



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 289
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Robb Blasdel and Swearingen

Sarah A. Maki, Attorney

SUMMARY

- Provides that if an offender or delinquent child is a Tier I or Tier II Sex Offender/Child-Victim Offender and the person fails to comply with the SORN Law, the period of time that the person has a duty to comply with the SORN Law is tolled for the amount of time the person is in violation of the SORN Law.
- Specifies that the period of time the offender or delinquent child has a duty to comply with the SORN law resumes once the person is no longer in violation of the SORN Law.
- Makes the offense of disseminating matter harmful to juveniles a sexually oriented offense and a person who violates the offense a Tier I Sex Offender/Child-Victim Offender.

DETAILED ANALYSIS

Introduction to SORN Law

Ohio's Sex Offender Registration and Notification Law¹ (SORN Law) imposes certain duties and restrictions on offenders convicted of a "sexually oriented offense" or "child-victim oriented offense"² and on children adjudicated delinquent for committing a comparable act who are age 14 to 17 years old and to whom the juvenile court judge applies the SORN Law.³ The SORN Law also provides for certain notifications regarding the offenders and databases containing certain information about the offenders and delinquent children.

¹ R.C. Chapter 2950.

² R.C. 2950.01(A) and (C).

³ R.C. 2152.82 and 2152.83 regarding delinquent children, not in the bill.

Each offender is automatically classified a Tier I, Tier II, or Tier III Sex Offender/Child-Victim Offender, depending on the offense and the offender's criminal history.⁴ Each sexually oriented offense or child-victim oriented offense is within one of the Tiers. Delinquent children are not automatically classified into any of the Tiers; rather the juvenile court judge who applies the SORN Law to the child determines the Tier into which the child is classified.⁵ The Tier III classification applies to persons convicted of what are considered to be the "most serious" sexually oriented offenses or child-victim offenses, the Tier I classification applies to offenders convicted of what are considered to be the "least serious" such offenses, and the Tier II classification applies to offenders convicted of such offenses considered to be in between the most serious and least serious such offenses. Each Tier has somewhat different responsibilities under the SORN Law and a different duration of being subject to the SORN Law.

Tolling period of time offender has to comply with SORN Law

The bill provides that if a person is an offender or delinquent child who is a Tier I or Tier II Sex Offender/Child-Victim Offender relative to the sexually oriented offense or child-victim oriented offense and if the offender or delinquent child violates the duty to comply with the SORN Law, the period of time that the offender or delinquent child has a duty to comply with the SORN Law is tolled for the amount of the time the offender or delinquent child is in violation of the SORN Law. The period of time the offender or delinquent child has a duty to comply with the SORN Law resumes once the offender or delinquent child is no longer in violation of the SORN Law.⁶

Under current law, an offender or delinquent child has a duty to comply with the SORN law, after the date of commencement, for whichever of the following period is applicable:⁷

1. Except as otherwise described in this paragraph, a Tier III Sex Offender/Child-Victim Offender's duty to comply continues until death. If the Tier III classification is based on a delinquent child adjudication, a juvenile court judge may enter a determination that the child no longer is a Tier III Sex Offender/Child-Victim Offender and reclassify the child into a different Tier, and the delinquent child's duty to comply then continues for the period of time based on the reclassification.
2. Except as otherwise described in this paragraph, a Tier II Sex Offender/Child-Victim Offender's duty to comply continues for 25 years if the duty is based on a criminal conviction and for 20 years if based on a delinquent child adjudication. If the Tier II classification is based on a delinquent child adjudication, a juvenile court judge may enter a determination that the child no longer is a Tier II Sex Offender/Child-Victim

⁴ R.C. 2950.01(E), (F), and (G).

⁵ R.C. 2152.82, 2152.83, and 2152.831, not in the bill.

⁶ R.C. 2950.07(B)(2) and (3).

⁷ R.C. 2950.07(B)(1) to (3).

Offender but remains a registrant and reclassify the child into Tier I, and the child's duty to comply then continues for the period of time based on the reclassification.

3. Except as otherwise described in this paragraph, a Tier I Sex Offender/Child-Victim Offender's duty to comply continues for 15 years if the duty is based on a criminal conviction and for ten years if based on a delinquent child adjudication. If the Tier I classification is based on a delinquent child adjudication, a juvenile court judge may enter a determination that the child no longer is subject to the SORN Law, and the child's duty to comply is terminated. If the Tier I classification is based on a criminal conviction, the offender may have the 15-year duty to comply terminated by a court pursuant to a separate specified procedure; the offender may apply to a court for termination under the procedure upon the expiration of ten years after the commencement of the duty to comply.⁸

Disseminating matter harmful to juveniles

The bill makes the offense of "disseminating matter harmful to juveniles" a "sexually oriented offense"⁹ and a person who violates the offense a Tier I Sex Offender/Child-Victim Offender.¹⁰

The offense of "disseminating matter harmful to juveniles," unchanged by the bill, prohibits a person, with knowledge of its character and content, from recklessly doing any of the following:¹¹

- Directly, selling, delivering, furnishing, disseminating, providing, exhibiting, renting, or presenting to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;
- Directly offering to sell or agreeing to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;
- While in the physical proximity of the juvenile or law enforcement officer posing as a juvenile, allow any juvenile or law enforcement officer posing as a juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

Generally, a violation of the offense is a first degree misdemeanor. If the material or performance is obscene, the penalty for a violation of the offense is a fifth degree felony. If the

⁸ R.C. 2950.15.

⁹ R.C. 2950.01(A)(1).

¹⁰ R.C. 2950.01(E)(1)(a).

¹¹ R.C. 2907.31(A), not in the bill.

material or performance involved is obscene and the juvenile to whom it is sold, delivered, furnished, disseminated, provided, exhibited, rented, or presented, the juvenile to whom the offer is made or who is the subject of the agreement, or the juvenile who is allowed to review, peruse, or view it is under 13 years of age, the penalty for a violation of the offense is a fourth degree felony.¹²

HISTORY

Action	Date
Introduced	10-02-23

ANHB0289IN-135/ts

¹² R.C. 2907.31(F).