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Representative Schaffer

Cosponsors: Representatives Dean, Becker, Manning, Ashford, Blessing, Butler, Craig, Dever, Green, Hambley, Holmes, Hughes, Landis, Lepore-Hagan, Miller, O'Brien, Patton, Riedel, Rogers, Romanchuk, Slaby, Speaker Smith

Senators Bacon, Hoagland, Kunze, Lehner, Manning, O'Brien, Oelslager, Peterson, Schiavoni, Tavares, Thomas, Wilson, Yuko

A BILL

To amend sections 2907.09 and 2950.01 of the Revised Code to require an offender who knowingly commits the offense of public indecency under certain circumstances involving exposure of private parts 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 if the judge orders registration.

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

Section 1. That sections 2907.09 and 2950.01 of the Revised Code be amended to read as follows:

Sec. 2907.09. (A) No person shall recklessly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront others who are in the person's physical proximity and who are not members of the

person's household:	16
(1) Expose the person's private parts;	17
(2) Engage in sexual conduct or masturbation;	18
(3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.	19 20
(B) No person shall knowingly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront another person <u>who is in the person's physical proximity</u> , who is a minor, <u>and</u> who is not the spouse of the offender, and who resides in the person's household:	21 22 23 24 25
(1) Engage in masturbation;	26
(2) Engage in sexual conduct;	27
(3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation;	28 29
(4) Expose the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity.	30 31 32
(C) (1) Whoever violates this section is guilty of public indecency and shall be punished as provided in divisions (C) (2), (3), (4), and (5) of this section.	33 34 35
(2) Except as otherwise provided in division (C) (2) of this section, a violation of division (A) (1) of this section is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of division (A) (1) of this section is a misdemeanor of the third degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor,	36 37 38 39 40 41 42

a misdemeanor of the second degree. If the offender previously 43
has been convicted of or pleaded guilty to two violations of 44
this section, a violation of division (A) (1) of this section is 45
a misdemeanor of the second degree or, if any person who was 46
likely to view and be affronted by the offender's conduct was a 47
minor, a misdemeanor of the first degree. If the offender 48
previously has been convicted of or pleaded guilty to three or 49
more violations of this section, a violation of division (A) (1) 50
of this section is a misdemeanor of the first degree or, if any 51
person who was likely to view and be affronted by the offender's 52
conduct was a minor, a felony of the fifth degree. 53

(3) Except as otherwise provided in division (C) (3) of 54
this section, a violation of division (A) (2) or (3) of this 55
section is a misdemeanor of the third degree. If the offender 56
previously has been convicted of or pleaded guilty to one 57
violation of this section, a violation of division (A) (2) or (3) 58
of this section is a misdemeanor of the second degree or, if any 59
person who was likely to view and be affronted by the offender's 60
conduct was a minor, a misdemeanor of the first degree. If the 61
offender previously has been convicted of or pleaded guilty to 62
two or more violations of this section, a violation of division 63
(A) (2) or (3) of this section is a misdemeanor of the first 64
degree or, if any person who was likely to view and be affronted 65
by the offender's conduct was a minor, a felony of the fifth 66
degree. 67

(4) Except as otherwise provided in division (C) (4) of 68
this section, a violation of division (B) (1), (2), or (3) of 69
this section is a misdemeanor of the second degree. If the 70
offender previously has been convicted of or pleaded guilty to 71
one violation of this section, a violation of division (B) (1), 72
(2), or (3) of this section is a misdemeanor of the first 73

degree. If the offender previously has been convicted of or 74
pleaded guilty to two or more violations of this section, a 75
violation of division (B) (1), (2), or (3) of this section is a 76
felony of the fifth degree. 77

(5) Except as otherwise provided in division (C) (5) of 78
this section, a violation of division (B) (4) of this section is 79
a misdemeanor of the first degree. If the offender previously 80
has been convicted of or pleaded guilty to any violation of this 81
section, a violation of division (B) (4) of this section is a 82
felony of the fifth degree. 83

(D) (1) If either of the following applies, the court may 84
determine at the time of sentencing whether to classify the 85
offender as a tier I sex offender/child-victim offender for a 86
violation of division (B) (4) of this section: 87

(a) The offender is less than ten years older than the 88
other person. 89

(b) The offender is ten or more years older than the other 90
person and the offender has not previously been convicted of or 91
pleaded guilty to any violation of this section. 92

(2) If the offender is convicted of or pleads guilty to a 93
violation of division (B) (4) of this section, is ten or more 94
years older than the other person, and previously has been 95
convicted of or pleaded guilty to any violation of this section, 96
the court shall issue an order at the time of sentencing that 97
classifies the offender as a tier I sex offender/child-victim 98
offender subject to registration under sections 2950.04, 99
2950.041, 2950.05, and 2950.06 of the Revised Code. 100

Sec. 2950.01. As used in this chapter, unless the context 101
clearly requires otherwise: 102

(A) "Sexually oriented offense" means any of the following 103
violations or offenses committed by a person, regardless of the 104
person's age: 105

(1) A violation of section 2907.02, 2907.03, 2907.05, 106
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 107
2907.322, or 2907.323 of the Revised Code; 108

(2) A violation of section 2907.04 of the Revised Code 109
when the offender is less than four years older than the other 110
person with whom the offender engaged in sexual conduct, the 111
other person did not consent to the sexual conduct, and the 112
offender previously has not been convicted of or pleaded guilty 113
to a violation of section 2907.02, 2907.03, or 2907.04 of the 114
Revised Code or a violation of former section 2907.12 of the 115
Revised Code; 116

(3) A violation of section 2907.04 of the Revised Code 117
when the offender is at least four years older than the other 118
person with whom the offender engaged in sexual conduct or when 119
the offender is less than four years older than the other person 120
with whom the offender engaged in sexual conduct and the 121
offender previously has been convicted of or pleaded guilty to a 122
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 123
Code or a violation of former section 2907.12 of the Revised 124
Code; 125

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 126
the Revised Code when the violation was committed with a sexual 127
motivation; 128

(5) A violation of division (A) of section 2903.04 of the 129
Revised Code when the offender committed or attempted to commit 130
the felony that is the basis of the violation with a sexual 131

motivation;	132
(6) A violation of division (A) (3) of section 2903.211 of the Revised Code;	133 134
(7) 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;	135 136 137
(8) A violation of division (A) (4) of section 2905.01 of the Revised Code;	138 139
(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;	140 141 142 143
(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) of section 2905.05, or of division (B) (5) of section 2919.22 of the Revised Code;	144 145 146 147
(11) A violation of section 2905.32 of the Revised Code when any of the following applies:	148 149
(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.	150 151 152 153 154 155 156 157 158 159

(b) The violation is a violation of division (A) (2) of 160
that section and the offender knowingly recruited, lured, 161
enticed, isolated, harbored, transported, provided, obtained, or 162
maintained, or knowingly attempted to recruit, lure, entice, 163
isolate, harbor, transport, provide, obtain, or maintain a 164
person who is less than sixteen years of age or is a person with 165
a developmental disability whom the offender knows or has 166
reasonable cause to believe is a person with a developmental 167
disability for any purpose listed in divisions (A) (2) (a) to (c) 168
of that section. 169

(c) The violation is a violation of division (A) (3) of 170
that section, the offender knowingly recruited, lured, enticed, 171
isolated, harbored, transported, provided, obtained, or 172
maintained, or knowingly attempted to recruit, lure, entice, 173
isolate, harbor, transport, provide, obtain, or maintain a 174
person who is sixteen or seventeen years of age for any purpose 175
listed in divisions (A) (2) (a) to (c) of that section, and the 176
circumstances described in division (A) (5), (6), (7), (8), (9), 177
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 178
apply with respect to the offender and the other person. 179

(12) A violation of division (B) (4) of section 2907.09 of 180
the Revised Code if the sentencing court classifies the offender 181
as a tier I sex offender/child-victim offender relative to that 182
offense pursuant to division (D) of that section; 183

(13) A violation of any former law of this state, any 184
existing or former municipal ordinance or law of another state 185
or the United States, any existing or former law applicable in a 186
military court or in an Indian tribal court, or any existing or 187
former law of any nation other than the United States that is or 188
was substantially equivalent to any offense listed in division 189

(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11), <u>or</u>	190
<u>or</u> (12) of this section;	191
(13) (14) A violation of division (A) (3) of section	192
2907.24 of the Revised Code;	193
(14) (15) Any attempt to commit, conspiracy to commit, or	194
complicity in committing any offense listed in division (A) (1),	195
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or	196
(13), <u>or</u> (14) of this section.	197
(B) (1) "Sex offender" means, subject to division (B) (2) of	198
this section, a person who is convicted of, pleads guilty to,	199
has been convicted of, has pleaded guilty to, is adjudicated a	200
delinquent child for committing, or has been adjudicated a	201
delinquent child for committing any sexually oriented offense.	202
(2) "Sex offender" does not include a person who is	203
convicted of, pleads guilty to, has been convicted of, has	204
pleaded guilty to, is adjudicated a delinquent child for	205
committing, or has been adjudicated a delinquent child for	206
committing a sexually oriented offense if the offense involves	207
consensual sexual conduct or consensual sexual contact and	208
either of the following applies:	209
(a) The victim of the sexually oriented offense was	210
eighteen years of age or older and at the time of the sexually	211
oriented offense was not under the custodial authority of the	212
person who is convicted of, pleads guilty to, has been convicted	213
of, has pleaded guilty to, is adjudicated a delinquent child for	214
committing, or has been adjudicated a delinquent child for	215
committing the sexually oriented offense.	216
(b) The victim of the offense was thirteen years of age or	217
older, and the person who is convicted of, pleads guilty to, has	218

been convicted of, has pleaded guilty to, is adjudicated a 219
delinquent child for committing, or has been adjudicated a 220
delinquent child for committing the sexually oriented offense is 221
not more than four years older than the victim. 222

(C) "Child-victim oriented offense" means any of the 223
following violations or offenses committed by a person, 224
regardless of the person's age, when the victim is under 225
eighteen years of age and is not a child of the person who 226
commits the violation: 227

(1) A violation of division (A) (1), (2), (3), or (5) of 228
section 2905.01 of the Revised Code when the violation is not 229
included in division (A) (7) of this section; 230

(2) A violation of division (A) of section 2905.02, 231
division (A) of section 2905.03, or division (A) of section 232
2905.05 of the Revised Code; 233

(3) A violation of any former law of this state, any 234
existing or former municipal ordinance or law of another state 235
or the United States, any existing or former law applicable in a 236
military court or in an Indian tribal court, or any existing or 237
former law of any nation other than the United States that is or 238
was substantially equivalent to any offense listed in division 239
(C) (1) or (2) of this section; 240

(4) Any attempt to commit, conspiracy to commit, or 241
complicity in committing any offense listed in division (C) (1), 242
(2), or (3) of this section. 243

(D) "Child-victim offender" means a person who is 244
convicted of, pleads guilty to, has been convicted of, has 245
pleaded guilty to, is adjudicated a delinquent child for 246
committing, or has been adjudicated a delinquent child for 247

committing any child-victim oriented offense.	248
(E) "Tier I sex offender/child-victim offender" means any	249
of the following:	250
(1) A sex offender who is convicted of, pleads guilty to,	251
has been convicted of, or has pleaded guilty to any of the	252
following sexually oriented offenses:	253
(a) A violation of section 2907.06, 2907.07, 2907.08,	254
2907.22, or 2907.32 of the Revised Code;	255
(b) A violation of section 2907.04 of the Revised Code	256
when the offender is less than four years older than the other	257
person with whom the offender engaged in sexual conduct, the	258
other person did not consent to the sexual conduct, and the	259
offender previously has not been convicted of or pleaded guilty	260
to a violation of section 2907.02, 2907.03, or 2907.04 of the	261
Revised Code or a violation of former section 2907.12 of the	262
Revised Code;	263
(c) A violation of division (A) (1), (2), (3), or (5) of	264
section 2907.05 of the Revised Code;	265
(d) A violation of division (A) (3) of section 2907.323 of	266
the Revised Code;	267
(e) A violation of division (A) (3) of section 2903.211, of	268
division (B) of section 2905.03, or of division (B) of section	269
2905.05 of the Revised Code;	270
(f) <u>A violation of division (B) (4) of section 2907.09 of</u>	271
<u>the Revised Code if the sentencing court classifies the offender</u>	272
<u>as a tier I sex offender/child-victim offender relative to that</u>	273
<u>offense pursuant to division (D) of that section;</u>	274
<u>(g) A violation of any former law of this state, any</u>	275

existing or former municipal ordinance or law of another state 276
or the United States, any existing or former law applicable in a 277
military court or in an Indian tribal court, or any existing or 278
former law of any nation other than the United States, that is 279
or was substantially equivalent to any offense listed in 280
division (E) (1) (a), (b), (c), (d), ~~or (e)~~, or (f) of this 281
section; 282

~~(g)~~ (h) Any attempt to commit, conspiracy to commit, or 283
complicity in committing any offense listed in division (E) (1) 284
(a), (b), (c), (d), (e), ~~or (f)~~, or (g) of this section. 285

(2) A child-victim offender who is convicted of, pleads 286
guilty to, has been convicted of, or has pleaded guilty to a 287
child-victim oriented offense and who is not within either 288
category of child-victim offender described in division (F) (2) 289
or (G) (2) of this section. 290

(3) A sex offender who is adjudicated a delinquent child 291
for committing or has been adjudicated a delinquent child for 292
committing any sexually oriented offense and who a juvenile 293
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 294
of the Revised Code, classifies a tier I sex offender/child- 295
victim offender relative to the offense. 296

(4) A child-victim offender who is adjudicated a 297
delinquent child for committing or has been adjudicated a 298
delinquent child for committing any child-victim oriented 299
offense and who a juvenile court, pursuant to section 2152.82, 300
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 301
tier I sex offender/child-victim offender relative to the 302
offense. 303

(F) "Tier II sex offender/child-victim offender" means any 304

of the following: 305

(1) A sex offender who is convicted of, pleads guilty to, 306
has been convicted of, or has pleaded guilty to any of the 307
following sexually oriented offenses: 308

(a) A violation of section 2907.21, 2907.321, or 2907.322 309
of the Revised Code; 310

(b) A violation of section 2907.04 of the Revised Code 311
when the offender is at least four years older than the other 312
person with whom the offender engaged in sexual conduct, or when 313
the offender is less than four years older than the other person 314
with whom the offender engaged in sexual conduct and the 315
offender previously has been convicted of or pleaded guilty to a 316
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 317
Code or former section 2907.12 of the Revised Code; 318

(c) A violation of division (A) (4) of section 2907.05, of 319
division (A) (3) of section 2907.24, or of division (A) (1) or (2) 320
of section 2907.323 of the Revised Code; 321

(d) A violation of division (A) (1), (2), (3), or (5) of 322
section 2905.01 of the Revised Code when the offense is 323
committed with a sexual motivation; 324

(e) A violation of division (A) (4) of section 2905.01 of 325
the Revised Code when the victim of the offense is eighteen 326
years of age or older; 327

(f) A violation of division (B) of section 2905.02 or of 328
division (B) (5) of section 2919.22 of the Revised Code; 329

(g) A violation of section 2905.32 of the Revised Code 330
that is described in division (A) (11) (a), (b), or (c) of this 331
section; 332

(h) A violation of any former law of this state, any 333
existing or former municipal ordinance or law of another state 334
or the United States, any existing or former law applicable in a 335
military court or in an Indian tribal court, or any existing or 336
former law of any nation other than the United States that is or 337
was substantially equivalent to any offense listed in division 338
(F) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 339

(i) Any attempt to commit, conspiracy to commit, or 340
complicity in committing any offense listed in division (F) (1) 341
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 342

(j) Any sexually oriented offense that is committed after 343
the sex offender previously has been convicted of, pleaded 344
guilty to, or has been adjudicated a delinquent child for 345
committing any sexually oriented offense or child-victim 346
oriented offense for which the offender was classified a tier I 347
sex offender/child-victim offender. 348

(2) A child-victim offender who is convicted of, pleads 349
guilty to, has been convicted of, or has pleaded guilty to any 350
child-victim oriented offense when the child-victim oriented 351
offense is committed after the child-victim offender previously 352
has been convicted of, pleaded guilty to, or been adjudicated a 353
delinquent child for committing any sexually oriented offense or 354
child-victim oriented offense for which the offender was 355
classified a tier I sex offender/child-victim offender. 356

(3) A sex offender who is adjudicated a delinquent child 357
for committing or has been adjudicated a delinquent child for 358
committing any sexually oriented offense and who a juvenile 359
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 360
of the Revised Code, classifies a tier II sex offender/child- 361
victim offender relative to the offense. 362

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

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

(a) The sex offender or child-victim offender is 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;	392 393
(b) A violation of division (B) of section 2907.05 of the Revised Code;	394 395
(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;	396 397 398
(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;	399 400 401 402
(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;	403 404 405
(f) 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;	406 407 408 409
(g) A violation of division (B) of section 2903.03 of the Revised Code;	410 411
(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 (G) (1) (a), (b), (c), (d), (e), (f), or (g) of this section;	412 413 414 415 416 417 418
(i) Any attempt to commit, conspiracy to commit, or	419

complicity in committing any offense listed in division (G) (1) 420
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 421

(j) Any sexually oriented offense that is committed after 422
the sex offender previously has been convicted of, pleaded 423
guilty to, or been adjudicated a delinquent child for committing 424
any sexually oriented offense or child-victim oriented offense 425
for which the offender was classified a tier II sex 426
offender/child-victim offender or a tier III sex offender/child- 427
victim offender. 428

(2) A child-victim offender who is convicted of, pleads 429
guilty to, has been convicted of, or has pleaded guilty to any 430
child-victim oriented offense when the child-victim oriented 431
offense is committed after the child-victim offender previously 432
has been convicted of, pleaded guilty to, or been adjudicated a 433
delinquent child for committing any sexually oriented offense or 434
child-victim oriented offense for which the offender was 435
classified a tier II sex offender/child-victim offender or a 436
tier III sex offender/child-victim offender. 437

(3) A sex offender who is adjudicated a delinquent child 438
for committing or has been adjudicated a delinquent child for 439
committing any sexually oriented offense and who a juvenile 440
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 441
of the Revised Code, classifies a tier III sex offender/child- 442
victim offender relative to the offense. 443

(4) A child-victim offender who is adjudicated a 444
delinquent child for committing or has been adjudicated a 445
delinquent child for committing any child-victim oriented 446
offense and whom a juvenile court, pursuant to section 2152.82, 447
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 448
tier III sex offender/child-victim offender relative to the 449

current offense. 450

(5) A sex offender or child-victim offender who is not in 451
any category of tier III sex offender/child-victim offender set 452
forth in division (G)(1), (2), (3), or (4) of this section, who 453
prior to January 1, 2008, was convicted of or pleaded guilty to 454
a sexually oriented offense or child-victim oriented offense or 455
was adjudicated a delinquent child for committing a sexually 456
oriented offense or child-victim oriented offense and classified 457
a juvenile offender registrant, and who prior to that date was 458
adjudicated a sexual predator or adjudicated a child-victim 459
predator, unless either of the following applies: 460

(a) The sex offender or child-victim offender is 461
reclassified pursuant to section 2950.031 or 2950.032 of the 462
Revised Code as a tier I sex offender/child-victim offender or a 463
tier II sex offender/child-victim offender relative to the 464
offense. 465

(b) The sex offender or child-victim offender is a 466
delinquent child, and a juvenile court, pursuant to section 467
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, 468
classifies the child a tier I sex offender/child-victim offender 469
or a tier II sex offender/child-victim offender relative to the 470
offense. 471

(6) A sex offender who is convicted of, pleads guilty to, 472
was convicted of, or pleaded guilty to a sexually oriented 473
offense, if the sexually oriented offense and the circumstances 474
in which it was committed are such that division (F) of section 475
2971.03 of the Revised Code automatically classifies the 476
offender as a tier III sex offender/child-victim offender; 477

(7) A sex offender or child-victim offender who is 478

convicted of, pleads guilty to, was convicted of, pleaded guilty 479
to, is adjudicated a delinquent child for committing, or was 480
adjudicated a delinquent child for committing a sexually 481
oriented offense or child-victim offense in another state, in a 482
federal court, military court, or Indian tribal court, or in a 483
court in any nation other than the United States if both of the 484
following apply: 485

(a) Under the law of the jurisdiction in which the 486
offender was convicted or pleaded guilty or the delinquent child 487
was adjudicated, the offender or delinquent child is in a 488
category substantially equivalent to a category of tier III sex 489
offender/child-victim offender described in division (G) (1), 490
(2), (3), (4), (5), or (6) of this section. 491

(b) Subsequent to the conviction, plea of guilty, or 492
adjudication in the other jurisdiction, the offender or 493
delinquent child resides, has temporary domicile, attends school 494
or an institution of higher education, is employed, or intends 495
to reside in this state in any manner and for any period of time 496
that subjects the offender or delinquent child to a duty to 497
register or provide notice of intent to reside under section 498
2950.04 or 2950.041 of the Revised Code. 499

(H) "Confinement" includes, but is not limited to, a 500
community residential sanction imposed pursuant to section 501
2929.16 or 2929.26 of the Revised Code. 502

(I) "Prosecutor" has the same meaning as in section 503
2935.01 of the Revised Code. 504

(J) "Supervised release" means a release of an offender 505
from a prison term, a term of imprisonment, or another type of 506
confinement that satisfies either of the following conditions: 507

(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 division (J) (1) of this section 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 section 2971.01 of the Revised Code.

(L) "Post-release control sanction" and "transitional 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 538
to January 1, 2008, and a person who prior to July 31, 2003, was 539
a "juvenile sex offender registrant" under the former definition 540
of that former term. 541

(N) "Public registry-qualified juvenile offender 542
registrant" means a person who is adjudicated a delinquent child 543
and on whom a juvenile court has imposed a serious youthful 544
offender dispositional sentence under section 2152.13 of the 545
Revised Code before, on, or after January 1, 2008, and to whom 546
all of the following apply: 547

(1) The person is adjudicated a delinquent child for 548
committing, attempting to commit, conspiring to commit, or 549
complicity in committing one of the following acts: 550

(a) A violation of section 2907.02 of the Revised Code, 551
division (B) of section 2907.05 of the Revised Code, or section 552
2907.03 of the Revised Code if the victim of the violation was 553
less than twelve years of age; 554

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 555
the Revised Code that was committed with a purpose to gratify 556
the sexual needs or desires of the child; 557

(c) A violation of division (B) of section 2903.03 of the 558
Revised Code. 559

(2) The person was fourteen, fifteen, sixteen, or 560
seventeen years of age at the time of committing the act. 561

(3) A juvenile court judge, pursuant to an order issued 562
under section 2152.86 of the Revised Code, classifies the person 563
a juvenile offender registrant, specifies the person has a duty 564
to comply with sections 2950.04, 2950.05, and 2950.06 of the 565
Revised Code, and classifies the person a public registry- 566

qualified juvenile offender registrant, and the classification 567
of the person as a public registry-qualified juvenile offender 568
registrant has not been terminated pursuant to division (D) of 569
section 2152.86 of the Revised Code. 570

(O) "Secure facility" means any facility that is designed 571
and operated to ensure that all of its entrances and exits are 572
locked and under the exclusive control of its staff and to 573
ensure that, because of that exclusive control, no person who is 574
institutionalized or confined in the facility may leave the 575
facility without permission or supervision. 576

(P) "Out-of-state juvenile offender registrant" means a 577
person who is adjudicated a delinquent child in a court in 578
another state, in a federal court, military court, or Indian 579
tribal court, or in a court in any nation other than the United 580
States for committing a sexually oriented offense or a child- 581
victim oriented offense, who on or after January 1, 2002, moves 582
to and resides in this state or temporarily is domiciled in this 583
state for more than five days, and who has a duty under section 584
2950.04 or 2950.041 of the Revised Code to register in this 585
state and the duty to otherwise comply with that applicable 586
section and sections 2950.05 and 2950.06 of the Revised Code. 587
"Out-of-state juvenile offender registrant" includes a person 588
who prior to January 1, 2008, was an "out-of-state juvenile 589
offender registrant" under the definition of the term in 590
existence prior to January 1, 2008, and a person who prior to 591
July 31, 2003, was an "out-of-state juvenile sex offender 592
registrant" under the former definition of that former term. 593

(Q) "Juvenile court judge" includes a magistrate to whom 594
the juvenile court judge confers duties pursuant to division (A) 595
(15) of section 2151.23 of the Revised Code. 596

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

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

(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 626
in section 2929.01 of the Revised Code. 627

(X) "Halfway house" and "community-based correctional 628
facility" have the same meanings as in section 2929.01 of the 629
Revised Code. 630

Section 2. That existing sections 2907.09 and 2950.01 of 631
the Revised Code are hereby repealed. 632