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# OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 422  
136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Sens. Schaffer and Brenner

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### SUMMARY

- Prohibits tier II and tier III sex offender/child-victim offenders from knowingly being present on school, preschool, or child care center premises, unless for a legitimate purpose.
- Requires the sheriff, or sheriff's designee, to notify tier II and tier III sex offender/child-victim offenders of the above prohibition in writing at the time of the offender's registration.
- Requires the Bureau of Criminal Identification and Investigation to include in the public record the identity of any registered offender who is subject to the prohibition.
- Requires the governing body of each public and nonpublic school to provide reasonable off-site or remote alternatives for meetings and communications with parents who are prohibited from knowingly being present on school premises.

### DETAILED ANALYSIS

#### School, preschool, and child care center premises

The bill prohibits any person who is 18 years old or older, who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any sexually oriented offense that qualifies that person for a tier II or tier III sex offender/child-victim offender status, and who is classified as such relative to that offense, from knowingly being present on school, preschool, or child care center premises.<sup>1</sup> Violating this prohibition is a first degree misdemeanor on a first

<sup>1</sup> R.C. 2950.036(B).

offense, a fifth degree felony on a second offense, and a fourth degree felony on each subsequent offense.<sup>2</sup>

Under the bill, “preschool or child care center premises” include (1) any building in which any preschool or child care center activities are conducted, (2) the parcel of real property on which a preschool or child care center is situated, and (3) any grounds, play areas, or other facilities of a preschool or child care center that are regularly used by the children served by a preschool or child care center, so long as the building, parcel, grounds, play area, or other facility has signage indicating that it is used for a preschool or child care center that is clearly visible, discernable without obstruction, and meets any local zoning ordinances.<sup>3</sup> “School premises” include either (1) the parcel of real property on which any public or nonpublic school is situated or (2) any other parcel of real property owned or leased by a district’s or school’s governing body on which some of the instruction, extracurricular activities, or training of the school is conducted, regardless of whether any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel or premises at the time a criminal offense is committed.<sup>4</sup>

It is an affirmative defense to the above prohibition that the person who is knowingly present on school, preschool, or child care center premises is a parent or guardian of a child who attends the related school, preschool, or child care facility and is on the premises for a legitimate purpose, or is a person on the premises pursuant to a court order authorizing the person’s presence.<sup>5</sup>

“Legitimate purpose” means any of the following:<sup>6</sup>

- Picking up or dropping off the parent’s or guardian’s child prior to the start of or after the end of the school day or preschool or child care session;
- Picking up or dropping off the parent’s or guardian’s child prior to the start of or after the end of a school-sponsored or preschool- or child care-sponsored activity, event, or program in which the child is a participant;
- Picking up the parent’s or guardian’s child in the event of emergency, when the child is ill, or for a medical appointment, or dropping off the child following a medical appointment;
- Attending a parent-teacher conference or other meeting requested by a teacher, principal, administrator, or preschool or child care worker so long as the meeting occurs after regular school hours.

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<sup>2</sup> R.C. 2950.99(E).

<sup>3</sup> R.C. 2950.036(A)(2); see also R.C. 2950.034(C)(5), not in the bill.

<sup>4</sup> See R.C. 2950.01(S) and 2925.01(R), not in the bill.

<sup>5</sup> R.C. 2950.036(C).

<sup>6</sup> R.C. 2950.036(A).

A defendant cannot assert an affirmative defense as permitted above if the defendant previously has been convicted of or pleaded guilty to two or more violations of being on school premises unlawfully.<sup>7</sup>

Any registered elector who is unable to vote at a polling place located on school, preschool, or child care center premises because of this prohibition may vote at the polling place during times outside of the regular school hours, may vote at the board of elections by absent voter's ballot, or by any other permitted method of voting.<sup>8</sup>

The board of education of each school district and the governing authority of each chartered or nonchartered nonpublic school must, as determined necessary by the district board or governing authority, provide reasonable off-site or remote alternatives for meetings and communications with parents who are prohibited from knowingly being present on school premises. Community schools, STEM schools, and college-preparatory boarding schools must also comply with this requirement in the same manner as a school district.<sup>9</sup>

## **Notification requirements**

A sheriff, or sheriff's designee, must provide written notice to any person who is classified as a tier II or tier III sex offender/child-victim offender and who is prohibited from knowingly being on school, preschool, or child care center premises. The written notice must include a statement of the specified legitimate purposes for which the offender may be present on school, preschool, or child care center premises.<sup>10</sup>

The notice must be provided at the time of the offender's initial registration, or, if the offender is already registered with a sheriff or sheriff's designee, at the time of the sheriff's or sheriff's designee's next contact with the offender.<sup>11</sup>

The bill also requires the Attorney General to include a statement as to whether any of the sexually oriented offenses or child-victim oriented offenses of which a person was convicted, to which a person pleaded guilty, or for which a person was adjudicated a delinquent child and that resulted in a registration duty with the sex offender registry, is an offense to which the prohibition against a tier II and tier III sex offender/child-victim offender knowingly being present on school, preschool, or child care center premises applies.<sup>12</sup> The Bureau of Criminal Identification and Investigation must also include in the public record the identity of any registered offender who is subject to the prohibition.<sup>13</sup>

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<sup>7</sup> R.C. 2950.036(C).

<sup>8</sup> R.C. 2950.036(D).

<sup>9</sup> R.C. 3313.475, 3314.03(A)(11)(d), 3326.11, and 3328.24.

<sup>10</sup> R.C. 2950.044(A).

<sup>11</sup> R.C. 2950.044(B).

<sup>12</sup> R.C. 2950.13(A)(1)(a).

<sup>13</sup> R.C. 2950.13(A)(11).

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## HISTORY

Action	Date
Introduced	04-14-26

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