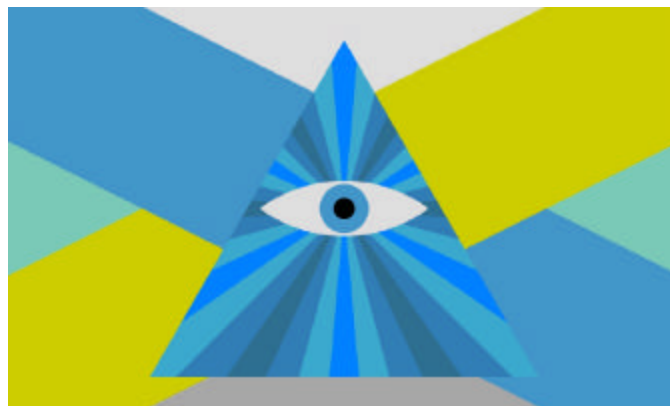


OHIO REVISED CODE CHAPTER 2950 ABRIDGED AND ANNOTATED

As of SB 10 and 97 of the 127TH General Assembly
Effective July 1, 2007 though January 1, 2008

By: **Daniel J. Bettis**
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All of the following modifications made to Ohio Revised Code Chapter 2950 **are unofficial** and intended only to make the statute easier to read, understand, and to be used as a guide when reading the official and full text of the statute. It is suggested that after reading this text you read the *full and official* text of the statute. It should be easier to understand and read. **DO NOT** use or quote this text in any court, filings, or in any other situation that may affect someone's life or liberty. Make sure to use the official statute in these situations. Finally, it is the intentions of the author (*who is not an attorney*) that this text is 100% accurate and correct, yet is not responsible for any errors or any interruptions made in the following text. Please be sure to consult an attorney before taking any actions that will affect yours or anyone else's life or liberty. If you have any questions or suggestions about this text please feel free to email those to the email provided on the webpage stated below. Good luck.

INTRODUCTION

This is an abridged or simplified and unofficial version of the new of Ohio Revised Code Chapter 2950 after SB 10 and 97, taking effect from July 1, 2007 and January 1, 2008. You will also find some footnotes and comments. Do not use this text to quote or in any legal proceedings, use the actual and full text form the statute. It is intended to be an easy (or easier) to read version to aid in under standing is the statute and is for reference only. What has been done to accomplish this much of the legalese and repetitive text that is included to attempt to cover loopholes was deleted. Some examples are,

“... 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 ... “

Is shortened to,

“... convicted ...”

We all understand whether or not you are pleaded or went to trial you were convicted.

Another example is when the state references laws committed in other jurisdictions.

“... any former law of this state, 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 ...”

Is shortened to,

“... law of Ohio or anywhere else in the world ...”

It is safe to assume that 2950 applies to some who committed a sexual offense anywhere in the world and,

“...new classification as a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender ...”

Is shortened to,

“... new classification ...”

Unless it is required to specify one tier from another then “classification” or “tier” will do and assume it applies to all tiers unless otherwise stated

“... residence, school, institution of higher education, or place of employment address... “

Is shortened to,

“... address or addresses ...”

Assume what applies to one address applies to all, if need be the individual address type will be spelled out, and

“...the basis of the registration, notice of intent to reside, change of address notification, or address verification ... or ... section 2950.04, 2950.041, 2950.05, or 2950.06 ...

Is shortened to,

“... register ... or ... registration ...”

INTRODUCTION

Once again if you see register assume this includes, to give notice of intent to change any address, register any address, and verify any address, covered under 2950.04, 2950.041, 2950.05, and 2950.06.

“... a sexually oriented offense (or offender) or a child-victim oriented offense (or offender) ...”

Is shortened to,

“... a offense (or offender)...”

Unless it is need to be spelled out, typically the statute refers to both together, but in a few places it may refer to only one, in those situations will be spelled out. Also, if something regards a sexual oriented offense or offender assume that section also applies to a child-victim oriented offense and offenders. Child-victim oriented offenses are offenses that involve minors but do not involve a sexual motivation of component.

This is much easier to read and understand. I suggest comparing this version to the full text statute after you have read it a couple of time and you will see the modifications and most likely will be able to read the full text version then. Additionally, anytime you see something in brackets, such as [importuning], that is something that has been noted and usually refers to other sections of the law. This will aid you in understanding what is being said without going thought the trouble of having to look up every law that is referenced while trying to understand what had been done. I still suggest eventually cross-referencing the full text of the statue. All references to a “delinquent children“ have been removed; therefore, this text only applies to adults. The delinquent children seem to have there own special and even more confusing rules.

Finally, anywhere that said “section 2950.01 of the Revised Code” has been shortened to just say “2950.01,” we all know it is of the Ohio Revised Code. Another is “other person with whom the offender engaged in sexual conduct” is “victim” here. Another thing that can be confusing if you are unaccustomed to reading the statute is you may see “under *division* (E) of this *section*.” You may be wondering what is a division or section. A “Section” is “2950.01” and a division is the “(A),”(1),”(a)” or ”(i)” that you may see. Basically as easy way to remember is “**a division, divides a section.**” For the above section that would be “2950.01(E).”

Once again GOOD LUCK.

DJB

SEC 2950.01 [FROM SB10] Definitions

As used in this chapter, unless the context clearly requires otherwise:

(A) "**Sexually oriented offense**" means any of the following offenses committed by a person, regardless of the person's age:

- (1) A violation of 2907.02[Rape], 2907.03[Sexual battery], 2907.05[Gross sexual imposition], 2907.06[Sexual imposition], 2907.07[Importuning], 2907.08[Voyeurism], 2907.21[Compelling prostitution], 2907.32[Pandering obscenity], 2907.321[Pandering obscenity involving a minor], 2907.322[Pandering sexually oriented matter involving a minor], or 2907.323[Illegal use of minor in nudity-oriented material or performance];
- (2) A violation of 2907.04[Unlawful sexual conduct with minor] when the offender is less than four years older than the victim, the victim did not consent, and the offender previously has not been convicted of a violation of 2907.02[Rape], 2907.03[Sexual battery], or 2907.04[Unlawful sexual conduct with minor] or a violation of former 2907.12[felonious sexual penetration];
- (3) A violation of 2907.04[Unlawful sexual conduct with minor] when the offender is at least four years older than the victim or when the offender is less than four years older than the victim, and the offender previously has been convicted of a violation of 2907.02[Rape], 2907.03[Sexual battery], or 2907.04[Unlawful sexual conduct with minor] or a violation of former 2907.12[felonious sexual penetration];
- (4) A violation of 2903.01[Aggravated murder], 2903.02[Murder], or 2903.11[Felonious assault] when the violation was committed with a sexual motivation;
- (5) A violation of 2903.04(A)[Involuntary manslaughter] when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation;
- (6) A violation of 2903.211(A)(3)[Menacing by stalking, with sexual motivation];
- (7) A violation of 2905.01(A)(1), (2), (3), or (5)[Kidnapping] when the offense is committed with a sexual motivation;
- (8) A violation of 2905.01(A)(4)[Kidnapping, sexual motivation without consent];
- (9) A violation of 2905.01(B)[Kidnapping, under circumstances that either create a substantial risk of serious physical harm to the victim or cause physical harm to the victim] when the victim is under eighteen and the offender is not a parent of the victim;
- (10) A violation of 2905.02(B)[Abduction, with sexual motivation], of 2905.03(B)[Unlawful restraint, with sexual motivation], of 2905.05(B)[Criminal child enticement, with sexual motivation], or of 2919.22(B)(5)[Endangering children, consenting to creation of child pornography];
- (11) A violation of any former or existing law of Ohio or law anywhere else in the world that is or was substantially equivalent to any offense listed in 2950.01(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (10);
- (12) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed 2950.01(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11).

(B)(1) "**Sex offender**" means a person who is convicted of committing any sexually oriented offense and not included in 2950.01(B)(2).

(2) "Sex offender" does not include a person who is convicted of 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 was eighteen and at the time of the sexually oriented offense was not under the custodial authority of the person who is convicted of committing the sexually oriented offense.
- (b) The victim of the offense was thirteen or older, and the person who is convicted of the sexually oriented offense is not more than four years older than the victim.

(C) "**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 eighteen and is not a child of the person who commits the violation: ¹

- (1) A violation of 2905.01(A)(1), (2), (3), or (5)[Kidnapping] when the violation is not included in 2905.01(A)(7)[without a sexual motivation];
- (2) A violation of 2905.02(A)[Abduction, without sexual motivation], 2905.03(A)[Unlawful restraint, without a sexual motivation], or 2905.05(A)[Criminal child enticement, without a sexual motivation];
- (3) A violation of any former or existing law of Ohio or any law anywhere else in the world that is or was substantially equivalent to any offense listed in 2950.01(C)(1) or (2);

¹ These are offenses against children, yet without a sexual motive or component.

SEC 2950.01 [FROM SB10] Definitions

(4) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in 2950.01(C)(1), (2), or (3).

(D) "**Child-victim offender**" means a person who is convicted of committing any child-victim oriented offense.

(E) "**TIER I SEX OFFENDER/CHILD-VICTIM OFFENDER**" means any of the following:

(1) A sex offender who is convicted of any of the following sexually oriented offenses:

(a) A violation of 2907.06[Sexual imposition], 2907.07[Importuning], 2907.08[Voyeurism], or 2907.32[Pandering obscenity];

(b) A violation of 2907.04[Unlawful sexual conduct with minor] when the offender is less than four years older than the victim, the victim did not consent, and the offender previously has not been convicted of a violation of 2907.02[Rape], 2907.03[Sexual battery], or 2907.04[Unlawful sexual conduct with minor] or a violation of former 2907.12[felonious sexual penetration];

(c) A violation of 2907.05(A)(1), (2), (3), or (5)[Gross sexual imposition, victim over twelve];

(d) A violation of 2907.323(A)(3)[Illegal use of minor in nudity-oriented material or performance, possession only];

(e) A violation of 2903.211(A)(3)[Menacing by stalking, with sexual motivation], of 2905.03(B)[Unlawful restraint, with sexual motivation], or of 2905.05(B)[Criminal child enticement, with sexual motivation];

(f) A violation of any former or existing law of Ohio or law anywhere else in the world that is or was substantially equivalent to any offense listed in 2950.01(E)(1)(a), (b), (c), (d), or (e);

(g) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in 2950.01(E)(1)(a), (b), (c), (d), (e), or (f).

(2) A child-victim offender who is convicted of a child-victim oriented offense and who is not within either category of child-victim offender described in 2950.01(F)(2)[Tier II] or (G)(2)[Tier III].

(3) *Delinquent child division.*

(4) *Delinquent child division.*

(F) "**TIER II SEX OFFENDER/CHILD-VICTIM OFFENDER**" means any of the following:

(1) A sex offender who is convicted of any of the following sexually oriented offenses:

(a) A violation of 2907.21[Compelling prostitution], 2907.321[Pandering obscenity involving a minor], or 2907.322[Pandering sexually oriented matter involving a minor];

(b) A violation of 2907.04[Unlawful sexual conduct with minor] when the offender is at least four years older than the victim, or when the offender is less than four years older than the victim and the offender previously has been convicted of a violation of 2907.02[Rape], 2907.03[Sexual battery], or 2907.04[Unlawful sexual conduct with minor] or former 2907.12[felonious sexual penetration];

(c) A violation of 2907.05(A)(4)[Gross sexual imposition, victim under thirteen] or of 2907.323(A)(1) or (2)[Illegal use of minor in nudity-oriented material or performance, consent to or photograph/produce/transfer/ child pornography];

(d) A violation of 2905.01(A)(1), (2), (3), or (5)[Kidnapping] when the offense is committed with a sexual motivation;

(e) A violation of 2905.01(A)(4)[Kidnapping, sexual motivation without consent] when the victim of the offense is eighteen;

(f) A violation of 2905.02(B)[Abduction, with sexual motivation] or of 2919.22(B)(5)[Endangering children, consenting to creation of child pornography];

(g) A violation of any former or existing law of Ohio or any law anywhere else in the world that is or was substantially equivalent to any offense listed in 2950.01(F)(1)(a), (b), (c), (d), (e), or (f);

(h) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in 2950.01(F)(1)(a), (b), (c), (d), (e), (f), or (g);

(i) Any sexually oriented offense that is committed **after** the sex offender previously has been convicted of committing any sexually oriented offense or child-victim oriented offense for which the offender was classified in tier I.

(2) A child-victim offender who is convicted of any child-victim oriented offense when the child-victim oriented offense is committed **after** the child-victim offender previously has been convicted of committing any sexually oriented offense for which the offender was classified in tier I.

(3) *Delinquent child division.*

(4) *Delinquent child division.*

SEC 2950.01 [FROM SB10] Definitions

(5) A sex offender or child-victim offender who is not in any category in tier II set forth in 2950.01(F)(1) or (2) who prior to January 1, 2008, was determined to be a habitual sex offender/child-victim offender, unless either of the following applies:

(a) The sex offender or child-victim offender is reclassified pursuant to 2950.031 or 2950.032 in tier I or in tier III relative to the offense.

(b) *Delinquent child division.*

(G) **"TIER III SEX OFFENDER/CHILD-VICTIM OFFENDER"** means any of the following:

(1) A sex offender who is convicted of any of the following sexually oriented offenses:

(a) A violation of 2907.02[Rape] or 2907.03[Sexual battery];

(b) A violation of 2907.05(B)[Gross sexual imposition, sexually touch unclothed victim under twelve];

(c) A violation of 2903.01[Aggravated murder], 2903.02[Murder], or 2903.11[Felonious assault] when the violation was committed with a sexual motivation;

(d) A violation of 2903.04(A)[Involuntary manslaughter] when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation;

(e) A violation of 2905.01(A)(4)[Kidnapping, sexual motivation without consent] when the victim is under eighteen;

(f) A violation of 2905.01(B)[Kidnapping, under circumstances that either create a substantial risk of serious physical harm to the victim or cause physical harm to the victim] when the victim is under eighteen and the offender is not a parent of the victim;

(g) A violation of any former or existing law of Ohio or law anywhere else in the world that is or was substantially equivalent to any offense listed in 2950.01(G)(1)(a), (b), (c), (d), (e), or (f);

(h) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in 2950.01(G)(1)(a), (b), (c), (d), (e), (f), or (g);

(i) Any sexually oriented offense that is committed **after** the sex offender previously has been convicted of committing any sexually oriented offense or child-victim oriented offense for which the offender was classified in tier II or in tier III.

(2) A child-victim offender who is convicted of any child-victim oriented offense when the child-victim oriented offense is committed **after** the child-victim offender previously has been convicted of committing any sexually oriented offense or child-victim oriented offense for which the offender was classified in tier II or in tier III.

(3) *Delinquent child division.*

(4) *Delinquent child division.*

(5) A sex offender or child-victim offender who is not in any category of tier III sex offender/child-victim offender set forth in 2950.01(G)(1) or (2) who prior to January 1, 2008, was convicted of a sexually oriented offense or child-victim oriented offense, and who prior to that date was adjudicated a sexual predator or adjudicated a child-victim predator, unless either of the following applies:

(a) The sex offender or child-victim offender is reclassified pursuant to 2950.031 or 2950.032 as in tier I or in tier II relative to the offense.

(b) *Delinquent child division.*

(6) A sex offender who is convicted of a sexually oriented offense, if the sexually oriented offense and the circumstances in which it was committed are such that 2971.03(F)[sexually violent predator specification] automatically classifies the offender in tier III;

(7) A sex offender or child-victim offender who is convicted of a sexually oriented offense or child-victim offense in another state or anywhere else in the world:

(a) Under the law of the jurisdiction in which the offender was convicted and, the offender is in a category substantially equivalent to a category in tier III described in 2950.01(G)(1), (2), (5), or (6).

(b) Subsequent to the conviction, the offender has to register, or intends to reside in Ohio in any manner and for any period of time that subjects the offender to a duty to register or provide notice of intent to reside under 2950.04 or 2950.041.

(H) **"Confinement"** includes, but is not limited to, a community residential sanction imposed pursuant to 2929.16 or 2929.26.

(I) **"Prosecutor"** has the same meaning as in 2935.01.

(J) **"Supervised release"** means a release of an offender from a prison term, a term of imprisonment, or another type of confinement that satisfies either of the following conditions:

SEC 2950.01 [FROM SB10] Definitions

- (1) The release is on parole, a conditional pardon, under a community control sanction, under transitional control, or under a post-release control sanction, and it requires the person to report to or be supervised by a parole officer, probation officer, field officer, or another type of supervising officer.
- (2) The release is any type of release that is not described in 2950.01(J)(1) and that requires the person to report to or be supervised by a probation officer, a parole officer, a field officer, or another type of supervising officer.
- (K) "**Sexually violent predator specification**," "**sexually violent predator**," "**sexually violent offense**," "**sexual motivation specification**," "**designated homicide, assault, or kidnapping offense**," and "**violent sex offense**" have the same meanings as in 2971.01[Sentencing of sexually violent predators].
- (L) "**Post-release control sanction**" and "**transitional control**" have the same meanings as in 2967.01.
- (M) *Delinquent child section.*
- (N) *Delinquent child section.*
- (O) "**Secure facility**" means any facility that is designed and operated to ensure that all of its entrances and exits are locked and under the exclusive control of its staff and to ensure that, because of that exclusive control, no person who is institutionalized or confined in the facility may leave the facility without permission or supervision.
- (P) *Delinquent child section.*
- (Q) *Delinquent child section.*
- (R) *Delinquent child section.*
- (S) "**School**" and "**school premises**" have the same meanings as in 2925.01.
[From Chapter 2925 (Drug offenses)
2925.01(Q) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.
2925.01(R) "School premises" means either of the following:
(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;
(2) Any other parcel of real property that is owned or leased by a board of education of a school or the governing body of a school for which the state board of education prescribes minimum standards under 3301.07 and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.]
- (T) "**Residential premises**" means the building in which a residential unit is located and the grounds upon which that building stands, extending to the perimeter of the property. "Residential premises" includes any type of structure in which a residential unit is located, including, but not limited to, multi-unit buildings and mobile and manufactured homes.
- (U) "**Residential unit**" means a dwelling unit for residential use and occupancy, and includes the structure or part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or two or more persons who maintain a common household. "Residential unit" does not include a halfway house or a community-based correctional facility.
- (V) "**Multi-unit building**" means a building in which is located more than twelve residential units that have entry doors that open directly into the unit from a hallway that is shared with one or more other units. A residential unit is not considered located in a multi-unit building if the unit does not have an entry door that opens directly into the unit from a hallway that is shared with one or more other units or if the unit is in a building that is not a multi-unit building as described in this division.
- (W) "**Community control sanction**" has the same meaning as in 2929.01.
- (X) "**Halfway house**" and "**community-based correctional facility**" have the same meanings as in 2929.01.

SEC 2950.011 [FROM SB10]

Except as specifically provided to the contrary in 2950.02 to 2950.99, all references in any of those sections to "sexually oriented offense" include, in addition to the violations specified in 2950.01(A) on and after January 1, 2008, any sexually oriented offense, as that term was defined in 2950.01 prior to January 1, 2008, that was committed prior to that date and that was not a registration exempt sexually oriented offense, as that term was defined in that section prior to January 1, 2008.

Except as specifically provided to the contrary in 2950.02 to 2950.99, all references in any of those sections to "child-victim oriented offense" include, in addition to the violations specified in 2950.01(C) on and after January 1, 2008, any child-victim oriented offense, as that term was defined in 2950.01 prior to January 1, 2008, that was committed prior to that date.

SEC 2950.02 [FROM SB10] Legislative determinations and intent

(A) The general assembly hereby determines and declares that it recognizes and finds all of the following:

- (1) If the public is provided adequate notice and information about offenders who commit sexually oriented offenses or who commit child-victim oriented offenses, members of the public and communities can develop constructive plans to prepare themselves and their children for the offender's release from imprisonment, a prison term, or other confinement or detention. This allows members of the public and communities to meet with members of law enforcement agencies to prepare and obtain information about the rights and responsibilities of the public and the communities and to provide education and counseling to their children.
- (2) Sex offenders and child-victim offenders pose a **risk² of engaging in further sexually abusive behavior** even after being released from imprisonment, a prison term, or other confinement or detention, and protection of members of the public from sex offenders and child-victim offenders is a paramount governmental interest.
- (3) The penal, juvenile, and mental health components of the justice system of Ohio are largely hidden from public view, and a lack of information from any component may result in the failure of the system to satisfy this paramount governmental interest of public safety described in 2950.02(A)(2).
- (4) Overly restrictive confidentiality and liability laws governing the release of information about sex offenders and child-victim offenders have reduced the willingness to release information that could be appropriately released under the public disclosure laws and have increased risks of public safety.
- (5) A person who is found to be a sex offender or a child-victim offender has a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.
- (6) The release of information about sex offenders and child-victim offenders to public agencies and the general public will further the governmental interests of public safety and public scrutiny of the criminal, juvenile, and mental health systems as long as the information released is rationally related to the furtherance of those goals.

(B) The general assembly hereby declares that, in providing in chapter 2950 for registration regarding offenders and certain delinquent children who have committed sexually oriented offenses or who have committed child-victim oriented offenses and for community notification regarding tier III sex offenders/child-victim offenders who are criminal offenders who are about to be or have been released from imprisonment, a prison term, or other confinement or detention and who will live in or near a particular neighborhood or who otherwise will live in or near a particular neighborhood, it is the general assembly's intent to protect the safety and general welfare of the people of Ohio. The general assembly further declares that it is the policy of Ohio to require the exchange in accordance with this chapter of relevant information about sex offenders and child-victim offenders among public agencies and officials and to authorize the release in accordance with this chapter of necessary and relevant information about sex offenders and child-victim offenders to members of the general public as a means of assuring public protection and that the exchange or release of that information is not punitive.

² Does not any offender who commits any offense pose "a risk" to recidivate? This used to declare "sexual predators and habitual sex offenders pose a **high risk**" until SB5 was passed on 07/31/2003. It was this wording and the General Assembly declaring a high risk that justified these laws in Ohio Courts. Yet now there is just "a risk."

Child-victim offenders were also added by SB5 and their inclusion into Chapter 2950 has never been challenged. It should also be pointed out that above it states that child-victim offenders pose "of engaging in further sexually abusive behavior" even if they have not engaged in kind of sexual offense in the past. This is the basically stating that offenders without a sexual offense history pose a risk of sexually offending.

SEC 2950.03 [FROM SB10] Notice to offender of the duty to register

[REMINDER: any time you see "register" or "registered" assume that means registering all or any address, and providing notice of all and any address changes, and verifying all and any addresses.]

(A) Each person who has been convicted of a sexually oriented offense or a child-victim oriented offense and who has a duty to register shall be provided notice in accordance with this section of the offender's duties to register and of the offender's duties to similarly register in another state if the has an address in a state other than Ohio. The following official shall provide the notice required under this division to the specified person at the following time:

(1) Regardless of when the person committed the *sexually oriented offense*, if the person is an offender who is sentenced to a prison term, and if, on or after January 1, 2008, the offender is serving that term or is under that confinement, subject to 2950.03(A)(5) the official in charge of the institution in which the offender serves the prison term, shall provide the notice to the offender before the offender is released.

(2) Regardless of when the person committed the offense, if the person is an offender who is sentenced on or after January 1, 2008 for any offense, and if 2950.03(A)(1) does not apply, the judge shall provide the notice to the offender at the time of sentencing.

(3) *Delinquent child division.*

(4) *Delinquent child division.*

(5) If the person is an offender in any of the following categories, the attorney general or ODRC shall provide the notice to the offender at the time and in the manner specified in 2950.031(A) or (B) or 2950.032(A) or (B), whichever is applicable:

(a) An offender who prior to December 1, 2007, has registered any address;

(b) An offender who registers with a sheriff on or after December 1, 2007, previously had not registered with that sheriff or any other sheriff, and was convicted of an offense upon which the registration was based prior to December 1, 2007;

(c) An offender who on December 1, 2007 is serving a prison term in a state correctional institution for a sexually oriented offense or child-victim oriented offense;

(d) An offender who on or after December 2, 2007 commences a prison term in a state correctional institution for a sexually oriented offense or child-victim oriented offense and who was convicted of a sexually oriented offense or child-victim oriented offense prior to December 2, 2007.

(6) If the person is an offender who between July 1, 2007 and January 1, 2008, is convicted of a sexually oriented offense or a child-victim oriented offense and is not sentenced to a prison term, the sentencing court shall provide the notice to the offender at the time and in the manner specified in 2950.032(C).

(7) If the person is an offender who has a duty to register in Ohio pursuant to 2950.04(A)(4)³ or 2950.041(A)(4)³, the offender is presumed to have knowledge of the law and of the offender's duties to register.

(B)(1) The notice provided under 2950.03(A) shall inform the offender of the offender's duty to register. The notice shall specify that, for an offender, it applies any addresses in Ohio. Additionally, it shall inform the offender of the offender's duties to similarly register any addresses in states other than Ohio. A notice provided under 2950.03(A)(1) or (2) shall comport with the following:

(a) If the notice is provided to an offender, the official or judge shall require the offender to read and sign a form stating that the offender's duties to register any address, and the offender's duties in other states have been explained to the offender. If the offender is unable to read, the official or judge shall certify on the form that the official or judge specifically informed the offender of those duties and that the offender indicated an understanding of those duties.

(b) *Delinquent child division.*

(2) The notice shall be on a form prescribed by the BCI&I and shall contain all of the information specified in 2950.03(A) and all of the information required by the BCI&I. The notice provided shall include, but is not limited to, all of the following:

(a) For any notice provided, an explanation of the offender's periodic address verification process, an explanation of the frequency with which the offender will be required to verify those addresses under that process, a statement that the offender must verify those addresses at the times specified under that process or face criminal prosecution, and an explanation of the offender's duty to similarly register, verify, and reregister those addresses in another state.

³ Convicted in another jurisdiction but with an Ohio address.

SEC 2950.03 [FROM SB10] Notice to offender of the duty to register

(b) *Delinquent child division,*

(c) *Delinquent child division:*

(3)(a) After an offender has signed the form or the official or judge has certified on the form that the form has been explained to the offender and that the offender indicated an understanding of the duties indicated on it, the official or judge shall give one copy of the form to the offender, within three days shall send one copy of the form to the BCI&I, and shall send one copy of the form to the sheriff of the county in which the offender expects to reside, and shall send one copy of the form to the sheriff of the county in which the offender was convicted if the offender has a duty to register.

(b) *Delinquent child division.*

(C) The official, judge, chief of police, or sheriff who is required to provide notice to an offender shall determine the offender's name, identifying factors, and expected future residence address in Ohio or any other state, shall obtain the offender's criminal and delinquency history, and shall obtain a photograph and the fingerprints of the offender. Regarding an offender, the official or judge also shall obtain from the offender the offender's current or expected future school or place of employment address in Ohio, if any. If the notice is provided by a judge, the sheriff shall provide the offender's criminal and delinquency history to the judge. The official or judge shall obtain this information and these items prior to giving the notice, except that a judge may give the notice prior to obtaining the offender's criminal and delinquency history. Within three days after receiving this information and these items, the official or judge shall forward the information and items to the BCI&I, to the sheriff of the county in which the offender expects to reside and to the sheriff of the county in which the offender was convicted if the offender has a duty to register, and, regarding an offender, to the sheriff of the county, if any, in which the offender attends or will attend a school or is or will be employed. If it has not already done so, the BCI&I shall forward a copy of the fingerprints and conviction data received to the FBI.

SEC 2950.031 [FROM SB10] Notice to offender of new classification, right to hearing; those currently registering

(A)(1) At any time between July 1, 2007 and December 1, 2007, the attorney general shall determine for each offender who prior to December 1, 2007, has registered an address in Ohio, the offender's new classification as it will exist under the changes that will be implemented on January 1, 2008, the offender's duties under Chapter 2950 as so changed.

(2) At any time between July 1, 2007 and December 1, 2007, the attorney general shall send to each offender who prior to December 1, 2007, has registered an address in Ohio, a registered letter that contains the information described in 2950.031(A)(2)(a) through (d). The registered letter shall be sent return receipt requested to the last reported address of the person. The letter sent to an offender pursuant to this division shall notify the offender of all of the following:

(a) The changes in Chapter 2950 that will be implemented on January 1, 2008;

(b) The offender's new classification as it will exist under the changes that will be implemented on January 1, 2008, the offender's duties as so changed and the duration of those duties, and the information specified in 2950.03(B) to the extent it is relevant to the offender;

(c) The fact that the offender has a right to a hearing as described in 2950.031(E), the procedures for requesting the hearing, and the period of time within which the request for the hearing must be made.

(d) If the offender's duty to register is scheduled to terminate between July 1, 2007 and January 1, 2008, a summary of the provisions of 2950.033 and the application of those provisions to the offender.

(3) The attorney general shall make the determinations of new classification for each offender who has registered an address in Ohio, even if the offender's duty to register is scheduled to terminate prior to January 1, 2008. The attorney general shall send the registered letter each offender who has registered an address in Ohio even if the offender's duty to register is scheduled to terminate prior to January 1, 2008. Section 2950.033 applies to any offender who has registered an address in Ohio and whose duty to register is scheduled to terminate prior to January 1, 2008.

(B) If a sheriff informs the attorney general that an offender registered on or after December 1, 2007, that the offender has registered for the first time upon which the registration was based prior to December 1, 2007, within fourteen days after being so informed of the registration and receiving the information and material specified in 2950.043(D), the attorney general shall determine for the offender the new classification. Upon making the determinations, the attorney general immediately shall send to the offender a registered letter that contains the information specified in 2950.031(A)(2).

(C) The attorney general shall maintain the return receipts for all offenders who are sent a registered letter. For each offender the attorney general shall send a copy of the return receipt for the offender to the sheriff with whom the offender most recently registered and to the prosecutor who handled the case that resulted in the offender's registration duty. If a return receipt indicates that the offender to whom the registered letter was sent does not live at the listed address, the attorney general immediately shall provide notice of that fact to the sheriff with whom the offender registered that residence address.⁴

(D) The attorney general shall mail to each sheriff a list of all offenders who have registered an address and to whom a registered letter is sent. The list shall specify the offender's new classification as it will exist under the changes that will be implemented on January 1, 2008 and the offender's duties as so changed.

(E) An offender who is in a category described in 2950.031(A)(2) or (B) may request as a matter of right a court hearing to contest the application to the offender of the new registration requirements as it will exist under the changes that will be implemented on January 1, 2008. The offender may contest the manner in which the letter sent to the offender specifies that the new registration requirements apply to the offender or **may contest whether those new registration requirements apply at all to the**. To request the hearing, the offender **not later than sixty days** after the offender received the registered letter sent by the attorney general shall file a petition with the court specified in 2950.031(E). If the offender lives in Ohio and requests a hearing, **the offender shall file the petition with, and the hearing shall be held in, the court of common pleas of the county in which the offender resides or temporarily is domiciled**. If the offender does not live in Ohio, the offender shall file the petition with, and the hearing shall be held in, the court of common pleas of the county in which the offender **registered an address**, but if the offender has registered addresses of that nature in more than one county, the offender may file such a petition in the court of only one of those counties.

⁴ All offenders had better make sure their addresses are up to date and correct. There will be many failure to register or verify convictions the first half of 2008 because of this. This is essentially going to be mass address verification to find those missing offenders the government speaks so much about.

SEC 2950.031 [FROM SB10] Notice to offender of new classification, right to hearing; those currently registering

If the offender requests a hearing by timely filing a petition with the appropriate court, the offender shall serve a copy of the petition on the prosecutor of the county in which the petition is filed. The prosecutor shall represent the interests of the state in the hearing. In any hearing under this division, the Rules of Civil Procedure, except to the extent that those Rules would by their nature be clearly inapplicable. The court shall schedule a hearing, and shall provide notice to the offender and prosecutor of the date, time, and place of the hearing.

If an offender requests a hearing, until the court issues its decision at or subsequent to the hearing, the offender shall comply with Chapter 2950 as it exists prior to and after the changes that will be implemented throughout Chapter 2950. If an offender requests a hearing, at the hearing, all parties are entitled to be heard, and the court shall consider all relevant information and testimony presented relative to the application to the offender of the new registration requirements under Chapter 2950 as it will exist under the changes that will be implemented on January 1, 2008. If, at the conclusion of the hearing, the court finds that the offender has proven by clear and convincing evidence that the new registration requirements do not apply to the offender in the manner specified in the letter sent to the offender, the court shall issue an order that specifies the manner in which the court has determined that the new registration requirements do apply to the offender. If at the conclusion of the hearing the court finds that the offender has proven by clear and convincing evidence that the new registration requirements do not apply to the offender, the court shall issue an order that specifies that the new registration requirements do not apply to the offender. The court promptly shall serve a copy of an order issued under this division upon the sheriff with whom the offender most recently registered and upon the BCI&I. The offender and the prosecutor have the right to appeal the decision of the court.

If an offender fails to request a hearing in within the applicable sixty-day period, the failure constitutes a waiver by the offender of the offender's right to a hearing under this division, and the offender is bound by the determinations of the attorney general contained in the registered letter sent to the offender.⁵

⁵ Basically, you have 60 days to file a petition or you are out of luck no matter what excuse you can come up with.

SEC 2950.032 [FROM SB10] Notice to offender of new classification, right to hearing; those currently incarcerated or sentenced between July 1, 2007 and Jan. 1, 2008

(A)(1) At any between July 1, 2007 and December 1, 2007, the attorney general shall do all of the following:

(a) For each offender who on December 1, 2007, will be serving a prison term in a state correctional institution for a sexually oriented offense or child-victim oriented offense, determine the offender's new classification as it will exist under the changes in that chapter that will be implemented on January 1, 2008, and the offender's duties under Chapter 2950 as so changed and provide to the ODRC a document that describes that classification and those duties;

(b) *Delinquent child division.*

(c) For each offender, determine whether the attorney general is required to send a registered letter to that offender relative to the offense for which the offender is serving the prison term, if the attorney general is required to send such a letter to that offender relative to that offense, include in the document provided to the ODRC a conspicuous notice that the attorney general will be sending the offender the registered letter and that the ODRC is not required to provide to the offender the written notice.

(2) At any time between July 1, 2007 and December 1, 2007, except as otherwise described in 2950.032(A)(2), the ODRC shall provide to each offender described in a written notice that contains the information described in 2950.032(A). The ODRC is not required to provide the written notice to an offender if the attorney general included in the document provided to the particular department notice that the attorney general will be sending that offender a registered letter and that the ODRC is not required to provide to that offender the written notice. The written notice provided to an offender shall notify the offender of all of the following:

(a) The changes in Chapter 2950 that will be implemented on January 1, 2008;

(b) The offender's new classification as it will exist under the changes that will be implemented on January 1, 2008, the offender's duties as so changed and the duration of those duties, and the information specified in 2950.03(B) to the extent it is relevant to the offender;

(c) The fact that the offender has a right to a hearing as described in 2950.032(E), the procedures for requesting the hearing, and the period of time within which the request for the hearing must be made;

(d) If the offender's duty register is scheduled to terminate between July 1, 2007 and January 1, 2008, a summary of the provisions of 2950.033 and the application of those provisions to the offender.

(3) The attorney general shall make the determinations of new classification for each offender even if the offender's duty to register is scheduled to terminate prior to January 1, 2008. The ODRC shall provide to each offender the notice described in 2950.032(A)(2), even if the offender's duty register is scheduled to terminate prior to January 1, 2008. Section 2950.033 applies regarding any offender whose duty to register is scheduled to terminate prior to January 1, 2008 that is in effect prior to that date and whose duty to comply with those 2950.032(A)(1)(a) is scheduled to terminate prior to January 1, 2008.

(B) If before December 2, 2007, an offender commences a prison term in a state correctional institution for a sexually oriented offense or a child-victim oriented offense and if the offender was convicted of a sexually oriented offense or child-victim oriented offense on or before that date, as soon as practicable, the ODRC, as applicable, shall contact the attorney general, inform the attorney general of the commencement of the prison term, and forward to the attorney general information and material that identifies the offender and that describes the offense resulting in the prison term, the facts and circumstances of it, and the offender's criminal or delinquency history. Within fourteen days after being so informed of the commencement of the prison term and receiving the information and material specified 2950.032(B), the attorney general shall determine for the offender all of the matters specified in 2950.032(A)(1)(a) or (c) and immediately provide to the appropriate department a document that describes the offender's classification and duties as so determined.

Upon receipt from the attorney general of a document described in 2950.032(B) that pertains to an offender, the ODRC shall provide to the offender, as applicable, a written notice that contains the information specified in 2950.032(A)(2).

(C) If between July 1, 2007 and January 1, 2008, an offender is convicted of a sexually oriented offense or a child-victim oriented offense and the court does not sentence the offender to a prison term for that offense, the court at the time of sentencing shall do all of the following:

(1) Provide the offender with the notices required under 2950.03, as it exists prior to January 1, 2008, regarding the offender's duties under this chapter as it exists prior to that date;

(2) Provide the offender with a written notice that contains the information specified in 2950.032(A)(2)(a) and (b);

(3) Provide the offender a written notice that clearly indicates that the offender is required to comply with the duties described in the notice provided under 2950.032(C)(1) until January 1, 2008, and will be required to comply with the duties described in the notice on and after that date.

SEC 2950.032 [FROM SB10] Notice to offender of new classification, right to hearing; those currently incarcerated or sentenced between July 1, 2007 and Jan. 1, 2008

(D)(1) Except as otherwise provided in 2950.032(D)(1), the officer or employee of ODRC who provides an offender with the notices shall require the offender to read and sign a form stating that the changes in Chapter 2950 that will be implemented on January 1, 2008, the offender's new classification as so changed and the duration of those duties, the information specified in 2950.03(B) to the extent it is relevant to the offender, and the right to a hearing, procedures for requesting the hearing, and period of time within which the request for the hearing must be made have been explained to the offender.

Except as otherwise provided in 2950.032(D), the judge who provides an offender with the notices shall require the offender to read and sign a form stating that all of the information described in 2950.032(C)(1) to (3) has been explained to the offender.

If the offender is unable to read, the official, employee, or judge shall certify on the form that the official, employee, or judge specifically informed the offender of all of that information and that the offender indicated an understanding of it.

(2) After an offender has signed the form or the official, employee, or judge has certified on the form that the form has been explained to the offender and that the offender indicated an understanding of the specified information, the official, employee, or judge shall give one copy of the form to the offender, within three days shall send one copy of the form to the BCI&I, and shall send one copy of the form to the sheriff of the county in which the offender expects to reside and one copy to the prosecutor who handled the case that resulted in the offender's registration.

(E) An offender who is provided a notice may request as a matter of right a court hearing to contest the application to the offender of the new registration requirements under Chapter 2950. The offender may contest the matters that are identified in 2950.031(E). To request the hearing, an offender who is provided a notice shall file a petition with the appropriate court not later than the date that is sixty days after the offender is provided the notice, and an offender who is provided a notice shall file a petition with the appropriate court not later than the date that is sixty days after the offender is provided. The request for the hearing shall be made in the manner and with the court specified in 2950.031(E), and, except as otherwise provided in 2950.032(E), the provisions of 2950.031(E) regarding the service of process and notice regarding the hearing, the conduct of the hearing, the determinations to be made at the hearing, and appeals of those determinations also apply to a hearing requested under 2950.032(E). If a hearing is requested, the offender shall appear at the hearing by video conferencing equipment if available and compatible, except that, upon the court's own motion or the motion of the offender or the prosecutor representing the interests of the state and a determination by the court that the interests of justice require that the offender be present, the court may permit the offender to be physically present at the hearing. An appearance by video conferencing equipment has the same force and effect as if the offender were physically present at the hearing. The provisions of 2950.031(E) regarding the effect of a failure to timely request a hearing also apply to a failure to timely request a hearing under this division. ⁶

⁶ Basically, you have 60 days to file a petition or you are out of luck no matter what excuse you can come up with. Additionally, you do not have to be "road out" to go to court unless it is requested and the court permits it, but you have to at least be present by way of video conferencing.

SEC 2950.033 [FROM SB10] Notice to offender of new classification, right to hearing; those whose duty to register is scheduled to terminate, July 1, 2007 through January 1, 2008

(A) If, on or before July 1, 2007, an offender who has been convicted of a sexually oriented offense or a child-victim oriented offense has a duty to register and if the offender's duty to register is scheduled to terminate between July 1, 2007 and January 1, 2008, notwithstanding that scheduled termination of those duties, the offender's duties shall not terminate as scheduled and shall remain in effect for the following period of time:

(1) If the offender is in a category described in 2950.031(A)(1), receives a registered letter from the attorney general pursuant to 2950.031(A)(2), and timely requests a hearing in accordance with 2950.031(E) to contest the application to the offender of the new registration requirements as it will exist under the changes that will be implemented on January 1, 2008, or the new classification of the offender specified by the attorney general, the offender's duty to register shall continue at least until the court issues its decision at or subsequent to the hearing. The offender's duty to comply with those sections shall continue in accordance with, and for the duration specified in, the determinations of the attorney general that are specified in the registered letter the offender received from the attorney general, unless the court's decision terminates the offender's duty to register or provides a different duration for which the offender has a duty to register.

(2) If the offender is in a category described in 2950.031(A)(1), receives a registered letter from the attorney general pursuant to 2950.031(A)(2), and does not timely request a hearing in accordance with 2950.031(E) to contest the application to the offender of the new registration requirements as it will exist under the changes that will be implemented on January 1, 2008, or the new classification of the offender specified by the attorney general, the offender's duty to register shall continue in accordance with, and for the duration specified in, the determinations of the attorney general that are specified in the registered letter the offender received from the attorney general. ⁷

(3) If the offender is in a category described in 2950.032(A)(1)(a), receives a notice from the ODRC pursuant to 2950.032(A)(2), and timely requests a hearing in accordance with 2950.032(E) to contest the application to the offender of the new registration requirements as it will exist under the changes that will be implemented on January 1, 2008, or the new classification specified by the attorney general the offender's duty to register shall continue in the same manner and for the same duration as is described in 2950.033(A)(1) regarding offenders in a category described in 2950.031(A)(1), who receive a registered letter from the attorney general pursuant to 2950.031(A)(2), and who timely request a hearing in accordance with 2950.031(E). ⁸

(4) If the offender is in a category described in 2950.032(A)(1)(a) receives a notice from the ODRC pursuant to 2950.032(A)(2), and does not timely request a hearing in accordance with 2950.032(E) to contest the application to the offender of the new registration requirements as it will exist under the changes that will be implemented on January 1, 2008, or the new classification specified by the attorney general the offender's duty to register shall continue in the same manner and for the same duration as is described in 2950.033(A)(2) regarding offenders in a category described in 2950.031(A)(1), who receive a registered letter from the attorney general pursuant to 2950.031(A)(2), and who do not timely request a hearing in accordance with 2950.031(E) of that section. ⁹

(5) If the offender is in a category described in 2950.031(A)(1) but does not receive a registered letter from the attorney general pursuant to 2950.031(A)(2), or if the offender is in a category described in 2950.032(A)(1)(a) but does not receive a notice from ODRC pursuant to 2950.032(A)(2), notwithstanding the failure of the offender to receive the registered letter or the notice, the offender's duty to register shall continue in accordance with, and for the duration specified as they will exist under the changes to the provisions that will be implemented on January 1, 2008. ¹⁰

⁷ If you do not request a hearing within 60 days of receiving your registered letter you are stuck with whatever the attorney general has decided no matter what excuse you may have.

⁸ Basically, if you are in prison and your registration was scheduled to end the same rules apply to you as those who were not in prison. One thing to note that if registration duties were scheduled to end and an offender is in prison the registration time is tolled and therefore extends for whatever the prison time. Under this situation registration duties may not end as scheduled and therefore this section may not apply.

⁹ If you do not request a hearing within 60 days of receiving your registered letter you are stuck with whatever the attorney general has decided no matter what excuse you may have.

¹⁰ Even if everyone above fails to do their required job correctly and completely and as a result you have no idea you have a right to a hearing or your classification has changed and because of this failure and your lack to magically know every new change to the law you are out of luck and stuck without any legal remedy or recourse.

SEC 2950.033 [FROM SB10] Notice to offender of new classification, right to hearing; those whose duty to register is scheduled to terminate, July 1, 2007 through January 1, 2008

(B) An offender in a category specified in 2950.033(C) who, on or before July 1, 2007, has a duty to register based on a conviction for committing a sexually oriented offense or a child-victim oriented offense and whose duty to comply with those sections is scheduled to terminate between July 1, 2007 and January 1, 2008, is presumed to have knowledge of the law, the content of 2950.033(A) of this section and its application to the offender, and the offender's duties as it will exist under the changes that will be implemented on January 1, 2008. Any failure of any such offender to receive a registered letter from the attorney general pursuant to 2950.031(A)(2) or to receive a written notice from the ODRC pursuant to 2950.032(A)(2) does not negate, limit, or modify the presumption specified in this division. ¹¹

(C) *Delinquent child division.*

¹¹ This division appears to be directed at delinquent children who are now adults, but the message is still the same, if you do not know of the changes in the law it is your fault.

SEC 2950.034 [FROM SB10] Residing within 1,000 feet school, preschool, or daycare premises prohibited

(A) No person who has been convicted of a sexually oriented offense or a child-victim oriented offense shall **establish a residence or occupy residential premises** within one thousand feet of **any school premises or preschool or child day-care center premises.**¹²

(B) If a person to whom 2950.034(A) applies violates 2950.034(A) by establishing a residence or occupying residential premises within one thousand feet of any school premises or preschool or child day-care center premises, an owner or lessee of real property that is located within one thousand feet of those school premises or preschool or child day-care center premises, or the prosecuting attorney, village solicitor, city or township director of law, similar chief legal officer of a municipal corporation or township, or official designated as a prosecutor in a municipal corporation that has jurisdiction over the place at which the person establishes the residence or occupies the residential premises in question, has a cause of action for injunctive relief against the person. The plaintiff shall not be required to prove irreparable harm in order to obtain the relief.

(C) As used in this section:

(1) "Child day-care center" has the same meaning as in 5104.01.

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

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

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

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

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

¹² This section is interesting and scary. To me it reads like anyone who has ever committed a sexual offense, not just those registering is prohibited from living near these places. Additionally, does "occupy" premises mean someone cannot own residential property any property near these places or just live there. It seems to me that it does since living near these places is covered under the "establish" part of this section. It should also be noted that day-cares and pre-schools were added by the House and not included in the version passed by the Senate. Nevertheless, the Senate concurred with the House's changes.

SEC 2950.04 [FROM SB10] Duty to register, sexually oriented offense

(A)(1)(a) Immediately after a sentencing hearing is held on or after January 1, 2008, for an offender who is convicted of a sexually oriented offense and is sentenced to any type of confinement and before the offender is transferred to the custody of the ODRC or to where the offender will be confined, the offender shall register personally with the sheriff of the county in which the offender was convicted.

(b) *Delinquent child division.*

(c) A law enforcement officer shall be present at the sentencing hearing to immediately transport the offender to the sheriff of the county in which the offender is convicted.

(d) After an offender who has registered pursuant to 2950.04(A)(1)(a) is released, the offender shall register as provided in 2950.04(A)(2).

(2) Regardless of when the sexually oriented offense was committed, each offender shall comply with the following registration requirements described in 2950.04(A)(2)(a), (c), (d), and (e) of this section: ¹³

(a) The offender **shall register personally** with the sheriff, of the county **within three days** of the offender's **coming into a county** in which the offender resides or temporarily is domiciled for more than three days.

(b) The offender **shall register personally** with the sheriff of the county **immediately** upon coming into a county in which the offender attends any school on a full-time or part-time basis regardless of whether the offender lives in Ohio or another state.

(c) The offender **shall register personally** with the sheriff of the county in which the offender is employed if the offender lives in Ohio and has been employed in that county for **more than three days** or for an **aggregate period of fourteen or more days** in that calendar year.

(d) The offender **shall register personally** with the sheriff of the county in which the offender then is employed if the offender does not live in Ohio and has been employed at any location or locations in Ohio **more than three days** or for an **aggregate period of fourteen or more days** in that calendar year.

(e) The offender shall register with the appropriate person of the other state **immediately** upon entering into any state other than Ohio in which the offender has any address in any state other than Ohio for **more than three days** or for an **aggregate period of fourteen or more days** in that calendar year regardless of whether the offender lives in Ohio, the other state, or a different state:

(3) *Delinquent child division.*

(4) Regardless of when the sexually oriented offense was committed, each person who is convicted in a court anywhere else in the world for committing a sexually oriented offense shall comply with the following registration requirements if, at the time the offender moves to and resides in Ohio or temporarily is domiciled in Ohio for more than three days, the offender enters Ohio to attend any school, or is employed in Ohio for more than the specified period of time, the offender has a duty to register as a sex offender or child-victim offender under the law of that other jurisdiction as a result of the conviction: ¹⁴

(a) Each offender shall register personally with the sheriff of the county within three days of the offender's coming into the county in which the offender resides or temporarily is domiciled for more than three days.

(b) Each offender shall register personally with the sheriff of the county immediately upon coming into a county in which the offender attends any school on a full-time or part-time basis regardless of whether the offender lives in Ohio or another state.

(c) Each offender shall register personally with the sheriff of the county in which the offender is employed if the offender resides or has a temporary domicile in Ohio and has been employed in that county for more than three days or for an aggregate period of fourteen days or more in that calendar year.

(d) Each offender shall register personally with the sheriff of the county in which the offender then is employed if the offender does not live in Ohio and has been employed at any location or locations in Ohio for more than three days or for an aggregate period of fourteen or more days in that calendar year.

(5) An offender is not required to register if a court issues an order terminating the duty to register pursuant to 2950.15.

¹³ This division covers people who have been convicted in the past of a sexual offense, these rules apply to any one living in, going to any school or working in Ohio. **NOTE: Tier III offenders read 2950.04(G) also.**

¹⁴ This division seems to cover people convicted in other jurisdictions, the rules are the same as above, and if you have been convicted of a sexual offense, you must register your address with Ohio. **NOTE: Tier III offenders read 2950.04(G).**

SEC 2950.04 [FROM SB10] Duty to register, sexually oriented offense

(B) An offender who is required to register in Ohio personally shall obtain from the sheriff a registration form, shall complete and sign the form, and shall return the completed form together with the offender's photograph, copies of travel and immigration documents, and any other required material to the sheriff. The sheriff shall sign the form and indicate on the form the date on which it is so returned. The registration required is complete when the offender returns the form, containing the requisite information, photograph, other required material, signatures, and date, to the sheriff.

(C) The registration form to be used under 2950.04(A) and (B) shall include or contain all of the following for the offender who is registering:

- (1) The offender's name and any aliases used by the offender;
- (2) The offender's social security number and date of birth, including any alternate social security numbers or dates of birth that the offender has used or uses;
- (3) Regarding an offender who is registering under a duty imposed under 2950.04(A)(1), a statement that the offender is serving any type of confinement;
- (4) Regarding an offender who is registering as a result of the offender residing in Ohio or temporarily being domiciled in Ohio for more than three days, the current residence address of the offender who is registering, the name and address of the offender's employer if the offender is employed at the time of registration or if the offender knows at the time of registration that the offender will be commencing employment with that employer subsequent to registration, any other employment information, such as the general area where the offender is employed, if the offender is employed in many locations, and the name and address of the offender's schools attended at the time of registration or if the offender knows at the time of registration that the offender will be commencing attendance at any school;
- (5) Regarding an offender who is registering as a result of the offender attending any school in Ohio on a full-time or part-time basis or being employed in Ohio or in a particular county in Ohio, whichever is applicable, for more than three days or for an aggregate of fourteen or more days in any calendar year, the name and current address of any school or place of employment of the offender who is registering, including any other employment information, such as the general area where the offender is employed, if the offender is employed in many locations;
- (6) The identification license plate number of each vehicle the offender owns, of each vehicle registered in the offender's name, of each vehicle the offender operates as a part of employment, and of each other vehicle that is regularly available to be operated by the offender; a description of where each vehicle is habitually parked, stored, docked, or otherwise kept; and, if required by the BCI&I, a photograph of each of those vehicles;
- (7) If the offender has a driver's or commercial driver's license or permit issued by Ohio or any other state or a state identification card issued under 4507.50 or 4507.51 or a comparable identification card issued by another state, the driver's license number, commercial driver's license number, or state identification card number;
- (8) If the offender was convicted of committing the sexually oriented offense resulting in the registration duty in a court in another state or anywhere else in the world, a DNA specimen, as defined in 109.573, from the offender, a citation for, and the name of, the sexually oriented offense resulting in the registration duty, and a certified copy of a document that describes the text of that sexually oriented offense;
- (9) A description of each professional and occupational license, permit, or registration, including those licenses, permits, and registrations issued under Title XLVII, held by the offender;
- (10) Any email addresses, internet identifiers, or telephone numbers registered to or used by the offender;
- (11) Any other information required by the BCI&I.

(D) After an offender registers with a sheriff, the sheriff shall forward the signed, written registration form, photograph, and other material to the BCI&I. If an offender registers any address under 2950.04(C)(4), the sheriff also shall provide notice to the law enforcement agency with jurisdiction over the premises of the school or place of employment of the offender's name and that the offender has registered that address as a place at which the offender attends any school or at which the offender is employed. The BCI&I shall include the information and materials forwarded to it under this division in the state registry of sex offenders and child victim offenders.

(E) No person who is required to register, and no person who is required to send a notice of intent to reside, shall fail to register or send the notice of intent as required in accordance with those divisions or that division. ¹⁵

¹⁵ This is the division that makes it illegal to not register an address or send notice for tier III offenders. **NOTE: Tier III offenders read 2950.04(G)**

SEC 2950.04 [FROM SB10] Duty to register, sexually oriented offense

(F) An offender who is required to register, shall register for the period of time specified in 2950.07, with the duty commencing on the date specified in 2950.07(A).

(G) If an offender who is required to register is **a tier III sex offender/child-victim offender**, the offender also shall send the sheriff of the county in which the offender intends to reside written notice of the offender's intent to reside in the county. The offender shall send the notice of intent to reside at least twenty days prior to the date the offender begins to reside in the county. The notice of intent to reside shall contain the following information: ¹⁶

- (1) The offender's name;
- (2) The address or addresses at which the offender intends to reside;
- (3) The sexually oriented offense of which the offender was convicted;

(H) If, immediately prior to January 1, 2008, an offender who was convicted of committing a sexually oriented offense or a child-victim oriented offense as those terms were defined prior to January 1, 2008, was required by 2950.04(A) or 2950.041 to register and if, on or after January 1, 2008, that offense is a sexually oriented offense as that term is defined in 2950.01(A) on and after January 1, 2008, the duty to register that is imposed pursuant to 2950.04 on and after January 1, 2008, shall be considered, for purposes of 2950.07 and for all other purposes, to be a continuation of the duty imposed upon the offender prior to January 1, 2008, under 2950.04 or 2950.041.

¹⁶ In 2950.05(A) and (B), it appears to state that all registering sexual offenders need to provide notice of any address change regardless of tier classification.

SEC 2950.041 [FROM SB10] Duty to register and notice of intent to reside, child victim-offense

[This section is identical to 2950.04 and states child-victim offender in place of sexually oriented offender; read it yourself to be for sure if this section applies]

(A)(1)(a) Immediately after a sentencing hearing is held on or after January 1, 2008, for an offender who is convicted of a child-victim oriented offense and is sentenced to any type of confinement and before the offender is transferred to the custody of the ODRC or to where the offender will be confined, the offender shall register personally with the sheriff of the county in which the offender was convicted.

(b) *Delinquent child division.*

(c) A law enforcement officer shall be present at the sentencing hearing to immediately transport the offender to the sheriff of the county in which the offender is convicted.

(d) After an offender who has registered pursuant to 2950.041(A)(1)(a) is released, the offender shall register as provided in 2950.041(A)(2).

(2) Regardless of when the child-victim oriented offense was committed, each offender who is convicted shall comply with all of the following registration requirements:

(a) The offender shall register personally with the sheriff of the county within three days of the offender's coming into a county in which the offender resides or temporarily is domiciled for more than three days.

(b) The offender shall register personally with the sheriff of the county immediately upon coming into a county in which the offender attends any school on a full-time or part-time basis regardless of whether the offender lives in Ohio or another state.

(c) The offender shall register personally with the sheriff of the county in which the offender is employed if the offender resides or has a temporary domicile in Ohio and has been employed in that county for more than three days or for an aggregate period of fourteen or more days in that calendar year.

(d) The offender shall register personally with the sheriff of the county in which the offender then is employed if the offender does not live in Ohio and has been employed at any location or locations in Ohio for more than three days or for an aggregate period of fourteen or more days in that calendar year.

(e) The offender shall register personally with the appropriate person of the other state immediately upon entering into any state other than Ohio in which the offender attends any school on a full-time or part-time basis or upon being employed in any state other than Ohio for more than three days or for an aggregate period of fourteen or more days in that calendar year regardless of whether the offender lives in Ohio or anywhere else.

(3) *Delinquent child division.*

(4) Regardless of when the child-victim oriented offense was committed, each person who is convicted in a court in another state or anywhere else in the world for committing a child-victim oriented offense shall comply with all of the following registration requirements if, at the time the offender moves to and resides in Ohio or temporarily is domiciled in Ohio for more than three days, the offender enters Ohio to attend any school, or the offender is employed in Ohio for more than the specified period of time, the offender has a duty to register as a child-victim offender or sex offender under the law of that other jurisdiction as a result of the conviction:

(a) Each offender shall register personally with the sheriff of the county within three days of the offender's coming into the county in which the offender resides or temporarily is domiciled for more than three days.

(b) Each offender shall register personally with the sheriff of the county immediately upon coming into a county in which the offender attends any school on a full-time or part-time basis regardless of whether the offender lives in Ohio or another state.

(c) Each offender shall register personally with the sheriff of the county in which the offender is employed if the offender resides or has a temporary domicile in Ohio and has been employed in that county for more than three days or for an aggregate period of fourteen days or more in that calendar year.

(d) Each offender shall register personally with the sheriff of the county in which the offender then is employed if the offender does not live in Ohio and has not been employed at any location or locations in Ohio for more than three days or for an aggregate period of fourteen or more days in that calendar year.

(5) An offender is not required to register if a court issues an order terminating the offender's duty to register pursuant to 2950.15.

(B) An offender who is required by 2950.041(A) to register in Ohio personally shall do so in the manner described in 2950.04(B), and the registration is complete as described in that division.

(C) The registration form shall include or contain all of the following for the offender who is registering:

(1) The offender's name, any aliases used by the offender, and a photograph of the offender;

SEC 2950.041 [FROM SB10] Duty to register and notice of intent to reside, child victim-offense

- (2) The offender's social security number and date of birth, including any alternate social security numbers or dates of birth that the offender has used or uses;
- (3) Regarding an offender who is registering under a duty imposed under 2950.041(A)(1), a statement that the offender is serving a prison term or any other type of confinement;
- (4) Regarding an offender who is registering as a result of the offender residing in Ohio or temporarily being domiciled in Ohio for more than three days, all of the information described in 2950.04(C)(4);
- (5) Regarding an offender who is registering as a result of the offender attending any school on a full-time or part-time basis or being employed in Ohio or in a particular county in Ohio, whichever is applicable, for more than three days or for an aggregate of fourteen or more days in any calendar year, all of the information described in 2950.04(C)(5);
- (6) The identification license plate number issued by Ohio or any other state of each vehicle the offender owns, of each vehicle registered in the offender's, of each vehicle the offender operates as a part of employment, and of each other vehicle that is regularly available to be operated by the offender; a description of where each vehicle is habitually parked, stored, docked, or otherwise kept; and, if required by the BCI&I, a photograph of each of those vehicles;
- (7) If the offender has a driver's or commercial driver's license or permit issued by Ohio or any other state or a state identification card issued under 4507.50 or 4507.51 or a comparable identification card issued by another state, the driver's license number, commercial driver's license number, or state identification card number;
- (8) If the offender was convicted of committing the child-victim oriented offense resulting in the registration duty in a court in another state or anywhere else in the world, a DNA specimen, as defined in 109.573, from the offender, a citation for, and the name of, the child-victim oriented offense resulting in the registration duty, and a certified copy of a document that describes the text of that child-victim oriented offense;
- (9) Copies of travel and immigration documents;
- (10) A description of each professional and occupational license, permit, or registration, including those licenses, permits, and registrations issued under Title XLVII, held by the offender;
- (11) Any email addresses, internet identifiers, or telephone numbers registered to or used by the offender;
- (12) Any other information required by the BCI&I.

(D) Division 2950.04(D) applies when an offender registers with a sheriff pursuant to 2950.041.

(E) No person who is required to register, and no person who is required to send a notice of intent to reside pursuant to 2950.041(G), shall fail to register or send the notice as required in accordance with 2950.041(A), (B), or (G).

(F) An offender who is required to register, shall register for the period of time specified in 2950.07, with the duty commencing on the date specified in 2950.07(A).

(G) If an offender who is required to register is **a tier III sex offender/child-victim offender**, the offender also shall send the sheriff of the county in which the offender intends to reside written notice of the offender's intent to reside in the county. The offender shall send the notice of intent to reside at least twenty days prior to the date the offender begins to reside in the county. The notice of intent to reside shall contain all of the following information:

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- (1) The information specified in 2950.04(G)(1) and (2);
- (2) The child-victim oriented offense of which the offender was convicted;

(H) If, immediately prior to January 1, 2008, an offender who was convicted of committing a child-victim oriented offense or a sexually oriented offense as those terms were defined prior to January 1, 2008, was required by 2950.041(A) or 2950.04(A) to register and if, on or after January 1, 2008, that offense is a child-victim oriented offense as that term is defined in 2950.01(C) on and after January 1, 2008, the duty to register that is imposed pursuant to this section on and after January 1, 2008, shall be considered, for purposes of 2950.07 and for all other purposes, to be a continuation of the duty imposed upon the offender prior to January 1, 2008, under 2950.041 or 2950.04.

SEC 2950.042 [FROM SB10] ODRC's and APA's Duties concerning newly released offenders

By January 1, 2008, the ODRC and the APA shall adopt rules to require parole officers to verify within three days of an offender's release that the offender has registered.

SEC 2950.043 [FROM SB10] Offenders registering for the first time after Dec. 1, 2007; attorney general to classify offender

If an offender registers with a sheriff on or after December 1, 2007, if the offender previously has not registered with that sheriff or any other sheriff, and if the offender was convicted of a sexually oriented offense or child-victim oriented offense upon which the registration was based prior to December 1, 2007, as soon as practicable after the registration, the sheriff shall contact the attorney general, inform the attorney general of the registration, and forward to the attorney general all of the information and material specified in that division. Upon being informed of the registration and receiving the information and material, the attorney general shall comply with 2950.031(B).

SEC 2950.05 [FROM SB10] Notice of change of address; registration of new address

(A) If an offender is required to register, the offender shall provide written notice of any change of any addresses, and the offender shall provide notice to the sheriff with whom the offender most recently registered. A written notice of a change of any school, or employment address also shall include the name of the new school, or employment. The offender shall provide the written notice at least twenty days prior to changing the address of the residence, any school, and not later than three days after changing the address of the place of employment. If a residence address change is not to a fixed address, the offender shall include in that notice a detailed description of the place or places at which the offender intends to stay and, not later than the end of the first business day immediately following the day on which the person obtains a fixed residence address, shall provide that sheriff written notice of that fixed residence address. If a person whose residence address change is not to a fixed address describes in a notice under this division the place or places at which the person intends to stay, for purposes of 2950.05(C) to (I), 2950.06 to 2950.13, and 311.171 and 2919.24, the place or places so described in the notice shall be considered the person's residence address and registered residence address, until the person provides the written notice of a fixed residence address as described in this division. ¹⁷

(B) If an offender is required to provide notice of a address change, the offender at least twenty days prior to changing the residence, school address and not later than three days after changing the place of employment address, also shall register the new address with the sheriff of the county in which the offender's new address is located. If a residence address change is not to a fixed address, the offender shall include in the registration a detailed description of the place or places at which the offender intends to stay and, not later than the end of the first business day immediately following the day on which the person obtains a fixed residence address, shall register with that sheriff that fixed residence address. If a person whose residence address change is not to a fixed address describes in a registration under this division the place or places at which the person intends to stay, for purposes of 2950.05(C) to (I), 2950.06 to 2950.13, and 311.171 and 2919.24, the place or places so described in the registration shall be considered the person's residence address and registered residence address, until the person registers a fixed residence address as described in this division. ¹⁸

(C) Divisions 2950.05(A) and (B) apply to a person who is required to register regardless of whether the new residence, school, or place of employment address is in Ohio or in another state. If the new address is in another state, the person shall register with the appropriate law enforcement officials in that state in the manner required under the law of that state and within the earlier of the period of time required under the law of that state or at least seven days prior to changing the address.

(D) If an offender is required to register, the offender shall provide written notice, within three days of the change, of any change in vehicle information, email addresses, internet identifiers, or telephone numbers registered to or used by the offender to the sheriff with whom the offender has most recently registered.

(E)(1) Upon receiving from an offender written notice of a change of the offender's address, a sheriff promptly shall forward the new address to the BCI&I, if the new address is in another state or, if the new address is located in another county in Ohio, to the sheriff of that county. Upon receiving from an offender notice of vehicle and identifier changes pursuant to 2950.05(D), a sheriff promptly shall forward the new information to the BCI&I. The BCI&I shall include all information forwarded to it under 2950.05(E)(1) in the state registry of sex offenders and child-victim and shall forward notice of the offender's new address, as applicable, to the appropriate officials in the other state.

(2) When an offender registers a new address, the sheriff with whom the offender registers and the BCI&I shall comply with 2950.04(D) or 2950.041(D).

(F)(1) No person who is required to notify a sheriff of a change of address or a change in vehicle information or identifiers shall fail to notify the appropriate sheriff in accordance with 2950.05(A) or (D). ¹⁹

(2) No person who is required to register a new address with a sheriff or with an official of another state shall fail to register with the appropriate sheriff or official of the other state in accordance with those divisions. ¹⁹

¹⁷ Basically, you must provide notice of change of any address to the sheriff you registered the address with, whether or not the new address is to be registered with that sheriff.

¹⁸ 2950.04(G) specifies that only tier III offenders need to provide notice to the sheriff of the new address, yet this section implies that all registering offenders need to provide notice of address changes

¹⁹ This is where it becomes illegal not to provide notice of intent to change any address or any other information that is to be provided while registering.

SEC 2950.05 [FROM SB10] Notice of change of address; registration of new address

(G)(1) It is an affirmative defense to a charge of a violation of 2950.05(F)(1) that it was impossible for the person to provide the written notice to the sheriff as required because of a lack of knowledge, on the date specified for the provision of the written notice, of an address change, and that the person provided of address change to the sheriff as soon as possible, but not later than the end of the first business day, after learning of the address change by doing either of the following: ²⁰

(a) The person provided notice of the address change to the sheriff by telephone immediately upon learning of the address change or, if the person did not have reasonable access to a telephone at that time, as soon as possible, but not later than the end of the first business day, after learning of the address change and having reasonable access to a telephone, and the person, as soon as possible, but not later than the end of the first business day, after providing notice of the address change to the sheriff by telephone, provided written notice of the address change to that sheriff.

(b) The person, as soon as possible, but not later than the end of the first business day, after learning of the address change, provided written notice of the address change to the sheriff.

(2) It is an affirmative defense to a charge of a violation of 2950.05(F)(2) that it was impossible for the person to register the new address with the sheriff or the official of the other state as required because of a lack of knowledge, on the date specified for the registration of the new address change, and that the person registered the new address with the sheriff or the official of the other state as soon as possible, but not later than the end of the first business day, after learning of the address change by doing either of the following:

(a) The person provided notice of the new address to the sheriff by telephone immediately upon learning of the new address or, if the person did not have reasonable access to a telephone at that time, as soon as possible, but not later than the end of the first business day, after learning of the new address and having reasonable access to a telephone, and the person, as soon as possible, but not later than the end of the first business day, after providing notice of the new address to the sheriff by telephone, registered the new address with that sheriff.

(b) The person, as soon as possible, but not later than the end of the first business day, after learning of the new address, registered the new address with the sheriff.

(H) An offender who is required to give notice of address change shall do so for the period of time specified in 2950.07.

(I) As used in 2950.05, and in all other sections that refer to the duties imposed on an offender under 2950.05 relative to a change in the offender's residence, school, or place of employment address, "change in address" includes any circumstance in which the old address for the person in question no longer is accurate, regardless of whether the person in question has a new address.

²⁰ Basically if you are fired, switch jobs quickly, kicked out of your home (or from under your bridge), or some other change in a register address happened that you could not control you cannot be charged to failure to give intent to change an address as long as you provide the change in the address as soon as you can. Below it states that notice by telephone appears to be sufficient as long as you follow up with written notice.

SEC 2950.06 [FROM SB10] Periodic verification of current address

(A) An offender who is required to register any address shall periodically verify the offender's current addresses. The frequency of verification shall be determined in accordance with 2950.06(B), and the manner of verification shall be determined in accordance with 2950.06(C).

(B) The frequency with which an offender must verify current addresses shall be determined as follows:

(1) Regardless of when the offense was committed, if the offender is a **tier I** offender, the offender shall verify all the offender's current addresses, on **each anniversary** of the offender's initial registration date during the period the offender is required to register.²¹

(2) Regardless of when the offense was committed, if the offender is a **tier II** offender, the offender shall verify all of the offender's current addresses, **every one hundred eighty days** after the offender's initial registration date during the period the offender is required to register.²²

(3) Regardless of when the offense was committed, if the offender is a **tier III** offender, the offender shall verify all of the offender's current addresses, **every ninety days** after the offender's initial registration date during the period the offender is required to register.²³

(4) If, prior to January 1, 2008, an offender registered with a sheriff any address as a result of a conviction for committing a sexually oriented offense or a child-victim oriented offense prior to January 1, 2008, the duty to register that is imposed on the offender on and after January 1, 2008, is a continuation of the duty imposed upon the offender prior to January 1, 2008, and, for purposes of 2950.06(B)(1), (2), and (3), the offender's initial registration date related to that offense is the date on which the offender initially registered.²⁴

(C)(1) An offender who is required to verify the offender's current addresses shall verify the address with the sheriff with whom the offender most recently registered the address by **personally appearing** before the sheriff, **no earlier than ten days** before the date on which the verification is required and no later than the date required for verification, and completing and signing a copy of the verification form prescribed by the BCI&I. The sheriff shall sign the completed form and indicate on the form the date on which it is so completed. The verification required is complete when the offender personally appears before the sheriff and completes and signs the form.

(2) To facilitate the verification of an offender's current addresses, the sheriff with whom the offender most recently registered the address may mail a nonforwardable verification form prescribed by the BCI&I to the offender's last reported address, with a notice that conspicuously states that the offender must personally appear before the sheriff to complete the form and the date by which the form must be so completed. Regardless of whether a sheriff mails a form to an offender, each offender who is required to verify the offender's current addresses, shall personally appear before the sheriff to verify the address.

(D) The verification form shall contain all of the following:

(1) Except as provided in 2950.06(D)(2), the current residence address of the offender, the name and address of the offender's employer if the offender is employed at the time of verification or if the offender knows at the time of verification that the offender will be commencing employment with that employer subsequent to verification, the name and address of the offender's school if the offender attends one at the time of verification or if the offender knows at the time of verification that the offender will be commencing attendance at that school subsequent to verification, and any other information required by the BCI&I.

(2) Regarding an offender who is verifying a current school, or place of employment address, the name and current address of the school, or place of employment of the offender and any other information required by the BCI&I.

(E) Upon an offender's personal appearance and completion of a verification form, a sheriff promptly shall forward a copy of the verification form to the BCI&I. If an offender verifies a school, or place of employment address, or provides a school or employment address, the sheriff also shall provide notice to the law enforcement agency with jurisdiction over the premises of the school, or place of employment of the offender's name and that the offender has verified or provided that address as a place at which the offender attends school or at which the offender is employed. The BCI&I shall include all information forwarded to it in the state registry of sex offenders and child-victim offenders.

²¹ Tier I offenders must verify all addresses and other data on the anniversary of the date of the first registration

²² Tier II offenders must verify all addressees and other data every 180 days after the first date that registrations took place.

²³ Tier III offenders must verify all address and other data every 90 days after the first date that registration took place.

²⁴ Basically the initial, or first, registration date is when the clock for verification and length of registration starts.

SEC 2950.06 [FROM SB10] Periodic verification of current address

(F) No person who is required to verify a current residence, school, or place of employment address, as applicable, shall fail to verify a current residence, school, or place of employment address, as applicable, by the date required for the verification, provided that no person shall be prosecuted for a violation of this division, prior to the expiration of the period of time specified in 2950.06(G).²⁵

(G)(1) If an offender fails to verify a current residence, school, or place of employment address, by the date required for the verification, the sheriff with whom the offender is required to verify the current address, on the day following that date required for the verification, shall send a written warning to the offender, at the offender's last known residence, school, or place of employment address, as applicable, regarding the offender's duty to verify the offender's current residence, school, or place of employment address.

The written warning shall do all of the following:

- (a) Identify the sheriff who sends it and the date on which it is sent;
- (b) State conspicuously that the offender has failed to verify the offender's current address;
- (c) Conspicuously state that the offender has seven days from the date on which the warning is sent to verify the current address, with the sheriff who sent the warning;
- (d) Conspicuously state that a failure to timely verify the specified current address or addresses is a felony offense;
- (e) Conspicuously state that, if the offender verifies the current address with that sheriff within that seven-day period, the offender will not be prosecuted for a failure to timely verify a current address;
- (f) Conspicuously state that, if the offender does not verify the current address with that sheriff within that seven-day period, the offender will be arrested, and prosecuted for a failure to timely verify a current address.

(2) If an offender fails to verify a current address, by the date required for the verification, the offender shall not be prosecuted for a violation of 2950.06(F), unless the seven-day period subsequent to that date that the offender is provided to verify the current address has expired and the offender, prior to the expiration of that seven-day period, has not verified the current address. Upon the expiration of the seven-day period that the offender is provided to verify the current address, if the offender has not verified the current address, all of the following apply:

- (a) The sheriff with whom the offender is required to verify the current address, promptly shall notify the BCI&I of the failure.
- (b) The sheriff with whom the offender is required to verify the current address, the sheriff of the county in which the offender resides, the sheriff of the county in which is located the offender's address that was to be verified, shall locate the offender, promptly shall seek a warrant for the arrest, of the offender for the violation of 2950.06(F) and shall arrest the offender.
- (c) The offender is subject to prosecution for the violation of 2950.06(F).

(H) An offender who is required to verify the offender's current address shall do so for the period of time specified in 2950.07.

²⁵ This is where failure to verify addresses is illegal

SEC 2950.07 [FROM SB10] Commencement of duty to register; duration

(A) The duty of an offender who is convicted of a sexually oriented offense or a child-victim oriented offense to register commences on whichever of the following dates is applicable:

(1) If the offender's duty to register is imposed pursuant to 2950.04(A)(1)(a) or 2950.041(A)(1)(a), the offender's duty to comply with those sections commences immediately after the entry of the judgment of conviction.

(2) *Delinquent child division.*

(3) If the offender's duty to register is imposed pursuant to 2950.04(A)(2) or 2950.041(A)(2), subject to 2950.07(A)(7), the offender's duty to comply commences on the date of the offender's release.

(4) If the offender's duty to register is imposed pursuant to 2950.04(A)(4) or 2950.041(A)(4), the offender's duty to comply with those sections commences regarding residence addresses on the date that the offender begins to reside or becomes temporarily domiciled in Ohio, the offender's duty regarding addresses of schools, and places of employment commences on the date the offender begins attending any school in Ohio on a full-time or part-time basis or becomes employed in Ohio.

(5) *Delinquent child division.*

(6) *Delinquent child division.*

(7) If the offender's duty to register is imposed pursuant to 2950.04(A)(2) or (4) 2950.041(A)(2) or (4) and if the offender prior to January 1, 2008, has registered an address prior to that date, the offender initially shall register in accordance with 2950.04 or 2950.041, as it exists on and after January 1, 2008, not later than the earlier of the dates specified in 2950.07(A)(7)(a) and (b). The offender's duty to register as they exist on and after January 1, 2008 commences on the date of that initial registration. The offender initially shall register under 2950.04 or 2950.041, as it exists on and after January 1, 2008, not later than the earlier of the following:

(a) The date that is six months after the date on which the offender received a registered letter from the attorney general under 2950.031(A)(2) or (B);

(b) The earlier of the date on which the offender would be required to verify a previously registered address under 2950.06 as it exists on and after January 1, 2008, or, if the offender has changed a previously registered address, the date on which the offender would be required to register a new address under 2950.05 as it exists on and after January 1, 2008.

(8) If the offender's duty to register was imposed prior to January 1, 2008, the offender's duty to register as they exist on and after January 1, 2008, is a continuation of the offender's former duty to register imposed prior to January 1, 2008, and shall be considered for all purposes as having commenced on the date that the offender's duty under that section commenced.

(B) The duty of an offender to register, continues, after the date of commencement, for whichever of the following periods is applicable:

(1) Except as otherwise provided in 2950.07(B), if the person is an offender who is a **tier III** offender the offender's duty to comply with those sections **continues until the offender's death. In no case shall the lifetime duty to comply that is imposed under this division on an offender who is a tier III offender be removed or terminated.**

(2) If the person is an offender who is a **tier II** offender the offender's duty to comply with those **sections continues for twenty-five years.**

(3) Except as otherwise provided in this division, if the person is an offender who is a **tier I** offender the offender's duty to comply with those sections **continues for fifteen years. A person who is an offender who is a tier I offender may have the fifteen-year duty to register terminated only pursuant to 2950.15.**

(C)(1) If an offender has been convicted of a sexually oriented offense and the offender subsequently is convicted of another sexually oriented offense or a child-victim oriented offense, if an offender has been convicted of a child-victim oriented offense and the offender subsequently is convicted of another child-victim oriented offense or a sexually oriented offense, the period of time for which the offender must comply shall be separately calculated for each of the sexually oriented offenses, and the offender shall comply with each separately calculated period of time independently.

(2) If, prior to January 1, 2008, an offender had a duty to comply with 2950.07(A) as a result of a conviction of a sexually oriented offense or child-victim oriented offense as those terms were defined prior to January 1, 2008, the period of time specified in 2950.07(B)(1), (2), or (3) on and after January 1, 2008, for which a person must register, applies to the person, automatically replaces the period of time for which the person had to register prior to January 1, 2008, and is a continuation of the person's duty to register that was in effect prior to the reclassification. If, prior to January 1, 2008, an offender had a duty to comply with the sections specified in 2950.07(A), the offender's classification for purposes of that period of time shall be determined as specified in 2950.031 or 2950.032.

SEC 2950.07 [FROM SB10] Commencement of duty to register; duration

(D) The duty of an offender to register is tolled [paused] for any period during which the offender is returned to confinement for any reason or imprisoned for an offense when the confinement or imprisonment occurs subsequent to the date determined pursuant to 2950.07(A). The offender's duty to register resumes upon the offender's release from confinement or imprisonment.

(E) An offender who has been or is convicted, in a court in another state or anywhere else in the world for committing a sexually oriented offense or a child-victim oriented offense may apply to the sheriff of the county in which the offender registers, for credit against the duty to register for the time that the offender has complied with the registration requirements of another jurisdiction. The sheriff shall grant the offender credit against the duty to register for time for which the offender provides adequate proof that the offender has complied with the registration requirements of another jurisdiction. If the offender disagrees with the determination of the sheriff, the offender may appeal the determination to the court of common pleas of the county in which the offender registered the address.²⁶

²⁶ This is a very good reason to save registration receipts or any at least get copies of any paperwork that may be signed sign while registering.

SEC 2950.08 [FROM SB10] Persons authorized to inspect information and records

(A) Subject to 2950.08(B), the statements, information, photographs, fingerprints, and material required by 2950.04, 2950.041, 2950.05, and 2950.06 and provided by a person who registers, who provides notice of a change of an address and registers the new address, or who provides verification of a current address pursuant to those sections and that are in the possession of the BCI&I and the information in the possession of the BCI&I that was received by the bureau pursuant to 2950.14 shall not be open to inspection by the public or by any person other than the following persons:

- (1) A regularly employed peace officer or other law enforcement officer;
- (2) An authorized employee of the BCI&I for the purpose of providing information to a board, administrator, or person pursuant to 109.57(F) or (G);
- (3) The registrar of motor vehicles, or an employee of the registrar of motor vehicles, for the purpose of verifying and updating any of the information so provided, upon the request of the BCI&I.

(B) Division 2950.08(A) does not apply to any information that is contained in the internet sex offender and child-victim offender database established by the attorney general under 2950.13(A)(11) regarding offenders and that is disseminated as described in 2950.13(A)(11).

SEC 2950.081 [FROM SB10] Disclosure of sex offender registration information in possession of sheriff

(A) Any statements, information, photographs, or fingerprints, or materials that are required to be provided, and that are provided, by an offender pursuant to 2950.04, 2950.041, 2950.05, or 2950.06 and that are in the possession of a county sheriff are public records open to public inspection under 149.43 and shall be included in the internet sex offender and child-victim offender database established and maintained under 2950.13 to the extent provided in 2950.13.

(B) *Delinquent child division.*

(C) If a sheriff establishes on the internet a sex offender and child-victim offender database for the public dissemination of some or all of the materials that are described in 2950.081(A), that are not prohibited from inclusion by 2950.081(B), and that pertain to offenders who register in the sheriff's county, in addition to all of the other information and materials included, the sheriff shall include in the database a chart describing which sexually oriented offenses and child-victim oriented offenses are included in the definitions of tier I, tier II, and tier III sex offender/child-victim offender and for each offender in relation to whom information and materials are provided a statement as to whether the offender is a tier I, a tier II, or a tier III sex offender/child-victim offenders.

Sec 2950.09 and 2950.091 [FROM SB10] Classification as sexual predator and child-victim predator; determination hearing; petition for removal from classification

Have been repealed.

Sec 2950.10 [FROM SB10] Notice to victim of offender's registration or change of information

(A)(1) Regardless of when the sexually oriented offense or child-victim oriented offense was committed, if a person is convicted of a sexually oriented offense or a child-victim oriented offense and if the offender is in any category specified in 2950.10(B)(1)(a) if the offender registers with a sheriff, 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 the notices described in 2950.10(A), the sheriff shall notify the victim of the offense, in writing, that the offender has registered and shall include in the notice the offender's name and photograph, and the addresses of the offender, as applicable. The sheriff shall provide the notice required by 2950.10(A) to the victim at the most recent residence address available for that victim and not later than five days after the offender registers with the sheriff.

(2) Regardless of when the sexually oriented offense or child-victim oriented offense was committed, if a person is convicted of a sexually oriented offense or a child-victim oriented offense, if the offender is in any category specified in 2950.10(B)(1)(a), if the offender registers an addresses, if the victim of the sexually offense has made a request in accordance with rules adopted by the attorney general that specifies that the victim would like to be provided the notices described in 2950.10, and if the offender notifies the sheriff of a change of any address, the sheriff shall notify the victim of the offense, in writing, that the offender's address has changed and shall include in the notice the offender's name and photograph, and the new address or addresses of the offender. The sheriff shall provide the notice required by 2950.10(A) to the victim at the most recent residence address available for that victim, and no later than five days after the offender notifies the sheriff of the change in any of the offender's addresses.

(3) Regardless of when the sexually oriented offense or child-victim oriented offense was committed, if a person is convicted of a sexually oriented offense or a child-victim oriented offense, and if the offender is in any category specified in 2950.10(B)(1)(a), the victim of the offense may make a request in accordance with rules adopted by the attorney general that specifies that the victim would like to be provided the notices. If the victim makes a request in accordance with those rules, the sheriff shall provide the victim with the notices described in those divisions.

(4) If a victim makes a request that specifies that the victim would like to be provided the notices, all information a sheriff obtains regarding the victim from or as a result of the request is confidential, and the information is not a public record open for inspection under 149.43.

(5) The notices are in addition to any notices regarding the offender that the victim is entitled to receive under Chapter 2930.

(B)(1) The duties to provide the notices apply regarding any offender who is in any of the following categories:

(a) The offender is a tier III offender relative to the offense for which a victim requested to be provided.

(b) *Delinquent child division.*

(c) *Delinquent child division.*

(2) A victim of an offense is not entitled to be provided any notice unless the offender is in a category specified in 2950.10(B)(1)(a). A victim of an offense is not entitled to any notice unless the victim makes a request in accordance with rules adopted by the attorney general that specifies that the victim would like to be provided the notices. 2950.10(B) does not affect any rights of a victim of an offense to be provided notice regarding an offender that are described in Chapter 2930.

Sec 2950.11 [FROM SB10] Persons to be notified within geographical area

(A) Regardless of when the sexually oriented offense or child-victim oriented offense was committed, if a person is convicted of a sexually oriented offense or a child-victim oriented offense, and if the offender is in any category specified in 2950.11(F)(1)(a) ²⁷, the sheriff with whom the offender has most recently registered and the sheriff to whom the offender most recently sent a notice of intent to reside, within the period of time specified in 2950.11(C), shall provide a written notice containing the information set forth in 2950.11(B) to all of the persons described in 2950.11(A)(1) to (10). If the sheriff has sent a notice to the persons described in those divisions as a result of receiving a notice of intent to reside and if the offender 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 registers. The sheriff shall provide the notice to all of the following persons:

(1)(a) Any occupant of each residential unit that is located **within one thousand feet of the offender's residential premises**, that is located within the county served by the sheriff, and that is not located in a multi-unit building.

(b) If the offender resides in a multi-unit building, any occupant of each residential unit that is located in that multi-unit building and that shares a common hallway with the offender. For purposes of 2950.11(A)(1)(b), an occupant's unit shares a common hallway with the offender if the entrance door into the occupant's unit is located on the same floor and opens into the same hallway as the entrance door to the unit the offender occupies.

(c) 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 one thousand feet of the offender's residential premises, including a multi-unit building in which the offender resides, and that is located within the county served by the sheriff. In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under 2950.11(A)(1)(c), the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate. The manager or person exercising management and control of the building shall permit the sheriff to post copies of the notice under 2950.11(A)(1)(c) as the sheriff determines appropriate. In lieu of posting copies of the notice as described in 2950.11(A)(1)(c), a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact; if the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building.

(d) All additional persons who are within any category of neighbors of the offender that the attorney general requires to be provided the notice and who reside within the county served by the sheriff;

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3)(a) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff;

(b) The principal of the school within the specified geographical notification area and within the county served by the sheriff that the delinquent child attends;

(c) *Delinquent child division.*

(4)(a) The appointing or hiring officer of each chartered nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education;

(b) Regardless of the location of the school, the appointing or hiring officer of a chartered nonpublic school that the delinquent child attends.

(5) The director, head teacher, elementary principal, or site administrator of each preschool program that is located within the specified geographical notification area and within the county served by the sheriff;

(6) The administrator of each child day-care center or type A family day-care home that is located within the specified geographical notification area and within the county served by the sheriff, and the provider of each certified type B family day-care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in 2950.11(A)(6), "child day-care center," "type A family day-care home," and "certified type B family day-care home" have the same meanings as in 5104.01.

²⁷ Tier III offenders only.

Sec 2950.11 [FROM SB10] Persons to be notified within geographical area

(7) The president or other chief administrative officer of each institution of higher education, as defined in 2907.03[Sexual battery, see footnote] ²⁸, that is located within the specified geographical notification area and within the county served by the sheriff, and the chief law enforcement officer of the state university law enforcement agency or campus police department;

(8) The sheriff of each county that includes any portion of the specified geographical notification area;

(9) If the offender resides within the county served by the sheriff, the chief of police, marshal, or other chief law enforcement officer of the municipal corporation in which the offender resides or, if the offender resides in an unincorporated area, the constable or chief of the police department or police district police force of the township in which the offender resides;

(10) Volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, company, or individual who requests notification as provided in 2950.11(J).

(B) The notice required shall include all of the following information regarding the subject offender:

(1) The offender's **name**;

(2) The **address or addresses** of the offender's **residence, school, institution of higher education**, or place of **employment**, as applicable; ²⁹

(3) The sexually oriented offense of which the offender was convicted;

(4) A statement that identifies the offender is a Tier III offender;

(5) The offender's photograph.

(C) If a sheriff with whom an offender registers or to whom the offender most recently sent a notice of intent to reside is required to provide notices regarding an offender and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties, the sheriff of each of the other counties who is provided notice shall provide the notices described in 2950.11(A)(1) to (7) and (A)(9) and (10) to each person or entity identified that is located within the specified geographical notification area and within the county served by the sheriff in question.

(D)(1) A sheriff required provide notices (D) regarding an offender shall provide the notice to the neighbors and the notices to 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 registers with the sheriff or, if the sheriff is required to provide the notices, no later than five days after the sheriff is provided the notice.

A sheriff required to provide notices regarding an offender shall provide the notices to all other specified persons that are described in 2950.11(A)(2) to (7) and (A)(10) as soon as practicable, but not later than seven days after the offender registers with the sheriff or, if the sheriff is required to provide the notices, no later than five days after the sheriff is provided the notice.

(2) If an offender verifies the offender's current address or addresses, the sheriff may provide a written notice containing the information to the persons identified in 2950.11(A)(1) to (10). If a sheriff provides a notice to the sheriff of one or more other counties, the sheriff of each of the other counties who is provided the notice may provide, but is not required to provide, a written notice containing the information to the persons identified in 2950.11(A)(1) to (7) and (A)(9) and (10).

(3) A sheriff may provide notice to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry door to a residential unit. For purposes of 2950.11(A)(1)(a) and (b), and the portion of 2950.11(A)(1)(c) relating to the provision of notice to occupants of a multi-unit building by mail or personal contact, the provision of one written notice per unit is deemed as providing notice to all occupants of that unit.

(E) All information that a sheriff possesses regarding an Tier III offender that is described in 2950.11(B) and that must be provided in a notice is a public record that is open to inspection under 149.43.

²⁸ 2907.03(C)(2) "Institution of higher education" means a state institution of higher education defined in 3345.011, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713, or a school certified under Chapter 3332.

²⁹ Interestingly enough this is in conflict with what the eSORN website is allowed to post according to 2950.13(11) which states; The BCI&I shall not include on the database ... the name of any school of any offender, the name of the place of employment of any offender....

Sec 2950.11 [FROM SB10] Persons to be notified within geographical area

(F)(1) Except as provided in 2950.11(F)(2), the duties to provide the notices described in 2950.11(A) and (C) apply regarding any offender who is in any of the following categories:

(a) The offender is a **tier III** offender.

(b) *Delinquent child division.*

(c) *Delinquent child division.*

(2) The notification provisions of 2950.11(F) do not apply to a person if a court finds at a hearing after considering the factors described in 2950.11(F)(2)(a) through (k) that the person would not be subject to the notification provisions of 2950.11(F) that were in the former version of 2950.11(F) that existed immediately prior July 1, 2007. In making the determination of whether a person would have been subject to the notification provisions under prior law as described above, the court shall consider the following factors: ³⁰

(a) The offender's age;

(b) The offender's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses;

(c) The age of the victim of the sexually oriented offense for which sentence is to be imposed;

(d) Whether the sexually oriented offense for which sentence is to be imposed involved multiple victims;

(e) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or to prevent the victim from resisting;

(f) If the offender 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 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 participated in available programs for sexual offenders;

(g) Any mental illness or mental disability of the offender;

(h) The nature of the offender'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;

(i) Whether the offender, during the commission of the sexually oriented offense for which sentence is to be imposed, displayed cruelty or made one or more threats of cruelty;

(j) Whether the offender would have been a habitual sex offender or a habitual child victim offender under the definitions of those terms set forth in former 2950.01(B) as 2950.01(B) existed prior to July 1, 2007;

(k) Any additional behavioral characteristics that contribute to the offender's conduct.

(G)(1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in 2950.11(A)(2) or (6) that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in 2950.11(A)(3), (4), or (5) that contains the name of each board of education, school, or program of that type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school.

(3) The Ohio board of regents shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in 2950.11(A)(7) that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

³⁰ The following factors are the same ones that were used in 2950.09(B)(3) to determine likelihood to recidivate and label someone as a sexual predator or child-victim predator. For more information on how these factors should be applied go here: <http://www.blushifhome.com/ohio2950book.htm>

Sec 2950.11 [FROM SB10] Persons to be notified within geographical area

(4) A sheriff required by 2950.11(A) or (C), or authorized by 2950.11(D)(2), to provide notices regarding an offender may request the department of job and family services, department of education, or Ohio board of regents, by telephone, in person, or by mail, to provide the sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom the notices described in 2950.11(A)(2) to (7) are to be provided. Upon receipt of a request, the department or board shall provide the requesting sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom those notices are to be provided.

(H)(1) Upon the motion of the **offender** or the prosecuting attorney of the county in which the offender was convicted of the offense, or upon the motion of the sentencing judge or that judge's successor in office, the judge **may schedule a hearing to determine whether the interests of justice would be served by suspending the community notification requirement under this section in relation to the offender.** The judge may dismiss the motion without a hearing but may not issue an order suspending the community notification requirement without a hearing. At the hearing, all parties are entitled to be heard, and the judge shall consider all of the factors set forth in 2950.11(K). If, at the conclusion of the hearing, the judge finds that the **offender has proven by clear and convincing evidence that the offender is unlikely to commit in the future a sexually oriented offense or a child-victim oriented offense** and if the judge finds that suspending the community notification requirement is in the interests of justice, the **judge may suspend [community notification]** the application of this section in relation to the offender. The order shall contain both of these findings.

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered and upon the BCI&I.

An order suspending the community notification requirement **does not suspend** or otherwise alter **an offender's duties to register** and does not suspend the victim notification requirement under 2950.10. ³¹

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification may initially make a motion under 2950.11(H)(1) upon the expiration of **twenty years** after the offender's duty register begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division. ³²

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying the motion.

(4) Divisions 2950.11(H)(1) to (3) do not apply to any of the following types of offender:

- (a) A person who is convicted of a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a sexually violent predator;
- (b) A person who is convicted of a violation of 2907.02(A)(1)(b)[Rape, victim under thirteen] committed on or after January 2, 2007, and either who is sentenced under 2971.03[Sexually violent predator specification] or upon whom a sentence of life without parole is imposed under 2907.02(B){Rape, with force or harm caused and victim under thirteen};
- (c) A person who is convicted of attempted rape committed on or after January 2, 2007, and who also is convicted of a specification of the type described in 2941.1418, 2941.1419, or 2941.1420;
- (d) A person who is convicted of an offense described in 2971.03(B)(3)(a), (b), (c), or (d) and who is sentenced for that offense pursuant to 2971.03(B)(3);
- (e) An offender, who is Tier III offender and who, subsequent to being subjected to community notification, has been convicted of a sexually oriented offense [or recidivated sexually].

(I) If a person is convicted of or a sexually oriented offense or a child-victim oriented offense, and if the offender is not a Tier III offender, the sheriff with whom the offender has most recently registered and the sheriff to whom the offender most recently sent a notice of intent to reside, within the period of time specified in 2950.11(D), shall provide a written notice containing the information set forth in 2950.11(B) to the executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff.

³¹ Even if the judge suspends the community notification, an offender would still have to register, give intent to change address, and verify address.

³² Essentially, after twenty years and ever five after you may request to have the public notification requirements removed.

Sec 2950.11 [FROM SB10] Persons to be notified within geographical area

(J) Each sheriff shall allow a volunteer organization or other organization, company, or individual who wishes to receive the notice described in 2950.11(A)(10) regarding a specific offender or notice regarding all offenders who are located in the specified geographical notification area to notify the sheriff by electronic mail or through the sheriff's web site of this election. The sheriff shall promptly inform the BCI&I of these requests.

(K) In making a determination under 2950.11(H)(1) as to whether to suspend the community notification requirement under this section for an offender, the judge shall consider all relevant factors, including, but not limited to, all of the following: ³⁰

- (1) The offender's age;
- (2) The offender's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexually oriented offenses or child-victim oriented offenses;
- (3) The age of the victim of the offense the offender committed;
- (4) Whether the offense the offender committed involved multiple victims;
- (5) Whether the offender used drugs or alcohol to impair the victim to prevent the victim from resisting;
- (6) If the offender previously has been convicted of a offense, whether the offender completed any sentence for the prior offense and, if the prior offense was a sexually oriented offense or a child-victim oriented offense, whether the offender participated in available programs for sex offenders or child-victim offenders;
- (7) Any mental illness or mental disability of the offender;
- (8) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the offense the offender committed or the nature of the offender's interaction in a sexual context with the victim of the offense the offender committed, 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, during the commission of the offense the offender committed, displayed cruelty or made one or more threats of cruelty;
- (10) Any additional behavioral characteristics that contribute to the offender's conduct.

(L) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general, requires the notice described in 2950.11(B) to be given to the persons identified in 2950.11(A)(2) to (8).

Sec 2950.12 [FROM SB10] Immunity

(A) Except as provided in 2950.12(B), any of the following persons shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by an act or omission in connection with a power, duty, responsibility, or authorization under chapter 2950 or under rules adopted under authority of chapter 2950:

- (1) An officer or employee of the BCI&I;
- (2) The attorney general, a chief of police, marshal, or other chief law enforcement officer of a municipal corporation, a sheriff, a constable or chief of police of a township police department or police district police force, and a deputy, officer, or employee of the office of the attorney general, the law enforcement agency served by the marshal or the municipal or township chief, the office of the sheriff, or the constable;
- (3) A prosecutor and an officer or employee of the office of a prosecutor;
- (4) A supervising officer and an officer or employee of the APA of the ODRC;
- (5) A supervising officer and an officer or employee of the department of youth services;
- (6) A supervisor and a caseworker or employee of a public children services agency acting pursuant to 5153.16;
- (7) A managing officer of a state correctional institution and an officer or employee of the ODRC;
- (8) A person identified in 2950.11(A)(2), (3), (4), (5), (6), or (7), an organization or person identified in 2950.11(A)(10), or the agent of that person or organization;
- (9) A person identified in 2950.11(A)(2), regarding the person's provision of information pursuant to 2950.11(A)(2) to a sheriff or a designee of a sheriff.

(B) The immunity described in 2950.12(A) does not apply to a person described in 2950.12(A)(1) to (8), in relation to the act or omission in question, any of the following applies:

- (1) The act or omission was manifestly outside the scope of the person's employment or official responsibilities.
- (2) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.
- (3) Liability for the act or omission is expressly imposed by a section of the Revised Code.

Sec 2950.13 [FROM SB10] Duties of attorney general

(A) The attorney general shall do all of the following:

(1) No later than July 1, 1997, establish and maintain a state registry of sex offenders and child-victim offenders that is housed at the BCI&I and that contains all of the registered addresses and other information the BCI&I receives regarding each person who is convicted of a sexually oriented offense or a child-victim oriented offense, all of the information the BCI&I, and any notice of an order terminating or modifying an offender's duty to register the BCI&I. For a person who was convicted of a sexually oriented offense or child-victim related offense, the registry also shall indicate whether the person was convicted of or pleaded guilty to the offense in a criminal prosecution. The registry shall not be open to inspection by the public or by any person other than a person identified in 2950.08(A). In addition to the information and material previously identified in 2950.13(A)(1), the registry shall include all of the following regarding each person who is listed in the registry:

(a) A citation for, and the name of, all offenses of which the person was convicted, and the date on which those offenses were committed;

(b) The text of the offenses as those offenses existed at the time the person was convicted of committing those offenses, or a link to a database that sets forth the text of those offenses;

(c) A statement as to whether the person is a tier I, a tier II, or a tier III sex offender/child-victim offender for the offenses identified in 2950.13(A)(1)(a);

(d) The community supervision status of the person, including, but not limited to, whether the person is serving a community control sanction and the nature of any such sanction, whether the person is under supervised release and the nature of the release;

(e) The offense and delinquency history of the person, as determined from information gathered or provided under 109.57 and 2950.14;

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

(g) Fingerprints and palmprints of the person;

(h) A DNA specimen, as defined in 109.573, from the person;

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

(j) Whether the person is in compliance with the person's duties under chapter 2950.

(2) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that contain guidelines necessary for the implementation of chapter 2950;

(3) In consultation with local law enforcement representatives, adopt rules for the implementation and administration of the provisions contained in 2950.11 that pertain to the notification of neighbors of an offender who has committed a offense and is a Tier III offender and rules that prescribe a manner in which victims of a offense committed by an offender who is in a category specified in 2950.10(B)(1) may make a request that specifies that the victim would like to be provided the notices;

(4) In consultation with local law enforcement representatives and through the BCI&I, prescribe the forms to be used by judges and officials to advise offenders of their duties to register, and prescribe the forms to be used by sheriffs relative to those duties to register;

(5) Make copies of the forms available to judges, officials, and sheriffs;

(6) Through the BCI&I, provide the notifications, the information and materials, and the documents that the BCI&I is required to provide to appropriate law enforcement officials and to the FBI;

(7) Through the BCI&I, maintain the verification forms returned under the address verification mechanism;

(8) In consultation with representatives of the officials, judges, and sheriffs, adopt procedures for officials, judges, and sheriffs to use to forward information, photographs, and fingerprints to the BCI&I;

(9) In consultation with the director of education, the director of job and family services, and the director of rehabilitation and correction, adopt rules that contain guidelines to be followed by boards of education of a school district, chartered nonpublic schools or other schools not operated by a board of education, preschool programs, child day-care centers, type A family day-care homes, certified type B family day-care homes, and institutions of higher education regarding the proper use and administration of information received pursuant to 2950.11 relative to an offender who has committed a offense and is a Tier III offender;

(10) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that designate a geographic area or areas within which the notice described in 2950.11(B) must be given to the persons identified in 2950.11(A)(2) to (8) and (A)(10);

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(11) Through the BCI&I, not later than January 1, 2004, establish and operate on the internet offender database that contains information for every offender who has committed an offense and registers in any county in Ohio. The bureau shall not include on the database the identity of any offender's victim, any offender's social security number, the name of any school or institution of higher education attended by any offender, the name of the place of employment of any offender, any tracking or identification number described in 2950.13(A)(1)(f), or any information described in 2950.04(C)(7) or 2950.041(C)(7). The BCI&I shall provide on the database, for each offender, at least the information specified in 2950.13(A)(11)(a) to (h). Otherwise, the BCI&I shall determine the information to be provided on the database for each offender and shall obtain that information from the information contained in the state registry of offenders, which information, while in the possession of the sheriff who provided it, is a public record open for inspection as described in 2950.081. The database is a public record open for inspection under 149.43, and it shall be searchable by offender name, by county, by zip code, and by school district. The database shall provide a link to the web site of each sheriff who has established and operates on the internet offender database that contains information for offenders who register in that county, with the link being a direct link to the offender database for the sheriff. The bureau shall provide on the database, for each offender, at least the following information:

- (a) The information described in 2950.13(A)(1)(a), (b), (c), and (d) relative to the offender;
- (b) The address of the offender's school, or place of employment;
- (c) The information described in 2950.04(C)(6) or 2950.041(C)(6);
- (d) A chart describing which offenses are included in the definitions of tier I, tier II, and tier III sex offender/child-victim offender;
- (e) Fingerprints and palm prints of the offender and a DNA specimen from the offender;
- (f) The information set forth in 2950.11(B);
- (g) Any outstanding arrest warrants for the offender;
- (h) The offender's compliance status with duties under this chapter.

(12) Develop software to be used by sheriffs in establishing on the internet a offender database for the public dissemination of some or all of the information and materials described in 2950.081(A) that are public records under 2950.081(A), that are not prohibited from inclusion by 2950.081(B), and that pertain to offenders who register in that the sheriff's county and for the public dissemination of information the sheriff receives and, upon the request of any sheriff, provide technical guidance to the requesting sheriff in establishing on the internet such a database;

(13) Through the BCI&I, not later than January 1, 2004, establish and operate on the internet a database that enables local law enforcement representatives to remotely search by electronic means the state registry of offenders and any information and materials the BCI&I receives. The database shall enable local law enforcement representatives to obtain detailed information regarding each offender who is included in the registry, including, but not limited to the offender's name, aliases, residence address, name and address of any place of employment, school, institution of higher education, if applicable, license plate number of each vehicle to the extent applicable, victim preference if available, date of most recent release from confinement if applicable, fingerprints, and palmprints, all of the information and material described in 2950.13(A)(1)(a) to (h) regarding the offender, and other identification parameters the BCI&I considers appropriate. The database is not a public record open for inspection under 149.43 and shall be available only to law enforcement representatives as described in 2950.13(A)(13). Information obtained by local law enforcement representatives through use of this database is not open to inspection by the public or by any person other than a person identified in 2950.08(A).

(14) Through the BCI&I, maintain a list of requests for notice about a specified offender or specified geographical notification area made pursuant to 2950.11(J) and, when an offender changes residence to another county, forward any requests for information about that specific offender to the appropriate sheriff;

(15) Through the BCI&I, establish and operate a system for the immediate notification by electronic means of the appropriate officials in other states specified in this division each time an offender registers or provides a notice of a change or registers any new address. The immediate notification by electronic means shall be provided to the appropriate officials in each state in which the offender is required to register. The notification shall contain the offender's name and all of the information the bureau receives from the sheriff with whom the offender registered the address or provided the notice of change of address or registered the new address.

(B) The attorney general in consultation with local law enforcement representatives, may adopt rules that establish one or more categories of neighbors of an offender who, in addition to the occupants of residential premises and other persons specified in 2950.11(A)(1), must be given the notice described in 2950.11(B).

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(C) No person, other than a local law enforcement representative, shall knowingly do any of the following:

- (1) Gain or attempt to gain access to the database established and operated by the attorney general.
- (2) Permit any person to inspect any information obtained through use of the database described in 2950.13(C)(1), other than as permitted under 2950.13(C)(1).

(D) As used in this section, "local law enforcement representatives" means representatives of the sheriffs of Ohio, representatives of the municipal chiefs of police and marshals of Ohio, and representatives of the township constables and chiefs of police of the township police departments or police district police forces of Ohio.

**Sec 2950.131 [FROM SB10 and SB97]
[FROM SB 10]**

If, on or after the effective date of 2950.131, the United States attorney general or an office established under the authority of the United States attorney general adopts any regulation, guideline, or standard that interprets or applies the federal Sex Offender Registration and Notification Act, Pub. L. No. 109-249, to require additional sex offender registration and notification than otherwise required by Chapter 2950, as amended by this act, or notifies the attorney general of Ohio that the amendments made by this act are not in substantial compliance with the federal Sex Offender Registration and Notification Act or regulations, guidelines or standards interpreting or applying the federal Sex Offender Registration and Notification Act, the attorney general of Ohio within one hundred eighty days after notification or the adoption of any regulation, guideline or standard that interprets or applies the federal Sex Offender Registration and Notification Act, shall adopt rules in accordance with Chapter 119 to require additional sex offender registration or notification so that Ohio's sex offender registration and notification requirements are consistent with, and not less stringent than, the federal Sex Offender Registration and Notification Act and any regulation, guideline or standard that interprets or applies the federal Sex Offender Registration and Notification Act.

[FROM SB 97]

(A) By January 1, 2008, the BCI&I, with the assistance of the office of criminal justice services, shall include on the internet sex offender and child-victim offender database established and operated pursuant to 2950.13(A)(11) a link to educational information for the public on current research about sex offenders and child-victim offenders. Each sheriff who has established on the internet a sex offender and child-victim offender database may include a link to this information on the sheriff's internet database.

(B) By January 1, 2008, the internet sex offender and child-victim offender database established and operated pursuant to 2950.13(A)(11) and each sheriff's internet sex offender and child-victim offender database is required to inform offenders that they may contact the sheriff of the county in which the offender registered an address if the offender believes that information contained on the internet sex offender and child-victim offender database or sheriff's internet sex offender and child-victim offender database pertaining to the offender is incorrect.

Sec 2950.14 [FROM SB10] Information to be provided to BCI&I prior to release

(A) Prior to releasing an offender who is under the custody and control of the ODRC and who has been convicted of committing, either prior to, on, or after January 1, 1997, any sexually oriented offense or any child-victim oriented offense, the ODRC shall provide all of the information described in 2950.14(B) to the BCI&I regarding the offender and to the sheriff of the county in which the offender's anticipated future residence is located.

(B) The ODRC shall provide all of the following information to the BCI&I regarding an offender described in 2950.14(A):

- (1) The offender's name and any aliases used by the offender;
- (2) All identifying factors concerning, and a physical description of, the offender;
- (3) The offender's anticipated future residence;
- (4) The offense and delinquency history and the terms and conditions of release of the offender;
- (5) Whether the offender was treated for a mental abnormality or personality disorder while under the custody and control of the ODRC;
- (6) Any other information that the BCI&I indicates is relevant and that the ODRC possesses.

(C) Upon receipt of the information described in 2950.14(B) regarding an offender, the BCI&I immediately shall enter the information into the state registry of sex offenders and child-victim offenders that the BCI&I maintains and into the records that the bureau maintains. Upon receipt of that information regarding an offender, the BCI&I immediately shall enter the information on the sex offender and child-victim offender database it establishes and operates on the internet.

(D) Upon receipt of the information described in 2950.14(B) regarding an offender, a sheriff who has established on the internet a sex offender and child-victim offender database for the public dissemination of information regarding such offenders shall enter that information on the database.

Sec 2950.15 [FROM SB10] Reclassification or removal of registration duties

(A) As used in 2950.15 and 2950.16, "**eligible offender**" means a person who is convicted of a sexually oriented offense or child-victim oriented offense, regardless of when the offense was committed, and is a tier I offender for committing a sexually oriented offense or child-victim oriented offense, regardless of when the offense was committed.³³

(B) Pursuant to 2950.14, an eligible offender may make a motion to the court of common pleas of the county in which the eligible offender resides requesting that the court terminate the eligible offender's duty to register. If the eligible offender is not a resident of Ohio, the eligible offender may make a motion to the court of common pleas of the county in which the eligible offender has registered, but if the eligible offender has registered addresses of that nature in more than one county, the eligible offender may make such a motion in the court of only one of those counties. Notwithstanding any state or local rule assigning costs and fees for filing and processing civil and criminal cases, the fee for filing the motion shall be one hundred fifty dollars. This fee shall be applied to any further processing of the motion, including, but not limited to, the costs associated with investigating the motion, notifying relevant parties, scheduling hearings, and recording and reporting the court's determination.

(C)(1) An eligible offender who is classified a **tier I offender** may make a motion under 2950.15(B) upon the **expiration of ten years** after the eligible offender's duty to register begins.

(2) *Delinquent child division.*

(D) An eligible offender who makes a motion under 2950.15(B) shall include all of the following with the motion:

- (1) A certified copy of the judgment entry and any other documentation of the sentence for the offense or offenses for which the eligible offender was convicted;
- (2) Documentation of the date of discharge from supervision or release, whichever is applicable;
- (3) Evidence that the eligible offender has completed a sex offender or child-victim offender treatment program certified by the ODRC pursuant to 2950.16;
- (4) Evidence that the eligible offender has not been convicted of any subsequent sexually oriented offense, child-victim oriented offense, or other criminal offense, except for a minor misdemeanor traffic offense;
- (5) Evidence that the eligible offender has paid any financial sanctions imposed upon the offender pursuant to 2929.18 or 2929.28.

(E) Upon the filing of a motion pursuant to 2950.15(B), the offender shall serve a copy of the motion on the prosecutor who handled the case in which the eligible offender was convicted. Upon the filing of the motion, the court shall set a tentative date for a hearing on the motion that is not later than one hundred eighty days from the date the motion is filed unless good cause exists to hold the hearing at a later date and shall notify the eligible offender and the prosecutor of the date, time, and place of the hearing. The court shall then forward a copy of the motion and its supporting documentation to the court's probation department or another appropriate agency to investigate the merits of the motion. The probation department or agency shall submit a written report detailing its investigation to the court within sixty days of receiving the motion and supporting documentation.

Upon receipt of the written report from the probation department or other appropriate agency, the court shall forward a copy of the motion, supporting documentation, and the written report to the prosecutor.

(F)(1) After the prosecutor is served with a copy of the motion, the prosecutor shall notify the victim of any offense for which the eligible offender is requesting a termination of duties to register. The victim may submit a written statement to the prosecutor regarding any knowledge the victim has of the eligible offender's conduct while subject to the duties to register.

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

(G) In addition to the evidence that accompanies the motion and the written report, in determining whether to grant a motion, the court may consider any other evidence the court considers relevant, including, but not limited to, evidence of the following while the eligible offender has been subject to the duties to register:³⁴

- (1) Whether the eligible offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege has ever been suspended;
- (2) Whether the eligible offender has maintained financial responsibility for a motor vehicle;
- (3) Whether the eligible offender has satisfied any child or spousal support obligations, if applicable;

³³ Essentially only tier 1 offenders can have their registration duties removed.

³⁴ Some to the following there are real problems with and have no relation to sexual offenses, offending, or recidivism

Sec 2950.15 [FROM SB10] Reclassification or removal of registration duties

- (4) Whether the eligible offender has paid all local, state, and federal income taxes, and has timely filed all associated income tax returns, as required by local, state, or federal law;
- (5) Whether there is evidence that the eligible offender has adequately addressed sex offending or child-victim offending behaviors;³⁵
- (6) Whether the eligible offender has maintained a residence for a substantial period of time;³⁶
- (7) Whether the eligible offender has maintained employment or, if the eligible offender has not been employed while under a duty to register, whether the eligible offender has satisfied the offender's financial obligations through other manners of support such as disability payments, a pension, spousal or child support, or scholarships or grants;
- (8) Whether the eligible offender has adequately addressed any drug or alcohol abuse or addiction;
- (9) Letters of reference;
- (10) Documentation of the eligible offender's service to the community or to specific individuals in need.
- (H)(1) The court, without a hearing, may issue an order denying the eligible offender's motion to terminate the eligible offender's duty to register if the court, based on the evidence submitted with the motion and the written report and after considering the factors in 2950.15(G), finds that those duties should not be terminated.
- (2) If the prosecutor does not file an objection to the eligible offender's application, the court, without a hearing, may issue an order that terminates the eligible offender's duty to register if the court, based on the evidence submitted with the motion and the written report and after considering the factors in 2950.15(G), finds that those duties should be terminated.
- (3) If the court does not issue an order under 2950.15(H)(1) or (2), the court shall hold a hearing to determine whether to grant or deny the motion. At the hearing, the Rules of Civil Procedure or, except to the extent that those Rules would by their nature be clearly inapplicable. **At the hearing, the eligible offender has the burden of going forward with the evidence and the burden of proof by a preponderance of the evidence.** If, after considering the evidence submitted with the motion, the written report, and the factors in 2950.15(G), the court finds that the eligible offender has satisfied the burden of proof, the court shall issue an order that terminates the eligible offender's duty to register. If the court finds that the eligible offender has not satisfied the burden of proof, the court shall issue an order denying the motion.
- (4)(a) The court shall provide prompt notice of its order issued to the eligible offender or the eligible offender's attorney.
- (b) If the court issues an order terminating the eligible offender's duty to register, the court shall promptly forward a copy of the order to the BCI&I. Upon receipt of the order, the BCI&I shall update all records pertaining to the eligible offender to reflect the termination order. The BCI&I also shall notify every sheriff with whom the eligible offender has most recently registered of the termination order.
- (c) If the court issues an order terminating the eligible offender's duty to register, the court shall promptly forward a copy of the order to any court that sentenced the offender for a sexually offense that is the basis of the termination order. The court that receives this notice shall retain a copy of the order in the eligible offender's original case file.

³⁵ This here is the most important and valid of these factors.

³⁶ This may be difficult with the ever-expanding residency restrictions being imposed.

Sec 2950.16 [FROM SB10] Sex Offender treatment programs, ODRC to certify

By July 1, 2008, the ODRC shall adopt rules pertaining to the certification of sex offender and child-victim offender treatment programs. The rules shall include a requirement that the departments periodically inspect and certify sex offender and child-victim offender treatment programs. The rules shall also include a requirement that the departments maintain a list of certified sex offender and child-victim offender treatment programs that is open to public inspection.

Sec 2950.99 [FROM SB97] Penalties

[NOTE: “Fails to register, give notice of address change, or verify address” in this section is shortened to “fail to register.” If you see “fail to register,” assume it also means giving notice of change and verification of addresses.]

(A)(1)(a) Except as otherwise provided in 2950.99(A)(1)(b), anyone who fails to register shall be punished as follows:

(i) If the most serious *sexually oriented offense* ³⁷ that was the basis of the registration requirement that was **is aggravated murder or murder** or a comparable category of offense committed in another jurisdiction, the offender is guilty of a **felony of the first degree**.

(ii) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration is a **felony of the first, second, or third, or fourth degree** or a comparable category of offense committed in another jurisdiction, the offender is guilty of a **felony of the same degree** as the most serious offense that was the basis of the registration requirement that was violated, or, if the most serious offense that was the basis of the registration requirement is a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the same degree as that offense committed in the other jurisdiction would constitute if committed in Ohio.

(iii) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration requirement is a **felony of the fifth degree or a misdemeanor** or a comparable category of offense committed in another jurisdiction, the offender is guilty of a **felony of the fourth degree**.

(b) If the offender previously has been convicted of, a violation of failure to register, they shall be punished as follows:

(i) If the most serious *sexually oriented offense* ³⁷ that was the basis of the registration requirement is **aggravated murder or murder** or a comparable category of offense committed in another jurisdiction, the offender is guilty of a **felony of the first degree**.

(ii) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration requirement is a **felony of the first, second, or third, degree** or a comparable category of offense committed in another jurisdiction, the offender is guilty of a **felony of the same degree** as the most serious offense that was the basis of the registration requirement, or, if the most serious offense that was the basis of the registration requirement is a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the same degree as that offense committed in the other jurisdiction would constitute if committed in Ohio.

(iii) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration requirement is a felony of the **fourth or fifth degree** or a comparable category of offense committed in another jurisdiction, the offender is guilty of a **felony of the third degree**.

(iv) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration requirement is a **misdemeanor** or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the **fourth degree**.

(2)(a) In addition to any penalty or sanction imposed under 2950.99(A)(1) or any other provision of law for a failure to register, if the offender is subject to a community control sanction, is on parole, is subject to one or more post-release control sanctions, or is subject to any other type of supervised release at the time of the violation, the violation **shall constitute a violation** of the terms and conditions of the community control sanction, parole, post-release control sanction, or other type of supervised release.

³⁷ This division does not include child-victim offenses.

Sec 2950.99 [FROM SB97] Penalties

(b) In addition to any penalty or sanction imposed under 2950.99(A)(1)(b)(i), (ii), or (iii) of this section or any other provision for a failure to register, if the offender previously has been convicted of failing to register when the most serious offense that was the basis of the requirement is a felony or a comparable category of offense committed in another jurisdiction, the court imposing a sentence upon the offender shall impose a definite prison term of **no less than three years**. The definite prison term imposed under this section is not restricted by 2929.14(B) and shall not be reduced to less than three years pursuant to Chapter 2967 or any other provision. ³⁸

(3) As used in 2950.99(A)(1), "comparable category of offense committed in another jurisdiction" means a offense that was the basis of the registration requirement that is a violation of an existing or former law or anywhere else in the world, and that, if it had been committed in Ohio, would constitute or would have constituted aggravated murder, or murder for purposes of 2950.99(A)(1)(a)(i), a felony of the first, second, third, or fourth degree for purposes of 2950.99(A)(1)(a)(ii), a felony of the fifth degree or a misdemeanor for purposes of 2950.99(A)(1)(a)(iii), aggravated murder or murder for purposes of 2950.99(A)(1)(b)(i), a felony of the first, second, or third degree for purposes of 2950.99(A)(1)(b)(ii), a felony of the fourth or fifth degree for purposes of 2950.99(A)(1)(b)(iii), or a misdemeanor for purposes of 2950.99(A)(1)(b)(iv).

(B) *Delinquent child division.*

(C) Whoever violates 2950.13(C) is guilty of a misdemeanor of the first degree.

FIRST FAILURE TO REGISTER ³⁹	
Original offense or felony level	Felony level for failing to register
Aggravated murder or murder	F1 (3 – 10 years)
F1	F1 (3 – 10 years)
F2	F2 (2 – 8 years)
F3	F3 (1 – 5 years)
F4	F4 (6 – 18 months)
F5	F4 (6 – 18 months)
Misdemeanor	F4 (6 – 18 months)

SECOND or SUBSEQUENT FAILURE TO REGISTER ³⁹	
Original offense or felony level	Felony level for failing to register
Aggravated murder or murder	F1 (3 years + 3 – 10 years)
F1	F1 (3 years + 3 – 10 years)
F2	F2 (3 years + 2 – 8 years)
F3	F3 (3 years + 1 – 5 years)
F4	F3 (3 years + 1 – 5 years)
F5	F3 (3 years + 1 – 5 years)
Misdemeanor	F4 (6 – 18 months)

³⁸ Second or subsequent failure to register only if the offense that was the basis for registration was a felony. Here we have a gun spec sort of penalty. Anyone who fails to register more than one time will have a mandatory three years added to their sentence. Someone who originally committed a felony five offense and served up to “one year” for that offense will now serve “four to eight years,” WOW. In addition, the felony four and five offenders are the only offenders who get a felony level enhancement from this sentencing scheme. Additionally if an offender is under post-release control, they could receive an additional 12 months to the remainder of their time under post-release control. See charts and footnote ³⁹.

³⁹ **Different penalties for identical conduct** – This is the same situation we have with 2950.99, yet with only one statute. “Cleveland Codified Ordinance 619.09, soliciting, and Cleveland Codified Ordinance 619.11, prostitution, prohibit identical activity and require identical proof, while imposing different penalties. Consequently, the sentencing provision of Ordinance 619.09, which imposes the higher penalty, is unconstitutional as being in violation of the equal protection clauses of USConst amend XIV and OConst art I, § 16: *Cleveland v. Huff* (1984), 14 Ohio App. 3d 207, 470 N.E.2d 934.”