

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 106

**Representative Schaffer
Representatives Blessing, Becker, Kraus, Grossman**

A BILL

To amend sections 2907.09 and 2950.01 of the
Revised Code to require an offender who
knowingly commits the offense of public
indecenty under certain circumstances involving
conduct likely to be viewed by minors to
register as a Tier I sex offender/child-victim
offender.

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

Section 1. That sections 2907.09 and 2950.01 of the
Revised Code be amended to read as follows:

Sec. 2907.09. (A) No person shall recklessly do any of the
following, under circumstances in which the person's conduct is
likely to be viewed by and affront others who are in the
person's physical proximity and who are not members of the
person's household:

- (1) Expose the person's private parts;
- (2) Engage in sexual conduct or masturbation;
- (3) Engage in conduct that to an ordinary observer would

appear to be sexual conduct or masturbation. 18

(B) No person shall knowingly do any of the following, 19
under circumstances in which the person's conduct is likely to 20
be viewed by and affront another person who is a minor, who is 21
not the spouse of the offender, and who resides in the person's 22
household: 23

(1) Engage in masturbation; 24

(2) Engage in sexual conduct; 25

(3) Engage in conduct that to an ordinary observer would 26
appear to be sexual conduct or masturbation; 27

(4) Expose the person's private parts with the purpose of 28
personal sexual arousal or gratification or to lure the minor 29
into sexual activity. 30

(C) ~~(1)~~ No person shall knowingly do any of the following, 31
under circumstances in which the person's conduct is likely to 32
be viewed by and affront others who are in the person's physical 33
proximity, who are not members of the person's household, and 34
who are minors: 35

(1) Expose the person's private parts; 36

(2) Engage in sexual conduct or masturbation; 37

(3) Engage in conduct that to an ordinary observer would 38
appear to be sexual conduct or masturbation. 39

(D) (1) Whoever violates this section is guilty of public 40
indecenty and shall be punished as provided in divisions ~~(C)~~(D) 41
(2), (3), (4), and ~~(5)~~, (6), and (7) of this section. 42

(2) Except as otherwise provided in division ~~(C)~~(D) (2) of 43
this section, a violation of division (A) (1) of this section is 44

a misdemeanor of the fourth degree. If the offender previously 45
has been convicted of or pleaded guilty to one violation of this 46
section, a violation of division (A)(1) of this section is a 47
misdemeanor of the third degree or, if any person who was likely 48
to view and be affronted by the offender's conduct was a minor, 49
a misdemeanor of the second degree. If the offender previously 50
has been convicted of or pleaded guilty to two violations of 51
this section, a violation of division (A)(1) of this section is 52
a misdemeanor of the second degree or, if any person who was 53
likely to view and be affronted by the offender's conduct was a 54
minor, a misdemeanor of the first degree. If the offender 55
previously has been convicted of or pleaded guilty to three or 56
more violations of this section, a violation of division (A)(1) 57
of this section is a misdemeanor of the first degree or, if any 58
person who was likely to view and be affronted by the offender's 59
conduct was a minor, a felony of the fifth degree. 60

(3) Except as otherwise provided in division ~~(C)~~(D) (3) of 61
this section, a violation of division (A)(2) or (3) of this 62
section is a misdemeanor of the third degree. If the offender 63
previously has been convicted of or pleaded guilty to one 64
violation of this section, a violation of division (A)(2) or (3) 65
of this section is a misdemeanor of the second degree or, if any 66
person who was likely to view and be affronted by the offender's 67
conduct was a minor, a misdemeanor of the first degree. If the 68
offender previously has been convicted of or pleaded guilty to 69
two or more violations of this section, a violation of division 70
(A)(2) or (3) of this section is a misdemeanor of the first 71
degree or, if any person who was likely to view and be affronted 72
by the offender's conduct was a minor, a felony of the fifth 73
degree. 74

(4) Except as otherwise provided in division ~~(C)~~(D) (4) of 75

this section, a violation of division (B) (1), (2), or (3) of 76
this section is a misdemeanor of the second degree. If the 77
offender previously has been convicted of or pleaded guilty to 78
one violation of this section, a violation of division (B) (1), 79
(2), or (3) of this section is a misdemeanor of the first 80
degree. If the offender previously has been convicted of or 81
pleaded guilty to two or more violations of this section, a 82
violation of division (B) (1), (2), or (3) of this section is a 83
felony of the fifth degree. 84

(5) Except as otherwise provided in division ~~(C)~~(D) (5) of 85
this section, a violation of division (B) (4) of this section is 86
a misdemeanor of the first degree. If the offender previously 87
has been convicted of or pleaded guilty to any violation of this 88
section, a violation of division (B) (4) of this section is a 89
felony of the fifth degree. 90

(6) Except as otherwise provided in division (D) (6) of 91
this section, a violation of division (C) (1) of this section is 92
a misdemeanor of the fourth degree. If the offender previously 93
has been convicted of or pleaded guilty to one violation of this 94
section, a violation of division (C) (1) of this section is a 95
misdemeanor of the third degree. If the offender previously has 96
been convicted of or pleaded guilty to two violations of this 97
section, a violation of division (C) (1) of this section is a 98
misdemeanor of the second degree. If the offender previously has 99
been convicted of or pleaded guilty to three or more violations 100
of this section, a violation of division (C) (1) of this section 101
is a misdemeanor of the first degree. 102

(7) Except as otherwise provided in division (D) (7) of 103
this section, a violation of division (C) (2) or (3) of this 104
section is a misdemeanor of the third degree. If the offender 105

previously has been convicted of or pleaded guilty to one 106
violation of this section, a violation of division (C)(2) or (3) 107
of this section is a misdemeanor of the second degree. If the 108
offender previously has been convicted of or pleaded guilty to 109
two or more violations of this section, a violation of division 110
(C)(2) or (3) of this section is a misdemeanor of the first 111
degree. 112

Sec. 2950.01. As used in this chapter, unless the context 113
clearly requires otherwise: 114

(A) "Sexually oriented offense" means any of the following 115
violations or offenses committed by a person, regardless of the 116
person's age: 117

(1) A violation of section 2907.02, 2907.03, 2907.05, 118
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 119
2907.322, or 2907.323 of the Revised Code; 120

(2) A violation of section 2907.04 of the Revised Code 121
when the offender is less than four years older than the other 122
person with whom the offender engaged in sexual conduct, the 123
other person did not consent to the sexual conduct, and the 124
offender previously has not been convicted of or pleaded guilty 125
to a violation of section 2907.02, 2907.03, or 2907.04 of the 126
Revised Code or a violation of former section 2907.12 of the 127
Revised Code; 128

(3) A violation of section 2907.04 of the Revised Code 129
when the offender is at least four years older than the other 130
person with whom the offender engaged in sexual conduct or when 131
the offender is less than four years older than the other person 132
with whom the offender engaged in sexual conduct and the 133
offender previously has been convicted of or pleaded guilty to a 134

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;

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

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

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

(7) 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;

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

(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;

(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) of section 2905.05, or of division (B) (5) of section 2919.22 of the Revised Code;

(11) A violation of section 2905.32 of the Revised Code when any of the following applies:

(a) The violation is a violation of division (A) (1) of

that section and the offender knowingly recruited, lured, 163
enticed, isolated, harbored, transported, provided, obtained, or 164
maintained, or knowingly attempted to recruit, lure, entice, 165
isolate, harbor, transport, provide, obtain, or maintain, 166
another person knowing that the person would be compelled to 167
engage in sexual activity for hire, engage in a performance that 168
was obscene, sexually oriented, or nudity oriented, or be a 169
model or participant in the production of material that was 170
obscene, sexually oriented, or nudity oriented. 171

(b) The violation is a violation of division (A) (2) of 172
that section and the offender knowingly recruited, lured, 173
enticed, isolated, harbored, transported, provided, obtained, or 174
maintained, or knowingly attempted to recruit, lure, entice, 175
isolate, harbor, transport, provide, obtain, or maintain a 176
person who is less than sixteen years of age or is a 177
developmentally disabled person whom the offender knows or has 178
reasonable cause to believe is a developmentally disabled person 179
for any purpose listed in divisions (A) (2) (a) to (c) of that 180
section. 181

(c) The violation is a violation of division (A) (3) of 182
that section, the offender knowingly recruited, lured, enticed, 183
isolated, harbored, transported, provided, obtained, or 184
maintained, or knowingly attempted to recruit, lure, entice, 185
isolate, harbor, transport, provide, obtain, or maintain a 186
person who is sixteen or seventeen years of age for any purpose 187
listed in divisions (A) (2) (a) to (c) of that section, and the 188
circumstances described in division (A) (5), (6), (7), (8), (9), 189
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 190
apply with respect to the offender and the other person. 191

(12) A violation of division (C) of section 2907.09 of the 192

<u>Revised Code;</u>	193
<u>(13)</u> A violation of any former law of this state, any	194
existing or former municipal ordinance or law of another state	195
or the United States, any existing or former law applicable in a	196
military court or in an Indian tribal court, or any existing or	197
former law of any nation other than the United States that is or	198
was substantially equivalent to any offense listed in division	199
(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11),	200
<u>or (12)</u> of this section;	201
(13) <u>(14)</u> A violation of division (A) (3) of section	202
2907.24 of the Revised Code;	203
(14) <u>(15)</u> Any attempt to commit, conspiracy to commit, or	204
complicity in committing any offense listed in division (A) (1),	205
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or	206
(13), <u>or (14)</u> of this section.	207
(B) (1) "Sex offender" means, subject to division (B) (2) of	208
this section, a person who is convicted of, pleads guilty to,	209
has been convicted of, has pleaded guilty to, is adjudicated a	210
delinquent child for committing, or has been adjudicated a	211
delinquent child for committing any sexually oriented offense.	212
(2) "Sex offender" does not include 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 a sexually oriented offense if the offense involves	217
consensual sexual conduct or consensual sexual contact and	218
either of the following applies:	219
(a) The victim of the sexually oriented offense was	220
eighteen years of age or older and at the time of the sexually	221

oriented offense was not under the custodial authority of the 222
person who is convicted of, pleads guilty to, has been convicted 223
of, has pleaded guilty to, is adjudicated a delinquent child for 224
committing, or has been adjudicated a delinquent child for 225
committing the sexually oriented offense. 226

(b) The victim of the offense was thirteen years of age or 227
older, and the person who is convicted of, pleads guilty to, has 228
been convicted of, has pleaded guilty to, is adjudicated a 229
delinquent child for committing, or has been adjudicated a 230
delinquent child for committing the sexually oriented offense is 231
not more than four years older than the victim. 232

(c) "Child-victim oriented offense" means any of the 233
following violations or offenses committed by a person, 234
regardless of the person's age, when the victim is under 235
eighteen years of age and is not a child of the person who 236
commits the violation: 237

(1) A violation of division (A) (1), (2), (3), or (5) of 238
section 2905.01 of the Revised Code when the violation is not 239
included in division (A) (7) of this section; 240

(2) A violation of division (A) of section 2905.02, 241
division (A) of section 2905.03, or division (A) of section 242
2905.05 of the Revised Code; 243

(3) 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 or 248
was substantially equivalent to any offense listed in division 249
(C) (1) or (2) of this section; 250

(4) Any attempt to commit, conspiracy to commit, or 251
complicity in committing any offense listed in division (C) (1), 252
(2), or (3) of this section. 253

(D) "Child-victim offender" means a person who is 254
convicted of, pleads guilty to, has been convicted of, has 255
pleaded guilty to, is adjudicated a delinquent child for 256
committing, or has been adjudicated a delinquent child for 257
committing any child-victim oriented offense. 258

(E) "Tier I sex offender/child-victim offender" means any 259
of the following: 260

(1) A sex offender who is convicted of, pleads guilty to, 261
has been convicted of, or has pleaded guilty to any of the 262
following sexually oriented offenses: 263

(a) A violation of section 2907.06, 2907.07, 2907.08, 264
2907.22, or 2907.32 of the Revised Code; 265

(b) A violation of section 2907.04 of the Revised Code 266
when the offender is less than four years older than the other 267
person with whom the offender engaged in sexual conduct, the 268
other person did not consent to the sexual conduct, and the 269
offender previously has not been convicted of or pleaded guilty 270
to a violation of section 2907.02, 2907.03, or 2907.04 of the 271
Revised Code or a violation of former section 2907.12 of the 272
Revised Code; 273

(c) A violation of division (A) (1), (2), (3), or (5) of 274
section 2907.05 of the Revised Code; 275

(d) A violation of division (A) (3) of section 2907.323 of 276
the Revised Code; 277

(e) A violation of division (A) (3) of section 2903.211, of 278

division (B) of section 2905.03, or of division (B) of section 2905.05 of the Revised Code; 279
280

(f) A violation of division (C) of section 2907.09 of the Revised Code; 281
282

(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), ~~or (e)~~, or (f) of this section; 283
284
285
286
287
288
289
290

~~(g)~~ (h) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (E) (1) (a), (b), (c), (d), (e), ~~or (f)~~, or (g) of this section. 291
292
293

(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. 294
295
296
297
298

(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-victim offender relative to the offense. 299
300
301
302
303
304

(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 305
306
307

offense and who a juvenile court, pursuant to section 2152.82, 308
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 309
tier I sex offender/child-victim offender relative to the 310
offense. 311

(F) "Tier II sex offender/child-victim offender" means any 312
of the following: 313

(1) A sex offender who is convicted of, pleads guilty to, 314
has been convicted of, or has pleaded guilty to any of the 315
following sexually oriented offenses: 316

(a) A violation of section 2907.21, 2907.321, or 2907.322 317
of the Revised Code; 318

(b) A violation of section 2907.04 of the Revised Code 319
when the offender is at least four years older than the other 320
person with whom the offender engaged in sexual conduct, or when 321
the offender is less than four years older than the other person 322
with whom the offender engaged in sexual conduct and the 323
offender previously has been convicted of or pleaded guilty to a 324
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 325
Code or former section 2907.12 of the Revised Code; 326

(c) A violation of division (A) (4) of section 2907.05, of 327
division (A) (3) of section 2907.24, or of division (A) (1) or (2) 328
of section 2907.323 of the Revised Code; 329

(d) A violation of division (A) (1), (2), (3), or (5) of 330
section 2905.01 of the Revised Code when the offense is 331
committed with a sexual motivation; 332

(e) A violation of division (A) (4) of section 2905.01 of 333
the Revised Code when the victim of the offense is eighteen 334
years of age or older; 335

(f) A violation of division (B) of section 2905.02 or of 336
division (B) (5) of section 2919.22 of the Revised Code; 337

(g) A violation of section 2905.32 of the Revised Code 338
that is described in division (A) (11) (a), (b), or (c) of this 339
section; 340

(h) A violation of any former law of this state, any 341
existing or former municipal ordinance or law of another state 342
or the United States, any existing or former law applicable in a 343
military court or in an Indian tribal court, or any existing or 344
former law of any nation other than the United States that is or 345
was substantially equivalent to any offense listed in division 346
(F) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 347

(i) Any attempt to commit, conspiracy to commit, or 348
complicity in committing any offense listed in division (F) (1) 349
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 350

(j) Any sexually oriented offense that is committed after 351
the sex offender previously has been convicted of, pleaded 352
guilty to, or has been adjudicated a delinquent child for 353
committing any sexually oriented offense or child-victim 354
oriented offense for which the offender was classified a tier I 355
sex offender/child-victim offender. 356

(2) A child-victim offender who is convicted of, pleads 357
guilty to, has been convicted of, or has pleaded guilty to any 358
child-victim oriented offense when the child-victim oriented 359
offense is committed after the child-victim offender previously 360
has been convicted of, pleaded guilty to, or been adjudicated a 361
delinquent child for committing any sexually oriented offense or 362
child-victim oriented offense for which the offender was 363
classified a tier I sex offender/child-victim offender. 364

(3) A sex offender who is adjudicated a delinquent child 365
for committing or has been adjudicated a delinquent child for 366
committing any sexually oriented offense and who a juvenile 367
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 368
of the Revised Code, classifies a tier II sex offender/child- 369
victim offender relative to the offense. 370

(4) A child-victim offender who is adjudicated a 371
delinquent child for committing or has been adjudicated a 372
delinquent child for committing any child-victim oriented 373
offense and whom a juvenile court, pursuant to section 2152.82, 374
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 375
tier II sex offender/child-victim offender relative to the 376
current offense. 377

(5) A sex offender or child-victim offender who is not in 378
any category of tier II sex offender/child-victim offender set 379
forth in division (F)(1), (2), (3), or (4) of this section, who 380
prior to January 1, 2008, was adjudicated a delinquent child for 381
committing a sexually oriented offense or child-victim oriented 382
offense, and who prior to that date was determined to be a 383
habitual sex offender or determined to be a habitual child- 384
victim offender, unless either of the following applies: 385

(a) The sex offender or child-victim offender is 386
reclassified pursuant to section 2950.031 or 2950.032 of the 387
Revised Code as a tier I sex offender/child-victim offender or a 388
tier III sex offender/child-victim offender relative to the 389
offense. 390

(b) A juvenile court, pursuant to section 2152.82, 391
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the 392
child a tier I sex offender/child-victim offender or a tier III 393
sex offender/child-victim offender relative to the offense. 394

(G) "Tier III sex offender/child-victim offender" means any of the following:	395 396
(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:	397 398 399
(a) A violation of section 2907.02 or 2907.03 of the Revised Code;	400 401
(b) A violation of division (B) of section 2907.05 of the Revised Code;	402 403
(c) A violation of section 2903.01, 2903.02, or 2903.11 of the Revised Code when the violation was committed with a sexual motivation;	404 405 406
(d) A violation of division (A) of section 2903.04 of the Revised Code when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation;	407 408 409 410
(e) A violation of division (A) (4) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age;	411 412 413
(f) 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;	414 415 416 417
(g) A violation of division (B) of section 2903.03 of the Revised Code;	418 419
(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	420 421 422

military court or in an Indian tribal court, or any existing or 423
former law of any nation other than the United States that is or 424
was substantially equivalent to any offense listed in division 425
(G) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 426

(i) Any attempt to commit, conspiracy to commit, or 427
complicity in committing any offense listed in division (G) (1) 428
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 429

(j) Any sexually oriented offense that is committed after 430
the sex offender previously has been convicted of, pleaded 431
guilty to, or been adjudicated a delinquent child for committing 432
any sexually oriented offense or child-victim oriented offense 433
for which the offender was classified a tier II sex 434
offender/child-victim offender or a tier III sex offender/child- 435
victim offender. 436

(2) A child-victim offender who is convicted of, pleads 437
guilty to, has been convicted of, or has pleaded guilty to any 438
child-victim oriented offense when the child-victim oriented 439
offense is committed after the child-victim offender previously 440
has been convicted of, pleaded guilty to, or been adjudicated a 441
delinquent child for committing any sexually oriented offense or 442
child-victim oriented offense for which the offender was 443
classified a tier II sex offender/child-victim offender or a 444
tier III sex offender/child-victim offender. 445

(3) A sex offender who is adjudicated a delinquent child 446
for committing or has been adjudicated a delinquent child for 447
committing any sexually oriented offense and who a juvenile 448
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 449
of the Revised Code, classifies a tier III sex offender/child- 450
victim offender relative to the offense. 451

(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 whom a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier III sex offender/child-victim offender relative to the current offense.

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

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

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

(6) A sex offender who is convicted of, pleads guilty to, was convicted of, or pleaded guilty to a sexually oriented

offense, if the sexually oriented offense and the circumstances 482
in which it was committed are such that division (F) of section 483
2971.03 of the Revised Code automatically classifies the 484
offender as a tier III sex offender/child-victim offender; 485

(7) A sex offender or child-victim offender who is 486
convicted of, pleads guilty to, was convicted of, pleaded guilty 487
to, is adjudicated a delinquent child for committing, or was 488
adjudicated a delinquent child for committing a sexually 489
oriented offense or child-victim offense in another state, in a 490
federal court, military court, or Indian tribal court, or in a 491
court in any nation other than the United States if both of the 492
following apply: 493

(a) Under the law of the jurisdiction in which the 494
offender was convicted or pleaded guilty or the delinquent child 495
was adjudicated, the offender or delinquent child is in a 496
category substantially equivalent to a category of tier III sex 497
offender/child-victim offender described in division (G) (1), 498
(2), (3), (4), (5), or (6) of this section. 499

(b) Subsequent to the conviction, plea of guilty, or 500
adjudication in the other jurisdiction, the offender or 501
delinquent child resides, has temporary domicile, attends school 502
or an institution of higher education, is employed, or intends 503
to reside in this state in any manner and for any period of time 504
that subjects the offender or delinquent child to a duty to 505
register or provide notice of intent to reside under section 506
2950.04 or 2950.041 of the Revised Code. 507

(H) "Confinement" includes, but is not limited to, a 508
community residential sanction imposed pursuant to section 509
2929.16 or 2929.26 of the Revised Code. 510

(I) "Prosecutor" has the same meaning as in section 511
2935.01 of the Revised Code. 512

(J) "Supervised release" means a release of an offender 513
from a prison term, a term of imprisonment, or another type of 514
confinement that satisfies either of the following conditions: 515

(1) The release is on parole, a conditional pardon, under 516
a community control sanction, under transitional control, or 517
under a post-release control sanction, and it requires the 518
person to report to or be supervised by a parole officer, 519
probation officer, field officer, or another type of supervising 520
officer. 521

(2) The release is any type of release that is not 522
described in division (J)(1) of this section and that requires 523
the person to report to or be supervised by a probation officer, 524
a parole officer, a field officer, or another type of 525
supervising officer. 526

(K) "Sexually violent predator specification," "sexually 527
violent predator," "sexually violent offense," "sexual 528
motivation specification," "designated homicide, assault, or 529
kidnapping offense," and "violent sex offense" have the same 530
meanings as in section 2971.01 of the Revised Code. 531

(L) "Post-release control sanction" and "transitional 532
control" have the same meanings as in section 2967.01 of the 533
Revised Code. 534

(M) "Juvenile offender registrant" means a person who is 535
adjudicated a delinquent child for committing on or after 536
January 1, 2002, a sexually oriented offense or a child-victim 537
oriented offense, who is fourteen years of age or older at the 538
time of committing the offense, and who a juvenile court judge, 539

pursuant to an order issued under section 2152.82, 2152.83, 540
2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a 541
juvenile offender registrant and specifies has a duty to comply 542
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 543
Revised Code. "Juvenile offender registrant" includes a person 544
who prior to January 1, 2008, was a "juvenile offender 545
registrant" under the definition of the term in existence prior 546
to January 1, 2008, and a person who prior to July 31, 2003, was 547
a "juvenile sex offender registrant" under the former definition 548
of that former term. 549

(N) "Public registry-qualified juvenile offender 550
registrant" means a person who is adjudicated a delinquent child 551
and on whom a juvenile court has imposed a serious youthful 552
offender dispositional sentence under section 2152.13 of the 553
Revised Code before, on, or after January 1, 2008, and to whom 554
all of the following apply: 555

(1) The person is adjudicated a delinquent child for 556
committing, attempting to commit, conspiring to commit, or 557
complicity in committing one of the following acts: 558

(a) A violation of section 2907.02 of the Revised Code, 559
division (B) of section 2907.05 of the Revised Code, or section 560
2907.03 of the Revised Code if the victim of the violation was 561
less than twelve years of age; 562

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 563
the Revised Code that was committed with a purpose to gratify 564
the sexual needs or desires of the child; 565

(c) A violation of division (B) of section 2903.03 of the 566
Revised Code. 567

(2) The person was fourteen, fifteen, sixteen, or 568

seventeen years of age at the time of committing the act. 569

(3) A juvenile court judge, pursuant to an order issued 570
under section 2152.86 of the Revised Code, classifies the person 571
a juvenile offender registrant, specifies the person has a duty 572
to comply with sections 2950.04, 2950.05, and 2950.06 of the 573
Revised Code, and classifies the person a public registry- 574
qualified juvenile offender registrant, and the classification 575
of the person as a public registry-qualified juvenile offender 576
registrant has not been terminated pursuant to division (D) of 577
section 2152.86 of the Revised Code. 578

(O) "Secure facility" means any facility that is designed 579
and operated to ensure that all of its entrances and exits are 580
locked and under the exclusive control of its staff and to 581
ensure that, because of that exclusive control, no person who is 582
institutionalized or confined in the facility may leave the 583
facility without permission or supervision. 584

(P) "Out-of-state juvenile offender registrant" means a 585
person who is adjudicated a delinquent child in a court in 586
another state, in a federal court, military court, or Indian 587
tribal court, or in a court in any nation other than the United 588
States for committing a sexually oriented offense or a child- 589
victim oriented offense, who on or after January 1, 2002, moves 590
to and resides in this state or temporarily is domiciled in this 591
state for more than five days, and who has a duty under section 592
2950.04 or 2950.041 of the Revised Code to register in this 593
state and the duty to otherwise comply with that applicable 594
section and sections 2950.05 and 2950.06 of the Revised Code. 595
"Out-of-state juvenile offender registrant" includes a person 596
who prior to January 1, 2008, was an "out-of-state juvenile 597
offender registrant" under the definition of the term in 598

existence prior to January 1, 2008, and a person who prior to 599
July 31, 2003, was an "out-of-state juvenile sex offender 600
registrant" under the former definition of that former term. 601

(Q) "Juvenile court judge" includes a magistrate to whom 602
the juvenile court judge confers duties pursuant to division (A) 603
(15) of section 2151.23 of the Revised Code. 604

(R) "Adjudicated a delinquent child for committing a 605
sexually oriented offense" includes a child who receives a 606
serious youthful offender dispositional sentence under section 607
2152.13 of the Revised Code for committing a sexually oriented 608
offense. 609

(S) "School" and "school premises" have the same meanings 610
as in section 2925.01 of the Revised Code. 611

(T) "Residential premises" means the building in which a 612
residential unit is located and the grounds upon which that 613
building stands, extending to the perimeter of the property. 614
"Residential premises" includes any type of structure in which a 615
residential unit is located, including, but not limited to, 616
multi-unit buildings and mobile and manufactured homes. 617

(U) "Residential unit" means a dwelling unit for 618
residential use and occupancy, and includes the structure or 619
part of a structure that is used as a home, residence, or 620
sleeping place by one person who maintains a household or two or 621
more persons who maintain a common household. "Residential unit" 622
does not include a halfway house or a community-based 623
correctional facility. 624

(V) "Multi-unit building" means a building in which is 625
located more than twelve residential units that have entry doors 626
that open directly into the unit from a hallway that is shared 627

with one or more other units. A residential unit is not 628
considered located in a multi-unit building if the unit does not 629
have an entry door that opens directly into the unit from a 630
hallway that is shared with one or more other units or if the 631
unit is in a building that is not a multi-unit building as 632
described in this division. 633

(W) "Community control sanction" has the same meaning as 634
in section 2929.01 of the Revised Code. 635

(X) "Halfway house" and "community-based correctional 636
facility" have the same meanings as in section 2929.01 of the 637
Revised Code. 638

Section 2. That existing sections 2907.09 and 2950.01 of 639
the Revised Code are hereby repealed. 640