

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 374

Representatives Duffey, Cupp

Cosponsors: Representatives Hughes, Kick, Becker, Perales, Boggs, O'Brien

A BILL

To amend sections 2905.05 and 2950.01 of the 1
Revised Code to create additional criminal 2
prohibitions within the offense of criminal 3
child enticement and to classify criminal child 4
enticement as a tier I sex offense when 5
committed by a registered sex offender. 6

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

Section 1. That sections 2905.05 and 2950.01 of the 7
Revised Code be amended to read as follows: 8

Sec. 2905.05. (A) No person, by any means and without 9
privilege to do so, shall knowingly solicit, coax, entice, or 10
lure any child under fourteen years of age to accompany the 11
person in any manner, including entering into any vehicle or 12
onto any vessel, whether or not the offender knows the age of 13
the child, if both of the following apply: 14

(1) The actor does not have the express or implied 15
permission of the parent, guardian, or other legal custodian of 16
the child in undertaking the activity. 17

(2) The actor is not a law enforcement officer, medic, 18

firefighter, or other person who regularly provides emergency 19
services, and is not an employee or agent of, or a volunteer 20
acting under the direction of, any board of education, or the 21
actor is any of such persons, but, at the time the actor 22
undertakes the activity, the actor is not acting within the 23
scope of the actor's lawful duties in that capacity. 24

(B) No person, with a sexual motivation, shall violate 25
division (A) of this section. 26

(C) No person, by any means and without privilege to do 27
so, shall knowingly solicit, coax, entice, or lure any child 28
under fourteen years of age to accompany the person in any 29
manner, including entering into any vehicle or onto any vessel, 30
whether or not the offender knows the age of the child, if all 31
of the following apply: 32

(1) The person previously has been convicted of or pleaded 33
guilty to a sexually oriented offense in this state or a 34
substantially similar violation of a law of another state or the 35
United States. 36

(2) The person has a duty to comply with sections 2950.04, 37
2950.041, and 2950.06 of the Revised Code. 38

(3) The person does not have the express or implied 39
permission of the parent, guardian, or other legal custodian of 40
the child in undertaking the activity. 41

(D) No person, by any means and without privilege to do 42
so, shall knowingly solicit, coax, entice, or lure any child 43
under fourteen years of age to accompany the person in any 44
manner, including entering into any vehicle or onto any vessel, 45
whether or not the offender knows the age of the child, if both 46
divisions (A) (1) and (2) of this section apply and either of the 47

following applies: 48

(1) The person has no preexisting relationship with the 49
child or the child's family. 50

(2) The act is of the same or similar character as two or 51
more other violations of division (A) of this section committed 52
by the person that are connected together, constitute parts of a 53
common scheme or plan, or are part of a course of criminal 54
conduct. 55

(E) No person, for any unlawful purpose other than, or in 56
addition to, that proscribed by division (A) of this section, 57
shall engage in any activity described in division (A) of this 58
section. 59

~~(D)~~(F) It is an affirmative defense to a charge under 60
division (A), (C), or (D) of this section that the actor 61
undertook the activity in response to a bona fide emergency 62
situation or that the actor undertook the activity in a 63
reasonable belief that it was necessary to preserve the health, 64
safety, or welfare of the child. 65

~~(E)~~(G) (1) Whoever violates division (A), (B), or (C) of 66
this section is guilty of criminal child enticement, and the 67
court shall sentence the offender as provided in divisions (G) 68
(2) and (3) of this section. 69

(2) A violation of division (A), (B), (D), or (E) of this 70
section is a misdemeanor of the first degree. If the offender 71
previously has been convicted of a violation of division (A), 72
(B), (D), or (E) of this section, ~~section 2907.02 or 2907.03 or~~ 73
~~former section 2907.12 of the Revised Code, or section 2905.01~~ 74
~~or 2907.05 of the Revised Code when the victim of that prior~~ 75
~~offense was under seventeen years of age at the time of the~~ 76

offense or a violation of any substantially similar law of 77
another state or the United States, criminal child enticement is 78
a felony of the fifth degree. If the offender previously has 79
been convicted of a violation of section 2905.01 of the Revised 80
Code when the victim of that prior offense was under seventeen 81
years of age at the time of the offense, criminal child 82
enticement is a felony of the fourth degree. 83

(3) A violation of division (C) of this section is a 84
felony of the fourth degree. 85

~~(F)~~ (H) As used in this section: 86

(1) "Sexual motivation" has the same meaning as in section 87
2971.01 of the Revised Code. 88

(2) "Sexually oriented offense" has the same meaning as in 89
section 2950.01 of the Revised Code. 90

(3) "Vehicle" has the same meaning as in section 4501.01 91
of the Revised Code. 92

~~(3)~~ (4) "Vessel" has the same meaning as in section 93
1546.01 of the Revised Code. 94

Sec. 2950.01. As used in this chapter, unless the context 95
clearly requires otherwise: 96

(A) "Sexually oriented offense" means any of the following 97
violations or offenses committed by a person, regardless of the 98
person's age: 99

(1) A violation of section 2907.02, 2907.03, 2907.05, 100
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 101
2907.322, or 2907.323 of the Revised Code; 102

(2) A violation of section 2907.04 of the Revised Code 103

when the offender is less than four years older than the other 104
person with whom the offender engaged in sexual conduct, the 105
other person did not consent to the sexual conduct, and the 106
offender previously has not been convicted of or pleaded guilty 107
to a violation of section 2907.02, 2907.03, or 2907.04 of the 108
Revised Code or a violation of former section 2907.12 of the 109
Revised Code; 110

(3) A violation of section 2907.04 of the Revised Code 111
when the offender is at least four years older than the other 112
person with whom the offender engaged in sexual conduct or when 113
the offender is less than four years older than the other person 114
with whom the offender engaged in sexual conduct and the 115
offender previously has been convicted of or pleaded guilty to a 116
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 117
Code or a violation of former section 2907.12 of the Revised 118
Code; 119

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 120
the Revised Code when the violation was committed with a sexual 121
motivation; 122

(5) A violation of division (A) of section 2903.04 of the 123
Revised Code when the offender committed or attempted to commit 124
the felony that is the basis of the violation with a sexual 125
motivation; 126

(6) A violation of division (A) (3) of section 2903.211 of 127
the Revised Code; 128

(7) A violation of division (A) (1), (2), (3), or (5) of 129
section 2905.01 of the Revised Code when the offense is 130
committed with a sexual motivation; 131

(8) A violation of division (A) (4) of section 2905.01 of 132

the Revised Code;	133
(9) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense;	134 135 136 137
(10) A violation of division (B) of section 2903.03, of division (B) of section 2905.02, of division (B) of section 2905.03, of division (B) <u>or (C)</u> of section 2905.05, or of division (B) (5) of section 2919.22 of the Revised Code;	138 139 140 141
(11) A violation of section 2905.32 of the Revised Code when any of the following applies:	142 143
(a) The violation is a violation of division (A) (1) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person knowing that the person would be compelled to engage in sexual activity for hire, engage in a performance that was obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that was obscene, sexually oriented, or nudity oriented.	144 145 146 147 148 149 150 151 152 153
(b) The violation is a violation of division (A) (2) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain a person who is less than sixteen years of age or is a person with a developmental disability whom the offender knows or has reasonable cause to believe is a person with a developmental	154 155 156 157 158 159 160 161

disability for any purpose listed in divisions (A) (2) (a) to (c) 162
of that section. 163

(c) The violation is a violation of division (A) (3) of 164
that section, the offender knowingly recruited, lured, enticed, 165
isolated, harbored, transported, provided, obtained, or 166
maintained, or knowingly attempted to recruit, lure, entice, 167
isolate, harbor, transport, provide, obtain, or maintain a 168
person who is sixteen or seventeen years of age for any purpose 169
listed in divisions (A) (2) (a) to (c) of that section, and the 170
circumstances described in division (A) (5), (6), (7), (8), (9), 171
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 172
apply with respect to the offender and the other person. 173

(12) A violation of any former law of this state, any 174
existing or former municipal ordinance or law of another state 175
or the United States, any existing or former law applicable in a 176
military court or in an Indian tribal court, or any existing or 177
former law of any nation other than the United States that is or 178
was substantially equivalent to any offense listed in division 179
(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of 180
this section; 181

(13) A violation of division (A) (3) of section 2907.24 of 182
the Revised Code; 183

(14) Any attempt to commit, conspiracy to commit, or 184
complicity in committing any offense listed in division (A) (1), 185
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or 186
(13) of this section. 187

(B) (1) "Sex offender" means, subject to division (B) (2) of 188
this section, a person who is convicted of, pleads guilty to, 189
has been convicted of, has pleaded guilty to, is adjudicated a 190

delinquent child for committing, or has been adjudicated a 191
delinquent child for committing any sexually oriented offense. 192

(2) "Sex offender" does not include a person who is 193
convicted of, pleads guilty to, has been convicted of, has 194
pleaded guilty to, is adjudicated a delinquent child for 195
committing, or has been adjudicated a delinquent child for 196
committing a sexually oriented offense if the offense involves 197
consensual sexual conduct or consensual sexual contact and 198
either of the following applies: 199

(a) The victim of the sexually oriented offense was 200
eighteen years of age or older and at the time of the sexually 201
oriented offense was not under the custodial authority of the 202
person who is convicted of, pleads guilty to, has been convicted 203
of, has pleaded guilty to, is adjudicated a delinquent child for 204
committing, or has been adjudicated a delinquent child for 205
committing the sexually oriented offense. 206

(b) The victim of the offense was thirteen years of age or 207
older, and the person who is convicted of, pleads guilty to, has 208
been convicted of, has pleaded guilty to, is adjudicated a 209
delinquent child for committing, or has been adjudicated a 210
delinquent child for committing the sexually oriented offense is 211
not more than four years older than the victim. 212

(c) "Child-victim oriented offense" means any of the 213
following violations or offenses committed by a person, 214
regardless of the person's age, when the victim is under 215
eighteen years of age and is not a child of the person who 216
commits the violation: 217

(1) A violation of division (A)(1), (2), (3), or (5) of 218
section 2905.01 of the Revised Code when the violation is not 219

included in division (A) (7) of this section;	220
(2) A violation of division (A) of section 2905.02,	221
division (A) of section 2905.03, or division (A) of section	222
2905.05 of the Revised Code;	223
(3) A violation of any former law of this state, any	224
existing or former municipal ordinance or law of another state	225
or the United States, any existing or former law applicable in a	226
military court or in an Indian tribal court, or any existing or	227
former law of any nation other than the United States that is or	228
was substantially equivalent to any offense listed in division	229
(C) (1) or (2) of this section;	230
(4) Any attempt to commit, conspiracy to commit, or	231
complicity in committing any offense listed in division (C) (1),	232
(2), or (3) of this section.	233
(D) "Child-victim offender" means a person who is	234
convicted of, pleads guilty to, has been convicted of, has	235
pleaded guilty to, is adjudicated a delinquent child for	236
committing, or has been adjudicated a delinquent child for	237
committing any child-victim oriented offense.	238
(E) "Tier I sex offender/child-victim offender" means any	239
of the following:	240
(1) A sex offender who is convicted of, pleads guilty to,	241
has been convicted of, or has pleaded guilty to any of the	242
following sexually oriented offenses:	243
(a) A violation of section 2907.06, 2907.07, 2907.08,	244
2907.22, or 2907.32 of the Revised Code;	245
(b) A violation of section 2907.04 of the Revised Code	246
when the offender is less than four years older than the other	247

person with whom the offender engaged in sexual conduct, the 248
other person did not consent to the sexual conduct, and the 249
offender previously has not been convicted of or pleaded guilty 250
to a violation of section 2907.02, 2907.03, or 2907.04 of the 251
Revised Code or a violation of former section 2907.12 of the 252
Revised Code; 253

(c) A violation of division (A) (1), (2), (3), or (5) of 254
section 2907.05 of the Revised Code; 255

(d) A violation of division (A) (3) of section 2907.323 of 256
the Revised Code; 257

(e) A violation of division (A) (3) of section 2903.211, of 258
division (B) of section 2905.03, or of division (B) or (C) of 259
section 2905.05 of the Revised Code; 260

(f) A violation of any former law of this state, any 261
existing or former municipal ordinance or law of another state 262
or the United States, any existing or former law applicable in a 263
military court or in an Indian tribal court, or any existing or 264
former law of any nation other than the United States, that is 265
or was substantially equivalent to any offense listed in 266
division (E) (1) (a), (b), (c), (d), or (e) of this section; 267

(g) Any attempt to commit, conspiracy to commit, or 268
complicity in committing any offense listed in division (E) (1) 269
(a), (b), (c), (d), (e), or (f) of this section. 270

(2) A child-victim offender who is convicted of, pleads 271
guilty to, has been convicted of, or has pleaded guilty to a 272
child-victim oriented offense and who is not within either 273
category of child-victim offender described in division (F) (2) 274
or (G) (2) of this section. 275

(3) A sex offender who is adjudicated a delinquent child 276

for committing or has been adjudicated a delinquent child for 277
committing any sexually oriented offense and who a juvenile 278
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 279
of the Revised Code, classifies a tier I sex offender/child- 280
victim offender relative to the offense. 281

(4) A child-victim offender who is adjudicated a 282
delinquent child for committing or has been adjudicated a 283
delinquent child for committing any child-victim oriented 284
offense and who a juvenile court, pursuant to section 2152.82, 285
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 286
tier I sex offender/child-victim offender relative to the 287
offense. 288

(F) "Tier II sex offender/child-victim offender" means any 289
of the following: 290

(1) A sex offender who is convicted of, pleads guilty to, 291
has been convicted of, or has pleaded guilty to any of the 292
following sexually oriented offenses: 293

(a) A violation of section 2907.21, 2907.321, or 2907.322 294
of the Revised Code; 295

(b) A violation of section 2907.04 of the Revised Code 296
when the offender is at least four years older than the other 297
person with whom the offender engaged in sexual conduct, or when 298
the offender is less than four years older than the other person 299
with whom the offender engaged in sexual conduct and the 300
offender previously has been convicted of or pleaded guilty to a 301
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 302
Code or former section 2907.12 of the Revised Code; 303

(c) A violation of division (A) (4) of section 2907.05, of 304
division (A) (3) of section 2907.24, or of division (A) (1) or (2) 305

of section 2907.323 of the Revised Code;	306
(d) A violation of division (A) (1), (2), (3), or (5) of section 2905.01 of the Revised Code when the offense is committed with a sexual motivation;	307 308 309
(e) A violation of division (A) (4) of section 2905.01 of the Revised Code when the victim of the offense is eighteen years of age or older;	310 311 312
(f) A violation of division (B) of section 2905.02 or of division (B) (5) of section 2919.22 of the Revised Code;	313 314
(g) A violation of section 2905.32 of the Revised Code that is described in division (A) (11) (a), (b), or (c) of this section;	315 316 317
(h) A violation of 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 that is or was substantially equivalent to any offense listed in division (F) (1) (a), (b), (c), (d), (e), (f), or (g) of this section;	318 319 320 321 322 323 324
(i) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (F) (1) (a), (b), (c), (d), (e), (f), (g), or (h) of this section;	325 326 327
(j) Any sexually oriented offense that is committed after the sex offender previously has been convicted of, pleaded guilty to, or has been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier I sex offender/child-victim offender.	328 329 330 331 332 333

(2) A child-victim offender who is convicted of, pleads 334
guilty to, has been convicted of, or has pleaded guilty to any 335
child-victim oriented offense when the child-victim oriented 336
offense is committed after the child-victim offender previously 337
has been convicted of, pleaded guilty to, or been adjudicated a 338
delinquent child for committing any sexually oriented offense or 339
child-victim oriented offense for which the offender was 340
classified a tier I sex offender/child-victim offender. 341

(3) A sex offender who is adjudicated a delinquent child 342
for committing or has been adjudicated a delinquent child for 343
committing any sexually oriented offense and who a juvenile 344
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 345
of the Revised Code, classifies a tier II sex offender/child- 346
victim offender relative to the offense. 347

(4) A child-victim offender who is adjudicated a 348
delinquent child for committing or has been adjudicated a 349
delinquent child for committing any child-victim oriented 350
offense and whom a juvenile court, pursuant to section 2152.82, 351
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 352
tier II sex offender/child-victim offender relative to the 353
current offense. 354

(5) A sex offender or child-victim offender who is not in 355
any category of tier II sex offender/child-victim offender set 356
forth in division (F)(1), (2), (3), or (4) of this section, who 357
prior to January 1, 2008, was adjudicated a delinquent child for 358
committing a sexually oriented offense or child-victim oriented 359
offense, and who prior to that date was determined to be a 360
habitual sex offender or determined to be a habitual child- 361
victim offender, unless either of the following applies: 362

(a) The sex offender or child-victim offender is 363

reclassified pursuant to section 2950.031 or 2950.032 of the Revised Code as a tier I sex offender/child-victim offender or a tier III sex offender/child-victim offender relative to the offense.

(b) A juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the child a tier I sex offender/child-victim offender or a tier III sex offender/child-victim offender relative to the offense.

(G) "Tier III sex offender/child-victim offender" means any of the following:

(1) A sex offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any of the following sexually oriented offenses:

(a) A violation of section 2907.02 or 2907.03 of the Revised Code;

(b) A violation of division (B) of section 2907.05 of the Revised Code;

(c) A violation of section 2903.01, 2903.02, or 2903.11 of the Revised Code when the violation was committed with a sexual motivation;

(d) A violation of division (A) of section 2903.04 of the Revised Code 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 division (A) (4) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age;

(f) A violation of division (B) of section 2905.01 of the

Revised Code when the victim of the offense is under eighteen 392
years of age and the offender is not a parent of the victim of 393
the offense; 394

(g) A violation of division (B) of section 2903.03 of the 395
Revised Code; 396

(h) A violation of any former law of this state, any 397
existing or former municipal ordinance or law of another state 398
or the United States, any existing or former law applicable in a 399
military court or in an Indian tribal court, or any existing or 400
former law of any nation other than the United States that is or 401
was substantially equivalent to any offense listed in division 402
(G) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 403

(i) Any attempt to commit, conspiracy to commit, or 404
complicity in committing any offense listed in division (G) (1) 405
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 406

(j) Any sexually oriented offense that is committed after 407
the sex offender previously has been convicted of, pleaded 408
guilty to, or been adjudicated a delinquent child for committing 409
any sexually oriented offense or child-victim oriented offense 410
for which the offender was classified a tier II sex 411
offender/child-victim offender or a tier III sex offender/child- 412
victim offender. 413

(2) A child-victim offender who is convicted of, pleads 414
guilty to, has been convicted of, or has pleaded guilty to any 415
child-victim oriented offense when the child-victim oriented 416
offense is committed after the child-victim offender previously 417
has been convicted of, pleaded guilty to, or been adjudicated a 418
delinquent child for committing any sexually oriented offense or 419
child-victim oriented offense for which the offender was 420

classified a tier II sex offender/child-victim offender or a 421
tier III sex offender/child-victim offender. 422

(3) A sex offender who is adjudicated a delinquent child 423
for committing or has been adjudicated a delinquent child for 424
committing any sexually oriented offense and who a juvenile 425
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 426
of the Revised Code, classifies a tier III sex offender/child- 427
victim offender relative to the offense. 428

(4) A child-victim offender who is adjudicated a 429
delinquent child for committing or has been adjudicated a 430
delinquent child for committing any child-victim oriented 431
offense and whom a juvenile court, pursuant to section 2152.82, 432
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 433
tier III sex offender/child-victim offender relative to the 434
current offense. 435

(5) A sex offender or child-victim offender who is not in 436
any category of tier III sex offender/child-victim offender set 437
forth in division (G) (1), (2), (3), or (4) of this section, who 438
prior to January 1, 2008, was convicted of or pleaded guilty to 439
a sexually oriented offense or child-victim oriented offense or 440
was adjudicated a delinquent child for committing a sexually 441
oriented offense or child-victim oriented offense and classified 442
a juvenile offender registrant, and who prior to that date was 443
adjudicated a sexual predator or adjudicated a child-victim 444
predator, unless either of the following applies: 445

(a) The sex offender or child-victim offender is 446
reclassified pursuant to section 2950.031 or 2950.032 of the 447
Revised Code as a tier I sex offender/child-victim offender or a 448
tier II sex offender/child-victim offender relative to the 449
offense. 450

(b) The sex offender or child-victim offender is a 451
delinquent child, and a juvenile court, pursuant to section 452
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, 453
classifies the child a tier I sex offender/child-victim offender 454
or a tier II sex offender/child-victim offender relative to the 455
offense. 456

(6) A sex offender who is convicted of, pleads guilty to, 457
was convicted of, or pleaded guilty to a sexually oriented 458
offense, if the sexually oriented offense and the circumstances 459
in which it was committed are such that division (F) of section 460
2971.03 of the Revised Code automatically classifies the 461
offender as a tier III sex offender/child-victim offender; 462

(7) A sex offender or child-victim offender who is 463
convicted of, pleads guilty to, was convicted of, pleaded guilty 464
to, is adjudicated a delinquent child for committing, or was 465
adjudicated a delinquent child for committing a sexually 466
oriented offense or child-victim offense in another state, in a 467
federal court, military court, or Indian tribal court, or in a 468
court in any nation other than the United States if both of the 469
following apply: 470

(a) Under the law of the jurisdiction in which the 471
offender was convicted or pleaded guilty or the delinquent child 472
was adjudicated, the offender or delinquent child is in a 473
category substantially equivalent to a category of tier III sex 474
offender/child-victim offender described in division (G) (1), 475
(2), (3), (4), (5), or (6) of this section. 476

(b) Subsequent to the conviction, plea of guilty, or 477
adjudication in the other jurisdiction, the offender or 478
delinquent child resides, has temporary domicile, attends school 479
or an institution of higher education, is employed, or intends 480

to reside in this state in any manner and for any period of time 481
that subjects the offender or delinquent child to a duty to 482
register or provide notice of intent to reside under section 483
2950.04 or 2950.041 of the Revised Code. 484

(H) "Confinement" includes, but is not limited to, a 485
community residential sanction imposed pursuant to section 486
2929.16 or 2929.26 of the Revised Code. 487

(I) "Prosecutor" has the same meaning as in section 488
2935.01 of the Revised Code. 489

(J) "Supervised release" means a release of an offender 490
from a prison term, a term of imprisonment, or another type of 491
confinement that satisfies either of the following conditions: 492

(1) The release is on parole, a conditional pardon, under 493
a community control sanction, under transitional control, or 494
under a post-release control sanction, and it requires the 495
person to report to or be supervised by a parole officer, 496
probation officer, field officer, or another type of supervising 497
officer. 498

(2) The release is any type of release that is not 499
described in division (J)(1) of this section and that requires 500
the person to report to or be supervised by a probation officer, 501
a parole officer, a field officer, or another type of 502
supervising officer. 503

(K) "Sexually violent predator specification," "sexually 504
violent predator," "sexually violent offense," "sexual 505
motivation specification," "designated homicide, assault, or 506
kidnapping offense," and "violent sex offense" have the same 507
meanings as in section 2971.01 of the Revised Code. 508

(L) "Post-release control sanction" and "transitional 509

control" have the same meanings as in section 2967.01 of the Revised Code.

(M) "Juvenile offender registrant" means a person who is adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense or a child-victim oriented offense, who is fourteen years of age or older at the time of committing the offense, and who a juvenile court judge, pursuant to an order issued under section 2152.82, 2152.83, 2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a juvenile offender registrant and specifies has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. "Juvenile offender registrant" includes a person who prior to January 1, 2008, was a "juvenile offender registrant" under the definition of the term in existence prior to January 1, 2008, and a person who prior to July 31, 2003, was a "juvenile sex offender registrant" under the former definition of that former term.

(N) "Public registry-qualified juvenile offender registrant" means a person who is adjudicated a delinquent child and on whom a juvenile court has imposed a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code before, on, or after January 1, 2008, and to whom all of the following apply:

(1) The person is adjudicated a delinquent child for committing, attempting to commit, conspiring to commit, or complicity in committing one of the following acts:

(a) A violation of section 2907.02 of the Revised Code, division (B) of section 2907.05 of the Revised Code, or section 2907.03 of the Revised Code if the victim of the violation was less than twelve years of age;

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 540
the Revised Code that was committed with a purpose to gratify 541
the sexual needs or desires of the child; 542

(c) A violation of division (B) of section 2903.03 of the 543
Revised Code. 544

(2) The person was fourteen, fifteen, sixteen, or 545
seventeen years of age at the time of committing the act. 546

(3) A juvenile court judge, pursuant to an order issued 547
under section 2152.86 of the Revised Code, classifies the person 548
a juvenile offender registrant, specifies the person has a duty 549
to comply with sections 2950.04, 2950.05, and 2950.06 of the 550
Revised Code, and classifies the person a public registry- 551
qualified juvenile offender registrant, and the classification 552
of the person as a public registry-qualified juvenile offender 553
registrant has not been terminated pursuant to division (D) of 554
section 2152.86 of the Revised Code. 555

(O) "Secure facility" means any facility that is designed 556
and operated to ensure that all of its entrances and exits are 557
locked and under the exclusive control of its staff and to 558
ensure that, because of that exclusive control, no person who is 559
institutionalized or confined in the facility may leave the 560
facility without permission or supervision. 561

(P) "Out-of-state juvenile offender registrant" means a 562
person who is adjudicated a delinquent child in a court in 563
another state, in a federal court, military court, or Indian 564
tribal court, or in a court in any nation other than the United 565
States for committing a sexually oriented offense or a child- 566
victim oriented offense, who on or after January 1, 2002, moves 567
to and resides in this state or temporarily is domiciled in this 568

state for more than five days, and who has a duty under section 569
2950.04 or 2950.041 of the Revised Code to register in this 570
state and the duty to otherwise comply with that applicable 571
section and sections 2950.05 and 2950.06 of the Revised Code. 572
"Out-of-state juvenile offender registrant" includes a person 573
who prior to January 1, 2008, was an "out-of-state juvenile 574
offender registrant" under the definition of the term in 575
existence prior to January 1, 2008, and a person who prior to 576
July 31, 2003, was an "out-of-state juvenile sex offender 577
registrant" under the former definition of that former term. 578

(Q) "Juvenile court judge" includes a magistrate to whom 579
the juvenile court judge confers duties pursuant to division (A) 580
(15) of section 2151.23 of the Revised Code. 581

(R) "Adjudicated a delinquent child for committing a 582
sexually oriented offense" includes a child who receives a 583
serious youthful offender dispositional sentence under section 584
2152.13 of the Revised Code for committing a sexually oriented 585
offense. 586

(S) "School" and "school premises" have the same meanings 587
as in section 2925.01 of the Revised Code. 588

(T) "Residential premises" means the building in which a 589
residential unit is located and the grounds upon which that 590
building stands, extending to the perimeter of the property. 591
"Residential premises" includes any type of structure in which a 592
residential unit is located, including, but not limited to, 593
multi-unit buildings and mobile and manufactured homes. 594

(U) "Residential unit" means a dwelling unit for 595
residential use and occupancy, and includes the structure or 596
part of a structure that is used as a home, residence, or 597

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 section 2929.01 of the Revised Code.

(X) "Halfway house" and "community-based correctional facility" have the same meanings as in section 2929.01 of the Revised Code.

Section 2. That existing sections 2905.05 and 2950.01 of the Revised Code are hereby repealed.