

Fiscal Note & Local Impact Statement

123rd General Assembly of Ohio

BILL: H.B. 502

DATE: January 11, 2000

STATUS: As Introduced

SPONSOR: Rep. DePiero

LOCAL IMPACT STATEMENT REQUIRED: No — No local cost

CONTENTS: Clarifies the Sex Offender Registration and Notification Law regarding the time within which a court must determine that imprisoned persons are sexual predators

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.



Detailed Fiscal Analysis

Operation of Ohio's Existing Sex Offender Registry

In Ohio, three classes of sex offenders currently are required to register upon release: sexual predators, habitual sex offenders, and sexually oriented offenders. All are required to provide fingerprints, photographs, DNA, criminal history, and vehicle registration information.

The classification of sex offenders under Ohio law is as follows:

- ***Sexual predator:*** An offender who is convicted of a sexually violent offense and is determined to be a sexual predator by the sentencing court. Generally, sexual predators are required to register for life and must verify their addresses with the county sheriff quarterly.
- ***Habitual sex offender:*** An offender previously convicted of one or more sexually oriented offenses. The sentencing judge may or may not determine that community notification is necessary. Generally, habitual offenders must register for 20 years and must verify their addresses with the county sheriff annually.
- ***Sexually oriented offender:*** An offender convicted of a sexually oriented offense. Such offenders must register for 10 years, verify their addresses with the county sheriff annually, and are not subject to community notification provisions.

An offender may be determined to be a sexual predator in one of the following ways:

1. *The indictment may include a sexual predator specification.* If this occurs, and the accused pleads guilty or is convicted *on or after* January 1, 1997 (the effective date of Ohio's sex offender registration law), the offender is subject to the sexual predator registration requirements described above.
2. *If the sexual predator specification was not included in the indictment,* a judge must hold a hearing to determine whether the offender is a sexual predator prior to sentencing, or the judge may conduct the hearing as part of sentencing if the offender is being sentenced for a felony offense *on or after* January 1, 1997. At this time, the judge has a variety of factors to consider, including prior offenses, number and age of the victim(s), and characteristics of the offense.
3. *If an offender was convicted or pleaded guilty to a sexually oriented offense prior to January 1, 1997,* and if the offender was not sentenced on or after that date, and if the offender is currently serving time in a state correctional facility after that date, DRC bears the responsibility to determine whether an offender in their custody should be recommended to the courts as a sexual predator. DRC must consider the factors that the courts must consider, as described above. If DRC makes such a determination, then

the department shall send a recommendation to the sentencing court that that the offender be placed under consideration for classification as a sexual predator. The court may then conduct a hearing to determine whether or not the offender in custody is a sexual predator; however, the court may not classify an offender as a sexual predator without holding a hearing. The court is not bound to accept DRC's recommendation.

Provisions of the Bill

The bill makes changes to the third manner in which an offender can be classified as a sexual predator, which applies to those offenders committed to DRC custody prior to January 1, 1997, and for whom DRC makes a recommendation for consideration to the court as sexual predators. The bill specifies that the court shall not make a determination that the offender is a sexual predator unless the court both holds the hearing and makes the determination prior to the offender's release from imprisonment.

This provision does not impose any additional duties upon the court; rather, it specifies that these duties must be accomplished within a specific time frame for which LBO believes the majority of courts are already in compliance. As a result, LBO assumes that the bill will not result in any additional costs to county courts.

□ *LBO staff: Laura Bickle, Budget/Policy Analyst*

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