. 2950.06(E) to (G)).

Operation of the bill

The bill imposes a new requirement on sheriffs that relates to the SORN Law's periodic address verification mechanism. Under the bill, the first time on or after the bill's effective date that an offender or delinquent child who is in any category of

offender or child that otherwise is subject to the SORN Law's victim notification provisions or community notification provisions (see "**Victim notification**" and "**Community notification**," below) personally appears and completes a verification form under that mechanism that pertains to the offender's or delinquent child's current residence address, the sheriff must make the determinations and perform the duties described in the next two paragraphs, as applicable.

If the offender or delinquent child is in a category of offender or child that otherwise is subject to the SORN Law's victim notification provisions, the sheriff must determine whether the victim of the sexually oriented offense or child-victim oriented offense that is the basis of the offender's or delinquent child's duty to verify the residence address has made a request that specifies that the victim would like to be provided the SORN Law's victim notification notices and, if the sheriff determines that the victim has made such a request, determine whether any victim notification notice previously has been provided to the victim regarding the offender or delinquent child and the verified residence address. If the sheriff determines that the victim has made such a request and that the victim previously has not been provided a victim notification notice regarding the offender or delinquent child and the verified residence address, the offender or delinquent child is subject to the SORN Law's victim notification provisions, and the sheriff must provide notice to the victim regarding the offender or delinquent child and the verified residence address (see "**Victim notification**," below). The sheriff is not required to provide a notice to the victim under the SORN Law's victim notification provisions regarding the offender or delinquent child and the residence address that the offender or delinquent child verified other than as described in this paragraph.

If the offender or delinquent child is in a category of offender or child that otherwise is subject to the SORN Law's community notification provisions, the sheriff must determine whether any community notification notices previously have been provided to the persons entitled to such notices regarding the offender or delinquent child and the verified residence address. If the sheriff determines that the persons entitled to community notification notices previously have not been provided community notification notices regarding the offender or delinquent child and the verified residence address, the offender or delinquent child is subject to the SORN Law's community notification provisions, and the sheriff must provide community notification notices to the persons entitled to such notices regarding the offender or delinquent child and the verified residence address (see "**Community notification**," below). The sheriff is not required to provide a community notification notice under the SORN Law's community notification provisions regarding the offender or delinquent child and the verified residence address other than as described in this paragraph. (R.C. 2950.06(E)(2).)

Victim notification

Existing law

Mandatory notification subsequent to registration or notice of change of address, and offenders and delinquent children who are subject to it

Under the SORN Law, regardless of when the offense was committed, if a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, if the offender or delinquent child is in any category described below in paragraph (1), (2), (3), or (4), and if the victim of the offense has made a request in accordance with rules adopted by the Attorney General that specifies that the victim would like to be provided notification under the provision, the sheriff with whom the offender or delinquent child registers or provides a notice of a change in a registered address, within a specified period of time (see below), must provide a written notice containing specified information (the address registered and the fact that it was registered, or the new address and the fact that the previously registered address was changed, etc.) to the victim. Notices under this provision are in addition to any notices regarding the offender or delinquent child that the victim is entitled to receive under the Crime Victims Rights Law. (R.C. 2950.10(A).)

The duties to provide the notices described to victims as described in the preceding paragraph apply regarding any offender or delinquent child who is in any of the following categories (R.C. 2950.10(B)):

- (1) An offender who is a Tier III sex offender/child-victim offender;
- (2) A delinquent child who is a PRQJO registrant and for whom a juvenile court has not removed the child's duty to comply with the SORN Law.
- (3) A delinquent child who is a Tier III sex offender/child-victim offender and is not a PRQJO registrant, if the child was subjected to community notification prior to January 1, 2008, as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in the SORN Law as it existed prior to that date, and a juvenile court has not removed the child's duty to comply with the SORN Law.
- (4) A delinquent child who is a Tier III sex offender/child-victim offender and is not a PRQJO registrant, if the child was classified a juvenile offender registrant on or after January 1, 2008, the court imposed a requirement subjecting the delinquent child

to the victim notification provisions, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the child's duty to comply with the SORN Law.

Juvenile Law provides limited circumstances in which a juvenile judge may reclassify a delinquent child from a Tier III classification or declassify a child if the child is not a PRQJO registrant and, thus, remove the child from the categories of persons who are subject to victim notification (R.C. 2152.84 and 2152.86, not in the bill).

Period of time within which victim notification must be provided

A sheriff required to provide victim notification regarding an offender or delinquent child must provide the notice to the victim at the most recent residence address available for the victim and not later than five days after the offender or child registers with the sheriff or notifies the sheriff of the change in the offender's or child's registered address, whichever is applicable (R.C. 2950.10(A)(1) and (2)).

Operation of the bill

The bill expands the circumstances in which a sheriff is required to provide victim notification. Under the bill, regardless of when the offense was committed, if a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, if the offender or delinquent child is in any category described above in paragraph (1), (2), (3), or (4) under "**Mandatory notification subsequent to registration or notice of change of address, and offenders and delinquent children who are subject to it,**" and if the victim of the offense has made a request in accordance with rules adopted by the Attorney General that specifies that the victim would like to be provided notification under the provision, in addition to the circumstances in which a sheriff currently is required to provide victim notification (i.e., subsequent to a registration or notice of a change in a registered address), *the sheriff with whom the offender or child verifies a residence address for the first time on or after the bill's effective date under the SORN Law's periodic address verification mechanism and who makes a determination that no prior victim notification has been provided regarding that offender or child as described above in "Operation of the bill" under "Procedure for periodic verification of registered address"* must provide a written notice containing specified information to the victim.

A sheriff required to provide victim notification regarding an offender or delinquent child under the bill's new mandatory victim notification provision described in the preceding paragraph must provide the notice to the victim not later than five

days after the sheriff determines as described above in "**Operation of the bill**" under "**Procedure for periodic verification of registered address**" that the offender or child is subject to this new victim notification provision as a result of the verification of the residence address. The notice must include the residence address and the fact that it was verified, etc. (R.C. 2950.10(A)(1).)

Community notification

Existing law

Mandatory notification subsequent to registration or sending of notice of intent to reside, and offenders and delinquent children who are subject to it

Under the SORN Law, regardless of when the offense was committed, if a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing any such offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or child is in a category described below in paragraph (1), (2), (3), or (4), the sheriff with whom the offender or delinquent child has most recently registered and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside, within a specified period of time (see below), must provide a written notice containing specified information (set forth in R.C. 2950.11(B)) to specified persons and entities in the community. If the sheriff has sent a notice to the specified persons and entities as a result of receiving a notice of intent to reside and if the offender or delinquent child registers a residence address that is the same residence address described in the notice of intent to reside, the sheriff is not required to send an additional notice when the offender or delinquent child registers. (R.C. 2950.11(A).)

Except as described below, the duties to provide the notices to the persons and entities in the community as described in the preceding paragraph apply regarding an offender or delinquent child who is in any of the following categories (R.C. 2950.11(F)(1)):

- (1) An offender who is a Tier III sex offender/child-victim offender;
- (2) A delinquent child who is a PRQJO registrant and for whom a juvenile court has not removed the child's duty to comply with the SORN Law;
- (3) A delinquent child who is a Tier III sex offender/child-victim offender and is not a PRQJO registrant, if the child was subjected to community notification prior to January 1, 2008, as a sexual predator, habitual sex offender, child-victim predator, or

habitual child-victim offender, as those terms were defined in the SORN Law as it existed prior to that date, and a juvenile court has not removed the child's duty to comply with the SORN Law;

(4) A delinquent child who is a Tier III sex offender/child-victim offender and is not a PRQJO registrant, if the child was classified a juvenile offender registrant on or after January 1, 2008, the court imposed a requirement subjecting the child to the community notification provisions, and a juvenile court has not removed the child's duty to comply with the SORN Law.

However, existing law specifies that the community notification provisions do not apply to an offender or delinquent child in any of the four categories described above in paragraphs (1), (2), (3), and (4) if a court finds at a hearing after considering the factors described in this paragraph that the offender or child would not be subject to the community notification provisions under the SORN Law as it existed immediately prior to January 1, 2008. In making the determination of whether an offender or delinquent child would have been subject to the community notification provisions under that prior Law, the court must consider the following factors: (1) the offender's or child's age, (2) the offender's or 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 disposition is to be made involved multiple victims, (5) whether the offender or 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 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 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 child participated in available programs for sexual offenders, (7) any mental illness or mental disability of the offender or child, (8) the nature of the offender's or 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 child, during the commission of the sexually oriented offense for which sentence is to be imposed or disposition is to be made, displayed cruelty or made one or more threats of cruelty, (10) whether the offender or child would have been a habitual sex offender or a habitual child victim offender under the definitions of those terms that existed prior to January 1, 2008, and (11) any additional behavioral characteristics that contribute to the offender's or child's conduct. (R.C. 2950.11(F)(2); see **COMMENT 2**.)

In addition to the hearing mechanism described in the preceding paragraph, the SORN Law provides limited circumstances in which a judge may suspend the community notification provisions as they apply to an offender who is subject to the provisions and is not in a category for which such a suspension is prohibited (R.C. 2950.11(H) and (K)), and Juvenile Law provides limited circumstances in which a juvenile judge may reclassify a delinquent child from a Tier III classification or declassify the child if the child is not a PRQJO registrant and, thus, remove the child from the categories of persons who are subject to community notification. (R.C. 2152.84 and 2152.85, not in the bill.)

Persons and entities to whom community notification must be provided

When community notification is required, the sheriff must provide the written notice to specified neighbors of the offender or delinquent child, specified officials of specified public children services agencies, schools, preschools, day-care centers or homes, and institutions of higher education, specified law enforcement officials, and specified volunteer organizations (R.C. 2950.11(A); see **COMMENT 3** for a more detailed list of the persons and entities that are to be provided notice).

Secondary community notification by a sheriff

When community notification is required, the sheriff required to provide the community notification notice must provide it to the sheriff of each other county that includes any portion of the specified geographical notification area (see paragraph (f) under **COMMENT 3**). Each sheriff who receives a notice under this provision from another sheriff then must provide community notification notices to the specified neighbors of the offender or delinquent child, specified officials of specified public children services agencies, schools, preschools, day-care centers or homes, and institutions of higher education, specified law enforcement officials, and specified volunteer organizations (R.C. 2950.11(A); see **COMMENT 3** for a more detailed list of the persons and entities that are to be provided notice) that are located within the specified geographical notification area and within the county served by the sheriff in question. (R.C. 2950.11(C).) In succeeding parts of this analysis, community notification provided by a sheriff who receive a notice from another sheriff is referred to as "secondary community notification."

Period of time within which community notification must be provided

A sheriff required to provide community notification regarding an offender or delinquent child must provide the notice within the following time periods (R.C. 2950.11(D)):

(1) The sheriff must provide the notice to the specified neighbors and the specified law enforcement personnel as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is providing secondary community notification, no later than five days after the sheriff is provided the notice from the other sheriff.

(2) The sheriff must provide the notice to all other specified persons and entities as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is providing secondary community notification, no later than five days after the sheriff is provided the notice from the other sheriff.

Discretionary notification subsequent to verification, and offenders and delinquent children who are subject to it

If an offender or delinquent child in relation to whom the provisions requiring community notification subsequent to registration or the sending of a notice of intent to reside apply verifies the offender's or delinquent child's current residence, school, institution of higher education, or work address, as applicable, with a sheriff pursuant to the SORN Law's address verification provisions, the sheriff may provide a written community notification notice to the persons and entities to whom mandatory community notification is required subsequent to registration or the sending of a notice of intent to reside. Any such notice is to contain the same information as a mandatory community notification notice. If a sheriff provides any such notice to a sheriff of another county that includes any portion of the specified geographical notification area, the recipient sheriff may provide, but is not required to provide, secondary community notification notices. (R.C. 2950.11(D)(2).)

Operation of the bill

Mandatory notification subsequent to residence address verification, and offenders and delinquent children who are subject to community notification

The bill expands the circumstances in which a sheriff is required to provide community notification and revises the criteria that are used in determining whether an offender or delinquent child is subject to community notification.

Under the bill, regardless of when the offense was committed, if a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing any such offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication,

and if the offender or child is in a category described in the next paragraph, in addition to the circumstances in which a sheriff currently is required to provide community notification (i.e., subsequent to a registration or sending of a notice of intent to reside), *the sheriff with whom the offender or child verifies a residence address for the first time on or after the bill's effective date under the SORN Law's periodic address verification mechanism and who makes a determination that no prior community notification has been provided regarding that offender or child as described above in "Operation of the bill" under "Procedure for periodic verification of registered address"* must provide a written notice containing specified information to the same specified persons and entities in the community to whom notice must be provided under current law when community notification is required.

A sheriff required to provide community notification regarding an offender or delinquent child under the bill's new mandatory community notification provision described in this paragraph must provide the notice to the specified persons and entities as soon as practicable but not later than seven days after the sheriff determines as described above in "**Operation of the bill**" under "**Procedure for periodic verification of registered address**" that the offender or delinquent child is subject to this new community notification provision, or, if the sheriff is providing secondary community notification, not later than five days after the sheriff is provided the notice from the other sheriff. The notice must include the residence address, etc. (R.C. 2950.11(A), (B), and (D)(1).)

Under the bill, the duties to provide the notices to the persons and entities in the community under the bill's new mandatory community notification provision described in the preceding paragraph or under the existing mandatory community notification provisions (i.e., subsequent to a registration or sending of a notice of intent to reside) apply to an offender or delinquent child who is in any of the following categories (see the second last paragraph in this part):

- (1) An offender who is a Tier III sex offender/child-victim offender;
- (2) A delinquent child who is a PRQJO registrant and for whom a juvenile court has not removed the child's duty to comply with the SORN Law;
- (3) A delinquent child who is a Tier III sex offender/child-victim offender and is not a PRQJO registrant, if the child was subjected to community notification prior to January 1, 2008, as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in the SORN Law as it existed prior to that date and a juvenile court has not removed the delinquent child's duty to comply with the SORN Law;

(4) A delinquent child who is a Tier III sex offender/child-victim offender and is not a PRQJO registrant, if the child was classified a juvenile offender registrant on or after January 1, 2008, the court imposed a requirement subjecting the child to the community notification provisions, and a juvenile court has not removed the delinquent child's duty to comply with the SORN Law.

The bill repeals the existing provision that specifies that the community notification provisions do not apply to an offender or delinquent child in any of the four categories described above in paragraphs (1), (2), (3), and (4) if a court finds at a hearing after considering specified factors that the offender or child would not be subject to the community notification provisions under the law that existed immediately prior to January 1, 2008, and also repeals the list of specified factors that must be considered at the hearing. (R.C. 2950.11(F)(1), redesignated as R.C. 2950.11(F), and repeal of existing R.C. 2950.11(F)(2)).

The bill amends several existing provisions to conform them to the repeal of existing R.C. 2950.11(F)(2), as described in the preceding paragraph (R.C. 2950.11(A), (B)(4), (E), (H)(3)(e), and (I) and 2950.13(A)(3)).

Secondary community notification by a sheriff

The bill modifies the existing secondary community notification provisions to reflect its new mandatory community notification provision that applies subsequent to residence address verification as described above. Under the bill, each sheriff who receives a community notification notice from another sheriff *under the bill's new mandatory community notification provision subsequent to residence address verification* or under the existing mandatory community notification provisions (i.e., subsequent to a registration or sending of a notice of intent to reside) then must provide community notification notices to the specified neighbors of the offender or delinquent child, specified officials of specified public children services agencies, schools, preschools, day-care centers or homes, and institutions of higher education, specified law enforcement officials, and specified volunteer organizations (R.C. 2950.11(A); see **COMMENT 3** for a more detailed list of the persons and entities that are to be provided notice) that are located within the specified geographical notification area and within the county served by the sheriff in question. (R.C. 2950.11(C).)

Discretionary notification subsequent to verification, and offenders and delinquent children who are subject to it

The bill removes from the existing provision that authorizes discretionary community notification regarding an offender or delinquent child subsequent to address verification the reference to *residence address verification when it is subject to the new community notification requirement under the bill*. Under the bill, the discretionary

community notification provision applies only subsequent to a verification of a current school, institution of higher education, or work address or a residence address when it is not subject to the new community notification requirement under the bill, by an offender or delinquent child in relation to whom the provisions requiring community notification subsequent to registration or the sending of a notice of intent to reside apply. The bill otherwise retains without change the existing discretionary community notification provision. (R.C. 2950.11(D)(2).)

COMMENT

1. Existing R.C. 2950.01 specifies that, as used in the SORN Law (R.C. 2950.01, not in the bill):

"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.

"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: (a) 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 (g) of the definition of "sexually oriented offense" set forth above, (b) except when committed with a sexual motivation, abduction, unlawful restraint, or criminal child enticement, (c) 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) or (b) of this paragraph, or (d) any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in clause (a), (b), or (c) of this paragraph.

"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 specifies 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.

"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" under R.C. 2152.13 before, on, or after, January 1, 2008, and to whom all of the following apply: (a) 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, (b) the person was 14, 15, 16, or 17 years of age at the time of committing the act, and (c) 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).

"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: (a) 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 (b) 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.

"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:

(a) 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;

(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, unlawful sexual conduct with a minor, or the former offense of felonious sexual penetration;

(c) 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;

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

(e) 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;

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

(g) 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;

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

(i) 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;

(j) 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;

(k) 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 (a) to (j) under this definition;

(l) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in paragraph (a) to (k) under this definition.

"Tier I sex offender/child-victim offender" means any of the following:

(a) 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: (i) sexual imposition, importuning, voyeurism, or pandering obscenity, (ii) 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, (iii) gross sexual imposition committed other than when the victim, or one of the victims, is less than 13, (iv) illegal use of a minor in a nudity-oriented material or performance based on possession or viewing of the material or performance, (v) menacing by stalking committed with a sexual motivation, unlawful restraint committed with a sexual motivation, or criminal child enticement committed with a sexual motivation, (vi) 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 (i), (ii), (iii), (iv), or (v) of this paragraph, or (vii) any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in clause (i), (ii), (iii), (iv), (v), or (vi) of this paragraph.

(b) 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.

(c) 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.

(d) 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:

(a) 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: (i) compelling prostitution, pandering obscenity involving a minor, or pandering sexually oriented matter involving a minor, (ii) 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, (iii) gross sexual imposition committed when the victim is under 13 (but see the definition of Tier III sex offender/child-victim offender) or 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, (iv) 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, (v) 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, (vi) 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, (vii) 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 (i), (ii), (iii), (iv), (v), or (vi) of this paragraph, (viii) any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in clause (i), (ii), (iii), (iv), (v), (vi), or (vii) of this paragraph, or (ix) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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 (a) to (d), 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: (i) 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 (ii) 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:

(a) 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: (i) rape or sexual battery, (ii) 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, (iii) aggravated murder, murder, or felonious assault when the violation was committed with a sexual motivation, (iv) 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, (v) 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, (vi) 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, (vii) 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 (i) to (vi) of this paragraph, (viii) any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in clause (i) to (vii) of this paragraph, or (ix) any sexually oriented offense 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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 (a) to (d) 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: (i) 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 (ii) 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.

(f) 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.

(g) 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: (i) 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 (a) to (f) of this definition, and (ii) 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.

2. This R.C. 2950.11(F)(2) hearing mechanism was enacted in Am. Sub. S.B. 10 of the 127th General Assembly (hereafter, "S.B. 10"), and took effect on January 1, 2008. The Ohio Supreme Court recently addressed the application of the mechanism in its decision in the case of *State v. McConville* (March 18, 2010), ___ Ohio St.3d ___, Slip Opinion No. 2010-Ohio-958. The case involved an offender who, on July 1, 2008, pleaded guilty to two sexually oriented offenses, rape and gross sexual imposition, and was classified a Tier III sex offender/child-victim offender based on those pleas. The offender argued that, based on the language of the mechanism, it was available to him and afforded him the opportunity to convince a court that he should not be subjected to the community notification provisions. The Court unanimously agreed, holding in the syllabus of its decision that the mechanism applies to all defendants who are *notified* of their sexual-offender status after January 1, 2008. The Court noted that, in addition to applying to persons in the same situation as the offender in the case, the issue regarding availability of the mechanism also could apply regarding offenders and delinquent children who committed the sexually oriented offense or child-victim oriented offense that subjected them to the SORN Law prior to the effective date of S.B. 10, who were not subject to community notification prior to that effective date, and who were reclassified

under S.B. 10 into a status that is subject to community notification. The Court determined that, based on the clear language of the mechanism, it applied to all offenders and delinquent children *notified* of their sexual-offender status after January 1, 2008, regardless of whether they committed the sexually oriented offense or child-victim oriented offense that subjected them to the SORN Law prior to, on, or after the effective date of Am. Sub. S.B. 10 of the 127th General Assembly.

3. Under the SORN Law's community notification provisions, the sheriff with whom the offender or delinquent child has most recently registered and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside must provide the written notice to all of the following persons (R.C. 2950.11(A)):

(a) Neighbors of the offender or delinquent child, in accordance with the following: (i) any occupant of each residential unit that is located within 1,000 feet of the offender's or child's residential premises, is within the county served by the sheriff, and is not in a multi-unit building, (ii) if the offender or child resides in a multi-unit building, any occupant of each residential unit that is located in that multi-unit building and "shares a common hallway" with the offender or child, (iii) the building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within 1,000 feet of the offender's or child's residential premises, including a multi-unit building in which the offender or child resides, and is within the county served by the sheriff (in addition to this notice, the sheriff must either post the notice in the building in a specified manner or provide it to all building occupants), and (iv) all additional persons who are within any category of neighbors of the offender or child that the Attorney General (the AG) by rule adopted under R.C. 2950.13 requires to be provided the notice and who reside within the sheriff's county;

(b) Specified officials of the public children services agency that has jurisdiction within the "specified geographical notification area" and is located within the sheriff's county (as used in the community notification provisions, "specified geographical notification area" means the geographic area or areas within which the AG, by rule adopted under R.C. 2950.13, requires the notices to be given to the persons identified in this paragraph and in paragraphs (c) to (f), below; OAC 109:5-2-01, as adopted by the AG pursuant to R.C. 2950.13, provides that "specified geographical notification area" means the school district, as classified and defined in R.C. Chapter 3311., within which the person who is subject to community notification resides, is employed, or attends a school or institution of higher education);

(c) Specified officials of each school district, school, and chartered nonpublic school within the specified geographical notification area and located within the sheriff's county, including the principal of the school the child attends or the appointing

or hiring authority of each chartered nonpublic school, and, regardless of the school's location, the appointing or hiring officer of a chartered nonpublic school that the delinquent child attends;

(d) Specified officials of each preschool program and each child and family day-care center or home located within the specified geographical notification area and within the sheriff's county;

(e) Specified officials of each institution of higher education located within the specified geographical notification area and within the sheriff's county and the chief law enforcement officer of the university or campus law enforcement agency serving that institution;

(f) The sheriff of each county that includes any portion of the specified geographical notification area (this sheriff then has the duty to provide the written notice to all the other persons and entities listed in paragraphs (a) to (e), (g), and (h) within the sheriff's county);

(g) If the offender or child resides within the sheriff's county, the chief of police, marshal, or other chief law enforcement officer of the municipality in which the offender or delinquent child resides or, if the offender or delinquent child resides in an unincorporated area, the constable or police chief of the township in which the offender or delinquent child resides;

(h) Volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, company, or individual who requests notification regarding a specific offender or child or regarding all offenders or children who are located in the specified geographical notification area.

HISTORY

ACTION	DATE
Introduced	03-09-10

S0237-I-128.docx/jc

