



*Synopsis of Senate Committee Amendments**

Dennis M. Papp

Legislative Service Commission

Sub. H.B. 393

124th General Assembly
(S. Judiciary on Criminal Justice)

Removed a provision of the House-passed version of the bill that would have specified that an existing five-year limit relative to the duration of commitments to the Department of Youth Services (DYS) for a firearm, anti-gang, or body armor specification applied to commitments for two or more specifications.

Added provisions that:

(1) Modify the Sex Offender Registration and Notification Law, as it applies to delinquent children, by: (a) providing that the "sexually oriented offenses" that could subject a delinquent child to that Law include offenses under former law applicable in a military court or an Indian tribal court that was equivalent to any other sexually oriented offense and include any attempt or conspiracy to commit, or complicity in committing, any other sexually oriented offense, (b) providing that prior "convictions of or pleas of guilty to" a sexually oriented offense are "prior offenses" for purposes of determining whether a delinquent child who is classified a juvenile sex offender registrant is a habitual sex offender, (c) in a provision that requires a juvenile court to classify a delinquent child a juvenile sex offender registrant if the delinquent act is a sexually oriented offense, the child is of a specified age, and the child previously was adjudicated a delinquent child for committing a sexually oriented offense, expanding the criteria to also require the court to so classify a child if the first two criteria apply, and the court determines that the child "previously was convicted of or pleaded guilty to" a sexually oriented offense, (d) in a provision that requires a juvenile court, upon a delinquent child's discharge or release from a secure facility, to classify the child a juvenile sex offender registrant if the delinquent act is a sexually oriented offense, the child is of a specified age, and the juvenile court judge was not required to classify the child a juvenile sex offender registrant under the provision described in clause (1)(c), above, removing the reference to the child's "discharge" from a secure facility as a triggering criterion, (e) requiring a juvenile judge to notify the Bureau of Criminal Identification and Investigation (BCII) any time the judge issues a reclassification order of any nature at a post-sanction hearing for a juvenile sex offender registrant, and (f) making technical

* This synopsis does not address amendments that may have been adopted on the House floor.

changes to many provisions of that Law to simplify, consolidate, clarify, rephrase, or condense the provisions.

(2) Modify a provision that requires the DYS to provide certain information to BCII prior to releasing a delinquent child who is in its custody and who has been adjudicated a delinquent child for committing a sexually oriented offense so that the provision applies only when the child released also has been classified a juvenile sex offender registrant based on that adjudication.

(3) Modify an existing provision to specify that, if a juvenile court commits a delinquent child to the custody of any person, organization, or entity other than DYS, the court in the order of disposition either must require that the child be provided treatment or, as under existing law, must inform the person, organization, or entity that Ohio's preferred course of action is that the child be provided treatment and encourage the person, organization, or entity to provide that treatment.

(4) Modify the Sex Offender Registration and Notification Law, as it applies to criminal offenders, by: (1) providing that the "sexually oriented offenses" that subject an offender to that Law include offenses under former law applicable in a military court or an Indian tribal court that was equivalent to any other sexually oriented offense, and (2) providing that prior "delinquent child adjudications" of a sexually oriented offense are "prior offenses" for purposes of determining whether an offender is a habitual sex offender if the offender was classified a juvenile sex offender registrant or out-of-state juvenile sex offender registrant based on one or more of those adjudications.

(5) Revise the duties of the judge of the Domestic Relations Division of the Muskingum County Court of Common Pleas, who initially is to be elected in November 2002.

h0393.124/ss

02/27/02

