

I_133_1975-5

133rd General Assembly
Regular Session
2019-2020

Sub. H. B. No. 431

A BILL

To enact section 109.96 of the Revised Code to 1
create the Sexual Exploitation Database and to 2
make an appropriation. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 109.96 of the Revised Code be 4
enacted to read as follows: 5

Sec. 109.96. (A) As used in this section: 6

(1) "Conviction record" means a record containing all of 7
the following: 8

(a) The prostitution offender's full legal name; 9

(b) The prostitution offender's last known address; 10

(c) A color photograph of the prostitution offender, if 11
available; 12

(d) The offense that the prostitution offender was 13
convicted of or pleaded guilty to committing, identified by the 14
Revised Code section containing the criminal prohibition and not 15



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including any specific division references; 16

(e) The date the offense listed in division (A)(1)(d) of
this section was committed; 17
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(f) The county and municipality or township where the
offense listed in division (A)(1)(d) of this section was
committed. 19
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(2) "Prostitution offender" means a person who was
convicted of or pleaded guilty to a prostitution offense. 22
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(3) "Prostitution offense" means a violation of section
2907.24 of the Revised Code if the offender offered to give the
other person anything of value in exchange for engaging in
sexual activity for hire. 24
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(4) "Sexual activity for hire" has the same meaning as in
section 2907.24 of the Revised Code. 28
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(B) The attorney general shall establish and maintain the
sexual exploitation database. 30
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(C) If a person is convicted of or pleads guilty to a
prostitution offense on or after the effective date of this
section, the clerk of courts shall send the prostitution
offender's conviction record to the attorney general. 32
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(D) The attorney general shall ensure that a prostitution
offender's conviction record received under division (C) of this
section is entered into the sexual exploitation database if the
prostitution offender was convicted of or pleaded guilty to the
prostitution offense on or after the effective date of this
section. 36
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(E) The attorney general shall ensure that a prostitution
offender's conviction record is removed from the sexual 42
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exploitation database in accordance with the following: 44

(1) If five years have elapsed since the prostitution 45
offender's most recent conviction of or plea of guilty to a 46
prostitution offense, the attorney general shall automatically 47
remove the prostitution offender from the sexual exploitation 48
database. The prostitution offender does not need to submit an 49
application to be removed from the sexual exploitation database 50
under this division. 51

(2) If the prostitution offender's conviction of or plea 52
of guilty to a prostitution offense has been overturned, 53
expunged, or sealed prior to the automatic removal from the 54
sexual exploitation database as described in division (E)(1) of 55
this section, the court ordering the offense overturned, 56
expunged, or sealed shall order the clerk of the court to submit 57
to the attorney general an order to have that conviction record 58
removed from the sexual exploitation database. Upon receipt of 59
an order submitted under division (E)(2) of this section, the 60
attorney general shall remove that conviction record from the 61
sexual exploitation database. 62

(F) The attorney general shall adopt rules under Chapter 63
119. of the Revised Code establishing guidelines for the 64
establishment and operation of the sexual exploitation database 65
and prescribe forms necessary for the establishment and 66
operation of the sexual exploitation database, including rules 67
and forms establishing procedures for a court to order a 68
prostitution offender whose conviction of or plea of guilty to a 69
prostitution offense has been overturned, expunged, or sealed to 70
be removed from the sexual exploitation database. 71

Section 2. All items in this section are hereby 72
appropriated as designated out of any moneys in the state 73

treasury to the credit of the designated fund. For all 74
appropriations made in this act, those in the first column are 75
for fiscal year 2020 and those in the second column are for 76
fiscal year 2021. The appropriations made in this act are in 77
addition to any other appropriations made for the FY 2020-FY 78
2021 biennium. 79

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A	AGO ATTORNEY GENERAL			
B	General Revenue Fund			
C	GRF 055436	Sexual Exploitation Database	\$ 170,000	\$ 20,000
D	Total GRF General Revenue Fund		\$ 170,000	\$ 20,000
E	TOTAL ALL BUDGET FUND GROUPS		\$ 170,000	\$ 20,000

SEXUAL EXPLOITATION DATABASE 81

The foregoing appropriation item 055436, Sexual 82
Exploitation Database, shall be used to establish and maintain 83
the database described in section 109.96 of the Revised Code. 84

Section 3. Within the limits set forth in this act, the 85
Director of Budget and Management shall establish accounts 86
indicating the source and amount of funds for each appropriation 87
made in this act, and shall determine the form and manner in 88
which appropriation accounts shall be maintained. Expenditures 89
from appropriations contained in this act shall be accounted for 90

as though made in the main operating appropriations act of the 133rd General Assembly. 91
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The appropriations made in this act are subject to all 93
provisions of the main operating appropriations act of the 133rd 94
General Assembly that are generally applicable to such 95
appropriations. 96