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# OHIO LEGISLATIVE SERVICE COMMISSION

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Office

**H.B. 102**  
**136<sup>th</sup> General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Klopfenstein and Williams

Courtney McGowan, Attorney

### SUMMARY

#### Restrictions under Ohio's SORN Laws

- Prohibits a sex offender or child-victim offender from knowingly establishing a residence or occupying a residential premises within 2,000 feet of the residential premises of the victim of the sexually oriented offense or child-victim oriented offense committed by the offender.
- Prohibits a sex offender or child-victim offender from knowingly loitering within 1,000 feet of the residential premises of the victim of the sexually oriented offense or child-victim oriented offense committed by the offender.
- Authorizes a cause of action for injunctive relief for a violation of each prohibited action.
- Clarifies that the portion of the bill creating the new prohibitions must not be construed to require a person to sell or otherwise dispose of any residential premises acquired or owned prior to the conviction of the person as a sex offender or child-victim offender.
- Clarifies that the portion of the bill creating the new prohibitions does not apply if the victim of the sexually oriented offense or child-victim oriented offense that was committed by the offender establishes a residence or occupies a residential premises within 2,000 feet of the offender's residential premises.
- Makes necessary technical and cross-reference changes.

#### Lawful forcible entry and detainer actions – SORN's effect

- Expands the list of who may be subject to a lawful forcible entry and detainer action to include:
  - Any resident or occupant who, pursuant to a rental agreement, resides in or occupies a residential premises located within 2,000 feet of the residential premises of the

victim of the sexually oriented offense or child-victim oriented offense committed by the resident or occupant, if certain conditions apply;

- Any tenant who permits any person to occupy a residential premises located within 2,000 feet of the residential premises of the victim of the sexually oriented offense or child-victim oriented offense that was committed by the person permitted to occupy the residential premises, if certain conditions apply.

### **Rights of landlords and obligations of tenants – SORN’s effect**

- Expands the circumstances in which a landlord may bring an action for possession of the premises to include if the residential premises are located within 2,000 feet of the residential premises of the victim of a sexually oriented offense or child-victim oriented offense that was committed by the tenant or other occupant who resides in or occupies the premises, if certain conditions apply.
- Prohibits a tenant from allowing any person to occupy the residential premises if the occupant committed a sexually oriented offense or child-victim oriented offense and the victim of that offense maintains a residential premises within 2,000 feet of the tenant’s residential premises, if certain conditions apply.
- Allows a landlord to terminate a rental agreement if the tenant is in violation of this prohibition.

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## **DETAILED ANALYSIS**

### **Restrictions under Ohio’s SORN laws**

#### **Background – sex offender and child-victim offender**

Under Ohio’s sex offender registration and notification (SORN) laws, a sex offender is a person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing any sexually oriented offense, as defined by the Revised Code.

Ohio’s SORN laws also provide that a child-victim oriented offense includes kidnapping, abduction, unlawful restraint, all with no sexual motivation, and any attempt, complicity, or conspiracy to commit any of these offenses when the victim is under 18 years of age and is not a child of the person who commits the violation. An offender who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing a child-victim oriented offense is a child-victim offender under Ohio law.<sup>1</sup>

#### **Residency restriction**

The bill prohibits a sex offender or child-victim offender from knowingly establishing a residence or occupying a residential premises within 2,000 feet of the residential premises of the

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<sup>1</sup> R.C. 2950.01, not in the bill.

victim of the sexually oriented offense or child-victim oriented offense that was committed by the sex offender or child-victim offender.<sup>2</sup>

If a sex offender or child-victim offender violates this prohibition by establishing a residence or occupying a residential premises within 2,000 feet of the residential premises of the victim of the sexually oriented offense or child-victim oriented offense that was committed by the sex offender or child-victim offender, the bill authorizes an owner or lessee of real property that is located within 2,000 feet of the residential premises of the victim of the sexually oriented offense or child-victim oriented offense, or the prosecuting attorney, village solicitor, city or township director of law, similar chief legal officer of a municipal corporation or township, or official designated as a prosecutor in a municipal corporation that has jurisdiction over the place at which the sex offender or child-victim offender establishes the residence or occupies the residential premises in question to bring a cause of action for injunctive relief against the sex offender or child-victim offender. Under the bill, the plaintiff is not required to prove irreparable harm to obtain relief.<sup>3</sup>

### **Prohibition against loitering near victim's residence**

The bill prohibits a sex offender or child-victim offender from knowingly loitering within 1,000 feet of the residential premises of the victim of the sexually oriented offense or child-victim oriented offense that was committed by the sex offender or child-victim offender.<sup>4</sup>

If a sex offender or child-victim offender violates this prohibition by loitering within 1,000 feet of the residential premises of the victim of the sexually oriented offense or child-victim oriented offense that was committed by the sex offender or child-victim offender, the bill authorizes an owner or lessee of real property that is located within 1,000 feet of the residential premises of the victim of the sexually oriented offense or child-victim oriented offense, or the prosecuting attorney, village solicitor, city or township director of law, similar chief legal officer of a municipal corporation or township, or official designated as a prosecutor in a municipal corporation that has jurisdiction over the place at which the sex offender or child-victim offender loiters to bring a cause of action for injunctive relief against the sex offender or child-victim offender. Under the bill, the plaintiff is not required to prove irreparable harm to obtain relief.<sup>5</sup>

### **Residential premises acquired or owned prior to conviction**

The bill states that provisions prohibiting a sex-offender or child-victim offender from establishing a residence within 2,000 feet of the residence of the victim of the offense or from loitering within 1,000 feet of the residence of the victim of the offense do not require a person

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<sup>2</sup> R.C. 2950.035(A).

<sup>3</sup> R.C. 2950.035(C)(1).

<sup>4</sup> R.C. 2950.035(B).

<sup>5</sup> R.C. 2950.035(C)(2).

to sell or otherwise dispose of any residential premises acquired or owned prior to the person's conviction as a sex offender or child-victim offender.<sup>6</sup>

### **Victim establishing or occupying residence near offender**

The bill states that the provisions prohibiting a sex-offender or child-victim offender from establishing a residence within 2,000 feet of the residence of the victim of the offense or from loitering within 1,000 feet of the residence of the victim of the offense do not apply if the victim of the sexually oriented offense or child-victim oriented offense that was committed by the sex offender or child-victim offender establishes a residence or occupies a residential premises within 2,000 feet of the residential premises of the sex offender or child-victim offender.<sup>7</sup>

### **Lawful forcible entry and detainer actions – SORN's effect**

Under current law, any judge of a county or municipal court or a court of common pleas, within the judge's proper area of jurisdiction, may inquire about people who make forcible entry into lands or tenements to determine whether the forcible entry was unlawful.<sup>8</sup> Ohio law provides for who may be subject to a lawful forcible entry and detainer action, and the bill extends that list to include the following:<sup>9</sup>

- Any resident or occupant who, pursuant to a rental agreement, resides in or occupies residential premises located within 2,000 feet of the residential premises of the victim of the sexually oriented offense or child-victim oriented offense that was committed by the resident or occupant if both of the following apply:
  - The resident's or occupant's name appears on the State Registry of Sex Offenders and Child-Victim Offenders;
  - The State Registry of Sex Offenders and Child-Victim Offenders indicates that the resident or occupant was convicted of or pleaded guilty to the sexually oriented offense or child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.
- Any tenant who permits any person to occupy a residential premises located within 2,000 feet of the residential premises of the victim of the sexually oriented offense or child-victim oriented offense that was committed by the person permitted to occupy the residential premises if both of the following apply to the person:
  - The person's name appears on the State Registry of Sex Offenders and Child-Victim Offenders;
  - The State Registry of Sex Offenders and Child-Victim Offenders indicates that the person was convicted of or pleaded guilty to the sexually oriented offense or child-

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<sup>6</sup> R.C. 2950.035(D).

<sup>7</sup> R.C. 2950.35(E) .

<sup>8</sup> R.C. 1923.01, not in the bill.

<sup>9</sup> R.C. 1923.02(A)(16) and (17).

victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

## **Rights of landlords and obligations of tenants – SORN’s effect**

Under current law, landlords are allowed to bring an action for possession of a premises in certain situations specified in the Revised Code.<sup>10</sup> The bill allows a landlord to bring an action for possession of the premises if the residential premises are located within 2,000 feet of the residential premises of the victim of a sexually oriented offense or child-victim oriented offense that was committed by the tenant or other occupant who resides in or occupies the premises, and all of the following apply regarding the tenant or other occupant who resides in or occupies the premises:<sup>11</sup>

- The tenant’s or other occupant’s name appears on the State Registry of Sex Offenders and Child-Victim Offenders;
- The State Registry of Sex Offenders and Child-Victim Offenders indicates that the tenant or other occupant was convicted of or pleaded guilty to the sexually oriented offense or child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

The bill prohibits a tenant of any residential premises from allowing a person to occupy the tenant’s residential premises (a roommate, for example) if the occupant committed a sexually oriented offense or child-victim oriented offense and the victim of that offense maintains a residential premises within 2,000 feet of the tenant’s residential premises if both of the following apply to the occupant:<sup>12</sup>

- The occupant’s name appears on the State Registry of Sex Offenders and Child-Victim Offenders;
- The State Registry of Sex Offenders and Child-Victim Offenders indicates that the occupant was convicted of or pleaded guilty to either the sexually oriented offense that is not a registration-exempt sexually oriented offense or the child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

If a tenant allows occupancy in violation of this prohibition, the landlord for the residential premises that are subject to the rental agreement may terminate the rental agreement.<sup>13</sup>

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<sup>10</sup> R.C. 5321.03.

<sup>11</sup> R.C. 5321.03(A)(6).

<sup>12</sup> R.C. 5321.051(A)(2).

<sup>13</sup> R.C. 5321.051(A)(3).

## Technical changes

The bill makes necessary technical and cross-reference change.<sup>14</sup>

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### HISTORY

Action	Date
Introduced	02-18-25

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<sup>14</sup> R.C. 2950.036 and 2950.99.