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Am. H. B. No. 168

Representatives Williams, Brennan

Cosponsors: Representatives Gross, Klopfenstein, Odioso, Miller, K., Dean, Schmidt, Deeter, Plummer, Abrams, Barhorst, Bird, Brewer, Brownlee, Claggett, Click, Cockley, Daniels, Denson, Dovilla, Fischer, Fowler Arthur, Ghanbari, Hall, D., Hiner, Jarrells, Johnson, Kishman, LaRe, Lawson-Rowe, Lear, Lett, Lorenz, Manning, Mathews, A., Mathews, T., McNally, Mohamed, Newman, Richardson, Ritter, Robb Blasdel, Rogers, Russo, Salvo, Santucci, Sigrist, Synenberg, Teska, Upchurch, White, A., White, E., Willis

A BILL

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

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

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

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

(1) ~~The actor does not have the express or implied
permission of the parent, guardian, or other legal custodian of~~

~~the child in undertaking the activity~~person acts with a sexual
motivation.

~~(2) The actor is not a law enforcement officer, medic,~~
~~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 other than that described in division (A) (1) of
this section.

~~(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.~~

(1) A violation of division (A) (2) of this section is 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 44
of that prior offense was under seventeen years of age at the 45
time of the offense, ~~criminal child enticement~~ a violation of 46
division (A) (2) of this section is a felony of the fifth degree. 47

(2) A violation of division (A) (1) of this section is a 48
felony of the fifth degree. If the offender previously has been 49
convicted of a violation of this section, section 2907.02 or 50
2907.03 or former section 2907.12 of the Revised Code, or 51
section 2905.01 or 2907.05 of the Revised Code when the victim 52
of that prior offense was under seventeen years of age at the 53
time of the offense, a violation of division (A) (1) of this 54
section is a felony of the fourth degree. If the offender 55
previously has been convicted of two violations of this section, 56
section 2907.02 or 2907.03 or former section 2907.12 of the 57
Revised Code, or section 2905.01 or 2907.05 of the Revised Code 58
when the victim of that prior offense was under seventeen years 59
of age at the time of the offense, a violation of division (A) 60
(1) of this section is a felony of the third degree. 61

~~(F)~~ (C) A prosecution for a violation of this section does 62
not preclude a prosecution of a violation of any other section 63
of the Revised Code. One or more acts, a series of acts, or a 64
course of behavior that can be prosecuted under this section or 65
any other section of the Revised Code may be prosecuted under 66
this section, the other section of the Revised Code, or both 67
sections. However, if the offender is convicted of or pleads 68
guilty to a violation of this section and is also convicted of 69
or pleads guilty to a violation of another section in Chapter 70
2905. of the Revised Code based on the same conduct and 71
involving the same victim that was the basis of the violation of 72
this section, the two offenses are allied offenses of similar 73
import under section 2941.25 of the Revised Code. 74

(D) As used in this section:	75
(1) "Sexual motivation" has the same meaning as in section 2971.01 of the Revised Code.	76 77
(2) "Vehicle" has the same meaning as in section 4501.01 of the Revised Code.	78 79
(3) "Vessel" has the same meaning as in section 1546.01 of the Revised Code.	80 81
Sec. 2950.01. As used in this chapter, unless the context clearly requires otherwise:	82 83
(A) "Sexually oriented offense" means any of the following violations or offenses committed by a person, regardless of the person's age:	84 85 86
(1) A violation of section 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 2907.322, or 2907.323 of the Revised Code;	87 88 89
(2) A violation of section 2907.04 of the Revised Code when the offender is less than four years older than the other person with whom the offender engaged in sexual conduct, the other person did not consent to the sexual conduct, and the offender previously has not been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a violation of former section 2907.12 of the Revised Code;	90 91 92 93 94 95 96 97
(3) 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	98 99 100 101 102

offender previously has been convicted of or pleaded guilty to a 103
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 104
Code or a violation of former section 2907.12 of the Revised 105
Code; 106

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 107
the Revised Code when the violation was committed with a sexual 108
motivation; 109

(5) A violation of division (A) of section 2903.04 of the 110
Revised Code when the offender committed or attempted to commit 111
the felony that is the basis of the violation with a sexual 112
motivation; 113

(6) A violation of division (A) (3) of section 2903.211 of 114
the Revised Code; 115

(7) A violation of division (A) (1), (2), (3), or (5) of 116
section 2905.01 of the Revised Code when the offense is 117
committed with a sexual motivation; 118

(8) A violation of division (A) (4) of section 2905.01 of 119
the Revised Code; 120

(9) A violation of division (B) of section 2905.01 of the 121
Revised Code when the victim of the offense is under eighteen 122
years of age and the offender is not a parent of the victim of 123
the offense; 124

(10) A violation of division (B) of section 2903.03, of 125
division (B) of section 2905.02, of division (B) of section 126
2905.03, of division ~~(B)~~ (A) (1) of section 2905.05, or of 127
division (B) (5) of section 2919.22 of the Revised Code; 128

(11) A violation of section 2905.32 of the Revised Code 129
when either of the following applies: 130

(a) The violation is a violation of division (A) (1) of 131
that section and the offender knowingly recruited, lured, 132
enticed, isolated, harbored, transported, provided, obtained, or 133
maintained, or knowingly attempted to recruit, lure, entice, 134
isolate, harbor, transport, provide, obtain, or maintain, 135
another person knowing that the person would be compelled to 136
engage in sexual activity for hire, engage in a performance that 137
was obscene, sexually oriented, or nudity oriented, or be a 138
model or participant in the production of material that was 139
obscene, sexually oriented, or nudity oriented. 140

(b) The violation is a violation of division (A) (2) of 141
that section and the offender knowingly recruited, lured, 142
enticed, isolated, harbored, transported, provided, obtained, or 143
maintained, or knowingly attempted to recruit, lure, entice, 144
isolate, harbor, transport, provide, obtain, or maintain a 145
person who is less than eighteen years of age or is a person 146
with a developmental disability whom the offender knows or has 147
reasonable cause to believe is a person with a developmental 148
disability for any purpose listed in divisions (A) (2) (a) to (c) 149
of that section. 150

(12) A violation of division (B) (4) of section 2907.09 of 151
the Revised Code if the sentencing court classifies the offender 152
as a tier I sex offender/child-victim offender relative to that 153
offense pursuant to division (D) of that section; 154

(13) A violation of any former law of this state, any 155
existing or former municipal ordinance or law of another state 156
or the United States, any existing or former law applicable in a 157
military court or in an Indian tribal court, or any existing or 158
former law of any nation other than the United States that is or 159
was substantially equivalent to any offense listed in division 160

(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 161
(12) of this section; 162

(14) Any attempt to commit, conspiracy to commit, or 163
complicity in committing any offense listed in division (A) (1), 164
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or 165
(13) of this section. 166

(B) (1) "Sex offender" means, subject to division (B) (2) of 167
this section, a person who is convicted of, pleads guilty to, 168
has been convicted of, has pleaded guilty to, is adjudicated a 169
delinquent child for committing, or has been adjudicated a 170
delinquent child for committing any sexually oriented offense. 171

(2) "Sex offender" does not include a person who is 172
convicted of, pleads guilty to, has been convicted of, has 173
pleaded guilty to, is adjudicated a delinquent child for 174
committing, or has been adjudicated a delinquent child for 175
committing a sexually oriented offense if the offense involves 176
consensual sexual conduct or consensual sexual contact and 177
either of the following applies: 178

(a) The victim of the sexually oriented offense was 179
eighteen years of age or older and at the time of the sexually 180
oriented offense was not under the custodial authority of the 181
person who is convicted of, pleads guilty to, has been convicted 182
of, has pleaded guilty to, is adjudicated a delinquent child for 183
committing, or has been adjudicated a delinquent child for 184
committing the sexually oriented offense. 185

(b) The victim of the offense was thirteen years of age or 186
older, and the person who is convicted of, pleads guilty to, has 187
been convicted of, has pleaded guilty to, is adjudicated a 188
delinquent child for committing, or has been adjudicated a 189

delinquent child for committing the sexually oriented offense is 190
not more than four years older than the victim. 191

(C) "Child-victim oriented offense" means any of the 192
following violations or offenses committed by a person, 193
regardless of the person's age, when the victim is under 194
eighteen years of age and is not a child of the person who 195
commits the violation: 196

(1) A violation of division (A) (1), (2), (3), or (5) of 197
section 2905.01 of the Revised Code when the violation is not 198
included in division (A) (7) of this section; 199

(2) A violation of division (A) of section 2905.02, 200
division (A) of section 2905.03, or division ~~(A)~~ (A) (2) of 201
section 2905.05 of the Revised Code; 202

(3) A violation of any former law of this state, any 203
existing or former municipal ordinance or law of another state 204
or the United States, any existing or former law applicable in a 205
military court or in an Indian tribal court, or any existing or 206
former law of any nation other than the United States that is or 207
was substantially equivalent to any offense listed in division 208
(C) (1) or (2) of this section; 209

(4) Any attempt to commit, conspiracy to commit, or 210
complicity in committing any offense listed in division (C) (1), 211
(2), or (3) of this section. 212

(D) "Child-victim offender" means a person who is 213
convicted of, pleads guilty to, has been convicted of, has 214
pleaded guilty to, is adjudicated a delinquent child for 215
committing, or has been adjudicated a delinquent child for 216
committing any child-victim oriented offense. 217

(E) "Tier I sex offender/child-victim offender" means any 218

of the following: 219

(1) A sex offender who is convicted of, pleads guilty to, 220
has been convicted of, or has pleaded guilty to any of the 221
following sexually oriented offenses: 222

(a) A violation of section 2907.06, 2907.07, 2907.08, 223
2907.22, or 2907.32 of the Revised Code; 224

(b) A violation of section 2907.04 of the Revised Code 225
when the offender is less than four years older than the other 226
person with whom the offender engaged in sexual conduct, the 227
other person did not consent to the sexual conduct, and the 228
offender previously has not been convicted of or pleaded guilty 229
to a violation of section 2907.02, 2907.03, or 2907.04 of the 230
Revised Code or a violation of former section 2907.12 of the 231
Revised Code; 232

(c) A violation of division (A) (1), (2), (3), or (5) of 233
section 2907.05 of the Revised Code; 234

(d) A violation of division (A) (3) of section 2907.323 of 235
the Revised Code; 236

(e) A violation of division (A) (3) of section 2903.211, of 237
division (B) of section 2905.03, or of division ~~(B)~~ (A) (1) of 238
section 2905.05 of the Revised Code; 239

(f) A violation of division (B) (4) of section 2907.09 of 240
the Revised Code if the sentencing court classifies the offender 241
as a tier I sex offender/child-victim offender relative to that 242
offense pursuant to division (D) of that section; 243

(g) A violation of any former law of this state, any 244
existing or former municipal ordinance or law of another state 245
or the United States, any existing or former law applicable in a 246

military court or in an Indian tribal court, or any existing or 247
former law of any nation other than the United States, that is 248
or was substantially equivalent to any offense listed in 249
division (E) (1) (a), (b), (c), (d), (e), or (f) of this section; 250

(h) Any attempt to commit, conspiracy to commit, or 251
complicity in committing any offense listed in division (E) (1) 252
(a), (b), (c), (d), (e), (f), or (g) of this section. 253

(2) A child-victim offender who is convicted of, pleads 254
guilty to, has been convicted of, or has pleaded guilty to a 255
child-victim oriented offense and who is not within either 256
category of child-victim offender described in division (F) (2) 257
or (G) (2) of this section. 258

(3) A sex offender who is adjudicated a delinquent child 259
for committing or has been adjudicated a delinquent child for 260
committing any sexually oriented offense and who a juvenile 261
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 262
of the Revised Code, classifies a tier I sex offender/child- 263
victim offender relative to the offense. 264

(4) A child-victim offender who is adjudicated a 265
delinquent child for committing or has been adjudicated a 266
delinquent child for committing any child-victim oriented 267
offense and who a juvenile court, pursuant to section 2152.82, 268
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 269
tier I sex offender/child-victim offender relative to the 270
offense. 271

(F) "Tier II sex offender/child-victim offender" means any 272
of the following: 273

(1) A sex offender who is convicted of, pleads guilty to, 274
has been convicted of, or has pleaded guilty to any of the 275

following sexually oriented offenses: 276

(a) A violation of section 2907.21, 2907.321, or 2907.322 277
of the Revised Code; 278

(b) A violation of section 2907.04 of the Revised Code 279
when the offender is at least four years older than the other 280
person with whom the offender engaged in sexual conduct, or when 281
the offender is less than four years older than the other person 282
with whom the offender engaged in sexual conduct and the 283
offender previously has been convicted of or pleaded guilty to a 284
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 285
Code or former section 2907.12 of the Revised Code; 286

(c) A violation of section 2907.03 of the Revised Code if 287
the sexual activity involved is sexual contact; 288

(d) A violation of division (A) (4) of section 2907.05 or 289
of division (A) (1) or (2) of section 2907.323 of the Revised 290
Code; 291

(e) A violation of division (A) (1), (2), (3), or (5) of 292
section 2905.01 of the Revised Code when the offense is 293
committed with a sexual motivation; 294

(f) A violation of division (A) (4) of section 2905.01 of 295
the Revised Code when the victim of the offense is eighteen 296
years of age or older; 297

(g) A violation of division (B) of section 2905.02 or of 298
division (B) (5) of section 2919.22 of the Revised Code; 299

(h) A violation of section 2905.32 of the Revised Code 300
that is described in division (A) (11) (a) or (b) of this section; 301

(i) A violation of any former law of this state, any 302
existing or former municipal ordinance or law of another state 303

or the United States, any existing or former law applicable in a 304
military court or in an Indian tribal court, or any existing or 305
former law of any nation other than the United States that is or 306
was substantially equivalent to any offense listed in division 307
(F) (1) (a), (b), (c), (d), (e), (f), (g), or (h) of this section; 308

(j) Any attempt to commit, conspiracy to commit, or 309
complicity in committing any offense listed in division (F) (1) 310
(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section; 311

(k) Any sexually oriented offense that is committed after 312
the sex offender previously has been convicted of, pleaded 313
guilty to, or has been adjudicated a delinquent child for 314
committing any sexually oriented offense or child-victim 315
oriented offense for which the offender was classified a tier I 316
sex offender/child-victim offender. 317

(2) A child-victim offender who is convicted of, pleads 318
guilty to, has been convicted of, or has pleaded guilty to any 319
child-victim oriented offense when the child-victim oriented 320
offense is committed after the child-victim offender previously 321
has been convicted of, pleaded guilty to, or been adjudicated a 322
delinquent child for committing any sexually oriented offense or 323
child-victim oriented offense for which the offender was 324
classified a tier I sex offender/child-victim offender. 325

(3) A sex offender who is adjudicated a delinquent child 326
for committing or has been adjudicated a delinquent child for 327
committing any sexually oriented offense and who a juvenile 328
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 329
of the Revised Code, classifies a tier II sex offender/child- 330
victim offender relative to the offense. 331

(4) A child-victim offender who is adjudicated a 332

delinquent child for committing or has been adjudicated a 333
delinquent child for committing any child-victim oriented 334
offense and whom a juvenile court, pursuant to section 2152.82, 335
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 336
tier II sex offender/child-victim offender relative to the 337
current offense. 338

(5) A sex offender or child-victim offender who is not in 339
any category of tier II sex offender/child-victim offender set 340
forth in division (F)(1), (2), (3), or (4) of this section, who 341
prior to January 1, 2008, was adjudicated a delinquent child for 342
committing a sexually oriented offense or child-victim oriented 343
offense, and who prior to that date was determined to be a 344
habitual sex offender or determined to be a habitual child- 345
victim offender, unless either of the following applies: 346

(a) The sex offender or child-victim offender is 347
reclassified pursuant to section 2950.031 or 2950.032 of the 348
Revised Code as a tier I sex offender/child-victim offender or a 349
tier III sex offender/child-victim offender relative to the 350
offense. 351

(b) A juvenile court, pursuant to section 2152.82, 352
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the 353
child a tier I sex offender/child-victim offender or a tier III 354
sex offender/child-victim offender relative to the offense. 355

(G) "Tier III sex offender/child-victim offender" means 356
any of the following: 357

(1) A sex offender who is convicted of, pleads guilty to, 358
has been convicted of, or has pleaded guilty to any of the 359
following sexually oriented offenses: 360

(a) A violation of section 2907.02 of the Revised Code or 361

a violation of section 2907.03 of the Revised Code if the sexual 362
activity involved is sexual conduct; 363

(b) A violation of division (B) of section 2907.05 of the 364
Revised Code; 365

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 366
the Revised Code when the violation was committed with a sexual 367
motivation; 368

(d) A violation of division (A) of section 2903.04 of the 369
Revised Code when the offender committed or attempted to commit 370
the felony that is the basis of the violation with a sexual 371
motivation; 372

(e) A violation of division (A)(4) of section 2905.01 of 373
the Revised Code when the victim of the offense is under 374
eighteen years of age; 375

(f) A violation of division (B) of section 2905.01 of the 376
Revised Code when the victim of the offense is under eighteen 377
years of age and the offender is not a parent of the victim of 378
the offense; 379

(g) A violation of division (B) of section 2903.03 of the 380
Revised Code; 381

(h) A violation of any former law of this state, any 382
existing or former municipal ordinance or law of another state 383
or the United States, any existing or former law applicable in a 384
military court or in an Indian tribal court, or any existing or 385
former law of any nation other than the United States that is or 386
was substantially equivalent to any offense listed in division 387
(G)(1)(a), (b), (c), (d), (e), (f), or (g) of this section; 388

(i) Any attempt to commit, conspiracy to commit, or 389

complicity in committing any offense listed in division (G) (1) 390
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 391

(j) Any sexually oriented offense that is committed after 392
the sex offender previously has been convicted of, pleaded 393
guilty to, or been adjudicated a delinquent child for committing 394
any sexually oriented offense or child-victim oriented offense 395
for which the offender was classified a tier II sex 396
offender/child-victim offender or a tier III sex offender/child- 397
victim offender. 398

(2) A child-victim offender who is convicted of, pleads 399
guilty to, has been convicted of, or has pleaded guilty to any 400
child-victim oriented offense when the child-victim oriented 401
offense is committed after the child-victim offender previously 402
has been convicted of, pleaded guilty to, or been adjudicated a 403
delinquent child for committing any sexually oriented offense or 404
child-victim oriented offense for which the offender was 405
classified a tier II sex offender/child-victim offender or a 406
tier III sex offender/child-victim offender. 407

(3) A sex offender who is adjudicated a delinquent child 408
for committing or has been adjudicated a delinquent child for 409
committing any sexually oriented offense and who a juvenile 410
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 411
of the Revised Code, classifies a tier III sex offender/child- 412
victim offender relative to the offense. 413

(4) A child-victim offender who is adjudicated a 414
delinquent child for committing or has been adjudicated a 415
delinquent child for committing any child-victim oriented 416
offense and whom a juvenile court, pursuant to section 2152.82, 417
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 418
tier III sex offender/child-victim offender relative to the 419

current offense. 420

(5) A sex offender or child-victim offender who is not in 421
any category of tier III sex offender/child-victim offender set 422
forth in division (G)(1), (2), (3), or (4) of this section, who 423
prior to January 1, 2008, was convicted of or pleaded guilty to 424
a sexually oriented offense or child-victim oriented offense or 425
was adjudicated a delinquent child for committing a sexually 426
oriented offense or child-victim oriented offense and classified 427
a juvenile offender registrant, and who prior to that date was 428
adjudicated a sexual predator or adjudicated a child-victim 429
predator, unless either of the following applies: 430

(a) The sex offender or child-victim offender is 431
reclassified pursuant to section 2950.031 or 2950.032 of the 432
Revised Code as a tier I sex offender/child-victim offender or a 433
tier II sex offender/child-victim offender relative to the 434
offense. 435

(b) The sex offender or child-victim offender is a 436
delinquent child, and a juvenile court, pursuant to section 437
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, 438
classifies the child a tier I sex offender/child-victim offender 439
or a tier II sex offender/child-victim offender relative to the 440
offense. 441

(6) A sex offender who is convicted of, pleads guilty to, 442
was convicted of, or pleaded guilty to a sexually oriented 443
offense, if the sexually oriented offense and the circumstances 444
in which it was committed are such that division (F) of section 445
2971.03 of the Revised Code automatically classifies the 446
offender as a tier III sex offender/child-victim offender; 447

(7) A sex offender or child-victim offender who is 448

convicted of, pleads guilty to, was convicted of, pleaded guilty 449
to, is adjudicated a delinquent child for committing, or was 450
adjudicated a delinquent child for committing a sexually 451
oriented offense or child-victim offense in another state, in a 452
federal court, military court, or Indian tribal court, or in a 453
court in any nation other than the United States if both of the 454
following apply: 455

(a) Under the law of the jurisdiction in which the 456
offender was convicted or pleaded guilty or the delinquent child 457
was adjudicated, the offender or delinquent child is in a 458
category substantially equivalent to a category of tier III sex 459
offender/child-victim offender described in division (G) (1), 460
(2), (3), (4), (5), or (6) of this section. 461

(b) Subsequent to the conviction, plea of guilty, or 462
adjudication in the other jurisdiction, the offender or 463
delinquent child resides, has temporary domicile, attends school 464
or an institution of higher education, is employed, or intends 465
to reside in this state in any manner and for any period of time 466
that subjects the offender or delinquent child to a duty to 467
register or provide notice of intent to reside under section 468
2950.04 or 2950.041 of the Revised Code. 469

(H) "Confinement" includes, but is not limited to, a 470
community residential sanction imposed pursuant to section 471
2929.16 or 2929.26 of the Revised Code. 472

(I) "Prosecutor" has the same meaning as in section 473
2935.01 of the Revised Code. 474

(J) "Supervised release" means a release of an offender 475
from a prison term, a term of imprisonment, or another type of 476
confinement that satisfies either of the following conditions: 477

(1) The release is on parole, a conditional pardon, under 478
a community control sanction, under transitional control, or 479
under a post-release control sanction, and it requires the 480
person to report to or be supervised by a parole officer, 481
probation officer, field officer, or another type of supervising 482
officer. 483

(2) The release is any type of release that is not 484
described in division (J) (1) of this section and that requires 485
the person to report to or be supervised by a probation officer, 486
a parole officer, a field officer, or another type of 487
supervising officer. 488

(K) "Sexually violent predator specification," "sexually 489
violent predator," "sexually violent offense," "sexual 490
motivation specification," "designated homicide, assault, or 491
kidnapping offense," and "violent sex offense" have the same 492
meanings as in section 2971.01 of the Revised Code. 493

(L) "Post-release control sanction" and "transitional 494
control" have the same meanings as in section 2967.01 of the 495
Revised Code. 496

(M) "Juvenile offender registrant" means a person who is 497
adjudicated a delinquent child for committing on or after 498
January 1, 2002, a sexually oriented offense or a child-victim 499
oriented offense, who is fourteen years of age or older at the 500
time of committing the offense, and who a juvenile court judge, 501
pursuant to an order issued under section 2152.82, 2152.83, 502
2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a 503
juvenile offender registrant and specifies has a duty to comply 504
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 505
Revised Code. "Juvenile offender registrant" includes a person 506
who prior to January 1, 2008, was a "juvenile offender 507

registrant" under the definition of the term in existence prior 508
to January 1, 2008, and a person who prior to July 31, 2003, was 509
a "juvenile sex offender registrant" under the former definition 510
of that former term. 511

(N) "Public registry-qualified juvenile offender 512
registrant" means a person who is adjudicated a delinquent child 513
and on whom a juvenile court has imposed a serious youthful 514
offender dispositional sentence under section 2152.13 of the 515
Revised Code before, on, or after January 1, 2008, and to whom 516
all of the following apply: 517

(1) The person is adjudicated a delinquent child for 518
committing, attempting to commit, conspiring to commit, or 519
complicity in committing one of the following acts: 520

(a) A violation of section 2907.02 of the Revised Code, 521
division (B) of section 2907.05 of the Revised Code, or section 522
2907.03 of the Revised Code if the victim of the violation was 523
less than twelve years of age; 524

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 525
the Revised Code that was committed with a purpose to gratify 526
the sexual needs or desires of the child; 527

(c) A violation of division (B) of section 2903.03 of the 528
Revised Code. 529

(2) The person was fourteen, fifteen, sixteen, or 530
seventeen years of age at the time of committing the act. 531

(3) A juvenile court judge, pursuant to an order issued 532
under section 2152.86 of the Revised Code, classifies the person 533
a juvenile offender registrant, specifies the person has a duty 534
to comply with sections 2950.04, 2950.05, and 2950.06 of the 535
Revised Code, and classifies the person a public registry- 536

qualified juvenile offender registrant, and the classification 537
of the person as a public registry-qualified juvenile offender 538
registrant has not been terminated pursuant to division (D) of 539
section 2152.86 of the Revised Code. 540

(O) "Secure facility" means any facility that is designed 541
and operated to ensure that all of its entrances and exits are 542
locked and under the exclusive control of its staff and to 543
ensure that, because of that exclusive control, no person who is 544
institutionalized or confined in the facility may leave the 545
facility without permission or supervision. 546

(P) "Out-of-state juvenile offender registrant" means a 547
person who is adjudicated a delinquent child in a court in 548
another state, in a federal court, military court, or Indian 549
tribal court, or in a court in any nation other than the United 550
States for committing a sexually oriented offense or a child- 551
victim oriented offense, who on or after January 1, 2002, moves 552
to and resides in this state or temporarily is domiciled in this 553
state for more than five days, and who has a duty under section 554
2950.04 or 2950.041 of the Revised Code to register in this 555
state and the duty to otherwise comply with that applicable 556
section and sections 2950.05 and 2950.06 of the Revised Code. 557
"Out-of-state juvenile offender registrant" includes a person 558
who prior to January 1, 2008, was an "out-of-state juvenile 559
offender registrant" under the definition of the term in 560
existence prior to January 1, 2008, and a person who prior to 561
July 31, 2003, was an "out-of-state juvenile sex offender 562
registrant" under the former definition of that former term. 563

(Q) "Juvenile court judge" includes a magistrate to whom 564
the juvenile court judge confers duties pursuant to division (A) 565
(15) of section 2151.23 of the Revised Code. 566

(R) "Adjudicated a delinquent child for committing a 567
sexually oriented offense" includes a child who receives a 568
serious youthful offender dispositional sentence under section 569
2152.13 of the Revised Code for committing a sexually oriented 570
offense. 571

(S) "School" and "school premises" have the same meanings 572
as in section 2925.01 of the Revised Code. 573

(T) "Residential premises" means the building in which a 574
residential unit is located and the grounds upon which that 575
building stands, extending to the perimeter of the property. 576
"Residential premises" includes any type of structure in which a 577
residential unit is located, including, but not limited to, 578
multi-unit buildings and mobile and manufactured homes. 579

(U) "Residential unit" means a dwelling unit for 580
residential use and occupancy, and includes the structure or 581
part of a structure that is used as a home, residence, or 582
sleeping place by one person who maintains a household or two or 583
more persons who maintain a common household. "Residential unit" 584
does not include a halfway house or a community-based 585
correctional facility. 586

(V) "Multi-unit building" means a building in which is 587
located more than twelve residential units that have entry doors 588
that open directly into the unit from a hallway that is shared 589
with one or more other units. A residential unit is not 590
considered located in a multi-unit building if the unit does not 591
have an entry door that opens directly into the unit from a 592
hallway that is shared with one or more other units or if the 593
unit is in a building that is not a multi-unit building as 594
described in this division. 595

(W) "Community control sanction" has the same meaning as 596
in section 2929.01 of the Revised Code. 597

(X) "Halfway house" and "community-based correctional 598
facility" have the same meanings as in section 2929.01 of the 599
Revised Code. 600

(Y) A person is in a "restricted offender category" if 601
both of the following apply with respect to the person: 602

(1) The person has been convicted of, is convicted of, has 603
pleaded guilty to, or pleads guilty to a sexually oriented 604
offense where the victim was under the age of eighteen or a 605
child-victim oriented offense. 606

(2) With respect to the offense described in division (Y) 607
(1) of this section, one of the following applies: 608

(a) With respect to that offense, the person is a tier II 609
sex offender/child-victim offender or is a tier III sex 610
offender/child-victim offender who is subject to the duties 611
imposed by sections 2950.04, 2950.041, 2950.05, and 2950.06 of 612
the Revised Code. 613

(b) With respect to that offense if it was committed prior 614
to January 1, 2008, under the version of Chapter 2950. of the 615
Revised Code in effect prior to January 1, 2008, the person was 616
adjudicated a sexual predator, was adjudicated a child-victim 617
predator, was classified a habitual sex offender, or was 618
classified a habitual child-victim sex offender. 619

(Z) "Adjudicated a sexual predator," "adjudicated a child- 620
victim predator," "habitual sex offender," and "habitual child- 621
victim offender" have the meanings of those terms that applied 622
to them under Chapter 2950. of the Revised Code prior to January 623
1, 2008. 624

(AA) "Fixed residence address" means a permanent 625
residential address. "Fixed residence address" does not include 626
a temporary address, including a place or places that a homeless 627
person stays or intends to stay, unless that place is a shelter 628
that intends to allow the homeless person to stay for thirty or 629
more consecutive days. 630

(BB) "Homeless" has the same meaning as in 42 U.S.C. 631
11302. 632

Section 2. That existing sections 2905.05 and 2950.01 of 633
the Revised Code are hereby repealed. 634

Section 3. Section 2950.01 of the Revised Code is 635
presented in this act as a composite of the section as amended 636
by both H.B. 289 and S.B. 109 of the 135th General Assembly. The 637
General Assembly, applying the principle stated in division (B) 638
of section 1.52 of the Revised Code that amendments are to be 639
harmonized if reasonably capable of simultaneous operation, 640
finds that the composite is the resulting version of the section 641
in effect prior to the effective date of the section as 642
presented in this act. 643