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Ohio 2020 Tax Policy Study
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Study Committee on Receivership Laws

Tim Schaffer **State Representative, 77th House District**

Senate Judiciary Committee **Sponsor Testimony** **House Bill 92** **Wednesday, November 28, 2018**

Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and the members of the Senate Judiciary Committee, thank you for the opportunity to present sponsor testimony on House Bill 92.

This legislation was introduced in response to incidents that have occurred in the past several years in Fairfield County.

In one of these cases, police in Baltimore, Ohio received complaints from citizens about a man exposing himself to children. Sure enough, police investigated and witnessed the man exposing himself to passing school buses, with the intent of being viewed by school children. The incident was captured on police surveillance video.

This perpetrator has a history of these types of offenses. According to media reports, he has been arrested 25 times, with six of the incidents including a sex charge. His ex-wife even told reporters that she had divorced him due to his obsession.

I was shocked to learn from police that offenders who are guilty of public indecency are not required under current law to register for the Sex Offender Registry Network, also known as SORN.

The Baltimore Police Chief told me that they didn't know that this serial offender was in the neighborhood because he didn't have to register.

The legislation will require an offender who knowingly commits public indecency and is likely to be viewed by minors and for the purpose of sexual arousal or gratification to register as a Tier I sex offender/child-victim offender, which means they will be required to register annually.

Under the bill, the offender must "knowingly" commit the offense. Using the "knowingly" mental state, and specifying that the acts must be directed at minors **and** for the purpose of sexual gratification, will allow us to narrowly target the type of offenders for which we are attempting to require registration. This strict standard will prevent a person who commits an accidental offense from being forced to register.

In other words, the college student urinating in the alley behind a bar on football Saturdays will not be targeted by this bill.

Rather, this legislation will arm Ohio's families and law enforcement with the knowledge of whether predators with a history of exposing themselves to children are living in their neighborhoods.

Law enforcement has told me that public indecency is often a "gateway" offense, which is an early sign that the offender is capable of more violent crimes. Sure enough, the offender in the Baltimore case later had a violent encounter with police, which was detailed in the document provided to the committee.

In committee we did take an amendment that would give judicial discretion for all first time offenders. It would also give judicial discretion in the situation that the offender is less than 10 years older than the victim. And if the offender is 10 years or older than the victim and this is the second or later offense, the offender will have to register on SORN.

House Bill 92 passed committee with a vote of 13-0 and it passed out of the House with a vote of 92-0. It is supported by the FOP and the Buckeye State Sheriff Association and Baltimore Ohio Police Chief Michael Tussey.

Thank you once again, Chairman Bacon, and the members of the committee for the opportunity to present to you House Bill 92. I will be glad to answer any questions at this time.

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