

AN ACT

To amend sections 2929.34, 2967.121, 5120.07, and 5120.114, to enact sections 2903.41, 2903.42, 2903.421, 2903.43, and 2903.44, and to repeal section 2967.122 of the Revised Code to provide for a violent offender database, establish a presumption that violent offenders must enroll in the database for ten years, establish procedures for a violent offender to rebut the presumption and avoid the duty and procedures for court extension of the duty and termination of an extended duty, and name those provisions of the act "Sierah's Law;" to modify the membership and duties of the Ex-Offender Reentry Coalition and eliminate its repeal; to require halfway houses to use the single validated risk assessment tool for adult offenders that the Department of Rehabilitation and Correction has developed; and to provide that the notice of release from prison of specified serious offense offenders that is given to sheriffs is to be the same as that provided to prosecuting attorneys and eliminate the notice to sheriffs regarding pardons, commutations, paroles, and transitional control transfers of offenders.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2929.34, 2967.121, 5120.07, and 5120.114 be amended and sections 2903.41, 2903.42, 2903.421, 2903.43, and 2903.44 of the Revised Code be enacted to read as follows:

Sec. 2903.41. As used in sections 2903.41 to 2903.44 of the Revised Code:

(A) "Violent offender" means any of the following:

(1) A person who on or after the effective date of this section is convicted of or pleads guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2905.01 of the Revised Code or a violation of section 2905.02 of the Revised Code that is a felony of the second degree;

(b) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (A)(1)(a) of this section.

(2) A person who on the effective date of this section has been convicted of or pleaded guilty to an offense listed in division (A)(1) of this section and is confined in a jail, workhouse, state correctional institution, or other institution, serving a prison term, term of imprisonment, or other term of confinement for the offense.

(B) "Community control sanction," "jail," and "prison" have the same meanings as in section 2929.01 of the Revised Code.

(C) "Out-of-state violent offender" means a person who is convicted of, pleads guilty to, has

been convicted of, or has pleaded guilty to a violation of any existing or former municipal ordinance or law of another state or the United States, or any existing or former law applicable in a military court or in an Indian tribal court, that is or was substantially equivalent to any offense listed in division (A)(1) of this section.

(D) "Qualifying out-of-state violent offender" means an out-of-state violent offender who is aware of the existence of the violent offender database.

(E) "Post-release control sanction" and "supervised release" have the same meanings as in section 2950.01 of the Revised Code.

(F) "Change of address" means a change to a violent offender's or out-of-state violent offender's residence address, employment address, or school or institution of higher education address.

(G) "Violent offender database" means the database of violent offenders and out-of-state violent offenders that is established and maintained by the bureau of criminal identification and investigation under division (F)(2) of section 2903.43 of the Revised Code, that is operated by sheriffs under sections 2903.42 and 2903.43 of the Revised Code, and for which sheriffs obtain information from violent offenders and out-of-state violent offenders pursuant to sections 2903.42 and 2903.43 of the Revised Code.

(H) "Violent offender database duties" and "VOD duties" mean the duty to enroll, duty to re-enroll, and duty to provide notice of a change of address imposed on a violent offender or a qualifying out-of-state violent offender under section 2903.42, 2903.421, 2903.43, or 2903.44 of the Revised Code.

(I) "Ten-year enrollment period" means, for a violent offender who has violent offender database duties pursuant to section 2903.42 of the Revised Code or a qualifying out-of-state violent offender who has violent offender database duties pursuant to section 2903.421 of the Revised Code, ten years from the date on which the offender initially enrolls in the violent offender database.

(J) "Extended enrollment period" means, for a violent offender who has violent offender database duties pursuant to section 2903.42 of the Revised Code or a qualifying out-of-state violent offender who has violent offender database duties pursuant to section 2903.421 of the Revised Code, the offender's enrollment period as extended pursuant to division (D)(2) of section 2903.43 of the Revised Code.

(K) "Prosecutor" means one of the following:

(1) As used in section 2903.42 of the Revised Code, the office of the prosecuting attorney who handled a violent offender's underlying case or the office of that prosecutor's successor.

(2) As used in sections 2903.421, 2903.43, and 2903.44 of the Revised Code, the office of the prosecuting attorney of the county in which a violent offender resides or of the county in which an out-of-state violent offender resides or occupies a dwelling.

Sec. 2903.42. (A)(1) For each person who is classified a violent offender, it is presumed that the violent offender shall be required to enroll in the violent offender database with respect to the offense that so classifies the person and shall have all violent offender database duties with respect to that offense for ten years after the offender initially enrolls in the database. The presumption is a rebuttable presumption that the violent offender may rebut as provided in division (A)(4) of this section, after filing a motion in accordance with division (A)(2)(a) or (b) of this section, whichever is

applicable. Each violent offender shall be informed of the presumption established under this division, of the offender's right to file a motion to rebut the presumption, of the procedure and criteria for rebutting the presumption, and of the effect of a rebuttal and the post-rebuttal hearing procedures and possible outcome, as follows:

(a) If the person is classified a violent offender under division (A)(1) of section 2903.41 of the Revised Code, the court that is sentencing the offender for the offense that so classifies the person shall inform the offender before sentencing of the presumption, the right, and the procedure, criteria, and possible outcome.

(b) If the person is classified a violent offender under division (A)(2) of section 2903.41 of the Revised Code, the official in charge of the jail, workhouse, state correctional institution, or other institution in which the offender is serving a prison term, term of imprisonment, or other term of confinement for the offense, or the official's designee, shall inform the offender in writing, a reasonable period of time before the offender is released from the confinement, of the presumption, the right, and the procedure, criteria, and possible outcome.

(2) A violent offender who wishes to rebut the presumption established under division (A)(1) of this section shall file a motion in accordance with whichever of the following is applicable, and shall serve a copy of the motion on the prosecutor:

(a) If the person is classified a violent offender under division (A)(1) of section 2903.41 of the Revised Code, the offender shall file the motion with the court that is sentencing the offender for the offense that classifies the person a violent offender. The motion shall assert that the offender was not the principal offender in the commission of that offense and request that the court not require the offender to enroll in the violent offender database and not have all VOD duties with respect to that offense. The motion shall be filed prior to or at the time of sentencing.

(b) If the person is classified a violent offender under division (A)(2) of section 2903.41 of the Revised Code, the offender shall file the motion with the court that sentenced the offender for the offense that classifies the person a violent offender. The motion shall assert that the offender was not the principal offender in the commission of that offense and request that the court not require the offender to enroll in the violent offender database and not have all VOD duties with respect to that offense. The motion shall be filed prior to the time of the person's release from confinement in the jail, workhouse, state correctional institution, or other institution under the prison term, term of imprisonment, or other term of confinement for the offense listed in division (A)(1) of section 2903.41 of the Revised Code.

(3) If a violent offender does not file a motion under division (A)(2)(a) or (b) of this section, the violent offender shall be required to enroll in the violent offender database with respect to the offense that classifies the person a violent offender and shall have all VOD duties with respect to that offense for ten years after the offender initially enrolls in the database. If the person is classified a violent offender under division (A)(1) of section 2903.41 of the Revised Code, the court shall provide the offender notice of the duties pursuant to division (C) of this section. If the person is classified a violent offender under division (A)(2) of section 2903.41 of the Revised Code, the offender shall be provided notice of the duties pursuant to divisions (B) and (C) of this section.

(4) If a violent offender files a motion under division (A)(2)(a) or (b) of this section, the offender has the burden of proving to the court that is sentencing, or that has sentenced, the offender,

by a preponderance of the evidence, that the offender was not the principal offender in the commission of the offense that classifies the person a violent offender. If a violent offender files such a motion, one of the following applies:

(a) If the violent offender proves to the court, by a preponderance of the evidence, that the offender was not the principal offender in the commission of the offense that classifies the person a violent offender, the presumption is rebutted and the court shall continue the hearing for the purpose of determining whether the offender, notwithstanding the rebuttal of the presumption, should be required to enroll in the violent offender database and have all VOD duties with respect to that offense. In making that determination, the court shall consider all of the factors identified in divisions (A)(4)(a)(i) to (iv) of this section. If the court, after considering those factors at the hearing, determines that the offender, notwithstanding the rebuttal of the presumption, should be required to enroll in the violent offender database and have all VOD duties with respect to that offense, the court shall issue an order specifying that the offender is required to enroll in the violent offender database with respect to that offense and will have all VOD duties with respect to that offense for ten years after the offender initially enrolls in the database. Upon the court's issuance of such an order, the offender shall be required to enroll in the violent offender database and will have all VOD duties with respect to that offense for ten years after the offender initially enrolls in the database. The court shall provide the offender notice of the duties pursuant to division (C) of this section, and shall provide a copy of the order to the prosecutor and to the bureau of criminal identification and investigation. Absent such a determination at the hearing after consideration of those factors, the court shall issue an order specifying that the offender is not required to enroll in the violent offender database and has no VOD duties with respect to the offense that classifies the person a violent offender, and shall provide a copy of the order to the prosecutor and to the bureau of criminal identification and investigation. In making a determination at a hearing under this division, a court shall consider all of the following factors:

(i) Whether the offender has any convictions for any offense of violence, prior to the offense at issue that classifies the person a violent offender, and whether those prior convictions, if any, indicate that the offender has a propensity for violence;

(ii) The results of a risk assessment of the offender conducted through use of the single validated risk assessment tool established under section 5120.114 of the Revised Code;

(iii) The degree of culpability or involvement of the offender in the offense at issue that classifies the person a violent offender;

(iv) The public interest and safety.

(b) If the violent offender does not prove to the court, by a preponderance of the evidence, that the offender was not the principal offender in the commission of the offense that classifies the person a violent offender, the court shall issue an order specifying that the offender is required to enroll in the violent offender database and has all VOD duties with respect to that offense, and shall provide a copy of the order to the prosecutor and to the bureau of criminal identification and investigation. Upon the court's issuance of such an order, the offender shall be required to enroll in the violent offender database with respect to that offense and will have all VOD duties with respect to that offense for ten years after the offender initially enrolls in the database. The court shall provide the offender notice of the duties pursuant to division (C) of this section.

(B) Each person who is classified a violent offender under division (A)(2) of section 2903.41 of the Revised Code and who does not file a motion under division (A)(2)(a) or (b) of this section shall be provided notice of the offender's duty to enroll in the violent offender database with respect to the offense that classifies the person a violent offender and of all VOD duties with respect to that offense and that those duties last for ten years after the offender initially enrolls in the database. The official in charge of the jail, workhouse, state correctional institution, or other institution in which the offender is serving the prison term, term of imprisonment, or other term of confinement, or the official's designee, shall provide the notice to the offender before the offender is released pursuant to any type of supervised release or before the offender is otherwise released from the prison term, term of imprisonment, or other term of confinement.

(C) The judge, official, or official's designee providing the notice under division (A)(3), (A)(4), or (B) of this section shall require the violent offender to read and sign a form stating that the violent offender has received and understands the notice. If the violent offender is unable to read, the judge, official, or official's designee shall inform the violent offender of the violent offender's duties as set forth in the notice and shall certify on the form that the judge, official, or official's designee informed the violent offender of the violent offender's duties and that the violent offender indicated an understanding of those duties.

The attorney general shall prescribe the notice and the form provided under this division. The notice shall inform the offender that, to satisfy the duty to enroll, the violent offender must enroll personally with the sheriff of the county in which the offender resides or that sheriff's designee and include notice of the offender's duties to re-enroll annually and when the offender has a change of address.

The person providing the notice under this division shall provide a copy of the notice and signed form to the violent offender. The person providing the notice also shall determine the county in which the violent offender intends to reside and shall provide a copy of the signed form to the sheriff of that county in accordance with rules adopted by the attorney general pursuant to Chapter 119. of the Revised Code and to the bureau of criminal identification and investigation.

This division also applies with respect to a qualifying out-of-state violent offender, when specified under division (C) of section 2903.421 of the Revised Code.

Sec. 2903.421. (A) For each person who is a qualifying out-of-state violent offender, it is presumed that the qualifying out-of-state violent offender shall be required to enroll in the violent offender database with respect to the offense that so classifies the person and will have all violent offender database duties with respect to that offense for ten years after the offender initially enrolls in the database. The presumption is a rebuttable presumption that the qualifying out-of-state violent offender may rebut as provided in division (D) of this section, after filing a motion in accordance with division (B) of this section.

(B) A qualifying out-of-state violent offender who wishes to rebut the presumption established under division (A) of this section shall file a motion with the court of common pleas of the county in which the offender resides or occupies a dwelling and shall serve a copy of the motion on the prosecutor. The motion shall assert that the offender was not the principal offender in the commission of the offense that classifies the person as an out-of-state violent offender and request that the court not require the offender to enroll in the violent offender database and not have all VOD

duties with respect to that offense. The motion shall be filed at any time before the offender's initial enrollment in the database.

(C) If a qualifying out-of-state violent offender does not file a motion under division (B) of this section, the offender shall be required to enroll in the violent offender database with respect to the offense that classifies the person an out-of-state violent offender and shall have all VOD duties with respect to that offense for ten years after the offender initially enrolls in the database.

(D) If a qualifying out-of-state violent offender files a motion under division (B) of this section, the offender has the burden of proving to the court, by a preponderance of the evidence, that the offender was not the principal offender in the commission of the offense that classifies the person as an out-of-state violent offender. If a qualifying out-of-state violent offender files such a motion, one of the following applies:

(1) If the qualifying out-of-state violent offender proves to the court, by a preponderance of the evidence, that the offender was not the principal offender in the commission of the offense that classifies the person an out-of-state violent offender, the presumption is rebutted and the court shall continue the hearing for the purpose of determining whether the offender, notwithstanding the rebuttal of the presumption, should be required to enroll in the violent offender database and have all VOD duties with respect to that offense. In making that determination, the court shall consider all of the factors identified in divisions (A)(4)(a)(i) to (iv) of section 2903.42 of the Revised Code. If the court, after considering those factors at the hearing, determines that the offender, notwithstanding the rebuttal of the presumption, should be required to enroll in the violent offender database and have all VOD duties with respect to that offense, the court shall issue an order specifying that the offender is required to enroll in the violent offender database with respect to that offense and will have all VOD duties with respect to that offense for ten years after the offender initially enrolls in the database. Upon the court's issuance of such an order, the offender shall be required to enroll in the violent offender database and will have all VOD duties with respect to that offense for ten years after the offender initially enrolls in the database. The court shall provide the offender notice of the duties in the manner prescribed in division (C) of section 2903.42 of the Revised Code, and shall provide a copy of the order to the prosecutor and to the bureau of criminal identification and investigation. This duty commences when the court issues the order under this division. Absent such a determination at the hearing after consideration of those factors, the court shall issue an order specifying that the offender is not required to enroll in the violent offender database and has no VOD duties with respect to the offense that classifies the person an out-of-state violent offender.

(2) If the qualifying out-of-state violent offender does not prove to the court, by a preponderance of the evidence, that the offender was not the principal offender in the commission of the offense that classifies the person an out-of-state violent offender, the court shall issue an order specifying that the offender is required to enroll in the violent offender database and has all VOD duties with respect to that offense, and shall provide a copy of the order to the prosecutor and the bureau of criminal identification and investigation. Upon the court's issuance of such an order, the offender shall be required to enroll in the violent offender database with respect to that offense and will have all VOD duties with respect to that offense for ten years after the offender initially enrolls in the database. The court shall provide the offender notice of the duties in the manner prescribed in division (C) of section 2903.42 of the Revised Code.

Sec. 2903.43. (A) Each violent offender who has VOD duties imposed pursuant to section 2903.42 of the Revised Code shall enroll in the violent offender database personally with the sheriff of the county in which the violent offender resides or that sheriff's designee within the following time periods:

(1) If the person is classified a violent offender under division (A)(1) of section 2903.41 of the Revised Code and the judge sentencing the offender for the offense that so classifies the offender does not sentence the offender to a prison term, term of imprisonment, or other term of confinement in a jail, workhouse, state correctional institution, or other institution for that offense, the offender shall enroll in the violent offender database within ten days after the sentencing hearing.

(2) If the person is classified a violent offender under division (A)(2) of section 2903.41 of the Revised Code or the person is classified a violent offender under division (A)(1) of that section and division (A)(1) of this section does not apply, the offender shall enroll in the violent offender database within ten days after the violent offender is released from a jail, workhouse, state correctional institution, or other institution, unless the violent offender is being transferred to the custody of another jail, workhouse, state correctional institution, or other institution. The violent offender is not required to enroll in the violent offender database with any sheriff or designee prior to release.

(B) Each qualifying out-of-state violent offender who has VOD duties imposed pursuant to section 2903.421 of the Revised Code shall enroll in the violent offender database personally with the sheriff of the county in which the out-of-state violent offender resides or occupies a dwelling or that sheriff's designee within ten days after either of the following:

(1) Residing in or occupying a dwelling in this state, after the offender becomes aware of the database and has the duty, for more than three consecutive days;

(2) Residing in or occupying a dwelling in this state, after the offender becomes aware of the database and has the duty, for an aggregate period in a calendar year of fourteen or more days in that calendar year.

(C)(1) A violent offender or qualifying out-of-state violent offender who has VOD duties imposed pursuant to section 2903.42 or 2903.421 of the Revised Code shall enroll in the violent offender database, personally with the sheriff of the county in which the offender resides or that sheriff's designee. The enrollee shall obtain from the sheriff or designee a copy of an enrollment form prescribed by the attorney general that conforms to division (C)(2) of this section, shall complete and sign the form, and shall return to the sheriff or designee the completed and signed form together with the identification records required under division (C)(3) of this section.

(2) The enrollment form to be used under division (C)(1) of this section shall include or contain all of the following for the violent offender or qualifying out-of-state violent offender who is enrolling:

- (a) The violent offender's or out-of-state violent offender's full name and any alias used;
- (b) The violent offender's or out-of-state violent offender's residence address;
- (c) The violent offender's or out-of-state violent offender's social security number;
- (d) Any driver's license number, commercial driver's license number, or state identification card number issued to the violent offender or out-of-state violent offender by this or another state;
- (e) The offense that the violent offender or out-of-state violent offender was convicted of or

pleaded guilty to:

(f) The name and address of any place where the violent offender or out-of-state violent offender is employed;

(g) The name and address of any school or institution of higher education that the violent offender or out-of-state violent offender is attending;

(h) The identification license plate number of each vehicle owned or operated by the violent offender or out-of-state violent offender or registered in the violent offender's or out-of-state violent offender's name, the vehicle identification number of each vehicle, and a description of each vehicle;

(i) A description of any scars, tattoos, or other distinguishing marks on the violent offender or out-of-state violent offender.

(3) The violent offender or qualifying out-of-state violent offender who is enrolling shall provide fingerprints and palm prints at the time of enrollment. The sheriff or sheriff's designee shall obtain a photograph of the violent offender or out-of-state violent offender at the time of enrollment.

(D)(1) Each violent offender or qualifying out-of-state violent offender who has VOD duties imposed pursuant to section 2903.42 or 2903.421 of the Revised Code shall re-enroll in the violent offender database annually, in person, with the sheriff of the county in which the violent offender resides or the out-of-state violent offender resides or occupies a dwelling or that sheriff's designee within ten days prior to the anniversary of the calendar date on which the offender initially enrolled. The duty to re-enroll under this division remains in effect for the entire ten-year enrollment period of the offender. The offender shall re-enroll by completing, signing, and returning to the sheriff or designee a copy of the enrollment form prescribed by the attorney general and described in divisions (C)(1) and (2) of this section, amending any information required under division (C) of this section that has changed since the enrollee's last enrollment, and providing any additional enrollment information required by the attorney general. The sheriff or designee with whom the violent offender or qualifying out-of-state violent offender re-enrolls shall obtain a new photograph of the offender annually when the offender re-enrolls. Additionally, if the violent offender's or qualifying out-of-state violent offender's most recent enrollment or re-enrollment was with a sheriff or designee of a sheriff of a different county, as part of the duty to re-enroll, the offender shall provide written notice of the offender's change of residence address to that sheriff or a designee of that sheriff.

(2) Except as otherwise provided in this division, if a violent offender or qualifying out-of-state violent offender has VOD duties imposed pursuant to section 2903.42 or 2903.421 of the Revised Code, the offender's VOD duties shall terminate on the expiration of the ten-year enrollment period of the offender. The ten-year enrollment period may be extended, but only if the prosecutor files a motion with the court of common pleas of the county in which the violent offender resides or in which the qualifying out-of-state offender resides or occupies a dwelling requesting that the court extend the offender's ten-year enrollment period as specified in this division and the court makes the appropriate finding specified in this division. For a violent offender, the court may extend the offender's ten-year enrollment period only if the court finds that the offender has violated a term or condition of a sanction imposed under the offender's sentence or has been convicted of or pleaded guilty to another felony or any misdemeanor offense of violence during that enrollment period. For a qualifying out-of-state offender, the court may extend the offender's ten-year enrollment period only if the court finds that the offender has violated a term or condition of a sanction imposed under the

offender's sentence by the court of the other jurisdiction or has been convicted of or pleaded guilty to another felony or any misdemeanor offense of violence during that enrollment period. If a court finds as described in this division that the offender has violated a term or condition of a sanction imposed under the offender's sentence or that the offender has been convicted of or pleaded guilty to another felony or any misdemeanor offense of violence during the ten-year enrollment period, the court shall issue an order that extends the VOD duties of the violent offender or qualifying out-of-state violent offender indefinitely and the offender's VOD duties shall continue indefinitely, subject to termination under section 2903.44 of the Revised Code.

If the court issues an order under this division that extends an offender's VOD duties, the court shall promptly forward a copy of the order to the bureau of criminal identification and investigation and to the prosecutor. Upon receipt of the order from the court, the bureau shall update all records pertaining to the offender to reflect the extended enrollment period. The bureau also shall provide notice of the issuance of the order to every sheriff with whom the offender has most recently enrolled or re-enrolled.

(3) The official in charge of a jail, workhouse, state correctional institution, or other institution shall notify the attorney general in accordance with rules adopted by the attorney general pursuant to Chapter 119. of the Revised Code if a violent offender or qualifying out-of-state violent offender is confined in the jail, workhouse, state correctional institution, or other institution.

(E) Each violent offender or qualifying out-of-state violent offender who has VOD duties imposed pursuant to section 2903.42 or 2903.421 of the Revised Code shall notify the sheriff with whom the offender most recently enrolled or re-enrolled or that sheriff's designee in person within three business days of a change of address that occurs during the ten-year enrollment period or extended enrollment period of the offender.

(F)(1) After a violent offender or qualifying out-of-state violent offender who has VOD duties imposed pursuant to section 2903.42 or 2903.421 of the Revised Code enrolls or re-enrolls in the violent offender database with a sheriff or a sheriff's designee pursuant to this section, the sheriff or designee shall forward the offender's signed, written enrollment form, photograph, fingerprints, palm prints, and other materials to the bureau of criminal identification and investigation in accordance with forwarding procedures adopted by the attorney general under division (G) of this section. The bureau shall include the information and materials forwarded to it under this division in the violent offender database established and maintained under division (F)(2) of this section.

(2) The bureau of criminal identification and investigation shall establish and maintain a database of violent offenders and qualifying out-of-state violent offenders that includes the information and materials the bureau receives pursuant to division (D)(1) or (F)(1) of this section. The bureau shall make the database available to federal, state, and local law enforcement officers. The database of violent offenders and qualifying out-of-state violent offenders maintained by the bureau is not a public record under section 149.43 of the Revised Code.

(3)(a) Except as otherwise provided in divisions (F)(3)(b) and (c) of this section, any statements, information, photographs, fingerprints, or materials that are provided pursuant to this section by a violent offender or qualifying out-of-state violent offender who has VOD duties imposed under section 2903.42 or 2903.421 of the Revised Code and that are in the possession of a county sheriff are public records open to public inspection under section 149.43 of the Revised Code.

(b) The following information is not a public record and shall not be open to public inspection: the social security number and any driver's license number, commercial driver's license number, or state identification card number provided to the county sheriff by a violent offender or qualifying out-of-state violent offender.

(c) A violent offender or qualifying out-of-state violent offender who has VOD duties imposed under section 2903.42 or 2903.421 of the Revised Code may file a motion with the court of common pleas in the county in which the offender resides stating that the offender fears for the offender's safety if the statements, information, photographs, fingerprints, or materials provided by the offender pursuant to this section and that are in the possession of a county sheriff are open for public inspection, and requesting the court to issue an order to ban or restrict access to those statements, photographs, fingerprints, and materials and that information. A motion filed with a court under this division shall expressly state the reasons for which the violent offender or qualifying out-of-state violent offender fears for the offender's safety, shall identify each county in which the offender has enrolled or re-enrolled, and shall provide information and materials in support of the motion. The court, upon the filing of the motion under this division, may determine whether to grant or deny the motion without a hearing or may conduct a hearing to determine whether to grant or deny the motion. The court may grant the motion if it determines, upon review of the motion, the supporting information and materials provided with the motion, and, if the court conducts a hearing, any additional information provided at the hearing, that the offender's fears for the offender's safety are valid and that the interests of justice and the offender's safety require that the motion be granted.

If the court grants the motion, the statements, information, photographs, fingerprints, or materials provided by the offender pursuant to this section and that are in the possession of a county sheriff are not public records open to public inspection under section 149.43 of the Revised Code and the court shall issue an order to that effect. A court that grants a motion and issues an order under this division shall notify the sheriff in each county in which the offender has enrolled or re-enrolled of the issuance of the order, and each of those sheriffs shall comply with the order.

(G) The attorney general shall prescribe the forms that violent offenders and qualifying out-of-state violent offenders who have VOD duties imposed under section 2903.42 or 2903.421 of the Revised Code shall use to enroll, re-enroll, and provide notice of a change of address under divisions (A) to (D) of this section. The attorney general shall adopt procedures for sheriffs to use to forward information, photographs, fingerprints, palm prints, and other materials to the bureau of criminal identification and investigation pursuant to division (F)(1) of this section.

(H) The attorney general, in accordance with Chapter 119. of the Revised Code, may adopt rules regarding enrollment dates different than those prescribed in divisions (A), (B), and (D) of this section for any violent offender or qualifying out-of-state violent offender who has VOD duties imposed under section 2903.42 or 2903.421 of the Revised Code and who also is an arson offender, as defined in section 2909.13 of the Revised Code, or a sex offender or child-victim offender, both as defined in section 2950.01 of the Revised Code.

(I)(1) No violent offender or qualifying out-of-state violent offender who has VOD duties imposed under section 2903.42 or 2903.421 of the Revised Code shall recklessly fail during the ten-year enrollment period or extended enrollment period of the offender to enroll, re-enroll, or notify the sheriff or sheriff's designee of a change of address as required by this section.

(2) Whoever violates division (I)(1) of this section is guilty of a felony of the fifth degree. If a violent offender or qualifying out-of-state violent offender who violates division (I)(1) of this section is subject to a community control sanction, is on parole, is subject to one or more post-release control sanctions, or is subject to any other type of supervised release at the time of the violation, the violation shall constitute a violation of the terms and conditions of the community control sanction, parole, post-release control sanction, or other type of supervised release.

Sec. 2903.44. (A) Pursuant to this section, if a violent offender or qualifying out-of-state violent offender has VOD duties imposed under section 2903.42 or 2903.421 of the Revised Code and if a court has extended the offender's ten-year enrollment period pursuant to division (D)(2) of section 2903.43 of the Revised Code, the offender may file a motion to the court of common pleas of the county in which the offender resides requesting that the court terminate the offender's extended enrollment period and VOD duties during that period. A violent offender or qualifying out-of-state violent offender may file a motion under this division at any time during the offender's extended enrollment period, but may not file more than one motion under this division in any five-year period.

(B) A violent offender or qualifying out-of-state violent offender who makes a motion under division (A) of this section shall include with the motion all of the following:

(1) A certified copy of the judgment entry and any other documentation of the sentence or disposition given for the offense or offenses for which the offender was enrolled in the violent offender database;

(2) Documentation of the date of the offender's discharge from supervision or release, whichever is applicable;

(3) A statement asserting that the offender has not been convicted of or pleaded guilty to any other felony or any misdemeanor offense of violence during the offender's ten-year enrollment period or extended enrollment period;

(4) Evidence that the eligible offender has paid all financial sanctions imposed upon the offender pursuant to section 2929.18 or 2929.28 of the Revised Code.

(C) Upon the filing of a motion pursuant to division (A) of this section, the offender shall serve a copy of the motion on the prosecutor.

Upon the filing of the motion, the court shall set a tentative date for a hearing on the motion that, except as otherwise provided in this division, is not later than ninety days after the date on which the motion is filed. The court may set a tentative date for a hearing that is later than that specified time if good cause exists to hold the hearing at a later date. The court shall notify the offender and the prosecutor of the date, time, and place of the hearing. The court shall forward a copy of the motion and its supporting documentation to the court's probation department or another appropriate agency to investigate the merits of the motion. The probation department or agency shall submit a written report detailing its investigation to the court within sixty days after receiving the motion and supporting documentation.

Upon receipt of the written report from the probation department or other appropriate agency, the court shall forward a copy of the motion, the supporting documentation, and the written report to the prosecutor.

(D) After the prosecutor is served with a copy of the motion and notice of the hearing as described in division (C) of this section, at least seven days before the hearing date, the prosecutor

may file an objection to the motion with the court and serve a copy of the objection to the motion to the offender or the offender's attorney.

(E) In determining whether to grant a motion made under division (A) of this section, the court shall consider the evidence that accompanies the motion described in division (B) of this section and shall consider the written report submitted pursuant to division (C) of this section.

(F)(1) The court, without a hearing, may issue an order denying the offender's motion to terminate the offender's extended enrollment period and VOD duties during that period if the court, after considering the evidence, materials, and information specified under division (E) of this section, finds that the extended enrollment period and duties should not be terminated.

(2) If the prosecutor does not file an objection to the offender's motion as provided in division (D) of this section, the court, without a hearing, may issue an order that grants the motion and terminates the eligible offender's extended enrollment period and VOD duties during that period if the court, after considering the evidence, materials, and information specified under division (E) of this section, finds that the extended enrollment period and VOD duties should be terminated. This division does not apply if the prosecutor files an objection to the offender's application as provided in division (D)(2) of this section.

(3) If the court does not issue an order under division (F)(1) or (2) of this section, the court shall hold a hearing to determine whether to grant or deny the motion. At the hearing, the Rules of Civil Procedure apply, except to the extent that those Rules would by their nature be clearly inapplicable. At the hearing, the offender has the burden of going forward with the evidence and, except as otherwise provided in this division, the burden of proof, by a preponderance of the evidence, that the extended enrollment period and VOD duties should be terminated. If the prosecutor files an objection to the motion as provided in division (D) of this section that includes an allegation that the offender has been convicted of or pleaded guilty to any other felony or any misdemeanor offense of violence during the offender's ten-year enrollment period or extended enrollment period, the prosecutor has the burden of proving that allegation.

The court shall issue an order denying the offender's motion to terminate the offender's extended enrollment period and VOD duties if the prosecutor files such an objection to the motion that includes an allegation that the offender has been convicted of or pleaded guilty to any other felony or any misdemeanor offense of violence during the offender's ten-year enrollment period or extended enrollment period and proves that allegation. If, after considering the evidence, materials, and information specified under division (E) of this section, the court finds that the prosecutor has not alleged in an objection and proved that the offender has been convicted of or pleaded guilty to any other felony or any misdemeanor offense of violence during the offender's ten-year enrollment period or extended enrollment period, the court shall do one of the following:

(a) If the court finds that the offender has satisfied the burden of proof imposed on the offender as described in this division, the court shall issue an order that grants the motion and terminates the offender's extended enrollment period and VOD duties.

(b) If the court finds that the offender has not satisfied the burden of proof imposed on the offender, the court shall issue an order denying the motion.

(4) If the court issues an order under division (F)(1) or (3) of this section denying an offender's motion to terminate the offender's extended enrollment period and VOD duties, the

offender may subsequently file another motion under this section requesting termination of the extended enrollment period and VOD duties but may not file more than one such motion in any five-year period.

(5)(a) Upon its issuance of an order under division (F)(1), (2), or (3) of this section, the court shall provide prompt notice of the order to the offender or the offender's attorney.

(b) If the court issues an order under division (F)(2) or (3) of this section that grants the offender's motion and terminates the offender's extended enrollment period and VOD duties, the court shall promptly forward a copy of the order to the bureau of criminal identification and investigation and to the prosecutor. Upon receipt of the order from the court, the bureau shall update all records pertaining to the offender to reflect the termination order. The bureau also shall provide notice of the issuance of the termination order to every sheriff with whom the offender has most recently enrolled or re-enrolled. Upon receipt of the order from the court, the prosecutor shall notify the victim of any offense for which the offender is enrolled in the violent offender database that the offender's extended enrollment period and VOD duties have been terminated.

Sec. 2929.34. (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that conviction shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B)(1) A person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that conviction shall serve that term as follows:

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of this section, in an institution under the control of the department of rehabilitation and correction if the term is a prison term or as otherwise determined by the sentencing court pursuant to section 2929.16 of the Revised Code if the term is not a prison term;

(b) In a facility of a type described in division (G)(1) of section 2929.13 of the Revised Code, if the offender is sentenced pursuant to that division.

(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under section 5120.161 of the Revised Code between the department of rehabilitation and correction and the local authority that operates the jail.

(3)(a) As used in divisions (B)(3)(a) to (d) of this section:

(i) "Target county" means Franklin county, Cuyahoga county, Hamilton county, Summit county, Montgomery county, Lucas county, Butler county, Stark county, Lorain county, and Mahoning county.

(ii) "Voluntary county" means any county in which the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county enter into an agreement of the type described in division (B)(3)(b) of this section and in which the agreement has not been terminated as described in that division.

(b) In any county other than a target county, the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county may agree to having the county participate in the procedures regarding local and state confinement established under division (B)(3)(c) of this section. A board of county commissioners and an

administrative judge of a court of common pleas that enter into an agreement of the type described in this division may terminate the agreement, but a termination under this division shall take effect only at the end of the state fiscal biennium in which the termination decision is made.

(c) Except as provided in division (B)(3)(d) of this section, on and after July 1, 2018, no person sentenced by the court of common pleas of a target county or of a voluntary county to a prison term that is twelve months or less for a felony of the fifth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section. Nothing in this division relieves the state of its obligation to pay for the cost of confinement of the person in a community-based correctional facility under division (D) of this section.

(d) Division (B)(3)(c) of this section does not apply to any person to whom any of the following apply:

(i) The felony of the fifth degree was an offense of violence, as defined in section 2901.01 of the Revised Code, a sex offense under Chapter 2907. of the Revised Code, a violation of section 2925.03 of the Revised Code, or any offense for which a mandatory prison term is required.

(ii) The person previously has been convicted of or pleaded guilty to any felony offense of violence, as defined in section 2901.01 of the Revised Code, unless the felony of the fifth degree for which the person is being sentenced is a violation of division (I)(1) of section 2903.43 of the Revised Code.

(iii) The person previously has been convicted of or pleaded guilty to any felony sex offense under Chapter 2907. of the Revised Code.

(iv) The person's sentence is required to be served concurrently to any other sentence imposed upon the person for a felony that is required to be served in an institution under the control of the department of rehabilitation and correction.

(C) A person who is convicted of or pleads guilty to one or more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code; or, if the misdemeanor or misdemeanors are not offenses of violence, in a minimum security jail.

(D) Nothing in this section prohibits the commitment, referral, or sentencing of a person who is convicted of or pleads guilty to a felony to a community-based correctional facility.

Sec. 2967.121. (A) Subject to division (D) of this section, at least two weeks before any convict who is serving a sentence for committing aggravated murder, murder, or a felony of the first, second, or third degree or who is serving a sentence of life imprisonment is released from confinement in any state correctional institution pursuant to a pardon, commutation of sentence, parole, or completed prison term, the adult parole authority shall provide notice of the release to the prosecuting attorney of the county in which the indictment of the convict was found and a separate notice of that release to the sheriff of that county. The notice to prosecuting attorneys and the notice to sheriffs required by this division may be contained in a weekly list of all convicts who are serving a sentence for aggravated murder, murder, or a felony of the first, second, or third degree or are serving a sentence of life imprisonment and who are scheduled for release.

(B) Subject to division (D) of this section, if a convict who is serving a sentence for committing aggravated murder, murder, or a felony of the first, second, or third degree or who is serving a sentence of life imprisonment is released from confinement pursuant to a pardon, commutation of sentence, parole, or completed prison term, the adult parole authority shall send notice of the release to the prosecuting attorney of the county in which the indictment of the convict was filed. The notice required by this division shall be sent to the appropriate prosecuting attorney at the end of the month in which the convict is released and may be contained in a monthly list of all convicts who are released in that month and for whom this division requires a notice to be sent to that prosecuting attorney.

(C) The notices required by divisions (A) and (B) of this section shall contain all of the following:

- (1) The name of the convict being released;
- (2) The date of the convict's release;
- (3) The offense for the violation of which the convict was convicted and incarcerated;
- (4) The date of the convict's conviction pursuant to which the convict was incarcerated;
- (5) The sentence imposed for that conviction;
- (6) The length of any supervision that the convict will be under;
- (7) The name, business address, and business phone number of the convict's supervising officer;
- (8) The address at which the convict will reside.

(D)(1) Divisions (A) , (B), and (C) of this section do not apply to the release from confinement of an offender if the offender is serving a prison term imposed under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code, if the court pursuant to section 2971.05 of the Revised Code modifies the requirement that the offender serve that entire term in a state correctional institution, and if the release from confinement is pursuant to that modification. In a case of that type, the court that modifies the requirement promptly shall provide written notice of the modification and the order that modifies the requirement or revises the modification to the offender, the department of rehabilitation and correction, the prosecuting attorney, and any state agency or political subdivision that is affected by the order.

(2) Divisions (A), (B), and (C) of this section do not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.

Sec. 5120.07. (A) There is hereby created the ex-offender reentry coalition consisting of the following ~~seventeen~~twenty-one members or their designees:

- (1) The director of rehabilitation and correction;
- (2) The director of aging;
- (3) The director of mental health and addiction services;
- (4) The director of development services;
- (5) The superintendent of public instruction;
- (6) The director of health;
- (7) The director of job and family services;

- (8) The director of developmental disabilities;
 - (9) The director of public safety;
 - (10) The director of youth services;
 - (11) The chancellor of the Ohio board of regents;
 - (12) A representative or member of the governor's staff;
 - (13) The executive director of the opportunities for Ohioans with disabilities agency;
 - (14) The director of the department of commerce;
 - (15) The executive director of a health care licensing board created under Title XLVII of the Revised Code, as appointed by the chairperson of the coalition;
 - (16) The director of veterans services;
 - (17) An ex-offender appointed by the director of rehabilitation and correction;
 - (18) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be the chairperson of the standing committee in the house of representatives that primarily addresses criminal justice matters and the other of whom shall be a member of the minority party in the house of representatives;
 - (19) Two members of the senate appointed by the president of the senate, one of whom shall be the chairperson of the standing committee in the senate that primarily addresses criminal justice matters and the other of whom shall be a member of the minority party in the senate.
- (B) The members of the coalition shall serve without compensation. The director of rehabilitation and correction or the director's designee shall be the chairperson of the coalition.
- (C) ~~In consultation with persons interested and involved in the reentry of ex-offenders into the community, including but not limited to, services providers, community-based organizations, and local governments, the members of the coalition shall identify and examine social service barriers and other obstacles to the reentry of ex-offenders into the community meet periodically for the purpose of formulating, discussing, and developing policies and practices that facilitate the expansion and improvement of reentry services provided by state and local agencies in the collaborative efforts of those agencies to reintegrate offenders into society while simultaneously maintaining public safety and reducing recidivism in this state.~~ Not later than one year after April 7, 2009, and on or before the same date of each year thereafter, the coalition shall submit to the speaker of the house of representatives and the president of the senate a report, including recommendations for legislative action, the activities of the coalition, and the barriers affecting the successful reentry of ex-offenders into the community. The report shall analyze the effects of those barriers on ex-offenders and on their children and other family members in various areas, including but not limited to, the following:
- (1) Admission to public and other housing;
 - (2) Child support obligations and procedures;
 - (3) Parental incarceration and family reunification;
 - (4) Social security benefits, veterans' benefits, food stamps, and other forms of public assistance;
 - (5) Employment;
 - (6) Education programs and financial assistance;
 - (7) Substance abuse and sex offender treatment programs and financial assistance and mental health services and financial assistance;

(8) Civic and political participation;
 (9) Other collateral consequences under the Revised Code or the Ohio administrative code law that may result from a criminal conviction.

(D)(1) The report shall also include the following information:

(a) Identification of state appropriations for reentry programs;
 (b) Identification of other funding sources for reentry programs that are not funded by the state;

(2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following:

(a) The amount of funding received;
 (b) The number of program participants;
 (c) The composition of the program, including program goals, methods for measuring success, and program success rate;
 (d) The type of post-program tracking that is utilized;
 (e) Information about employment rates and recidivism rates of ex-offenders.

~~(E) The coalition shall cease to exist on December 31, 2019.~~

Sec. 5120.114. (A) The department of rehabilitation and correction shall select a single validated risk assessment tool for adult offenders. This assessment tool shall be used by the following entities:

(1) Municipal courts, when the particular court orders an assessment of an offender for sentencing or another purpose;

(2) Common pleas courts, when the particular court orders an assessment of an offender for sentencing or another purpose;

(3) County courts, when the particular court orders an assessment of an offender for sentencing or another purpose;

(4) Municipal court departments of probation;

(5) County departments of probation;

(6) Probation departments established by two or more counties;

(7) State and local correctional institutions;

(8) Private correctional facilities;

(9) Community-based correctional facilities;

(10) Halfway houses;

(11) The adult parole authority;

~~(11)(12) The parole board.~~

(B) For each entity required to use the assessment tool, every employee of the entity who actually uses the tool shall be trained and certified by a trainer who is certified by the department. Each entity utilizing the assessment tool shall develop policies and protocols regarding all of the following activities:

(1) Application and integration of the assessment tool into operations, supervision, and case planning;

(2) Administrative oversight of the use of the assessment tool;

(3) Staff training;

- (4) Quality assurance;
- (5) Data collection and sharing as described under section 5120.115 of the Revised Code.

SECTION 2. That existing sections 2929.34, 2967.121, 5120.07, and 5120.114 and section 2967.122 of the Revised Code are hereby repealed.

SECTION 3. Sections 2903.41, 2903.42, 2903.421, 2903.43, and 2903.44 of the Revised Code, as enacted in this act, shall be known as "Sierah's Law."

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. S. B. No. 231

132nd G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____