

As Re-Referred to the Senate Judiciary Committee

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Sub. H. B. No. 102

Representatives Klopfenstein, Williams

Cosponsors: Representatives Bird, Click, Miller, K., Claggett, Deeter, Johnson, Robb Blasdel, John, Newman, Daniels, Brennan, Richardson, Hiner, King, Schmidt, Miller, M., Santucci, Mathews, T., McClain, Abrams, Willis, Barhorst, Creech, Dovilla, Ghanbari, Gross, Hall, D., Hall, T., Holmes, Hoops, Kishman, LaRe, Manning, Mathews, A., Odioso, Oelslager, Peterson, Sigrist, Stephens, Stewart, Thomas, D., White, A., Workman, Young

To amend sections 1923.02, 2950.99, 5321.03, and 5321.051; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 2950.035 (2950.036); and to enact section 2950.035 of the Revised Code to prohibit a sex offender or a child-victim offender from residing within 2,000 feet of the residence of the victim and from loitering within 1,000 feet of the residence of the victim.

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

Section 1. That sections 1923.02, 2950.99, 5321.03, and 5321.051 be amended; section 2950.035 (2950.036) be amended for the purpose of adopting a new section number as indicated in parentheses; and section 2950.035 of the Revised Code be enacted to read as follows:

Sec. 1923.02. (A) Proceedings under this chapter may be

had as follows: 17

(1) Against tenants or manufactured home park residents 18
holding over their terms; 19

(2) Against tenants or manufactured home park residents in 20
possession under an oral tenancy, who are in default in the 21
payment of rent as provided in division (B) of this section; 22

(3) In sales of real estate, on executions, orders, or 23
other judicial process, when the judgment debtor was in 24
possession at the time of the rendition of the judgment or 25
decree, by virtue of which the sale was made; 26

(4) In sales by executors, administrators, or guardians, 27
and on partition, when any of the parties to the complaint were 28
in possession at the commencement of the action, after the 29
sales, so made on execution or otherwise, have been examined by 30
the proper court and adjudged legal; 31

(5) When the defendant is an occupier of lands or 32
tenements, without color of title, and the complainant has the 33
right of possession to them; 34

(6) In any other case of the unlawful and forcible 35
detention of lands or tenements. For purposes of this division, 36
in addition to any other type of unlawful and forcible detention 37
of lands or tenements, such a detention may be determined to 38
exist when both of the following apply: 39

(a) A tenant fails to vacate residential premises within 40
three days after both of the following occur: 41

(i) The tenant's landlord has actual knowledge of or has 42
reasonable cause to believe that the tenant, any person in the 43
tenant's household, or any person on the premises with the 44

consent of the tenant previously has or presently is engaged in 45
a violation of Chapter 2925. or 3719. of the Revised Code, or of 46
a municipal ordinance that is substantially similar to any 47
section in either of those chapters, which involves a controlled 48
substance and which occurred in, is occurring in, or otherwise 49
was or is connected with the premises, whether or not the tenant 50
or other person has been charged with, has pleaded guilty to or 51
been convicted of, or has been determined to be a delinquent 52
child for an act that, if committed by an adult, would be a 53
violation as described in this division. For purposes of this 54
division, a landlord has "actual knowledge of or has reasonable 55
cause to believe" that a tenant, any person in the tenant's 56
household, or any person on the premises with the consent of the 57
tenant previously has or presently is engaged in a violation as 58
described in this division if a search warrant was issued 59
pursuant to Criminal Rule 41 or Chapter 2933. of the Revised 60
Code; the affidavit presented to obtain the warrant named or 61
described the tenant or person as the individual to be searched 62
and particularly described the tenant's premises as the place to 63
be searched, named or described one or more controlled 64
substances to be searched for and seized, stated substantially 65
the offense under Chapter 2925. or 3719. of the Revised Code or 66
the substantially similar municipal ordinance that occurred in, 67
is occurring in, or otherwise was or is connected with the 68
tenant's premises, and states the factual basis for the 69
affiant's belief that the controlled substances are located on 70
the tenant's premises; the warrant was properly executed by a 71
law enforcement officer and any controlled substance described 72
in the affidavit was found by that officer during the search and 73
seizure; and, subsequent to the search and seizure, the landlord 74
was informed by that or another law enforcement officer of the 75
fact that the tenant or person has or presently is engaged in a 76

violation as described in this division and it occurred in, is 77
occurring in, or otherwise was or is connected with the tenant's 78
premises. 79

(ii) The landlord gives the tenant the notice required by 80
division (C) of section 5321.17 of the Revised Code. 81

(b) The court determines, by a preponderance of the 82
evidence, that the tenant, any person in the tenant's household, 83
or any person on the premises with the consent of the tenant 84
previously has or presently is engaged in a violation as 85
described in division (A) (6) (a) (i) of this section. 86

(7) In cases arising out of Chapter 5313. of the Revised 87
Code. In those cases, the court has the authority to declare a 88
forfeiture of the vendee's rights under a land installment 89
contract and to grant any other claims arising out of the 90
contract. 91

(8) Against tenants who have breached an obligation that 92
is imposed by section 5321.05 of the Revised Code, other than 93
the obligation specified in division (A) (9) of that section, and 94
that materially affects health and safety. Prior to the 95
commencement of an action under this division, notice shall be 96
given to the tenant and compliance secured with section 5321.11 97
of the Revised Code. 98

(9) Against tenants who have breached an obligation 99
imposed upon them by a written rental agreement; 100

(10) Against manufactured home park residents who have 101
defaulted in the payment of rent or breached the terms of a 102
rental agreement with a park operator. Nothing in this division 103
precludes the commencement of an action under division (A) (12) 104
of this section when the additional circumstances described in 105

that division apply. 106

(11) Against manufactured home park residents who have 107
committed two material violations of the rules of the 108
manufactured home park, of the division of industrial compliance 109
of the department of commerce, or of applicable state and local 110
health and safety codes and who have been notified of the 111
violations in compliance with section 4781.45 of the Revised 112
Code; 113

(12) Against a manufactured home park resident, or the 114
estate of a manufactured home park resident, who as a result of 115
death or otherwise has been absent from the manufactured home 116
park for a period of thirty consecutive days prior to the 117
commencement of an action under this division and whose 118
manufactured home or mobile home, or recreational vehicle that 119
is parked in the manufactured home park, has been left 120
unoccupied for that thirty-day period, without notice to the 121
park operator and without payment of rent due under the rental 122
agreement with the park operator; 123

(13) Against occupants of self-service storage facilities, 124
as defined in division (A) of section 5322.01 of the Revised 125
Code, who have breached the terms of a rental agreement or 126
violated section 5322.04 of the Revised Code; 127

(14) Against any resident or occupant who, pursuant to a 128
rental agreement, resides in or occupies residential premises 129
located within one thousand feet of any school premises, 130
preschool or child care center premises, children's crisis care 131
facility premises, or residential infant care center premises 132
and to whom both of the following apply: 133

(a) The resident's or occupant's name appears on the state 134

registry of sex offenders and child-victim offenders maintained 135
under section 2950.13 of the Revised Code. 136

(b) The state registry of sex offenders and child-victim 137
offenders indicates that the resident or occupant was convicted 138
of or pleaded guilty to a sexually oriented offense or a child- 139
victim oriented offense in a criminal prosecution and was not 140
sentenced to a serious youthful offender dispositional sentence 141
for that offense. 142

(15) Against any tenant who permits any person to occupy 143
residential premises located within one thousand feet of any 144
school premises, preschool or child care center premises, 145
children's crisis care facility premises, or residential infant 146
care center premises if both of the following apply to the 147
person: 148

(a) The person's name appears on the state registry of sex 149
offenders and child-victim offenders maintained under section 150
2950.13 of the Revised Code. 151

(b) The state registry of sex offenders and child-victim 152
offenders indicates that the person was convicted of or pleaded 153
guilty to a sexually oriented offense or a child-victim oriented 154
offense in a criminal prosecution and was not sentenced to a 155
serious youthful offender dispositional sentence for that 156
offense. 157

(16) Against any resident or occupant who, pursuant to a 158
rental agreement, resides in or occupies residential premises 159
located within two thousand feet of the residential premises of 160
the victim of the sexually oriented offense or child-victim 161
oriented offense that was committed by the resident or occupant 162
if both of the following apply: 163

(a) The resident's or occupant's name appears on the state 164
registry of sex offenders and child-victim offenders maintained 165
under section 2950.13 of the Revised Code. 166

(b) The state registry of sex offenders and child-victim 167
offenders indicates that the resident or occupant was convicted 168
of or pleaded guilty to the sexually oriented offense or child- 169
victim oriented offense in a criminal prosecution and was not 170
sentenced to a serious youthful offender dispositional sentence 171
for that offense. 172

(17) Against any tenant who permits any person to occupy 173
residential premises located within two thousand feet of the 174
residential premises of the victim of the sexually oriented 175
offense or child-victim oriented offense that was committed by 176
the person permitted to occupy the residential premises if both 177
of the following apply to the person: 178

(a) The person's name appears on the state registry of sex 179
offenders and child-victim offenders maintained under section 180
2950.13 of the Revised Code. 181

(b) The state registry of sex offenders and child-victim 182
offenders indicates that the person was convicted of or pleaded 183
guilty to the sexually oriented offense or child-victim oriented 184
offense in a criminal prosecution and was not sentenced to a 185
serious youthful offender dispositional sentence for that 186
offense. 187

(B) If a tenant or manufactured home park resident holding 188
under an oral tenancy is in default in the payment of rent, the 189
tenant or resident forfeits the right of occupancy, and the 190
landlord may, at the landlord's option, terminate the tenancy by 191
notifying the tenant or resident, as provided in section 1923.04 192

of the Revised Code, to leave the premises, for the restitution 193
of which an action may then be brought under this chapter. 194

(C) (1) If a tenant or any other person with the tenant's 195
permission resides in or occupies residential premises that are 196
located within one thousand feet of any school premises, 197
children's crisis care facility premises, or residential infant 198
care center premises and is a resident or occupant of the type 199
described in division (A) (14) of this section or a person of the 200
type described in division (A) (15) of this section, the landlord 201
for those residential premises, upon discovery that the tenant 202
or other person is a resident, occupant, or person of that 203
nature, may terminate the rental agreement or tenancy for those 204
residential premises by notifying the tenant and all other 205
occupants, as provided in section 1923.04 of the Revised Code, 206
to leave the premises. 207

(2) If a landlord is authorized to terminate a rental 208
agreement or tenancy pursuant to division (C) (1) of this section 209
but does not so terminate the rental agreement or tenancy, the 210
landlord is not liable in a tort or other civil action in 211
damages for any injury, death, or loss to person or property 212
that allegedly result from that decision. 213

(D) This chapter does not apply to a student tenant as 214
defined by division (H) of section 5321.01 of the Revised Code 215
when the college or university proceeds to terminate a rental 216
agreement pursuant to section 5321.031 of the Revised Code. 217

(E) As used in this section, "children's crisis care 218
facility premises" and "residential infant care center premises" 219
have the same meanings as in section 2950.034 of the Revised 220
Code. 221

Sec. 2950.035. (A) Subject to divisions (E) and (F) of 222
this section, no sex offender or child-victim offender shall 223
knowingly establish a residence or occupy a residential premises 224
within two thousand feet of the residential premises of the 225
victim of the sexually oriented offense or child-victim oriented 226
offense that was committed by the sex offender or child-victim 227
offender. 228

(B) Subject to divisions (E) and (F) of this section, no 229
sex offender or child-victim offender shall knowingly loiter 230
within one thousand feet of the residential premises of the 231
victim of the sexually oriented offense or child-victim oriented 232
offense that was committed by the sex offender or child-victim 233
offender. 234

(C) (1) If a sex offender or child-victim offender violates 235
division (A) of this section by establishing a residence or 236
occupying a residential premises within two thousand feet of the 237
residential premises of the victim of the sexually oriented 238
offense or child-victim oriented offense that was committed by 239
the sex offender or child-victim offender, an owner or lessee of 240
real property that is located within two thousand feet of the 241
residential premises of the victim of the sexually oriented 242
offense or child-victim oriented offense, or the prosecuting 243
attorney, village solicitor, city or township director of law, 244
similar chief legal officer of a municipal corporation or 245
township, or official designated as a prosecutor in a municipal 246
corporation that has jurisdiction over the place at which the 247
sex offender or child-victim offender establishes the residence 248
or occupies the residential premises in question, has a cause of 249
action for injunctive relief against the sex offender or child- 250
victim offender. The plaintiff is not required to prove 251
irreparable harm in order to obtain the relief. 252

(2) If a sex offender or child-victim offender violates 253
division (B) of this section by loitering within one thousand 254
feet of the residential premises of the victim of the sexually 255
oriented offense or child-victim oriented offense that was 256
committed by the sex offender or child-victim offender, an owner 257
or lessee of real property that is located within one thousand 258
feet of the residential premises of the victim of the sexually 259
oriented offense or child-victim oriented offense, or the 260
prosecuting attorney, village solicitor, city or township 261
director of law, similar chief legal officer of a municipal 262
corporation or township, or official designated as a prosecutor 263
in a municipal corporation that has jurisdiction over the place 264
at which the sex offender or child-victim offender loiters, has 265
a cause of action for injunctive relief against the sex offender 266
or child-victim offender. The plaintiff is not required to prove 267
irreparable harm in order to obtain the relief. 268

(D) (1) Upon the filing of a cause of action for injunctive 269
relief under this section, the court shall set a date for a 270
hearing and shall notify the prosecutor for the case of the 271
hearing. The prosecutor shall provide timely notice of the 272
filing of the cause of action for injunctive relief and the date 273
of the hearing to the victim of the sexually oriented offense or 274
child-victim oriented offense that was committed by the sex 275
offender or child-victim offender. If the victim of the sexually 276
oriented offense or child-victim oriented offense that was 277
committed by the sex offender or child-victim offender is 278
eighteen years of age or older, the victim of the sexually 279
oriented offense or child-victim oriented offense that was 280
committed by the sex offender or child-victim offender may 281
object to the granting of injunctive relief by doing either of 282
the following: 283

(a) Filing a written objection with the court not later 284
than thirty days after the filing of the cause of action for 285
injunctive relief. The victim of the sexually oriented offense 286
or child-victim oriented offense that was committed by the sex 287
offender or child-victim offender shall specify in the objection 288
the reasons for believing a denial of the injunctive relief is 289
justified. 290

(b) Appearing at the hearing and being heard orally, in 291
writing, or both. 292

(2) At the hearing, the court shall determine whether or 293
not to grant injunctive relief. If the victim of the sexually 294
oriented offense or child-victim oriented offense that was 295
committed by the sex offender or child-victim offender is 296
eighteen years of age or older, and if the victim of the 297
sexually oriented offense or child-victim oriented offense that 298
was committed by the sex offender or child-victim offender 299
objected, the court shall consider the reasons against granting 300
the injunctive relief specified by the victim of the sexually 301
oriented offense or child-victim oriented offense that was 302
committed by the sex offender or child-victim offender in the 303
objection in making that determination. 304

(E) Nothing in this section shall be construed to require 305
any person to sell or otherwise dispose of any residential 306
premises acquired or owned prior to the conviction of the person 307
as a sex offender or a child-victim offender. 308

(F) This section does not apply if the victim of the 309
sexually oriented offense or child-victim oriented offense that 310
was committed by the sex offender or child-victim offender 311
establishes a residence or occupies a residential premises 312
within two thousand feet of the residential premises of the sex 313

offender or child-victim offender. 314

Sec. ~~2950.035~~ 2950.036. (A) (1) Regardless of whether the 315
person committed the person's sexually oriented offense or 316
child-victim oriented offense prior to, on, or after the 317
effective date of this section, no person who is in a restricted 318
offender category shall do either of the following: 319

(a) On or after the effective date of this section, 320
commence service in a position as a volunteer with any person, 321
group, or organization, in a capacity affording extensive 322
contact with minor children; 323

(b) If the person was in the position prior to the 324
effective date of this section, at any time after the expiration 325
of ninety days after the effective date of this section, serve 326
in a position as a volunteer with any person, group, or 327
organization, in a capacity affording extensive contact with 328
minor children. 329

(2) No person shall violate division (A) (1) of this 330
section at any time after an injunction has been obtained 331
against the person under division (B) (2) of this section with 332
respect to a violation of division (A) (1) of this section. 333

(3) A violation of division (A) (1) of this section that is 334
not also a violation of division (A) (2) of this section is 335
subject to injunctive relief as described in division (B) (2) of 336
this section. A violation of division (A) (2) of this section is 337
a criminal offense and is subject to the penalties specified in 338
section 2950.99 of the Revised Code. 339

(4) The application of division (A) (1) of this section to 340
a person who committed the person's sexually oriented offense or 341
child-victim oriented offense prior to the effective date of 342

this section is procedural and remedial, pertains to conduct of 343
the person occurring on or after that date, and does not impose 344
punishment on the person for the sexually oriented offense or 345
child-victim oriented offense. 346

(B) (1) If a law enforcement agency, based on a report made 347
to the agency by any person or based on its own investigation, 348
finds that a person to whom division (A) of this section applies 349
is violating that division, the agency shall report that finding 350
to the prosecuting authority. 351

(2) A prosecuting authority, upon receipt of a report 352
under division (B) (1) of this section, has a cause of action for 353
injunctive relief against the person for the violation if the 354
violation is of division (A) (1) of this section and may bring an 355
action to obtain the injunctive relief. The plaintiff shall not 356
be required to prove irreparable harm in order to obtain the 357
relief. A prosecuting authority, upon receipt of a report under 358
division (B) (1) of this section, may proceed with a criminal 359
prosecution for the violation if the violation is of division 360
(A) (2) of this section. 361

(C) As used in this section: 362

(1) "Capacity affording extensive contact with minor 363
children" means any capacity in which a person would be working 364
directly and in an unaccompanied setting with minor children on 365
more than an incidental and occasional basis or would have 366
supervision or disciplinary power over minor children. 367

(2) "Prosecuting authority" means the prosecuting 368
attorney, village solicitor, city or township director of law, 369
similar chief legal officer of a municipal corporation or 370
township, or official designated as a prosecutor in a municipal 371

corporation that has jurisdiction over the place at which a 372
person serves in a position in violation of division (A)(1) or 373
(2) of this section. 374

(3) "Working directly and in an unaccompanied setting" 375
includes, but is not limited to, providing goods or services to 376
minors. 377

Sec. 2950.99. (A)(1)(a) Except as otherwise provided in 378
division (A)(1)(b) of this section, whoever violates a 379
prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of 380
the Revised Code shall be punished as follows: 381

(i) If the most serious sexually oriented offense that was 382
the basis of the registration, notice of intent to reside, 383
change of address notification, or address verification 384
requirement that was violated under the prohibition is 385
aggravated murder or murder if committed by an adult or a 386
comparable category of offense committed in another 387
jurisdiction, the offender is guilty of a felony of the first 388
degree. 389

(ii) If the most serious sexually oriented offense or 390
child-victim oriented offense that was the basis of the 391
registration, notice of intent to reside, change of address 392
notification, or address verification requirement that was 393
violated under the prohibition is a felony of the first, second, 394
third, or fourth degree if committed by an adult or a comparable 395
category of offense committed in another jurisdiction, the 396
offender is guilty of a felony of the same degree as the most 397
serious sexually oriented offense or child-victim oriented 398
offense that was the basis of the registration, notice of intent 399
to reside, change of address, or address verification 400
requirement that was violated under the prohibition, or, if the 401

most serious sexually oriented offense or child-victim oriented 402
offense that was the basis of the registration, notice of intent 403
to reside, change of address, or address verification 404
requirement that was violated under the prohibition is a 405
comparable category of offense committed in another 406
jurisdiction, the offender is guilty of a felony of the same 407
degree as that offense committed in the other jurisdiction would 408
constitute if committed in this state. 409

(iii) If the most serious sexually oriented offense or 410
child-victim oriented offense that was the basis of the 411
registration, notice of intent to reside, change of address 412
notification, or address verification requirement that was 413
violated under the prohibition is a felony of the fifth degree 414
or a misdemeanor if committed by an adult or a comparable 415
category of offense committed in another jurisdiction, the 416
offender is guilty of a felony of the fourth degree. 417

(b) If the offender previously has been convicted of or 418
pleaded guilty to, or previously has been adjudicated a 419
delinquent child for committing, a violation of a prohibition in 420
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 421
Code, whoever violates a prohibition in section 2950.04, 422
2950.041, 2950.05, or 2950.06 of the Revised Code shall be 423
punished as follows: 424

(i) If the most serious sexually oriented offense that was 425
the basis of the registration, notice of intent to reside, 426
change of address notification, or address verification 427
requirement that was violated under the prohibition is 428
aggravated murder or murder if committed by an adult or a 429
comparable category of offense committed in another 430
jurisdiction, the offender is guilty of a felony of the first 431

degree. 432

(ii) If the most serious sexually oriented offense or 433
child-victim oriented offense that was the basis of the 434
registration, notice of intent to reside, change of address 435
notification, or address verification requirement that was 436
violated under the prohibition is a felony of the first, second, 437
or third degree if committed by an adult or a comparable 438
category of offense committed in another jurisdiction, the 439
offender is guilty of a felony of the same degree as the most 440
serious sexually oriented offense or child-victim oriented 441
offense that was the basis of the registration, notice of intent 442
to reside, change of address, or address verification 443
requirement that was violated under the prohibition, or, if the 444
most serious sexually oriented offense or child-victim oriented 445
offense that was the basis of the registration, notice of intent 446
to reside, change of address, or address verification 447
requirement that was violated under the prohibition is a 448
comparable category of offense committed in another 449
jurisdiction, the offender is guilty of a felony of the same 450
degree as that offense committed in the other jurisdiction would 451
constitute if committed in this state. 452

(iii) If the most serious sexually oriented offense or 453
child-victim oriented offense that was the basis of the 454
registration, notice of intent to reside, change of address 455
notification, or address verification requirement that was 456
violated under the prohibition is a felony of the fourth or 457
fifth degree if committed by an adult or a comparable category 458
of offense committed in another jurisdiction, the offender is 459
guilty of a felony of the third degree. 460

(iv) If the most serious sexually oriented offense or 461

child-victim oriented offense that was the basis of the 462
registration, notice of intent to reside, change of address 463
notification, or address verification requirement that was 464
violated under the prohibition is a misdemeanor if committed by 465
an adult or a comparable category of offense committed in 466
another jurisdiction, the offender is guilty of a felony of the 467
fourth degree. 468

(2) (a) In addition to any penalty or sanction imposed 469
under division (A) (1) of this section or any other provision of 470
law for a violation of a prohibition in section 2950.04, 471
2950.041, 2950.05, or 2950.06 of the Revised Code, if the 472
offender or delinquent child is subject to a community control 473
sanction, is on parole, is subject to one or more post-release 474
control sanctions, or is subject to any other type of supervised 475
release at the time of the violation, the violation shall 476
constitute a violation of the terms and conditions of the 477
community control sanction, parole, post-release control 478
sanction, or other type of supervised release. 479

(b) In addition to any penalty or sanction imposed under 480
division (A) (1) (b) (i), (ii), or (iii) of this section or any 481
other provision of law for a violation of a prohibition in 482
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 483
Code, if the offender previously has been convicted of or 484
pleaded guilty to, or previously has been adjudicated a 485
delinquent child for committing, a violation of a prohibition in 486
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 487
Code when the most serious sexually oriented offense or child- 488
victim oriented offense that was the basis of the requirement 489
that was violated under the prohibition is a felony if committed 490
by an adult or a comparable category of offense committed in 491
another jurisdiction, the court imposing a sentence upon the 492

offender shall impose a definite prison term of no less than 493
three years. The definite prison term imposed under this section 494
shall not be reduced to less than three years pursuant to any 495
provision of Chapter 2967. or any other provision of the Revised 496
Code. 497

(3) As used in division (A) (1) of this section, 498
"comparable category of offense committed in another 499
jurisdiction" means a sexually oriented offense or child-victim 500
oriented offense that was the basis of the registration, notice 501
of intent to reside, change of address notification, or address 502
verification requirement that was violated, that is a violation 503
of an existing or former law of another state or the United 504
States, an existing or former law applicable in a military court 505
or in an Indian tribal court, or an existing or former law of 506
any nation other than the United States, and that, if it had 507
been committed in this state, would constitute or would have 508
constituted aggravated murder or murder for purposes of division 509
(A) (1) (a) (i) of this section, a felony of the first, second, 510
third, or fourth degree for purposes of division (A) (1) (a) (ii) 511
of this section, a felony of the fifth degree or a misdemeanor 512
for purposes of division (A) (1) (a) (iii) of this section, 513
aggravated murder or murder for purposes of division (A) (1) (b) 514
(i) of this section, a felony of the first, second, or third 515
degree for purposes of division (A) (1) (b) (ii) of this section, a 516
felony of the fourth or fifth degree for purposes of division 517
(A) (1) (b) (iii) of this section, or a misdemeanor for purposes of 518
division (A) (1) (b) (iv) of this section. 519

(B) If a person violates a prohibition in section 2950.04, 520
2950.041, 2950.05, or 2950.06 of the Revised Code that applies 521
to the person as a result of the person being adjudicated a 522
delinquent child and being classified a juvenile offender 523

registrant or an out-of-state juvenile offender registrant, both 524
of the following apply: 525

(1) If the violation occurs while the person is under 526
eighteen years of age, the person is subject to proceedings 527
under Chapter 2152. of the Revised Code based on the violation. 528

(2) If the violation occurs while the person is eighteen 529
years of age or older, the person is subject to criminal 530
prosecution based on the violation. 531

(C) Whoever violates division (C) of section 2950.13 of 532
the Revised Code is guilty of a misdemeanor of the first degree. 533

(D) Whoever violates division (A) (2) of section ~~2950.035~~ 534
2950.036 of the Revised Code shall be punished as follows: 535

(1) Except as otherwise provided in division (D) (2) or (3) 536
of this section, the offender is guilty of a misdemeanor of the 537
first degree. 538

(2) If the offender once previously has been convicted of 539
or pleaded guilty to a violation of division (A) (2) of section 540
~~2950.035~~ 2950.036 of the Revised Code, the offender is guilty of 541
a felony of the third degree. 542

(3) If the offender two or more times previously has been 543
convicted of or pleaded guilty to a violation of division (A) (2) 544
of section ~~2950.035~~ 2950.036 of the Revised Code, the offender 545
is guilty of a felony of the first degree. 546

Sec. 5321.03. (A) Notwithstanding section 5321.02 of the 547
Revised Code, a landlord may bring an action under Chapter 1923. 548
of the Revised Code for possession of the premises if: 549

(1) The tenant is in default in the payment of rent; 550

(2) The violation of the applicable building, housing, 551
health, or safety code that the tenant complained of was 552
primarily caused by any act or lack of reasonable care by the 553
tenant, or by any other person in the tenant's household, or by 554
anyone on the premises with the consent of the tenant; 555

(3) Compliance with the applicable building, housing, 556
health, or safety code would require alteration, remodeling, or 557
demolition of the premises which would effectively deprive the 558
tenant of the use of the dwelling unit; 559

(4) A tenant is holding over the tenant's term. 560

(5) The residential premises are located within one 561
thousand feet of any school premises, preschool or child care 562
center premises, children's crisis care facility premises, or 563
residential infant care center premises, and both of the 564
following apply regarding the tenant or other occupant who 565
resides in or occupies the premises: 566

(a) The tenant's or other occupant's name appears on the 567
state registry of sex offenders and child-victim offenders 568
maintained under section 2950.13 of the Revised Code. 569

(b) The state registry of sex offenders and child-victim 570
offenders indicates that the tenant or other occupant was 571
convicted of or pleaded guilty to a sexually oriented offense or 572
a child-victim oriented offense in a criminal prosecution and 573
was not sentenced to a serious youthful offender dispositional 574
sentence for that offense. 575

(6) The residential premises are located within two 576
thousand feet of the residential premises of the victim of a 577
sexually oriented offense or child-victim oriented offense that 578
was committed by the tenant or other occupant who resides in or 579

occupies the premises, and all of the following apply regarding 580
the tenant or other occupant who resides in or occupies the 581
premises: 582

(a) The tenant's or other occupant's name appears on the 583
state registry of sex offenders and child-victim offenders 584
maintained under section 2950.13 of the Revised Code. 585

(b) The state registry of sex offenders and child-victim 586
offenders indicates that the tenant or other occupant was 587
convicted of or pleaded guilty to the sexually oriented offense 588
or child-victim oriented offense in a criminal prosecution and 589
was not sentenced to a serious youthful offender dispositional 590
sentence for that offense. 591

(B) The maintenance of an action by the landlord under 592
this section does not prevent the tenant from recovering damages 593
for any violation by the landlord of the rental agreement or of 594
section 5321.04 of the Revised Code. 595

(C) This section does not apply to a dwelling unit 596
occupied by a student tenant. 597

(D) As used in this section, "children's crisis care 598
facility premises" and "residential infant care center premises" 599
have the same meanings as in section 2950.034 of the Revised 600
Code. 601

Sec. 5321.051. (A) (1) No tenant of any residential 602
premises located within one thousand feet of any school 603
premises, preschool or child care center premises, children's 604
crisis care facility premises, or residential infant care center 605
premises shall allow any person to occupy those residential 606
premises if both of the following apply regarding the person: 607

(a) The person's name appears on the state registry of sex 608

offenders and child-victim offenders maintained under section 609
2950.13 of the Revised Code. 610

(b) The state registry of sex offenders and child-victim 611
offenders indicates that the person was convicted of or pleaded 612
guilty to either a sexually oriented offense that is not a 613
registration-exempt sexually oriented offense or a child-victim 614
oriented offense in a criminal prosecution and was not sentenced 615
to a serious youthful offender dispositional sentence for that 616
offense. 617

(2) No tenant of any residential premises shall allow any 618
person to occupy those residential premises if the occupant 619
committed a sexually oriented offense or child-victim oriented 620
offense and the victim of that offense maintains a residential 621
premises within two thousand feet of the residential premises of 622
the tenant if both of the following apply to the occupant: 623

(a) The occupant's name appears on the state registry of 624
sex offenders and child-victim offenders maintained under 625
section 2950.13 of the Revised Code. 626

(b) The state registry of sex offenders and child-victim 627
offenders indicates that the occupant was convicted of or 628
pleaded guilty to either the sexually oriented offense that is 629
not a registration-exempt sexually oriented offense or the 630
child-victim oriented offense in a criminal prosecution and was 631
not sentenced to a serious youthful offender dispositional 632
sentence for that offense. 633

(3) If a tenant allows occupancy in violation of this 634
section or a person establishes a residence or occupies 635
residential premises in violation of section 2950.034 of the 636
Revised Code, the landlord for the residential premises that are 637

the subject of the rental agreement or other tenancy may 638
terminate the rental agreement or other tenancy of the tenant 639
and all other occupants. 640

(B) If a landlord is authorized to terminate a rental 641
agreement or other tenancy pursuant to division (A) of this 642
section but does not so terminate the rental agreement or other 643
tenancy, the landlord is not liable in a tort or other civil 644
action in damages for any injury, death, or loss to person or 645
property that allegedly results from that decision. 646

(C) As used in this section, "children's crisis care 647
facility premises" and "residential infant care center premises" 648
have the same meanings as in section 2950.034 of the Revised 649
Code. 650

Section 2. That existing sections 1923.02, 2950.035, 651
2950.99, 5321.03, and 5321.051 of the Revised Code are hereby 652
repealed. 653

Section 3. Section 2950.99 of the Revised Code is 654
presented in this act as a composite of the section as amended 655
by both S.B. 16 and S.B. 288 of the 134th General Assembly. The 656
General Assembly, applying the principle stated in division (B) 657
of section 1.52 of the Revised Code that amendments are to be 658
harmonized if reasonably capable of simultaneous operation, 659
finds that the composite is the resulting version of the section 660
in effect prior to the effective date of the section as 661
presented in this act. 662