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To: Ohio House Public Safety Committee
From: Ashley Ward, Esq., Staff Attorney, Ohio Justice & Policy Center
Date: October 28, 2025
Re: Opponent Testimony for H.B. 102

Good morning, Chair Abrams, Vice Chair Miller, Ranking Member Thomas and members of the Public Safety Committee. My name is Ashley Ward, and I am a Staff Attorney with the Ohio Justice & Policy Center (OJPC), a nonprofit law firm with the mission to promote fair, intelligent, and redemptive criminal justice systems. OJPC represents people while they are incarcerated and after they reenter society. We strongly oppose and recommend amendments to H.B. 102 to increase public safety and to reduce homelessness.

BACKGROUND

When people released from incarceration are unstably housed, homeless, or live in a high-crime neighborhood, they are more likely to recidivate.¹ When people are incarcerated once, they are seven times more likely to experience homelessness than the general population, but people who are incarcerated more than once experience homelessness at a rate 13 times higher.² The legal residency restrictions and the stigma of a sex conviction compound the housing collateral consequences felt by people with sex convictions. Most Ohio homeless shelters do not accept people with sex convictions, resulting in homelessness and living on the streets. In 2021, 326 of the 18,574 registered sex offenders in Ohio were “unmappable” or without a residence address.³

Under current Ohio law, people with sex convictions cannot live within 1,000 feet of “any school premises, preschool or child care center premises, children’s crisis care facility premises, or residential infant care center premises.” R.C. § 2950.034(A) (2023). One thousand feet is roughly the equivalent of the height of a 100-story building or the length of 2.78 football fields.⁴ Courts generally measure 1,000 feet in a straight line without regard to any obstructions.⁵ The law provides injunctive relief to the owner or lessee of any of those restricted

¹ PATRICIA MCKERNAN, *Homelessness and Prisoner Reentry: Examining Barriers to Housing Stability and Evidence-based Strategies that Promote Improved Outcomes*, J. COMMUNITY CORR. 7 (2017), https://voa-production.s3.amazonaws.com/uploads/pdf_file/file/2238/Homelessness_and_Prisoner_Re-Entry.pdf.

² Lucius Couloute, *Nowhere to Go: Homelessness among Formerly Incarcerated People*, PRISON POLICY INITIATIVE (2018), <https://www.prisonpolicy.org/reports/housing.html#revolvingdoor>.

³ 10TV Web Staff, *Hundreds of Sex Offenders in Ohio Are Considered ‘Unmappable’* (Feb. 22, 2021), <https://www.10tv.com/article/news/crime-tracker/hundreds-of-sex-offenders-in-ohio-are-considered-unmappable/530-8b2a8cb5-2c08-4cd2-b053-2a5a57b78f51>.

⁴ See NFL Football Operations, *2025 NFL Rulebook* (2025), <https://operations.nfl.com/the-rules/nfl-rulebook/>.

⁵ See *City of Parma v. Burgos*, 2019-Ohio-24445, ¶ 9 (8th Dist. 2019).



premises and the local prosecuting attorney if a person with a sex conviction violates this provision. R.C. § 2950.034(B) (2023).

As a Staff Attorney at OJPC, I have represented multiple clients with sex convictions seeking assistance to comply with the law. They want to comply with the law, but they experience extreme difficulty determining whether an address is compliant with the current residency restrictions. My clients with sex convictions are working taxpayers who want to support their families, attend school, and give back to their communities. They want stability, and they don't want to reoffend or be reincarcerated. However, determining whether they are compliant with residency restrictions is a full-time job. It takes me at least an hour to determine if one address is not within 1,000 feet of a school, preschool, or child care center, but I still cannot be confident that the address is compliant in case someone is operating a private daycare out of their home. Compliance verification requires partnership and time from the local prosecutors' offices as well. I worked with a client for nine months, checking over 200 addresses, and we were still unable to find affordable compliant housing.

IMPROVING PUBLIC SAFETY

H.B. 102 recognizes the need to protect victims of sexual violence but creates a policy that will decrease public safety. H.B. 102 will result in more people with sex convictions becoming homeless, having a higher risk of recidivism, and not having a residential address to provide for the sex offense registry. We propose a few changes to increase public safety and maximize the effectiveness of H.B. 102.

1. First, H.B. 102 should clarify that it **only applies to people who committed their sex offenses after the bill's effective date**. H.B. 102 would likely be found to be unconstitutionally applicable to any sex offenses committed before the effective date of the bill because the Ohio Supreme Court held in *State v. Williams*, 129 Ohio St. 3d 344 (Ohio 2011), that the Adam Walsh Act, which imposed new restrictions on registered sex offenders, could not be applied retroactively due to substantive rights created, and the additional burdens and obligations imposed on past transactions. Not to mention, proximity-based residency restrictions have not proven successful in reducing recidivism rates for sex offenses.⁶
2. Second, H.B. 102 should **protect victims' safety and privacy** by clarifying how people with sex convictions would be made aware that they are breaking

⁶ See Taurean J. Shattuck, *Pushing the Limits: Reining in Ohio's Residency Restrictions for Sex Offenders*, 65(4) CLEVELAND STATE L. REV. 591, 600-602 (July 1, 2017), <https://engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?article=3975&context=clevstlrev>; Minnesota Department of Corrections, *Level Three Sex Offenders Residential Placement Issues: 2003 Report to the Legislature* (Jan. 2003, rev. Feb. 2004), [https://mn.gov/doc/assets/Lvl%203%20SEX%20OFFENDERS%20report%202003%20\(revised%202-04\)_tcm1089-272828.pdf](https://mn.gov/doc/assets/Lvl%203%20SEX%20OFFENDERS%20report%202003%20(revised%202-04)_tcm1089-272828.pdf); Kansas Department of Corrections, *Sex Offender Housing Restrictions* (June 21, 2013), <https://www.doc.ks.gov/publications/CFS/sex-offender-housing-restrictions>.



the law under the proposed divisions (A) and (B) of R.C. 2950.035. People with sex convictions do not always know where their victim resides. A person with a sex conviction cannot adequately comply with the law if they do not know where they can live, and H.B. 102 would require more time from prosecutor's offices to determine compliance and to litigate claims of violation. As an attorney who assists people with sex offenses to comply with the law, I would not know which addresses were compliant without knowing the victim's residence, and I could not advise my client where not to loiter without knowing the victim's residence. For example, a person could violate the proposed division (B) of R.C. 2950.035 by "loitering" if their route to work included waiting at a bus stop 1,000 feet or less from the victim's residence. In addition, the bill must limit the mental state "knowingly" of the person with the sex conviction to "actual knowledge." The mental state "actual knowledge" must also be added to the proposed divisions (A)(16) and (A)(17) of R.C. § 1923.02, division (A)(6) of R.C. § 5321.03, and division (A)(2) of R.C. § 5321.051. Under R.C. §2901.22(B) (2015) "knowingly" occurs "when the person is aware that such circumstances *probably* exist" (emphasis added) which will broadly encompass too many people who inadvertently are within the restricted area.

3. Third, the bill must **provide policies that can be implemented and complied with**. The bill would impose residency restrictions in addition to R.C. § 2950.034(B); a person with a sex conviction could not live within 1,000 feet of a school, preschool or child care center and could not live within 2,000 feet of the victim's residence. Where can a person with a sex conviction live? Most people with sex convictions are attempting to find compliant addresses pro se, without an attorney, and not understanding the law. To ensure the law can and will be adhered to, the bill should require the prosecutor's offices to provide at least 180 days for people to find compliant housing and to assist with verifying the compliance of potential addresses with the law. The bill should allocate resources to create statewide public mapping software to highlight restrictors within 1,000 feet of searched addresses to allow impacted people to comply with the law.
4. Fourth, instead of increasing the risk of recidivism and homelessness, the **current protections for victims of sex offenses must be clarified and improved**. Victims can request to receive notice when the person who committed a sex offense against them is released from custody or transferred to a different institution.⁷ Anyone can view a list of Ohio registered sex offenders living within a one-mile radius of them and can register to receive email alerts when a registered sex offender lives, works, or attends school within the

⁷ Dave Yost, Ohio Attorney General, *Services for Victims*, <https://www.ohioattorneygeneral.gov/victim>.



selected radius.⁸ However, victims would not receive adequate notice if the registered sex offender is in the area experiencing homelessness and did not have an address to report. Victims need to be aware that they can seek protection orders against and electronic monitoring of the person who committed a sex offense against them; immediate and present danger for these relief petitions is satisfied if the respondent was convicted of a sex offense against the victim. R.C. § 2903.214 (2023).

CONCLUSION

As currently written, H.B. 102 will increase homelessness and recidivism while decreasing public safety. Chair Abrams, Vice Chair Miller, Ranking Member Thomas and members of the Public Safety Committee, thank you for allowing me to testify on H.B. 102 and urge the bill sponsors and the Committee to amend it. I would be happy to answer any questions.

⁸ Ohio Department of Rehabilitation & Correction, *Victim Resources*, <https://drc.ohio.gov/victim-services/victim-resources>; Dave Yost, Ohio Attorney General, *Offender Search*, <https://www.icrimewatch.net/index.php?AgencyID=55149&disc=>