

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 235

Senator Eklund

Cosponsors: Senators Skindell, Lehner

A BILL

To amend sections 2929.17, 2953.32, and 2953.36 and 1
to enact section 2950.151 of the Revised Code to 2
create a procedure for certain tier II sex 3
offenders convicted of unlawful sexual conduct 4
with a minor to petition a court for 5
reclassification or removal from the sex 6
offender registry and to permit record sealing 7
in those cases. 8

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

Section 1. That sections 2929.17, 2953.32, and 2953.36 be 9
amended and section 2950.151 of the Revised Code be enacted to 10
read as follows: 11

Sec. 2929.17. Except as provided in this section, the 12
court imposing a sentence for a felony upon an offender who is 13
not required to serve a mandatory prison term may impose any 14
nonresidential sanction or combination of nonresidential 15
sanctions authorized under this section. If the court imposes 16
one or more nonresidential sanctions authorized under this 17
section, the court shall impose as a condition of the sanction 18

that, during the period of the nonresidential sanction, the 19
offender shall abide by the law and shall not leave the state 20
without the permission of the court or the offender's probation 21
officer. 22

The court imposing a sentence for a fourth degree felony 23
OVI offense under division (G) (1) or (2) of section 2929.13 of 24
the Revised Code or for a third degree felony OVI offense under 25
division (G) (2) of that section may impose upon the offender, in 26
addition to the mandatory term of local incarceration or 27
mandatory prison term imposed under the applicable division, a 28
nonresidential sanction or combination of nonresidential 29
sanctions under this section, and the offender shall serve or 30
satisfy the sanction or combination of sanctions after the 31
offender has served the mandatory term of local incarceration or 32
mandatory prison term required for the offense. The court shall 33
not impose a term in a drug treatment program as described in 34
division (D) of this section until after considering an 35
assessment by a properly credentialed treatment professional, if 36
available. Nonresidential sanctions include, but are not limited 37
to, the following: 38

(A) A term of day reporting; 39

(B) A term of house arrest with electronic monitoring or 40
continuous alcohol monitoring or both electronic monitoring and 41
continuous alcohol monitoring, a term of electronic monitoring 42
or continuous alcohol monitoring without house arrest, or a term 43
of house arrest without electronic monitoring or continuous 44
alcohol monitoring; 45

(C) A term of community service of up to five hundred 46
hours pursuant to division (B) of section 2951.02 of the Revised 47
Code or, if the court determines that the offender is 48

| | |
|--|----|
| financially incapable of fulfilling a financial sanction | 49 |
| described in section 2929.18 of the Revised Code, a term of | 50 |
| community service as an alternative to a financial sanction; | 51 |
| (D) A term in a drug treatment program with a level of | 52 |
| security for the offender as determined by the court; | 53 |
| (E) A term of intensive probation supervision; | 54 |
| (F) A term of basic probation supervision; | 55 |
| (G) A term of monitored time; | 56 |
| (H) A term of drug and alcohol use monitoring, including | 57 |
| random drug testing; | 58 |
| (I) A curfew term; | 59 |
| (J) A requirement that the offender obtain employment; | 60 |
| (K) A requirement that the offender obtain education or | 61 |
| training; | 62 |
| (L) Provided the court obtains the prior approval of the | 63 |
| victim, a requirement that the offender participate in victim- | 64 |
| offender mediation; | 65 |
| (M) A license violation report; | 66 |
| (N) If the offense is a violation of section 2919.25 or a | 67 |
| violation of section 2903.11, 2903.12, or 2903.13 of the Revised | 68 |
| Code involving a person who was a family or household member at | 69 |
| the time of the violation, if the offender committed the offense | 70 |
| in the vicinity of one or more children who are not victims of | 71 |
| the offense, and if the offender or the victim of the offense is | 72 |
| a parent, guardian, custodian, or person in loco parentis of one | 73 |
| or more of those children, a requirement that the offender | 74 |
| obtain counseling. This division does not limit the court in | 75 |

requiring the offender to obtain counseling for any offense or 76
in any circumstance not specified in this division. 77

(0) If the offense is a violation of section 2907.04 of 78
the Revised Code and the offender was under twenty-one years of 79
age at the time of committing the offense, a requirement that 80
the offender participate in a sex offender treatment program 81
certified by the department of rehabilitation and correction 82
pursuant to section 2950.16 of the Revised Code. 83

Sec. 2950.151. (A) As used in this section, "eligible 84
offender" means an offender who was convicted of or pleaded 85
guilty to a violation of section 2907.04 of the Revised Code to 86
whom all of the following apply: 87

(1) The sentencing court found the offender at low risk of 88
reoffending based on a presentence investigation report that 89
included a risk assessment, assessed by the single validated 90
risk assessment tool selected by the department of 91
rehabilitation and correction under section 5120.114 of the 92
Revised Code; 93

(2) The sentencing court imposed a community control 94
sanction or combination of community control sanctions instead 95
of a prison term and the offender has fulfilled every condition 96
of every community control sanction imposed by the sentencing 97
court; 98

(3) The offender was under twenty-one years of age at the 99
time of committing the offense; 100

(4) The offender has not otherwise been convicted of or 101
pleaded guilty to a violation of section 2907.02, 2907.03, 102
former section 2907.12 of the Revised Code, or another violation 103
of section 2907.04 of the Revised Code; 104

(5) The minor with whom the offender engaged in sexual 105
conduct was at least fourteen years of age at the time of the 106
offense and consented to the sexual conduct, with no evidence of 107
coercion, force, or threat of force; 108

(6) The offender was not in a position of authority over 109
the minor with whom the offender engaged in sexual conduct. 110

(B) Upon completion of all community control sanctions 111
imposed by the sentencing court, the offender may petition the 112
appropriate court specified in division (C) of this section to 113
review the effectiveness of the offender's participation in 114
community control sanctions and to determine whether to 115
terminate the offender's duty to comply with sections 2950.04, 116
2950.05, and 2950.06 of the Revised Code, reclassify the 117
offender as a tier I sex offender/child-victim offender, or 118
continue the offender's current classification. 119

(C) Except as otherwise provided in this division, the 120
eligible offender shall file the petition described in division 121
(B) of this section in the court in which the eligible offender 122
was convicted of or pleaded guilty to the offense. If the 123
eligible offender was convicted of or pleaded guilty to the 124
offense in a jurisdiction other than this state, the eligible 125
offender shall file the petition in whichever of the following 126
courts is applicable: 127

(1) If the eligible offender is a resident of this state, 128
in the court of common pleas of the county in which the offender 129
resides; 130

(2) If the eligible offender is not a resident of this 131
state, in the court of common pleas of the county in which the 132
offender has registered pursuant to section 2950.04 of the 133

Revised Code. If the offender has registered addresses of that 134
nature in more than one county, the offender may file a petition 135
in the court of only one of those counties. 136

(D) An eligible offender who files a petition under 137
division (B) of this section shall include all of the following 138
with the petition: 139

(1) A certified copy of the judgment entry and any other 140
documentation of the sentence given for the offense for which 141
the eligible offender was convicted or pleaded guilty; 142

(2) Documentation of the date of discharge from probation 143
supervision, if applicable; 144

(3) Evidence that the eligible offender has completed a 145
sex offender treatment program certified by the department of 146
rehabilitation and correction pursuant to section 2950.16 of the 147
Revised Code; 148

(4) Any other evidence necessary to show that the offender 149
meets the qualifications listed in division (A) of this section; 150

(5) Evidence that the eligible offender has been 151
rehabilitated to a satisfactory degree by successful completion 152
of community control sanctions. 153

(E) An eligible offender may obtain, at the offender's 154
expense, a risk assessment or professional opinion recommending 155
relief under this section from a licensed clinical psychologist, 156
social worker, or other professional certified in sex offender 157
treatment. The professional opinion or risk assessment may be 158
submitted with the petition as additional evidence of 159
rehabilitation. 160

(F) After a hearing to review the offender's petition and 161

all evidence of rehabilitation accompanying the petition, the 162
court shall enter one of the following orders: 163

(1) An order to terminate the offender's duty to comply 164
with sections 2950.04, 2950.05, and 2950.06 of the Revised Code; 165

(2) An order to reclassify the offender from a tier II sex 166
offender/child-victim offender classification to a tier I sex 167
offender/child-victim offender classification; 168

(3) An order to continue the offender's classification as 169
a tier II sex offender/child-victim offender required to comply 170
with sections 2950.04, 2950.05, and 2950.06 of the Revised Code. 171

(G) After issuing an order pursuant to division (F) of 172
this section, the court shall provide a copy of the order to the 173
offender and the bureau of criminal identification and 174
investigation. The bureau, upon receipt of the copy, shall 175
promptly notify the sheriff with whom the offender most recently 176
registered under section 2950.04 or 2950.05 of the Revised Code 177
of the court's order. 178

(H) (1) An order issued under division (F) (2) or (3) of 179
this section shall remain in effect for the duration of the 180
offender's duty to comply with sections 2950.04, 2950.05, and 181
2950.06 of the Revised Code, as specified in section 2950.07 of 182
the Revised Code, except that an eligible offender may refile a 183
petition under this section at the time prescribed under 184
division (H) (2) of this section. An order issued under division 185
(F) (2) or (3) of this section shall not increase the duration of 186
the offender's duty to comply with sections 2950.04, 2950.05, 187
and 2950.06 of the Revised Code. 188

(2) After the offender's initial petition filed under this 189
section, if the court entered an order continuing the offender's 190

classification or reclassifying the offender, the offender may 191
file a second petition not earlier than three years after the 192
court entered the first order. After the second petition, the 193
offender may file one subsequent petition not earlier than five 194
years after the most recent order continuing the offender's 195
classification or reclassifying the offender. A petition filed 196
under this division shall comply with the requirements described 197
in divisions (C), (D), and (E) of this section. 198

(3) Upon the filing of a petition pursuant to division (H) 199
(2) of this section, the court shall schedule a hearing and 200
review any previous order entered under this section, consider 201
all of the documents previously submitted, and evaluate any new 202
evidence of rehabilitation presented with the petition. After a 203
hearing on the petition, the court may deny the petition or do 204
either of the following: 205

(a) If the previous order continued the offender's 206
classification as a tier II sex offender/child-victim offender, 207
reclassify the offender as a tier I sex offender/child-victim 208
offender or terminate the offender's duty to comply with 209
sections 2950.04, 2950.05, and 2950.06 of the Revised Code; 210

(b) If the previous order reclassified the offender as a 211
tier I sex offender/child-victim offender, terminate the 212
offender's duty to comply with sections 2950.04, 2950.05, and 213
2950.06 of the Revised Code. 214

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 215
of the Revised Code, an eligible offender may apply to the 216
sentencing court if convicted in this state, or to a court of 217
common pleas if convicted in another state or in a federal 218
court, for the sealing of the record of the case that pertains 219
to the conviction. Application may be made at the expiration of 220

three years after the offender's final discharge if convicted of 221
a felony, or at the expiration of one year after the offender's 222
final discharge if convicted of a misdemeanor. 223

(2) Any person who has been arrested for any misdemeanor 224
offense and who has effected a bail forfeiture for the offense 225
charged may apply to the court in which the misdemeanor criminal 226
case was pending when bail was forfeited for the sealing of the 227
record of the case that pertains to the charge. Except as 228
provided in section 2953.61 of the Revised Code, the application 229
may be filed at any time after the expiration of one year from 230
the date on which the bail forfeiture was entered upon the 231
minutes of the court or the journal, whichever entry occurs 232
first. 233

(B) Upon the filing of an application under this section, 234
the court shall set a date for a hearing and shall notify the 235
prosecutor for the case of the hearing on the application. The 236
prosecutor may object to the granting of the application by 237
filing an objection with the court prior to the date set for the 238
hearing. The prosecutor shall specify in the objection the 239
reasons for believing a denial of the application is justified. 240
The court shall direct its regular probation officer, a state 241
probation officer, or the department of probation of the county 242
in which the applicant resides to make inquiries and written 243
reports as the court requires concerning the applicant. The 244
probation officer or county department of probation that the 245
court directs to make inquiries concerning the applicant shall 246
determine whether or not the applicant was fingerprinted at the 247
time of arrest or under section 109.60 of the Revised Code. If 248
the applicant was so fingerprinted, the probation officer or 249
county department of probation shall include with the written 250
report a record of the applicant's fingerprints. If the 251

applicant was convicted of or pleaded guilty to a violation of 252
division (A) (2) or (B) of section 2919.21 of the Revised Code, 253
the probation officer or county department of probation that the 254
court directed to make inquiries concerning the applicant shall 255
contact the child support enforcement agency enforcing the 256
applicant's obligations under the child support order to inquire 257
about the offender's compliance with the child support order. 258

(C) (1) The court shall do each of the following: 259

(a) Determine whether the applicant is an eligible 260
offender or whether the forfeiture of bail was agreed to by the 261
applicant and the prosecutor in the case. If the applicant 262
applies as an eligible offender pursuant to division (A) (1) of 263
this section and has two or three convictions that result from 264
the same indictment, information, or complaint, from the same 265
plea of guilty, or from the same official proceeding, and result 266
from related criminal acts that were committed within a three- 267
month period but do not result from the same act or from 268
offenses committed at the same time, in making its determination 269
under this division, the court initially shall determine whether 270
it is not in the public interest for the two or three 271
convictions to be counted as one conviction. If the court 272
determines that it is not in the public interest for the two or 273
three convictions to be counted as one conviction, the court 274
shall determine that the applicant is not an eligible offender; 275
if the court does not make that determination, the court shall 276
determine that the offender is an eligible offender. 277

(b) Determine whether criminal proceedings are pending 278
against the applicant; 279

(c) If the applicant is an eligible offender who applies 280
pursuant to division (A) (1) of this section, determine whether 281

the applicant has been rehabilitated to the satisfaction of the court;

(d) If the prosecutor has filed an objection in accordance with division (B) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;

(e) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed against the legitimate needs, if any, of the government to maintain those records.

(f) If the applicant is an eligible offender of the type described in division (A) (3) of section 2953.36 of the Revised Code, determine whether the offender has been rehabilitated to a satisfactory degree. The court may consider all of the following:

(i) The age of the offender;

(ii) The facts and circumstances of the offense;

(iii) The cessation or continuation of criminal behavior;

(iv) The education and employment history of the offender;

(v) Any other circumstances that may relate to the offender's rehabilitation.

(2) If the court determines, after complying with division (C) (1) of this section, that the applicant is an eligible offender or the subject of a bail forfeiture, that no criminal proceeding is pending against the applicant, that the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed are not outweighed by any legitimate governmental needs to maintain

those records, and that the rehabilitation of an applicant who 310
is an eligible offender applying pursuant to division (A) (1) of 311
this section has been attained to the satisfaction of the court, 312
the court, except as provided in division (C) (4), (G), (H), or 313
(I) of this section, shall order all official records of the 314
case that pertain to the conviction or bail forfeiture sealed 315
and, except as provided in division (F) of this section, all 316
index references to the case that pertain to the conviction or 317
bail forfeiture deleted and, in the case of bail forfeitures, 318
shall dismiss the charges in the case. The proceedings in the 319
case that pertain to the conviction or bail forfeiture shall be 320
considered not to have occurred and the conviction or bail 321
forfeiture of the person who is the subject of the proceedings 322
shall be sealed, except that upon conviction of a subsequent 323
offense, the sealed record of prior conviction or bail 324
forfeiture may be considered by the court in determining the 325
sentence or other appropriate disposition, including the relief 326
provided for in sections 2953.31 to 2953.33 of the Revised Code. 327

(3) An applicant may request the sealing of the records of 328
more than one case in a single application under this section. 329
Upon the filing of an application under this section, the 330
applicant, unless indigent, shall pay a fee of fifty dollars, 331
regardless of the number of records the application requests to 332
have sealed. The court shall pay thirty dollars of the fee into 333
the state treasury. It shall pay twenty dollars of the fee into 334
the county general revenue fund if the sealed conviction or bail 335
forfeiture was pursuant to a state statute, or into the general 336
revenue fund of the municipal corporation involved if the sealed 337
conviction or bail forfeiture was pursuant to a municipal 338
ordinance. 339

(4) If the court orders the official records pertaining to 340

the case sealed, the court shall do one of the following: 341

(a) If the applicant was fingerprinted at the time of 342
arrest or under section 109.60 of the Revised Code and the 343
record of the applicant's fingerprints was provided to the court 344
under division (B) of this section, forward a copy of the 345
sealing order and the record of the applicant's fingerprints to 346
the bureau of criminal identification and investigation. 347

(b) If the applicant was not fingerprinted at the time of 348
arrest or under section 109.60 of the Revised Code, or the 349
record of the applicant's fingerprints was not provided to the 350
court under division (B) of this section, but fingerprinting was 351
required for the offense, order the applicant to appear before a 352
sheriff to have the applicant's fingerprints taken according to 353
the fingerprint system of identification on the forms furnished 354
by the superintendent of the bureau of criminal identification 355
and investigation. The sheriff shall forward the applicant's 356
fingerprints to the court. The court shall forward the 357
applicant's fingerprints and a copy of the sealing order to the 358
bureau of criminal identification and investigation. 359

Failure of the court to order fingerprints at the time of 360
sealing does not constitute a reversible error. 361

(5) At the time an applicant files an application under 362
division (A) of this section, the following shall apply: 363

(a) The clerk of court shall notify the applicant in 364
writing that the court will send notice of any order under 365
division (C)(2) of this section to the qualified third party 366
selected by the attorney general under section 109.38 of the 367
Revised Code and shall inform the applicant of the procedures 368
under section 109.381 of the Revised Code. 369

(b) The applicant shall then notify the clerk if the 370
applicant wishes to opt out of receiving the benefits of having 371
the court send notice of its order under division (C) (2) of this 372
section to the qualified third party and having the procedures 373
under section 109.381 of the Revised Code apply to the records 374
that are subject to the order. 375

(c) If the applicant does not opt out under division (C) 376
(5) (b) of this section, the applicant shall pay to the clerk of 377
court the fee provided in the contract between the attorney 378
general and the qualified third party under division (D) (2) (b) 379
of section 109.38 of the Revised Code. 380

(6) (a) Upon the issuance of an order under division (C) (2) 381
of this section, and unless the applicant opts out under 382
division (C) (5) (b) of this section, the clerk shall remit the 383
fee paid by the applicant under division (C) (5) (c) of this 384
section to the qualified third party. The court shall send 385
notice of the order under division (C) (2) of this section to the 386
qualified third party. 387

(b) If the applicant's application under division (A) of 388
this section is denied for any reason or if the applicant 389
informs the clerk of court in writing, before the issuance of 390
the order under division (C) (2) of this section, that the 391
applicant wishes to opt out of having the court send notice of 392
its order under division (C) (2) of this section to the qualified 393
third party, the clerk shall remit the fee paid by the applicant 394
under division (C) (5) (c) of this section that is intended for 395
the qualified third party back to the applicant. 396

(D) Inspection of the sealed records included in the order 397
may be made only by the following persons or for the following 398
purposes: 399

(1) By a law enforcement officer or prosecutor, or the 400
assistants of either, to determine whether the nature and 401
character of the offense with which a person is to be charged 402
would be affected by virtue of the person's previously having 403
been convicted of a crime; 404

(2) By the parole or probation officer of the person who 405
is the subject of the records, for the exclusive use of the 406
officer in supervising the person while on parole or under a 407
community control sanction or a post-release control sanction, 408
and in making inquiries and written reports as requested by the 409
court or adult parole authority; 410

(3) Upon application by the person who is the subject of 411
the records, by the persons named in the application; 412

(4) By a law enforcement officer who was involved in the 413
case, for use in the officer's defense of a civil action arising 414
out of the officer's involvement in that case; 415

(5) By a prosecuting attorney or the prosecuting 416
attorney's assistants, to determine a defendant's eligibility to 417
enter a pre-trial diversion program established pursuant to 418
section 2935.36 of the Revised Code; 419

(6) By any law enforcement agency or any authorized 420
employee of a law enforcement agency or by the department of 421
rehabilitation and correction or department of youth services as 422
part of a background investigation of a person who applies for 423
employment with the agency or with the department; 424

(7) By any law enforcement agency or any authorized 425
employee of a law enforcement agency, for the purposes set forth 426
in, and in the manner provided in, section 2953.321 of the 427
Revised Code; 428

(8) By the bureau of criminal identification and 429
investigation or any authorized employee of the bureau for the 430
purpose of providing information to a board or person pursuant 431
to division (F) or (G) of section 109.57 of the Revised Code; 432

(9) By the bureau of criminal identification and 433
investigation or any authorized employee of the bureau for the 434
purpose of performing a criminal history records check on a 435
person to whom a certificate as prescribed in section 109.77 of 436
the Revised Code is to be awarded; 437

(10) By the bureau of criminal identification and 438
investigation or any authorized employee of the bureau for the 439
purpose of conducting a criminal records check of an individual 440
pursuant to division (B) of section 109.572 of the Revised Code 441
that was requested pursuant to any of the sections identified in 442
division (B)(1) of that section; 443

(11) By the bureau of criminal identification and 444
investigation, an authorized employee of the bureau, a sheriff, 445
or an authorized employee of a sheriff in connection with a 446
criminal records check described in section 311.41 of the 447
Revised Code; 448

(12) By the attorney general or an authorized employee of 449
the attorney general or a court for purposes of determining a 450
person's classification pursuant to Chapter 2950. of the Revised 451
Code; 452

(13) By a court, the registrar of motor vehicles, a 453
prosecuting attorney or the prosecuting attorney's assistants, 454
or a law enforcement officer for the purpose of assessing points 455
against a person under section 4510.036 of the Revised Code or 456
for taking action with regard to points assessed. 457

When the nature and character of the offense with which a person is to be charged would be affected by the information, it may be used for the purpose of charging the person with an offense.

(E) In any criminal proceeding, proof of any otherwise admissible prior conviction may be introduced and proved, notwithstanding the fact that for any such prior conviction an order of sealing previously was issued pursuant to sections 2953.31 to 2953.36 of the Revised Code.

(F) The person or governmental agency, office, or department that maintains sealed records pertaining to convictions or bail forfeitures that have been sealed pursuant to this section may maintain a manual or computerized index to the sealed records. The index shall contain only the name of, and alphanumeric identifiers that relate to, the persons who are the subject of the sealed records, the word "sealed," and the name of the person, agency, office, or department that has custody of the sealed records, and shall not contain the name of the crime committed. The index shall be made available by the person who has custody of the sealed records only for the purposes set forth in divisions (C), (D), and (E) of this section.

(G) Notwithstanding any provision of this section or section 2953.33 of the Revised Code that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding a conviction that was used as the basis for the individual's permanent exclusion, regardless of a

court order to seal the record. An order issued under this 488
section to seal the record of a conviction does not revoke the 489
adjudication order of the superintendent of public instruction 490
to permanently exclude the individual who is the subject of the 491
sealing order. An order issued under this section to seal the 492
record of a conviction of an individual may be presented to a 493
district superintendent as evidence to support the contention 494
that the superintendent should recommend that the permanent 495
exclusion of the individual who is the subject of the sealing 496
order be revoked. Except as otherwise authorized by this 497
division and sections 3301.121 and 3313.662 of the Revised Code, 498
any school employee in possession of or having access to the 499
sealed conviction records of an individual that were the basis 500
of a permanent exclusion of the individual is subject to section 501
2953.35 of the Revised Code. 502

(H) For purposes of sections 2953.31 to 2953.36 of the 503
Revised Code, DNA records collected in the DNA database and 504
fingerprints filed for record by the superintendent of the 505
bureau of criminal identification and investigation shall not be 506
sealed unless the superintendent receives a certified copy of a 507
final court order establishing that the offender's conviction 508
has been overturned. For purposes of this section, a court order 509
is not "final" if time remains for an appeal or application for 510
discretionary review with respect to the order. 511

(I) The sealing of a record under this section does not 512
affect the assessment of points under section 4510.036 of the 513
Revised Code and does not erase points assessed against a person 514
as a result of the sealed record. 515

Sec. 2953.36. (A) Except as otherwise provided in division 516
(B) of this section, sections 2953.31 to 2953.35 of the Revised 517

| | |
|--|---|
| Code do not apply to any of the following: | 518 |
| (1) Convictions when the offender is subject to a mandatory prison term; | 519 520 |
| (2) Convictions under section 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 2907.12, or Chapter 4506., 4507., 4510., 4511., or 4549. of the Revised Code, or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters, except as otherwise provided in section 2953.61 of the Revised Code; | 521 522 523 524 525 526 527 |
| (3) <u>Convictions under section 2907.04 of the Revised Code, unless a court has issued an order pursuant to section 2950.151 of the Revised Code to terminate the offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code;</u> | 528 529 530 531 |
| <u>(4)</u> Convictions of an offense of violence when the offense is a misdemeanor of the first degree or a felony and when the offense is not a violation of section 2917.03 of the Revised Code and is not a violation of section 2903.13, 2917.01, or 2917.31 of the Revised Code that is a misdemeanor of the first degree; | 532 533 534 535 536 537 |
| (4) <u>(5)</u> Convictions on or after October 10, 2007, under section 2907.07 of the Revised Code or a conviction on or after October 10, 2007, for a violation of a municipal ordinance that is substantially similar to that section; | 538 539 540 541 |
| (5) <u>(6)</u> Convictions on or after October 10, 2007, under section 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 2907.32, or 2907.33 of the Revised Code when the victim of the offense was under eighteen years of age; | 542 543 544 545 |
| (6) <u>(7)</u> Convictions of an offense in circumstances in | 546 |

which the victim of the offense was less than sixteen years of 547
age when the offense is a misdemeanor of the first degree or a 548
felony, except for convictions under section 2919.21 of the 549
Revised Code; 550

~~(7)~~(8) Convictions of a felony of the first or second 551
degree; 552

~~(8)~~(9) Bail forfeitures in a traffic case as defined in 553
Traffic Rule 2. 554

(B) Sections 2953.31 to 2953.35 of the Revised Code apply 555
to a conviction listed in this section if, on the date of the 556
conviction, those sections did not apply to the conviction, but 557
after the date of the conviction, the penalty for or 558
classification of the offense was changed so that those sections 559
apply to the conviction. 560

Section 2. That existing sections 2929.17, 2953.32, and 561
2953.36 of the Revised Code are hereby repealed. 562

Section 3. Section 2953.36 of the Revised Code is 563
presented in this act as a composite of the section as amended 564
by Sub. H.B. 53, Sub. H.B. 56, and Am. Sub. H.B. 164, all of the 565
131st General Assembly. The General Assembly, applying the 566
principle stated in division (B) of section 1.52 of the Revised 567
Code that amendments are to be harmonized if reasonably capable 568
of simultaneous operation, finds that the composite is the 569
resulting version of the section in effect prior to the 570
effective date of the section as presented in this act. 571