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132nd General Assembly

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Sub. S. B. No. 231

Senator Gardner

Cosponsors: Senators Balderson, Burke, Eklund, Hackett, Hoagland, Hottinger, Huffman, Kunze, Lehner, Manning, McColley, O'Brien, Oelslager, Terhar, Thomas, Uecker, Wilson, Yuko

A BILL

To amend sections 2967.121, 5120.07, and 5120.114, 1
to enact sections 2903.41, 2903.42, 2903.421, 2
2903.43, and 2903.44, and to repeal section 3
2967.122 of the Revised Code to provide for a 4
violent offender database, establish a 5
presumption that violent offenders must enroll 6
in the database for ten years, establish 7
procedures for a violent offender to rebut the 8
presumption and avoid the duty and procedures 9
for court extension of the duty and termination 10
of an extended duty, and name those provisions 11
of the act "Sierah's Law;" to modify the 12
membership and duties of the Ex-Offender Reentry 13
Coalition and eliminate its repeal; to require 14
halfway houses to use the single validated risk 15
assessment tool for adult offenders that the 16
Department of Rehabilitation and Correction has 17
developed; and to provide that the notice of 18
release from prison of specified serious offense 19
offenders that is given to sheriffs is to be the 20
same as that provided to prosecuting attorneys 21
and eliminate the notice to sheriffs regarding 22

pardons, commutations, paroles, and transitional 23
control transfers of offenders. 24

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

Section 1. That sections 2967.121, 5120.07, and 5120.114 25
be amended and sections 2903.41, 2903.42, 2903.421, 2903.43, and 26
2903.44 of the Revised Code be enacted to read as follows: 27

Sec. 2903.41. As used in sections 2903.41 to 2903.44 of 28
the Revised Code: 29

(A) "Violent offender" means any of the following: 30

(1) A person who on or after the effective date of this 31
section is convicted of or pleads guilty to any of the 32
following: 33

(a) A violation of section 2903.01, 2903.02, 2903.03, 34
2905.01 of the Revised Code or a violation of section 2905.02 of 35
the Revised Code that is a felony of the second degree; 36

(b) Any attempt to commit, conspiracy to commit, or 37
complicity in committing any offense listed in division (A) (1) 38
(a) of this section. 39

(2) A person who on the effective date of this section has 40
been convicted of or pleaded guilty to an offense listed in 41
division (A) (1) of this section and is confined in a jail, 42
workhouse, state correctional institution, or other institution, 43
-serving a prison term, term of imprisonment, or other term of 44
confinement for the offense. 45

(B) "Community control sanction," "jail," and "prison" 46

have the same meanings as in section 2929.01 of the Revised Code. 47
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(C) "Out-of-state violent offender" means a person who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a violation of any existing or former municipal ordinance or law of another state or the United States, or any existing or former law applicable in a military court or in an Indian tribal court, that is or was substantially equivalent to any offense listed in division (A)(1) of this section. 49
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(D) "Qualifying out-of-state violent offender" means an out-of-state violent offender who is aware of the existence of the violent offender database. 57
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(E) "Post-release control sanction" and "supervised release" have the same meanings as in section 2950.01 of the Revised Code. 60
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(F) "Change of address" means a change to a violent offender's or out-of-state violent offender's residence address, employment address, or school or institution of higher education address. 63
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(G) "Violent offender database" means the database of violent offenders and out-of-state violent offenders that is established and maintained by the bureau of criminal identification and investigation under division (F)(2) of section 2903.43 of the Revised Code, that is operated by sheriffs under sections 2903.42 and 2903.43 of the Revised Code, and for which sheriffs obtain information from violent offenders and out-of-state violent offenders pursuant to sections 2903.42 and 2903.43 of the Revised Code. 67
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(H) "Violent offender database duties" and "VOD duties" 76
mean the duty to enroll, duty to re-enroll, and duty to provide 77
notice of a change of address imposed on a violent offender or a 78
qualifying out-of-state violent offender under section 2903.42, 79
2903.421, 2903.43, or 2903.44 of the Revised Code. 80

(I) "Ten-year enrollment period" means, for a violent 81
offender who has violent offender database duties pursuant to 82
section 2903.42 of the Revised Code or a qualifying out-of-state 83
violent offender who has violent offender database duties 84
pursuant to section 2903.421 of the Revised Code, ten years from 85
the date on which the offender initially enrolls in the violent 86
offender database. 87

(J) "Extended enrollment period" means, for a violent 88
offender who has violent offender database duties pursuant to 89
section 2903.42 of the Revised Code or a qualifying out-of-state 90
violent offender who has violent offender database duties 91
pursuant to section 2903.421 of the Revised Code, the offender's 92
enrollment period as extended pursuant to division (D) (2) of 93
section 2903.43 of the Revised Code. 94

(K) "Prosecutor" means one of the following: 95

(1) As used in section 2903.42 of the Revised Code, the 96
office of the prosecuting attorney who handled a violent 97
offender's underlying case or the office of that prosecutor's 98
successor. 99

(2) As used in sections 2903.421, 2903.43, and 2903.44 of 100
the Revised Code, the office of the prosecuting attorney of the 101
county in which a violent offender resides or of the county in 102
which an out-of-state violent offender resides or occupies a 103
dwelling. 104

Sec. 2903.42. (A) (1) For each person who is classified a 105
violent offender, it is presumed that the violent offender shall 106
be required to enroll in the violent offender database with 107
respect to the offense that so classifies the person and shall 108
have all violent offender database duties with respect to that 109
offense for ten years after the offender initially enrolls in 110
the database. The presumption is a rebuttable presumption that 111
the violent offender may rebut as provided in division (A) (4) of 112
this section, after filing a motion in accordance with division 113
(A) (2) (a) or (b) of this section, whichever is applicable. Each 114
violent offender shall be informed of the presumption 115
established under this division, of the offender's right to file 116
a motion to rebut the presumption, of the procedure and criteria 117
for rebutting the presumption, and of the effect of a rebuttal 118
and the post-rebuttal hearing procedures and possible outcome, 119
as follows: 120

(a) If the person is classified a violent offender under 121
division (A) (1) of section 2903.41 of the Revised Code, the 122
court that is sentencing the offender for the offense that so 123
classifies the person shall inform the offender before 124
sentencing of the presumption, the right, and the procedure, 125
criteria, and possible outcome. 126

(b) If the person is classified a violent offender under 127
division (A) (2) of section 2903.41 of the Revised Code, the 128
official in charge of the jail, workhouse, state correctional 129
institution, or other institution in which the offender is 130
servng a prison term, term of imprisonment, or other term of 131
confinement for the offense, or the official's designee, shall 132
inform the offender in writing, a reasonable period of time 133
before the offender is released from the confinement, of the 134
presumption, the right, and the procedure, criteria, and 135

possible outcome. 136

(2) A violent offender who wishes to rebut the presumption 137
established under division (A) (1) of this section shall file a 138
motion in accordance with whichever of the following is 139
applicable, and shall serve a copy of the motion on the 140
prosecutor: 141

(a) If the person is classified a violent offender under 142
division (A) (1) of section 2903.41 of the Revised Code, the 143
offender shall file the motion with the court that is sentencing 144
the offender for the offense that classifies the person a 145
violent offender. The motion shall assert that the offender was 146
not the principal offender in the commission of that offense and 147
request that the court not require the offender to enroll in the 148
violent offender database and not have all VOD duties with 149
respect to that offense. The motion shall be filed prior to or 150
at the time of sentencing. 151

(b) If the person is classified a violent offender under 152
division (A) (2) of section 2903.41 of the Revised Code, the 153
offender shall file the motion with the court that sentenced the 154
offender for the offense that classifies the person a violent 155
offender. The motion shall assert that the offender was not the 156
principal offender in the commission of that offense and request 157
that the court not require the offender to enroll in the violent 158
offender database and not have all VOD duties with respect to 159
that offense. The motion shall be filed prior to the time of the 160
person's release from confinement in the jail, workhouse, state 161
correctional institution, or other institution under the prison 162
term, term of imprisonment, or other term of confinement for the 163
offense listed in division (A) (1) of section 2903.41 of the 164
Revised Code. 165

(3) If a violent offender does not file a motion under 166
division (A) (2) (a) or (b) of this section, the violent offender 167
shall be required to enroll in the violent offender database 168
with respect to the offense that classifies the person a violent 169
offender and shall have all VOD duties with respect to that 170
offense for ten years after the offender initially enrolls in 171
the database. If the person is classified a violent offender 172
under division (A) (1) of section 2903.41 of the Revised Code, 173
the court shall provide the offender notice of the duties 174
pursuant to division (C) of this section. If the person is 175
classified a violent offender under division (A) (2) of section 176
2903.41 of the Revised Code, the offender shall be provided 177
notice of the duties pursuant to divisions (B) and (C) of this 178
section. 179

(4) If a violent offender files a motion under division 180
(A) (2) (a) or (b) of this section, the offender has the burden of 181
proving to the court that is sentencing, or that has sentenced, 182
the offender, by a preponderance of the evidence, that the 183
offender was not the principal offender in the commission of the 184
offense that classifies the person a violent offender. If a 185
violent offender files such a motion, one of the following 186
applies: 187

(a) If the violent offender proves to the court, by a 188
preponderance of the evidence, that the offender was not the 189
principal offender in the commission of the offense that 190
classifies the person a violent offender, the presumption is 191
rebutted and the court shall continue the hearing for the 192
purpose of determining whether the offender, notwithstanding the 193
rebuttal of the presumption, should be required to enroll in the 194
violent offender database and have all VOD duties with respect 195
to that offense. In making that determination, the court shall 196

consider all of the factors identified in divisions (A) (4) (a) (i) 197
to (iv) of this section. If the court, after considering those 198
factors at the hearing, determines that the offender, 199
notwithstanding the rebuttal of the presumption, should be 200
required to enroll in the violent offender database and have all 201
VOD duties with respect to that offense, the court shall issue 202
an order specifying that the offender is required to enroll in 203
the violent offender database with respect to that offense and 204
will have all VOD duties with respect to that offense for ten 205
years after the offender initially enrolls in the database. Upon 206
the court's issuance of such an order, the offender shall be 207
required to enroll in the violent offender database and will 208
have all VOD duties with respect to that offense for ten years 209
after the offender initially enrolls in the database. The court 210
shall provide the offender notice of the duties pursuant to 211
division (C) of this section, and shall provide a copy of the 212
order to the prosecutor and to the bureau of criminal 213
identification and investigation. Absent such a determination at 214
the hearing after consideration of those factors, the court 215
shall issue an order specifying that the offender is not 216
required to enroll in the violent offender database and has no 217
VOD duties with respect to the offense that classifies the 218
person a violent offender, and shall provide a copy of the order 219
to the prosecutor and to the bureau of criminal identification 220
and investigation. In making a determination at a hearing under 221
this division, a court shall consider all of the following 222
factors: 223

(i) Whether the offender has any convictions for any 224
offense of violence, prior to the offense at issue that 225
classifies the person a violent offender, and whether those 226
prior convictions, if any, indicate that the offender has a 227

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| <u>propensity for violence;</u> | 228 |
| <u>(ii) The results of a risk assessment of the offender</u> | 229 |
| <u>conducted through use of the single validated risk assessment</u> | 230 |
| <u>tool established under section 5120.114 of the Revised Code;</u> | 231 |
| <u>(iii) The degree of culpability or involvement of the</u> | 232 |
| <u>offender in the offense at issue that classifies the person a</u> | 233 |
| <u>violent offender;</u> | 234 |
| <u>(iv) The public interest and safety.</u> | 235 |
| <u>(b) If the violent offender does not prove to the court,</u> | 236 |
| <u>by a preponderance of the evidence, that the offender was not</u> | 237 |
| <u>the principal offender in the commission of the offense that</u> | 238 |
| <u>classifies the person a violent offender, the court shall issue</u> | 239 |
| <u>an order specifying that the offender is required to enroll in</u> | 240 |
| <u>the violent offender database and has all VOD duties with</u> | 241 |
| <u>respect to that offense, and shall provide a copy of the order</u> | 242 |
| <u>to the prosecutor and to the bureau of criminal identification</u> | 243 |
| <u>and investigation. Upon the court's issuance of such an order,</u> | 244 |
| <u>the offender shall be required to enroll in the violent offender</u> | 245 |
| <u>database with respect to that offense and will have all VOD</u> | 246 |
| <u>duties with respect to that offense for ten years after the</u> | 247 |
| <u>offender initially enrolls in the database. The court shall</u> | 248 |
| <u>provide the offender notice of the duties pursuant to division</u> | 249 |
| <u>(C) of this section.</u> | 250 |
| <u>(B) Each person who is classified a violent offender under</u> | 251 |
| <u>division (A) (2) of section 2903.41 of the Revised Code and who</u> | 252 |
| <u>does not file a motion under division (A) (2) (a) or (b) of this</u> | 253 |
| <u>section shall be provided notice of the offender's duty to</u> | 254 |
| <u>enroll in the violent offender database with respect to the</u> | 255 |
| <u>offense that classifies the person a violent offender and of all</u> | 256 |

VOD duties with respect to that offense and that those duties 257
last for ten years after the offender initially enrolls in the 258
database. The official in charge of the jail, workhouse, state 259
correctional institution, or other institution in which the 260
offender is serving the prison term, term of imprisonment, or 261
other term of confinement, or the official's designee, shall 262
provide the notice to the offender before the offender is 263
released pursuant to any type of supervised release or before 264
the offender is otherwise released from the prison term, term of 265
imprisonment, or other term of confinement. 266

(C) The judge, official, or official's designee providing 267
the notice under division (A) (3), (A) (4), or (B) of this section 268
shall require the violent offender to read and sign a form 269
stating that the violent offender has received and understands 270
the notice. If the violent offender is unable to read, the 271
judge, official, or official's designee shall inform the violent 272
offender of the violent offender's duties as set forth in the 273
notice and shall certify on the form that the judge, official, 274
or official's designee informed the violent offender of the 275
violent offender's duties and that the violent offender 276
indicated an understanding of those duties. 277

The attorney general shall prescribe the notice and the 278
form provided under this division. The notice shall inform the 279
offender that, to satisfy the duty to enroll, the violent 280
offender must enroll personally with the sheriff of the county 281
in which the offender resides or that sheriff's designee and 282
include notice of the offender's duties to re-enroll annually 283
and when the offender has a change of address. 284

The person providing the notice under this division shall 285
provide a copy of the notice and signed form to the violent 286

offender. The person providing the notice also shall determine 287
the county in which the violent offender intends to reside and 288
shall provide a copy of the signed form to the sheriff of that 289
county in accordance with rules adopted by the attorney general 290
pursuant to Chapter 119. of the Revised Code and to the bureau 291
of criminal identification and investigation. 292

This division also applies with respect to a qualifying 293
out-of-state violent offender, when specified under division (C) 294
of section 2903.421 of the Revised Code. 295

Sec. 2903.421. (A) For each person who is a qualifying 296
out-of-state violent offender, it is presumed that the 297
qualifying out-of-state violent offender shall be required to 298
enroll in the violent offender database with respect to the 299
offense that so classifies the person and will have all violent 300
offender database duties with respect to that offense for ten 301
years after the offender initially enrolls in the database. The 302
presumption is a rebuttable presumption that the qualifying out- 303
of-state violent offender may rebut as provided in division (D) 304
of this section, after filing a motion in accordance with 305
division (B) of this section. 306

(B) A qualifying out-of-state violent offender who wishes 307
to rebut the presumption established under division (A) of this 308
section shall file a motion with the court of common pleas of 309
the county in which the offender resides or occupies a dwelling 310
and shall serve a copy of the motion on the prosecutor. The 311
motion shall assert that the offender was not the principal 312
offender in the commission of the offense that classifies the 313
person as an out-of-state violent offender and request that the 314
court not require the offender to enroll in the violent offender 315
database and not have all VOD duties with respect to that 316

offense. The motion shall be filed at any time before the 317
offender's initial enrollment in the database. 318

(C) If a qualifying out-of-state violent offender does not 319
file a motion under division (B) of this section, the offender 320
shall be required to enroll in the violent offender database 321
with respect to the offense that classifies the person an out- 322
of-state violent offender and shall have all VOD duties with 323
respect to that offense for ten years after the offender 324
initially enrolls in the database. 325

(D) If a qualifying out-of-state violent offender files a 326
motion under division (B) of this section, the offender has the 327
burden of proving to the court, by a preponderance of the 328
evidence, that the offender was not the principal offender in 329
the commission of the offense that classifies the person as an 330
out-of-state violent offender. If a qualifying out-of-state 331
violent offender files such a motion, one of the following 332
applies: 333

(1) If the qualifying out-of-state violent offender proves 334
to the court, by a preponderance of the evidence, that the 335
offender was not the principal offender in the commission of the 336
offense that classifies the person an out-of-state violent 337
offender, the presumption is rebutted and the court shall 338
continue the hearing for the purpose of determining whether the 339
offender, notwithstanding the rebuttal of the presumption, 340
should be required to enroll in the violent offender database 341
and have all VOD duties with respect to that offense. In making 342
that determination, the court shall consider all of the factors 343
identified in divisions (A) (4) (a) (i) to (iv) of section 2903.42 344
of the Revised Code. If the court, after considering those 345
factors at the hearing, determines that the offender, 346

notwithstanding the rebuttal of the presumption, should be 347
required to enroll in the violent offender database and have all 348
VOD duties with respect to that offense, the court shall issue 349
an order specifying that the offender is required to enroll in 350
the violent offender database with respect to that offense and 351
will have all VOD duties with respect to that offense for ten 352
years after the offender initially enrolls in the database. Upon 353
the court's issuance of such an order, the offender shall be 354
required to enroll in the violent offender database and will 355
have all VOD duties with respect to that offense for ten years 356
after the offender initially enrolls in the database. The court 357
shall provide the offender notice of the duties in the manner 358
prescribed in division (C) of section 2903.42 of the Revised 359
Code, and shall provide a copy of the order to the prosecutor 360
and to the bureau of criminal identification and investigation. 361
This duty commences when the court issues the order under this 362
division. Absent such a determination at the hearing after 363
consideration of those factors, the court shall issue an order 364
specifying that the offender is not required to enroll in the 365
violent offender database and has no VOD duties with respect to 366
the offense that classifies the person an out-of-state violent 367
offender. 368

(2) If the qualifying out-of-state violent offender does 369
not prove to the court, by a preponderance of the evidence, that 370
the offender was not the principal offender in the commission of 371
the offense that classifies the person an out-of-state violent 372
offender, the court shall issue an order specifying that the 373
offender is required to enroll in the violent offender database 374
and has all VOD duties with respect to that offense, and shall 375
provide a copy of the order to the prosecutor and the bureau of 376
criminal identification and investigation. Upon the court's 377

issuance of such an order, the offender shall be required to 378
enroll in the violent offender database with respect to that 379
offense and will have all VOD duties with respect to that 380
offense for ten years after the offender initially enrolls in 381
the database. The court shall provide the offender notice of the 382
duties in the manner prescribed in division (C) of section 383
2903.42 of the Revised Code. 384

Sec. 2903.43. (A) Each violent offender who has VOD duties 385
imposed pursuant to section 2903.42 of the Revised Code shall 386
enroll in the violent offender database personally with the 387
sheriff of the county in which the violent offender resides or 388
that sheriff's designee within the following time periods: 389

(1) If the person is classified a violent offender under 390
division (A)(1) of section 2903.41 of the Revised Code and the 391
judge sentencing the offender for the offense that so classifies 392
the offender does not sentence the offender to a prison term, 393
term of imprisonment, or other term of confinement in a jail, 394
workhouse, state correctional institution, or other institution 395
for that offense, the offender shall enroll in the violent 396
offender database within ten days after the sentencing hearing. 397

(2) If the person is classified a violent offender under 398
division (A)(2) of section 2903.41 of the Revised Code or the 399
person is classified a violent offender under division (A)(1) of 400
that section and division (A)(1) of this section does not apply, 401
the offender shall enroll in the violent offender database 402
within ten days after the violent offender is released from a 403
jail, workhouse, state correctional institution, or other 404
institution, unless the violent offender is being transferred to 405
the custody of another jail, workhouse, state correctional 406
institution, or other institution. The violent offender is not 407

required to enroll in the violent offender database with any 408
sheriff or designee prior to release. 409

(B) Each qualifying out-of-state violent offender who has 410
VOD duties imposed pursuant to section 2903.421 of the Revised 411
Code shall enroll in the violent offender database personally 412
with the sheriff of the county in which the out-of-state violent 413
offender resides or occupies a dwelling or that sheriff's 414
designee within ten days after either of the following: 415

(1) Residing in or occupying a dwelling in this state, 416
after the offender becomes aware of the database and has the 417
duty, for more than three consecutive days; 418

(2) Residing in or occupying a dwelling in this state, 419
after the offender becomes aware of the database and has the 420
duty, for an aggregate period in a calendar year of fourteen or 421
more days in that calendar year. 422

(C) (1) A violent offender or qualifying out-of-state 423
violent offender who has VOD duties imposed pursuant to section 424
2903.42 or 2903.421 of the Revised Code shall enroll in the 425
violent offender database, personally with the sheriff of the 426
county in which the offender resides or that sheriff's designee. 427
The enrollee shall obtain from the sheriff or designee a copy of 428
an enrollment form prescribed by the attorney general that 429
conforms to division (C) (2) of this section, shall complete and 430
sign the form, and shall return to the sheriff or designee the 431
completed and signed form together with the identification 432
records required under division (C) (3) of this section. 433

(2) The enrollment form to be used under division (C) (1) 434
of this section shall include or contain all of the following 435
for the violent offender or qualifying out-of-state violent 436

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| <u>offender who is enrolling;</u> | 437 |
| <u>(a) The violent offender's or out-of-state violent offender's full name and any alias used;</u> | 438 439 |
| <u>(b) The violent offender's or out-of-state violent offender's residence address;</u> | 440 441 |
| <u>(c) The violent offender's or out-of-state violent offender's social security number;</u> | 442 443 |
| <u>(d) Any driver's license number, commercial driver's license number, or state identification card number issued to the violent offender or out-of-state violent offender by this or another state;</u> | 444 445 446 447 |
| <u>(e) The offense that the violent offender or out-of-state violent offender was convicted of or pleaded guilty to;</u> | 448 449 |
| <u>(f) The name and address of any place where the violent offender or out-of-state violent offender is employed;</u> | 450 451 |
| <u>(g) The name and address of any school or institution of higher education that the violent offender or out-of-state violent offender is attending;</u> | 452 453 454 |
| <u>(h) The identification license plate number of each vehicle owned or operated by the violent offender or out-of-state violent offender or registered in the violent offender's or out-of-state violent offender's name, the vehicle identification number of each vehicle, and a description of each vehicle;</u> | 455 456 457 458 459 460 |
| <u>(i) A description of any scars, tattoos, or other distinguishing marks on the violent offender or out-of-state violent offender.</u> | 461 462 463 |

(3) The violent offender or qualifying out-of-state 464
violent offender who is enrolling shall provide fingerprints and 465
palm prints at the time of enrollment. The sheriff or sheriff's 466
designee shall obtain a photograph of the violent offender or 467
out-of-state violent offender at the time of enrollment. 468

(D) (1) Each violent offender or qualifying out-of-state 469
violent offender who has VOD duties imposed pursuant to section 470
2903.42 or 2903.421 of the Revised Code shall re-enroll in the 471
violent offender database annually, in person, with the sheriff 472
of the county in which the violent offender resides or the out- 473
of-state violent offender resides or occupies a dwelling or that 474
sheriff's designee within ten days prior to the anniversary of 475
the calendar date on which the offender initially enrolled. The 476
duty to re-enroll under this division remains in effect for the 477
entire ten-year enrollment period of the offender. The offender 478
shall re-enroll by completing, signing, and returning to the 479
sheriff or designee a copy of the enrollment form prescribed by 480
the attorney general and described in divisions (C) (1) and (2) 481
of this section, amending any information required under 482
division (C) of this section that has changed since the 483
enrollee's last enrollment, and providing any additional 484
enrollment information required by the attorney general. The 485
sheriff or designee with whom the violent offender or qualifying 486
out-of-state violent offender re-enrolls shall obtain a new 487
photograph of the offender annually when the offender re- 488
enrolls. Additionally, if the violent offender's or qualifying 489
out-of-state violent offender's most recent enrollment or re- 490
enrollment was with a sheriff or designee of a sheriff of a 491
different county, as part of the duty to re-enroll, the offender 492
shall provide written notice of the offender's change of 493
residence address to that sheriff or a designee of that sheriff. 494

(2) Except as otherwise provided in this division, if a 495
violent offender or qualifying out-of-state violent offender has 496
VOD duties imposed pursuant to section 2903.42 or 2903.421 of 497
the Revised Code, the offender's VOD duties shall terminate on 498
the expiration of the ten-year enrollment period of the 499
offender. The ten-year enrollment period may be extended, but 500
only if the prosecutor files a motion with the court of common 501
pleas of the county in which the violent offender resides or in 502
which the qualifying out-of-state offender resides or occupies a 503
dwelling requesting that the court extend the offender's ten- 504
year enrollment period as specified in this division and the 505
court makes the appropriate finding specified in this division. 506
For a violent offender, the court may extend the offender's ten- 507
year enrollment period only if the court finds that the offender 508
has violated a term or condition of a sanction imposed under the 509
offender's sentence or has been convicted of or pleaded guilty 510
to another felony or any misdemeanor offense of violence during 511
that enrollment period. For a qualifying out-of-state offender, 512
the court may extend the offender's ten-year enrollment period 513
only if the court finds that the offender has violated a term or 514
condition of a sanction imposed under the offender's sentence by 515
the court of the other jurisdiction or has been convicted of or 516
pleaded guilty to another felony or any misdemeanor offense of 517
violence during that enrollment period. If a court finds as 518
described in this division that the offender has violated a term 519
or condition of a sanction imposed under the offender's sentence 520
or that the offender has been convicted of or pleaded guilty to 521
another felony or any misdemeanor offense of violence during the 522
ten-year enrollment period, the court shall issue an order that 523
extends the VOD duties of the violent offender or qualifying 524
out-of-state violent offender indefinitely and the offender's 525
VOD duties shall continue indefinitely, subject to termination 526

under section 2903.44 of the Revised Code. 527

If the court issues an order under this division that 528
extends an offender's VOD duties, the court shall promptly 529
forward a copy of the order to the bureau of criminal 530
identification and investigation and to the prosecutor. Upon 531
receipt of the order from the court, the bureau shall update all 532
records pertaining to the offender to reflect the extended 533
enrollment period. The bureau also shall provide notice of the 534
issuance of the order to every sheriff with whom the offender 535
has most recently enrolled or re-enrolled. 536

(3) The official in charge of a jail, workhouse, state 537
correctional institution, or other institution shall notify the 538
attorney general in accordance with rules adopted by the 539
attorney general pursuant to Chapter 119. of the Revised Code if 540
a violent offender or qualifying out-of-state violent offender 541
is confined in the jail, workhouse, state correctional 542
institution, or other institution. 543

(E) Each violent offender or qualifying out-of-state 544
violent offender who has VOD duties imposed pursuant to section 545
2903.42 or 2903.421 of the Revised Code shall notify the sheriff 546
with whom the offender most recently enrolled or re-enrolled or 547
that sheriff's designee in person within three business days of 548
a change of address that occurs during the ten-year enrollment 549
period or extended enrollment period of the offender. 550

(F) (1) After a violent offender or qualifying out-of-state 551
violent offender who has VOD duties imposed pursuant to section 552
2903.42 or 2903.421 of the Revised Code enrolls or re-enrolls in 553
the violent offender database with a sheriff or a sheriff's 554
designee pursuant to this section, the sheriff or designee shall 555
forward the offender's signed, written enrollment form, 556

photograph, fingerprints, palm prints, and other materials to 557
the bureau of criminal identification and investigation in 558
accordance with forwarding procedures adopted by the attorney 559
general under division (G) of this section. The bureau shall 560
include the information and materials forwarded to it under this 561
division in the violent offender database established and 562
maintained under division (F) (2) of this section. 563

(2) The bureau of criminal identification and 564
investigation shall establish and maintain a database of violent 565
offenders and qualifying out-of-state violent offenders that 566
includes the information and materials the bureau receives 567
pursuant to division (D) (1) or (F) (1) of this section. The 568
bureau shall make the database available to federal, state, and 569
local law enforcement officers. The database of violent 570
offenders and qualifying out-of-state violent offenders 571
maintained by the bureau is not a public record under section 572
149.43 of the Revised Code. 573

(3) (a) Except as otherwise provided in division (F) (3) (b) 574
of this section, any statements, information, photographs, 575
fingerprints, or materials that are provided pursuant to this 576
section by a violent offender or qualifying out-of-state violent 577
offender who has VOD duties imposed under section 2903.42 or 578
2903.421 of the Revised Code and that are in the possession of a 579
county sheriff are public records open to public inspection 580
under section 149.43 of the Revised Code. 581

(b) A violent offender or qualifying out-of-state violent 582
offender who has VOD duties imposed under section 2903.42 or 583
2903.421 of the Revised Code may file a motion with the court of 584
common pleas in the county in which the offender resides stating 585
that the offender fears for the offender's safety if the 586

statements, information, photographs, fingerprints, or materials 587
provided by the offender pursuant to this section and that are 588
in the possession of a county sheriff are open for public 589
inspection, and requesting the court to issue an order to ban or 590
restrict access to those statements, photographs, fingerprints, 591
and materials and that information. A motion filed with a court 592
under this division shall expressly state the reasons for which 593
the violent offender or qualifying out-of-state violent offender 594
fears for the offender's safety, shall identify each county in 595
which the offender has enrolled or re-enrolled, and shall 596
provide information and materials in support of the motion. The 597
court, upon the filing of the motion under this division, may 598
determine whether to grant or deny the motion without a hearing 599
or may conduct a hearing to determine whether to grant or deny 600
the motion. The court may grant the motion if it determines, 601
upon review of the motion, the supporting information and 602
materials provided with the motion, and, if the court conducts a 603
hearing, any additional information provided at the hearing, 604
that the offender's fears for the offender's safety are valid 605
and that the interests of justice and the offender's safety 606
require that the motion be granted. 607

If the court grants the motion, the statements, 608
information, photographs, fingerprints, or materials provided by 609
the offender pursuant to this section and that are in the 610
possession of a county sheriff are not public records open to 611
public inspection under section 149.43 of the Revised Code and 612
the court shall issue an order to that effect. A court that 613
grants a motion and issues an order under this division shall 614
notify the sheriff in each county in which the offender has 615
enrolled or re-enrolled of the issuance of the order, and each 616
of those sheriffs shall comply with the order. 617

(G) The attorney general shall prescribe the forms that 618
violent offenders and qualifying out-of-state violent offenders 619
who have VOD duties imposed under section 2903.42 or 2903.421 of 620
the Revised Code shall use to enroll, re-enroll, and provide 621
notice of a change of address under divisions (A) to (D) of this 622
section. The attorney general shall adopt procedures for 623
sheriffs to use to forward information, photographs, 624
fingerprints, palm prints, and other materials to the bureau of 625
criminal identification and investigation pursuant to division 626
(F) (1) of this section. 627

(H) The attorney general, in accordance with Chapter 119. 628
of the Revised Code, may adopt rules regarding enrollment dates 629
different than those prescribed in divisions (A), (B), and (D) 630
of this section for any violent offender or qualifying out-of- 631
state violent offender who has VOD duties imposed under section 632
2903.42 or 2903.421 of the Revised Code and who also is an arson 633
offender, as defined in section 2909.13 of the Revised Code, or 634
a sex offender or child-victim offender, both as defined in 635
section 2950.01 of the Revised Code. 636

(I) (1) No violent offender or qualifying out-of-state 637
violent offender who has VOD duties imposed under section 638
2903.42 or 2903.421 of the Revised Code shall recklessly fail 639
during the ten-year enrollment period or extended enrollment 640
period of the offender to enroll, re-enroll, or notify the 641
sheriff or sheriff's designee of a change of address as required 642
by this section. 643

(2) Whoever violates division (I) (1) of this section is 644
guilty of a felony of the fifth degree. If a violent offender or 645
qualifying out-of-state violent offender who violates division 646
(I) (1) of this section is subject to a community control 647

sanction, is on parole, is subject to one or more post-release 648
control sanctions, or is subject to any other type of supervised 649
release at the time of the violation, the violation shall 650
constitute a violation of the terms and conditions of the 651
community control sanction, parole, post-release control 652
sanction, or other type of supervised release. 653

Sec. 2903.44. (A) Pursuant to this section, if a violent 654
offender or qualifying out-of-state violent offender has VOD 655
duties imposed under section 2903.42 or 2903.421 of the Revised 656
Code and if a court has extended the offender's ten-year 657
enrollment period pursuant to division (D)(2) of section 2903.43 658
of the Revised Code, the offender may file a motion to the court 659
of common pleas of the county in which the offender resides 660
requesting that the court terminate the offender's extended 661
enrollment period and VOD duties during that period. A violent 662
offender or qualifying out-of-state violent offender may file a 663
motion under this division at any time during the offender's 664
extended enrollment period, but may not file more than one 665
motion under this division in any five-year period. 666

(B) A violent offender or qualifying out-of-state violent 667
offender who makes a motion under division (A) of this section 668
shall include with the motion all of the following: 669

(1) A certified copy of the judgment entry and any other 670
documentation of the sentence or disposition given for the 671
offense or offenses for which the offender was enrolled in the 672
violent offender database; 673

(2) Documentation of the date of the offender's discharge 674
from supervision or release, whichever is applicable; 675

(3) A statement asserting that the offender has not been 676

convicted of or pleaded guilty to any other felony or any 677
misdemeanor offense of violence during the offender's ten-year 678
enrollment period or extended enrollment period; 679

(4) Evidence that the eligible offender has paid all 680
financial sanctions imposed upon the offender pursuant to 681
section 2929.18 or 2929.28 of the Revised Code. 682

(C) Upon the filing of a motion pursuant to division (A) 683
of this section, the offender shall serve a copy of the motion 684
on the prosecutor. 685

Upon the filing of the motion, the court shall set a 686
tentative date for a hearing on the motion that, except as 687
otherwise provided in this division, is not later than ninety 688
days after the date on which the motion is filed. The court may 689
set a tentative date for a hearing that is later than that 690
specified time if good cause exists to hold the hearing at a 691
later date. The court shall notify the offender and the 692
prosecutor of the date, time, and place of the hearing. The 693
court shall forward a copy of the motion and its supporting 694
documentation to the court's probation department or another 695
appropriate agency to investigate the merits of the motion. The 696
probation department or agency shall submit a written report 697
detailing its investigation to the court within sixty days after 698
receiving the motion and supporting documentation. 699

Upon receipt of the written report from the probation 700
department or other appropriate agency, the court shall forward 701
a copy of the motion, the supporting documentation, and the 702
written report to the prosecutor. 703

(D) After the prosecutor is served with a copy of the 704
motion and notice of the hearing as described in division (C) of 705

this section, at least seven days before the hearing date, the 706
prosecutor may file an objection to the motion with the court 707
and serve a copy of the objection to the motion to the offender 708
or the offender's attorney. 709

(E) In determining whether to grant a motion made under 710
division (A) of this section, the court shall consider the 711
evidence that accompanies the motion described in division (B) 712
of this section and shall consider the written report submitted 713
pursuant to division (C) of this section. 714

(F) (1) The court, without a hearing, may issue an order 715
denying the offender's motion to terminate the offender's 716
extended enrollment period and VOD duties during that period if 717
the court, after considering the evidence, materials, and 718
information specified under division (E) of this section, finds 719
that the extended enrollment period and duties should not be 720
terminated. 721

(2) If the prosecutor does not file an objection to the 722
offender's motion as provided in division (D) of this section, 723
the court, without a hearing, may issue an order that grants the 724
motion and terminates the eligible offender's extended 725
enrollment period and VOD duties during that period if the 726
court, after considering the evidence, materials, and 727
information specified under division (E) of this section, finds 728
that the extended enrollment period and VOD duties should be 729
terminated. This division does not apply if the prosecutor files 730
an objection to the offender's application as provided in 731
division (D) (2) of this section. 732

(3) If the court does not issue an order under division 733
(F) (1) or (2) of this section, the court shall hold a hearing to 734
determine whether to grant or deny the motion. At the hearing, 735

the Rules of Civil Procedure apply, except to the extent that 736
those Rules would by their nature be clearly inapplicable. At 737
the hearing, the offender has the burden of going forward with 738
the evidence and, except as otherwise provided in this division, 739
the burden of proof, by a preponderance of the evidence, that 740
the extended enrollment period and VOD duties should be 741
terminated. If the prosecutor files an objection to the motion 742
as provided in division (D) of this section that includes an 743
allegation that the offender has been convicted of or pleaded 744
guilty to any other felony or any misdemeanor offense of 745
violence during the offender's ten-year enrollment period or 746
extended enrollment period, the prosecutor has the burden of 747
proving that allegation. 748

The court shall issue an order denying the offender's 749
motion to terminate the offender's extended enrollment period 750
and VOD duties if the prosecutor files such an objection to the 751
motion that includes an allegation that the offender has been 752
convicted of or pleaded guilty to any other felony or any 753
misdemeanor offense of violence during the offender's ten-year 754
enrollment period or extended enrollment period and proves that 755
allegation. If, after considering the evidence, materials, and 756
information specified under division (E) of this section, the 757
court finds that the prosecutor has not alleged in an objection 758
and proved that the offender has been convicted of or pleaded 759
guilty to any other felony or any misdemeanor offense of 760
violence during the offender's ten-year enrollment period or 761
extended enrollment period, the court shall do one of the 762
following: 763

(a) If the court finds that the offender has satisfied the 764
burden of proof imposed on the offender as described in this 765
division, the court shall issue an order that grants the motion 766

and terminates the offender's extended enrollment period and VOD 767
duties. 768

(b) If the court finds that the offender has not satisfied 769
the burden of proof imposed on the offender, the court shall 770
issue an order denying the motion. 771

(4) If the court issues an order under division (F) (1) or 772
(3) of this section denying an offender's motion to terminate 773
the offender's extended enrollment period and VOD duties, the 774
offender may subsequently file another motion under this section 775
requesting termination of the extended enrollment period and VOD 776
duties but may not file more than one such motion in any five- 777
year period. 778

(5) (a) Upon its issuance of an order under division (F) 779
(1), (2), or (3) of this section, the court shall provide prompt 780
notice of the order to the offender or the offender's attorney. 781

(b) If the court issues an order under division (F) (2) or 782
(3) of this section that grants the offender's motion and 783
terminates the offender's extended enrollment period and VOD 784
duties, the court shall promptly forward a copy of the order to 785
the bureau of criminal identification and investigation and to 786
the prosecutor. Upon receipt of the order from the court, the 787
bureau shall update all records pertaining to the offender to 788
reflect the termination order. The bureau also shall provide 789
notice of the issuance of the termination order to every sheriff 790
with whom the offender has most recently enrolled or re- 791
enrolled. Upon receipt of the order from the court, the 792
prosecutor shall notify the victim of any offense for which the 793
offender is enrolled in the violent offender database that the 794
offender's extended enrollment period and VOD duties have been 795
terminated. 796

Sec. 2967.121. (A) Subject to division (D) of this 797
section, at least two weeks before any convict who is serving a 798
sentence for committing aggravated murder, murder, or a felony 799
of the first, second, or third degree or who is serving a 800
sentence of life imprisonment is released from confinement in 801
any state correctional institution pursuant to a pardon, 802
commutation of sentence, parole, or completed prison term, the 803
adult parole authority shall provide notice of the release to 804
the prosecuting attorney of the county in which the indictment 805
of the convict was found and a separate notice of that release 806
to the sheriff of that county. The notice to prosecuting 807
attorneys and the notice to sheriffs required by this division 808
may be contained in a weekly list of all convicts who are 809
serving a sentence for aggravated murder, murder, or a felony of 810
the first, second, or third degree or are serving a sentence of 811
life imprisonment and who are scheduled for release. 812

(B) Subject to division (D) of this section, if a convict 813
who is serving a sentence for committing aggravated murder, 814
murder, or a felony of the first, second, or third degree or who 815
is serving a sentence of life imprisonment is released from 816
confinement pursuant to a pardon, commutation of sentence, 817
parole, or completed prison term, the adult parole authority 818
shall send notice of the release to the prosecuting attorney of 819
the county in which the indictment of the convict was filed. The 820
notice required by this division shall be sent to the 821
appropriate prosecuting attorney at the end of the month in 822
which the convict is released and may be contained in a monthly 823
list of all convicts who are released in that month and for whom 824
this division requires a notice to be sent to that prosecuting 825
attorney. 826

(C) The notices required by divisions (A) and (B) of this 827

section shall contain all of the following: 828

- (1) The name of the convict being released; 829
- (2) The date of the convict's release; 830
- (3) The offense for the violation of which the convict was 831
convicted and incarcerated; 832
- (4) The date of the convict's conviction pursuant to which 833
the convict was incarcerated; 834
- (5) The sentence imposed for that conviction; 835
- (6) The length of any supervision that the convict will be 836
under; 837
- (7) The name, business address, and business phone number 838
of the convict's supervising officer; 839
- (8) The address at which the convict will reside. 840

(D) (1) Divisions (A) , (B), and (C) of this section do not 841
apply to the release from confinement of an offender if the 842
offender is serving a prison term imposed under division (A) (3), 843
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 844
(b), (c), or (d) of section 2971.03 of the Revised Code, if the 845
court pursuant to section 2971.05 of the Revised Code modifies 846
the requirement that the offender serve that entire term in a 847
state correctional institution, and if the release from 848
confinement is pursuant to that modification. In a case of that 849
type, the court that modifies the requirement promptly shall 850
provide written notice of the modification and the order that 851
modifies the requirement or revises the modification to the 852
offender, the department of rehabilitation and correction, the 853
prosecuting attorney, and any state agency or political 854
subdivision that is affected by the order. 855

(2) Divisions (A), (B), and (C) of this section do not 856
apply to the release from confinement of an offender if, upon 857
admission to the state correctional institution, the offender 858
has less than fourteen days to serve on the sentence. 859

Sec. 5120.07. (A) There is hereby created the ex-offender 860
reentry coalition consisting of the following ~~seventeen~~twenty- 861
one members or their designees: 862

- (1) The director of rehabilitation and correction; 863
- (2) The director of aging; 864
- (3) The director of mental health and addiction services; 865
- (4) The director of development services; 866
- (5) The superintendent of public instruction; 867
- (6) The director of health; 868
- (7) The director of job and family services; 869
- (8) The director of developmental disabilities; 870
- (9) The director of public safety; 871
- (10) The director of youth services; 872
- (11) The chancellor of the Ohio board of regents; 873
- (12) A representative or member of the governor's staff; 874
- (13) The executive director of the opportunities for 875
Ohioans with disabilities agency; 876
- (14) The director of the department of commerce; 877
- (15) The executive director of a health care licensing 878
board created under Title XLVII of the Revised Code, as 879
appointed by the chairperson of the coalition; 880

- (16) The director of veterans services; 881
- (17) An ex-offender appointed by the director of 882
rehabilitation and correction; 883
- (18) Two members of the house of representatives appointed 884
by the speaker of the house of representatives, one of whom 885
shall be the chairperson of the standing committee in the house 886
of representatives that primarily addresses criminal justice 887
matters and the other of whom shall be a member of the minority 888
party in the house of representatives; 889
- (19) Two members of the senate appointed by the president 890
of the senate, one of whom shall be the chairperson of the 891
standing committee in the senate that primarily addresses 892
criminal justice matters and the other of whom shall be a member 893
of the minority party in the senate. 894
- (B) The members of the coalition shall serve without 895
compensation. The director of rehabilitation and correction or 896
the director's designee shall be the chairperson of the 897
coalition. 898
- (C) In consultation with persons interested and involved 899
in the reentry of ex-offenders into the community, ~~including but~~ 900
~~not limited to, services providers, community-based~~ 901
~~organizations, and local governments,~~ the members of the 902
coalition shall ~~identify and examine social service barriers and~~ 903
~~other obstacles to the reentry of ex-offenders into the~~ 904
~~community~~ meet periodically for the purpose of formulating, 905
discussing, and developing policies and practices that 906
facilitate the expansion and improvement of reentry services 907
provided by state and local agencies in the collaborative 908
efforts of those agencies to reintegrate offenders into society 909

while simultaneously maintaining public safety and reducing 910
recidivism in this state. Not later than one year after April 7, 911
2009, and on or before the same date of each year thereafter, 912
the coalition shall submit to the speaker of the house of 913
representatives and the president of the senate a report, 914
including recommendations for legislative action, the activities 915
of the coalition, and the barriers affecting the successful 916
reentry of ex-offenders into the community. The report shall 917
analyze the effects of those barriers on ex-offenders and on 918
their children and other family members in various areas, 919
including but not limited to, the following: 920

- (1) Admission to public and other housing; 921
- (2) Child support obligations and procedures; 922
- (3) Parental incarceration and family reunification; 923
- (4) Social security benefits, veterans' benefits, food 924
stamps, and other forms of public assistance; 925
- (5) Employment; 926
- (6) Education programs and financial assistance; 927
- (7) Substance abuse and sex offender treatment programs 928
and financial assistance and mental health services and 929
financial assistance; 930
- (8) Civic and political participation; 931
- (9) Other collateral consequences under the Revised Code 932
or the Ohio administrative code law that may result from a 933
criminal conviction. 934

(D)(1) The report shall also include the following 935
information: 936

| | |
|---|--------------------------|
| (a) Identification of state appropriations for reentry programs; | 937 938 |
| (b) Identification of other funding sources for reentry programs that are not funded by the state + . | 939 940 |
| (2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following: | 941 942 943 944 |
| (a) The amount of funding received; | 945 |
| (b) The number of program participants; | 946 |
| (c) The composition of the program, including program goals, methods for measuring success, and program success rate; | 947 948 |
| (d) The type of post-program tracking that is utilized; | 949 |
| (e) Information about employment rates and recidivism rates of ex-offenders. | 950 951 |
| (E) The coalition shall cease to exist on December 31, 2019. | 952 953 |
| Sec. 5120.114. (A) The department of rehabilitation and correction shall select a single validated risk assessment tool for adult offenders. This assessment tool shall be used by the following entities: | 954 955 956 957 |
| (1) Municipal courts, when the particular court orders an assessment of an offender for sentencing or another purpose; | 958 959 |
| (2) Common pleas courts, when the particular court orders an assessment of an offender for sentencing or another purpose; | 960 961 |
| (3) County courts, when the particular court orders an assessment of an offender for sentencing or another purpose; | 962 963 |

| | |
|---|--|
| (4) Municipal court departments of probation; | 964 |
| (5) County departments of probation; | 965 |
| (6) Probation departments established by two or more counties; | 966 967 |
| (7) State and local correctional institutions; | 968 |
| (8) Private correctional facilities; | 969 |
| (9) Community-based correctional facilities; | 970 |
| (10) <u>Halfway houses</u> ; | 971 |
| <u>(11)</u> The adult parole authority; | 972 |
| (11) <u>(12)</u> The parole board. | 973 |
| (B) For each entity required to use the assessment tool, every employee of the entity who actually uses the tool shall be trained and certified by a trainer who is certified by the department. Each entity utilizing the assessment tool shall develop policies and protocols regarding all of the following activities: | 974 975 976 977 978 979 |
| (1) Application and integration of the assessment tool into operations, supervision, and case planning; | 980 981 |
| (2) Administrative oversight of the use of the assessment tool; | 982 983 |
| (3) Staff training; | 984 |
| (4) Quality assurance; | 985 |
| (5) Data collection and sharing as described under section 5120.115 of the Revised Code. | 986 987 |
| Section 2. That existing sections 2967.121, 5120.07, and | 988 |

| | |
|---|-----|
| 5120.114 and section 2967.122 of the Revised Code are hereby | 989 |
| repealed. | 990 |
| Section 3. Sections 2903.41, 2903.42, 2903.421, 2903.43, | 991 |
| and 2903.44 of the Revised Code, as enacted in this act, shall | 992 |
| be known as "Sierah's Law." | 993 |