



Ohio Prosecuting Attorneys Association

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Executive Director
Senate Bill 235
Written Proponent Testimony
September 25, 2018

Chair Bacon, Vice-Chair Dolan, Ranking Member Thomas and members of the Senate Judiciary Committee, thank you for the opportunity to submit written testimony in support of Senate Bill 235.

Senate Bill 235 is narrowly drafted to allow for certain individuals who were convicted of unlawful sexual conduct with a minor when they were under 21 years old at the time of the offense, and whose victim was a minor 14 years old or older, to apply to the sentencing court for removal from or modification of sex offender registration and notification duties. In addition, an applicant must have been deemed low risk, been placed on community control for the offense, and successfully fulfilled the conditions of that community control.

A person can be found guilty of unlawful sexual conduct with a minor if they engage in sexual conduct with another who is 13, 14, or 15 years old. Penalties for the offense range from a misdemeanor of the first degree, if the offender is less than four years older than the minor, to a felony of the second degree if the offender has previously been convicted of rape, sexual battery, or unlawful sexual conduct with a minor. Senate Bill 235 is limited to a narrow class of these offenders. In order to be an eligible offender under Senate Bill 235 a person would have been convicted of fourth degree felony unlawful sexual conduct with a minor, a Tier II registerable offense, or first degree misdemeanor unlawful sexual conduct with a minor, a Tier I registerable offense. These are offenses that require registration for 15 – 25 years. In many cases, this lengthy registration requirement is disproportionate to the need to protect the public. It may even be counterproductive to successful rehabilitation of someone who made a youthful mistake.

Sex offender registration and notification requirements serve an important purpose – keeping the public well informed about dangerous individuals. For this small group of individuals we believe that that purpose is not necessarily served. We believe that justice can be secured and the public adequately protected by giving youthful, low risk individuals the opportunity to demonstrate rehabilitation and have their sex offender registration and notification requirements reduced.

Thank you again for the opportunity to provide written testimony. We urge your favorable consideration of this bill.