

As Introduced

136th General Assembly

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H. B. No. 168

Representatives Williams, Brennan

**Cosponsors: Representatives Gross, Klopfenstein, Odioso, Miller, K., Dean,
Schmidt, Deeter**

A BILL

To amend sections 2905.05 and 2950.01 of the 1
Revised Code to require that a person act with a 2
sexual motivation or an unlawful purpose to 3
commit the offense of criminal child enticement. 4

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

Section 1. That sections 2905.05 and 2950.01 of the 5
Revised Code be amended to read as follows: 6

Sec. 2905.05. (A) No person, by any means and without 7
privilege to do so, shall knowingly solicit, coax, entice, or 8
lure any child under fourteen years of age to accompany the 9
person in any manner, including entering into any vehicle or 10
onto any vessel, whether or not the offender knows the age of 11
the child, if ~~both~~either of the following apply: 12

(1) ~~The actor does not have the express or implied~~ 13
~~permission of the parent, guardian, or other legal custodian of~~ 14
~~the child in undertaking the activity~~person acts with a sexual 15
motivation. 16

(2) ~~The actor is not a law enforcement officer, medic,~~ 17

~~firefighter, or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of, any board of education, or the actor is any of such persons, but, at the time the actor undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity~~acts with an unlawful purpose.

~~(B) No person, with a sexual motivation, shall violate division (A) of this section.~~

~~(C) No person, for any unlawful purpose other than, or in addition to, that proscribed by division (A) of this section, shall engage in any activity described in division (A) of this section.~~

~~(D) It is an affirmative defense to a charge under division (A) of this section that the actor undertook the activity in response to a bona fide emergency situation or that the actor undertook the activity in a reasonable belief that it was necessary to preserve the health, safety, or welfare of the child.~~

~~(E) Whoever violates division (A), (B), or (C) of this section is guilty of criminal child enticement, a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, section 2907.02 or 2907.03 or former section 2907.12 of the Revised Code, or section 2905.01 or 2907.05 of the Revised Code when the victim of that prior offense was under seventeen years of age at the time of the offense, criminal child enticement is a felony of the fifth degree.~~

~~(F) (C) A prosecution for a violation of this section does~~

not preclude a prosecution of a violation of any other section 47
of the Revised Code. One or more acts, a series of acts, or a 48
course of behavior that can be prosecuted under this section or 49
any other section of the Revised Code may be prosecuted under 50
this section, the other section of the Revised Code, or both 51
sections. However, if the offender is convicted of or pleads 52
guilty to a violation of this section and is also convicted of 53
or pleads guilty to a violation of another section in Chapter 54
2905. of the Revised Code based on the same conduct and 55
involving the same victim that was the basis of the violation of 56
this section, the two offenses are allied offenses of similar 57
import under section 2941.25 of the Revised Code. 58

(D) As used in this section: 59

(1) "Sexual motivation" has the same meaning as in section 60
2971.01 of the Revised Code. 61

(2) "Vehicle" has the same meaning as in section 4501.01 62
of the Revised Code. 63

(3) "Vessel" has the same meaning as in section 1546.01 of 64
the Revised Code. 65

Sec. 2950.01. As used in this chapter, unless the context 66
clearly requires otherwise: 67

(A) "Sexually oriented offense" means any of the following 68
violations or offenses committed by a person, regardless of the 69
person's age: 70

(1) A violation of section 2907.02, 2907.03, 2907.05, 71
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 72
2907.322, or 2907.323 of the Revised Code; 73

(2) A violation of section 2907.04 of the Revised Code 74

when the offender is less than four years older than the other 75
person with whom the offender engaged in sexual conduct, the 76
other person did not consent to the sexual conduct, and the 77
offender previously has not been convicted of or pleaded guilty 78
to a violation of section 2907.02, 2907.03, or 2907.04 of the 79
Revised Code or a violation of former section 2907.12 of the 80
Revised Code; 81

(3) A violation of section 2907.04 of the Revised Code 82
when the offender is at least four years older than the other 83
person with whom the offender engaged in sexual conduct or when 84
the offender is less than four years older than the other person 85
with whom the offender engaged in sexual conduct and the 86
offender previously has been convicted of or pleaded guilty to a 87
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 88
Code or a violation of former section 2907.12 of the Revised 89
Code; 90

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 91
the Revised Code when the violation was committed with a sexual 92
motivation; 93

(5) A violation of division (A) of section 2903.04 of the 94
Revised Code when the offender committed or attempted to commit 95
the felony that is the basis of the violation with a sexual 96
motivation; 97

(6) A violation of division (A) (3) of section 2903.211 of 98
the Revised Code; 99

(7) A violation of division (A) (1), (2), (3), or (5) of 100
section 2905.01 of the Revised Code when the offense is 101
committed with a sexual motivation; 102

(8) A violation of division (A) (4) of section 2905.01 of 103

the Revised Code;	104
(9) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense;	105 106 107 108
(10) A violation of division (B) of section 2903.03, of division (B) of section 2905.02, of division (B) of section 2905.03, of division (B) <u>(A) (1)</u> of section 2905.05, or of division (B) (5) of section 2919.22 of the Revised Code;	109 110 111 112
(11) A violation of section 2905.32 of the Revised Code when either of the following applies:	113 114
(a) The violation is a violation of division (A) (1) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person knowing that the person would be compelled to engage in sexual activity for hire, engage in a performance that was obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that was obscene, sexually oriented, or nudity oriented.	115 116 117 118 119 120 121 122 123 124
(b) The violation is a violation of division (A) (2) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain a person who is less than eighteen years of age or is a person with a developmental disability whom the offender knows or has reasonable cause to believe is a person with a developmental	125 126 127 128 129 130 131 132

disability for any purpose listed in divisions (A) (2) (a) to (c) 133
of that section. 134

(12) A violation of division (B) (4) of section 2907.09 of 135
the Revised Code if the sentencing court classifies the offender 136
as a tier I sex offender/child-victim offender relative to that 137
offense pursuant to division (D) of that section; 138

(13) A violation of any former law of this state, any 139
existing or former municipal ordinance or law of another state 140
or the United States, any existing or former law applicable in a 141
military court or in an Indian tribal court, or any existing or 142
former law of any nation other than the United States that is or 143
was substantially equivalent to any offense listed in division 144
(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 145
(12) of this section; 146

(14) Any attempt to commit, conspiracy to commit, or 147
complicity in committing any offense listed in division (A) (1), 148
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or 149
(13) of this section. 150

(B) (1) "Sex offender" means, subject to division (B) (2) of 151
this section, a person who is convicted of, pleads guilty to, 152
has been convicted of, has pleaded guilty to, is adjudicated a 153
delinquent child for committing, or has been adjudicated a 154
delinquent child for committing any sexually oriented offense. 155

(2) "Sex offender" does not include a person who is 156
convicted of, pleads guilty to, has been convicted of, has 157
pleaded guilty to, is adjudicated a delinquent child for 158
committing, or has been adjudicated a delinquent child for 159
committing a sexually oriented offense if the offense involves 160
consensual sexual conduct or consensual sexual contact and 161

either of the following applies: 162

(a) The victim of the sexually oriented offense was 163
eighteen years of age or older and at the time of the sexually 164
oriented offense was not under the custodial authority of the 165
person who is convicted of, pleads guilty to, has been convicted 166
of, has pleaded guilty to, is adjudicated a delinquent child for 167
committing, or has been adjudicated a delinquent child for 168
committing the sexually oriented offense. 169

(b) The victim of the offense was thirteen years of age or 170
older, and the person who is convicted of, pleads guilty to, has 171
been convicted of, has pleaded guilty to, is adjudicated a 172
delinquent child for committing, or has been adjudicated a 173
delinquent child for committing the sexually oriented offense is 174
not more than four years older than the victim. 175

(C) "Child-victim oriented offense" means any of the 176
following violations or offenses committed by a person, 177
regardless of the person's age, when the victim is under 178
eighteen years of age and is not a child of the person who 179
commits the violation: 180

(1) A violation of division (A) (1), (2), (3), or (5) of 181
section 2905.01 of the Revised Code when the violation is not 182
included in division (A) (7) of this section; 183

(2) A violation of division (A) of section 2905.02, or 184
division (A) of section 2905.03, ~~or division (A) of section~~ 185
~~2905.05~~ of the Revised Code; 186

(3) A violation of any former law of this state, any 187
existing or former municipal ordinance or law of another state 188
or the United States, any existing or former law applicable in a 189
military court or in an Indian tribal court, or any existing or 190

former law of any nation other than the United States that is or	191
was substantially equivalent to any offense listed in division	192
(C) (1) or (2) of this section;	193
(4) Any attempt to commit, conspiracy to commit, or	194
complicity in committing any offense listed in division (C) (1),	195
(2), or (3) of this section.	196
(D) "Child-victim offender" means a person who is	197
convicted of, pleads guilty to, has been convicted of, has	198
pleaded guilty to, is adjudicated a delinquent child for	199
committing, or has been adjudicated a delinquent child for	200
committing any child-victim oriented offense.	201
(E) "Tier I sex offender/child-victim offender" means any	202
of the following:	203
(1) A sex offender who is convicted of, pleads guilty to,	204
has been convicted of, or has pleaded guilty to any of the	205
following sexually oriented offenses:	206
(a) A violation of section 2907.06, 2907.07, 2907.08,	207
2907.22, or 2907.32 of the Revised Code;	208
(b) A violation of section 2907.04 of the Revised Code	209
when the offender is less than four years older than the other	210
person with whom the offender engaged in sexual conduct, the	211
other person did not consent to the sexual conduct, and the	212
offender previously has not been convicted of or pleaded guilty	213
to a violation of section 2907.02, 2907.03, or 2907.04 of the	214
Revised Code or a violation of former section 2907.12 of the	215
Revised Code;	216
(c) A violation of division (A) (1), (2), (3), or (5) of	217
section 2907.05 of the Revised Code;	218

(d) A violation of division (A) (3) of section 2907.323 of the Revised Code;	219 220
(e) A violation of division (A) (3) of section 2903.211, of division (B) of section 2905.03, or of division (B) <u>(A) (1)</u> of section 2905.05 of the Revised Code;	221 222 223
(f) A violation of division (B) (4) of section 2907.09 of the Revised Code if the sentencing court classifies the offender as a tier I sex offender/child-victim offender relative to that offense pursuant to division (D) of that section;	224 225 226 227
(g) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States, that is or was substantially equivalent to any offense listed in division (E) (1) (a), (b), (c), (d), (e), or (f) of this section;	228 229 230 231 232 233 234
(h) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (E) (1) (a), (b), (c), (d), (e), (f), or (g) of this section.	235 236 237
(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a child-victim oriented offense and who is not within either category of child-victim offender described in division (F) (2) or (G) (2) of this section.	238 239 240 241 242
(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex offender/child-	243 244 245 246 247

victim offender relative to the offense.	248
(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex offender/child-victim offender relative to the offense.	249 250 251 252 253 254 255
(F) "Tier II sex offender/child-victim offender" means any of the following:	256 257
(1) A sex offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any of the following sexually oriented offenses:	258 259 260
(a) A violation of section 2907.21, 2907.321, or 2907.322 of the Revised Code;	261 262
(b) A violation of section 2907.04 of the Revised Code when the offender is at least four years older than the other person with whom the offender engaged in sexual conduct, or when the offender is less than four years older than the other person with whom the offender engaged in sexual conduct and the offender previously has been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or former section 2907.12 of the Revised Code;	263 264 265 266 267 268 269 270
(c) A violation of division (A) (4) of section 2907.05 or of division (A) (1) or (2) of section 2907.323 of the Revised Code;	271 272 273
(d) A violation of division (A) (1), (2), (3), or (5) of section 2905.01 of the Revised Code when the offense is committed with a sexual motivation;	274 275 276

(e) A violation of division (A) (4) of section 2905.01 of the Revised Code when the victim of the offense is eighteen years of age or older;	277 278 279
(f) A violation of division (B) of section 2905.02 or of division (B) (5) of section 2919.22 of the Revised Code;	280 281
(g) A violation of section 2905.32 of the Revised Code that is described in division (A) (11) (a) or (b) of this section;	282 283
(h) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (F) (1) (a), (b), (c), (d), (e), (f), or (g) of this section;	284 285 286 287 288 289 290
(i) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (F) (1) (a), (b), (c), (d), (e), (f), (g), or (h) of this section;	291 292 293
(j) Any sexually oriented offense that is committed after the sex offender previously has been convicted of, pleaded guilty to, or has been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier I sex offender/child-victim offender.	294 295 296 297 298 299
(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any child-victim oriented offense when the child-victim oriented offense is committed after the child-victim offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any sexually oriented offense or	300 301 302 303 304 305

child-victim oriented offense for which the offender was 306
classified a tier I sex offender/child-victim offender. 307

(3) A sex offender who is adjudicated a delinquent child 308
for committing or has been adjudicated a delinquent child for 309
committing any sexually oriented offense and who a juvenile 310
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 311
of the Revised Code, classifies a tier II sex offender/child- 312
victim offender relative to the offense. 313

(4) A child-victim offender who is adjudicated a 314
delinquent child for committing or has been adjudicated a 315
delinquent child for committing any child-victim oriented 316
offense and whom a juvenile court, pursuant to section 2152.82, 317
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 318
tier II sex offender/child-victim offender relative to the 319
current offense. 320

(5) A sex offender or child-victim offender who is not in 321
any category of tier II sex offender/child-victim offender set 322
forth in division (F) (1), (2), (3), or (4) of this section, who 323
prior to January 1, 2008, was adjudicated a delinquent child for 324
committing a sexually oriented offense or child-victim oriented 325
offense, and who prior to that date was determined to be a 326
habitual sex offender or determined to be a habitual child- 327
victim offender, unless either of the following applies: 328

(a) The sex offender or child-victim offender is 329
reclassified pursuant to section 2950.031 or 2950.032 of the 330
Revised Code as a tier I sex offender/child-victim offender or a 331
tier III sex offender/child-victim offender relative to the 332
offense. 333

(b) A juvenile court, pursuant to section 2152.82, 334

2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the 335
child a tier I sex offender/child-victim offender or a tier III 336
sex offender/child-victim offender relative to the offense. 337

(G) "Tier III sex offender/child-victim offender" means 338
any of the following: 339

(1) A sex offender who is convicted of, pleads guilty to, 340
has been convicted of, or has pleaded guilty to any of the 341
following sexually oriented offenses: 342

(a) A violation of section 2907.02 or 2907.03 of the 343
Revised Code; 344

(b) A violation of division (B) of section 2907.05 of the 345
Revised Code; 346

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 347
the Revised Code when the violation was committed with a sexual 348
motivation; 349

(d) A violation of division (A) of section 2903.04 of the 350
Revised Code when the offender committed or attempted to commit 351
the felony that is the basis of the violation with a sexual 352
motivation; 353

(e) A violation of division (A) (4) of section 2905.01 of 354
the Revised Code when the victim of the offense is under 355
eighteen years of age; 356

(f) A violation of division (B) of section 2905.01 of the 357
Revised Code when the victim of the offense is under eighteen 358
years of age and the offender is not a parent of the victim of 359
the offense; 360

(g) A violation of division (B) of section 2903.03 of the 361
Revised Code; 362

(h) A violation of any former law of this state, any 363
existing or former municipal ordinance or law of another state 364
or the United States, any existing or former law applicable in a 365
military court or in an Indian tribal court, or any existing or 366
former law of any nation other than the United States that is or 367
was substantially equivalent to any offense listed in division 368
(G) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 369

(i) Any attempt to commit, conspiracy to commit, or 370
complicity in committing any offense listed in division (G) (1) 371
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 372

(j) Any sexually oriented offense that is committed after 373
the sex offender previously has been convicted of, pleaded 374
guilty to, or been adjudicated a delinquent child for committing 375
any sexually oriented offense or child-victim oriented offense 376
for which the offender was classified a tier II sex 377
offender/child-victim offender or a tier III sex offender/child- 378
victim offender. 379

(2) A child-victim offender who is convicted of, pleads 380
guilty to, has been convicted of, or has pleaded guilty to any 381
child-victim oriented offense when the child-victim oriented 382
offense is committed after the child-victim offender previously 383
has been convicted of, pleaded guilty to, or been adjudicated a 384
delinquent child for committing any sexually oriented offense or 385
child-victim oriented offense for which the offender was 386
classified a tier II sex offender/child-victim offender or a 387
tier III sex offender/child-victim offender. 388

(3) A sex offender who is adjudicated a delinquent child 389
for committing or has been adjudicated a delinquent child for 390
committing any sexually oriented offense and who a juvenile 391
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 392

of the Revised Code, classifies a tier III sex offender/child- 393
victim offender relative to the offense. 394

(4) A child-victim offender who is adjudicated a 395
delinquent child for committing or has been adjudicated a 396
delinquent child for committing any child-victim oriented 397
offense and whom a juvenile court, pursuant to section 2152.82, 398
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 399
tier III sex offender/child-victim offender relative to the 400
current offense. 401

(5) A sex offender or child-victim offender who is not in 402
any category of tier III sex offender/child-victim offender set 403
forth in division (G) (1), (2), (3), or (4) of this section, who 404
prior to January 1, 2008, was convicted of or pleaded guilty to 405
a sexually oriented offense or child-victim oriented offense or 406
was adjudicated a delinquent child for committing a sexually 407
oriented offense or child-victim oriented offense and classified 408
a juvenile offender registrant, and who prior to that date was 409
adjudicated a sexual predator or adjudicated a child-victim 410
predator, unless either of the following applies: 411

(a) The sex offender or child-victim offender is 412
reclassified pursuant to section 2950.031 or 2950.032 of the 413
Revised Code as a tier I sex offender/child-victim offender or a 414
tier II sex offender/child-victim offender relative to the 415
offense. 416

(b) The sex offender or child-victim offender is a 417
delinquent child, and a juvenile court, pursuant to section 418
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, 419
classifies the child a tier I sex offender/child-victim offender 420
or a tier II sex offender/child-victim offender relative to the 421
offense. 422

(6) A sex offender who is convicted of, pleads guilty to, 423
was convicted of, or pleaded guilty to a sexually oriented 424
offense, if the sexually oriented offense and the circumstances 425
in which it was committed are such that division (F) of section 426
2971.03 of the Revised Code automatically classifies the 427
offender as a tier III sex offender/child-victim offender; 428

(7) A sex offender or child-victim offender who is 429
convicted of, pleads guilty to, was convicted of, pleaded guilty 430
to, is adjudicated a delinquent child for committing, or was 431
adjudicated a delinquent child for committing a sexually 432
oriented offense or child-victim offense in another state, in a 433
federal court, military court, or Indian tribal court, or in a 434
court in any nation other than the United States if both of the 435
following apply: 436

(a) Under the law of the jurisdiction in which the 437
offender was convicted or pleaded guilty or the delinquent child 438
was adjudicated, the offender or delinquent child is in a 439
category substantially equivalent to a category of tier III sex 440
offender/child-victim offender described in division (G)(1), 441
(2), (3), (4), (5), or (6) of this section. 442

(b) Subsequent to the conviction, plea of guilty, or 443
adjudication in the other jurisdiction, the offender or 444
delinquent child resides, has temporary domicile, attends school 445
or an institution of higher education, is employed, or intends 446
to reside in this state in any manner and for any period of time 447
that subjects the offender or delinquent child to a duty to 448
register or provide notice of intent to reside under section 449
2950.04 or 2950.041 of the Revised Code. 450

(H) "Confinement" includes, but is not limited to, a 451
community residential sanction imposed pursuant to section 452

2929.16 or 2929.26 of the Revised Code. 453

(I) "Prosecutor" has the same meaning as in section 454
2935.01 of the Revised Code. 455

(J) "Supervised release" means a release of an offender 456
from a prison term, a term of imprisonment, or another type of 457
confinement that satisfies either of the following conditions: 458

(1) The release is on parole, a conditional pardon, under 459
a community control sanction, under transitional control, or 460
under a post-release control sanction, and it requires the 461
person to report to or be supervised by a parole officer, 462
probation officer, field officer, or another type of supervising 463
officer. 464

(2) The release is any type of release that is not 465
described in division (J)(1) of this section and that requires 466
the person to report to or be supervised by a probation officer, 467
a parole officer, a field officer, or another type of 468
supervising officer. 469

(K) "Sexually violent predator specification," "sexually 470
violent predator," "sexually violent offense," "sexual 471
motivation specification," "designated homicide, assault, or 472
kidnapping offense," and "violent sex offense" have the same 473
meanings as in section 2971.01 of the Revised Code. 474

(L) "Post-release control sanction" and "transitional 475
control" have the same meanings as in section 2967.01 of the 476
Revised Code. 477

(M) "Juvenile offender registrant" means a person who is 478
adjudicated a delinquent child for committing on or after 479
January 1, 2002, a sexually oriented offense or a child-victim 480
oriented offense, who is fourteen years of age or older at the 481

time of committing the offense, and who a juvenile court judge, 482
pursuant to an order issued under section 2152.82, 2152.83, 483
2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a 484
juvenile offender registrant and specifies has a duty to comply 485
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 486
Revised Code. "Juvenile offender registrant" includes a person 487
who prior to January 1, 2008, was a "juvenile offender 488
registrant" under the definition of the term in existence prior 489
to January 1, 2008, and a person who prior to July 31, 2003, was 490
a "juvenile sex offender registrant" under the former definition 491
of that former term. 492

(N) "Public registry-qualified juvenile offender 493
registrant" means a person who is adjudicated a delinquent child 494
and on whom a juvenile court has imposed a serious youthful 495
offender dispositional sentence under section 2152.13 of the 496
Revised Code before, on, or after January 1, 2008, and to whom 497
all of the following apply: 498

(1) The person is adjudicated a delinquent child for 499
committing, attempting to commit, conspiring to commit, or 500
complicity in committing one of the following acts: 501

(a) A violation of section 2907.02 of the Revised Code, 502
division (B) of section 2907.05 of the Revised Code, or section 503
2907.03 of the Revised Code if the victim of the violation was 504
less than twelve years of age; 505

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 506
the Revised Code that was committed with a purpose to gratify 507
the sexual needs or desires of the child; 508

(c) A violation of division (B) of section 2903.03 of the 509
Revised Code. 510

(2) The person was fourteen, fifteen, sixteen, or 511
seventeen years of age at the time of committing the act. 512

(3) A juvenile court judge, pursuant to an order issued 513
under section 2152.86 of the Revised Code, classifies the person 514
a juvenile offender registrant, specifies the person has a duty 515
to comply with sections 2950.04, 2950.05, and 2950.06 of the 516
Revised Code, and classifies the person a public registry- 517
qualified juvenile offender registrant, and the classification 518
of the person as a public registry-qualified juvenile offender 519
registrant has not been terminated pursuant to division (D) of 520
section 2152.86 of the Revised Code. 521

(O) "Secure facility" means any facility that is designed 522
and operated to ensure that all of its entrances and exits are 523
locked and under the exclusive control of its staff and to 524
ensure that, because of that exclusive control, no person who is 525
institutionalized or confined in the facility may leave the 526
facility without permission or supervision. 527

(P) "Out-of-state juvenile offender registrant" means a 528
person who is adjudicated a delinquent child in a court in 529
another state, in a federal court, military court, or Indian 530
tribal court, or in a court in any nation other than the United 531
States for committing a sexually oriented offense or a child- 532
victim oriented offense, who on or after January 1, 2002, moves 533
to and resides in this state or temporarily is domiciled in this 534
state for more than five days, and who has a duty under section 535
2950.04 or 2950.041 of the Revised Code to register in this 536
state and the duty to otherwise comply with that applicable 537
section and sections 2950.05 and 2950.06 of the Revised Code. 538
"Out-of-state juvenile offender registrant" includes a person 539
who prior to January 1, 2008, was an "out-of-state juvenile 540

offender registrant" under the definition of the term in 541
existence prior to January 1, 2008, and a person who prior to 542
July 31, 2003, was an "out-of-state juvenile sex offender 543
registrant" under the former definition of that former term. 544

(Q) "Juvenile court judge" includes a magistrate to whom 545
the juvenile court judge confers duties pursuant to division (A) 546
(15) of section 2151.23 of the Revised Code. 547

(R) "Adjudicated a delinquent child for committing a 548
sexually oriented offense" includes a child who receives a 549
serious youthful offender dispositional sentence under section 550
2152.13 of the Revised Code for committing a sexually oriented 551
offense. 552

(S) "School" and "school premises" have the same meanings 553
as in section 2925.01 of the Revised Code. 554

(T) "Residential premises" means the building in which a 555
residential unit is located and the grounds upon which that 556
building stands, extending to the perimeter of the property. 557
"Residential premises" includes any type of structure in which a 558
residential unit is located, including, but not limited to, 559
multi-unit buildings and mobile and manufactured homes. 560

(U) "Residential unit" means a dwelling unit for 561
residential use and occupancy, and includes the structure or 562
part of a structure that is used as a home, residence, or 563
sleeping place by one person who maintains a household or two or 564
more persons who maintain a common household. "Residential unit" 565
does not include a halfway house or a community-based 566
correctional facility. 567

(V) "Multi-unit building" means a building in which is 568
located more than twelve residential units that have entry doors 569

that open directly into the unit from a hallway that is shared 570
with one or more other units. A residential unit is not 571
considered located in a multi-unit building if the unit does not 572
have an entry door that opens directly into the unit from a 573
hallway that is shared with one or more other units or if the 574
unit is in a building that is not a multi-unit building as 575
described in this division. 576

(W) "Community control sanction" has the same meaning as 577
in section 2929.01 of the Revised Code. 578

(X) "Halfway house" and "community-based correctional 579
facility" have the same meanings as in section 2929.01 of the 580
Revised Code. 581

(Y) A person is in a "restricted offender category" if 582
both of the following apply with respect to the person: 583

(1) The person has been convicted of, is convicted of, has 584
pleaded guilty to, or pleads guilty to a sexually oriented 585
offense where the victim was under the age of eighteen or a 586
child-victim oriented offense. 587

(2) With respect to the offense described in division (Y) 588
(1) of this section, one of the following applies: 589

(a) With respect to that offense, the person is a tier II 590
sex offender/child-victim offender or is a tier III sex 591
offender/child-victim offender who is subject to the duties 592
imposed by sections 2950.04, 2950.041, 2950.05, and 2950.06 of 593
the Revised Code. 594

(b) With respect to that offense if it was committed prior 595
to January 1, 2008, under the version of Chapter 2950. of the 596
Revised Code in effect prior to January 1, 2008, the person was 597
adjudicated a sexual predator, was adjudicated a child-victim 598

predator, was classified a habitual sex offender, or was 599
classified a habitual child-victim sex offender. 600

(Z) "Adjudicated a sexual predator," "adjudicated a child- 601
victim predator," "habitual sex offender," and "habitual child- 602
victim offender" have the meanings of those terms that applied 603
to them under Chapter 2950. of the Revised Code prior to January 604
1, 2008. 605

Section 2. That existing sections 2905.05 and 2950.01 of 606
the Revised Code are hereby repealed. 607