

**As Pending in the Senate Judiciary Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. S. B. No. 67**

**Senators Gardner, Hite**

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**A BILL**

To enact sections 2903.41, 2903.42, 2903.43, and  
2903.44 of the Revised Code to provide for a  
violent offender database, require violent  
offenders to enroll in the database, and name  
the act "Sierah's Law."

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

**Section 1.** That sections 2903.41, 2903.42, 2903.43, and  
2903.44 of the Revised Code be enacted to read as follows:

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

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

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

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(a) A violation of section 2903.01, 2903.02, 2903.03,  
2905.01, or 2905.02 of the Revised Code;

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

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(2) A person who on the effective date of this section has 19  
been convicted of or pleaded guilty to an offense listed in 20  
division (A)(1) of this section and is confined in a jail, 21  
workhouse, state correctional institution, or other institution, 22  
serving a prison term, term of imprisonment, or other term of 23  
confinement for the offense. 24

(B) "Community control sanction," "jail," and "prison" 25  
have the same meanings as in section 2929.01 of the Revised 26  
Code. 27

(C) "Out-of-state violent offender" means a person who is 28  
convicted of, pleads guilty to, has been convicted of, or has 29  
pleaded guilty to a violation of any existing or former 30  
municipal ordinance or law of another state or the United 31  
States, or any existing or former law applicable in a military 32  
court or in an Indian tribal court, that is or was substantially 33  
equivalent to any offense listed in division (A)(1) of this 34  
section. 35

(D) "Post-release control sanction" and "supervised 36  
release" have the same meanings as in section 2950.01 of the 37  
Revised Code. 38

(E) "Change of address" means a change to a violent 39  
offender's or out-of-state violent offender's residence address, 40  
employment address, or school or institution of higher education 41  
address. 42

(F) "Violent offender database" means the database of 43  
violent offenders and out-of-state violent offenders that is 44  
established and maintained by the bureau of criminal 45  
identification and investigation under division (F)(2) of 46  
section 2903.43 of the Revised Code, that is operated by 47

sheriffs under sections 2903.42 and 2903.43 of the Revised Code, 48  
and for which sheriffs obtain information from violent offenders 49  
and out-of-state violent offenders pursuant to sections 2903.42 50  
and 2903.43 of the Revised Code. 51

**Sec. 2903.42.** (A) Each violent offender shall be provided 52  
notice of the violent offender's duty to enroll in the violent 53  
offender database personally with the sheriff of the county in 54  
which the violent offender resides or that sheriff's designee. 55  
The following persons shall provide the notice at the following 56  
times: 57

(1) On or after the effective date of this section, the 58  
official in charge of a jail, workhouse, state correctional 59  
institution, or other institution in which a violent offender is 60  
serving a prison term, term of imprisonment, or other term of 61  
confinement, or the official's designee, shall provide the 62  
notice to the violent offender before the violent offender is 63  
released pursuant to any type of supervised release or before 64  
the violent offender is otherwise released from the prison term, 65  
term of imprisonment, or other term of confinement. 66

(2) If a violent offender is sentenced on or after the 67  
effective date of this section for an offense listed in division 68  
(A)(1) of section 2903.41 of the Revised Code and the judge does 69  
not sentence the violent offender to a prison term, term of 70  
imprisonment, or other term of confinement in a jail, workhouse, 71  
state correctional institution, or other institution for that 72  
offense, the judge shall provide the notice to the violent 73  
offender at the time of the violent offender's sentencing. 74

(B) The judge, official, or official's designee providing 75  
the notice under divisions (A)(1) and (2) of this section shall 76  
require the violent offender to read and sign a form stating 77

that the violent offender has received and understands the 78  
notice. If the violent offender is unable to read, the judge, 79  
official, or official's designee shall inform the violent 80  
offender of the violent offender's duties as set forth in the 81  
notice and shall certify on the form that the judge, official, 82  
or official's designee informed the violent offender of the 83  
violent offender's duties and that the violent offender 84  
indicated an understanding of those duties. 85

(C) The attorney general shall prescribe the notice and 86  
the form provided under division (B) of this section. The notice 87  
shall include notice of the violent offender's duties to re- 88  
enroll annually and when the violent offender has a change of 89  
address. 90

(D) The person providing the notice under division (B) of 91  
this section shall provide a copy of the notice and signed form 92  
to the violent offender. The person providing the notice also 93  
shall determine the county in which the violent offender intends 94  
to reside and shall provide a copy of the signed form to the 95  
sheriff of that county in accordance with rules adopted by the 96  
attorney general pursuant to Chapter 119. of the Revised Code. 97

**Sec. 2903.43.** (A) Each violent offender who has received 98  
notice pursuant to section 2903.42 of the Revised Code shall 99  
enroll in the violent offender database personally with the 100  
sheriff of the county in which the violent offender resides or 101  
that sheriff's designee within the following time periods: 102

(1) A violent offender who receives notice under division 103  
(A) (1) of section 2903.42 of the Revised Code shall enroll in 104  
the violent offender database within ten days after the violent 105  
offender is released from a jail, workhouse, state correctional 106  
institution, or other institution, unless the violent offender 107

is being transferred to the custody of another jail, workhouse, 108  
state correctional institution, or other institution. The 109  
violent offender is not required to enroll in the violent 110  
offender database with any sheriff or designee prior to release. 111

(2) A violent offender who receives notice under division 112  
(A) (2) of section 2903.42 of the Revised Code shall enroll in 113  
the violent offender database within ten days after the 114  
sentencing hearing. 115

(B) Each out-of-state violent offender shall enroll in the 116  
violent offender database personally with the sheriff of the 117  
county in which the out-of-state violent offender resides or 118  
that sheriff's designee within ten days after residing in or 119  
occupying a dwelling in this state for more than three 120  
consecutive days or for an aggregate period in a calendar year 121  
of fourteen or more days in that calendar year. 122

(C) (1) A violent offender or out-of-state violent offender 123  
shall enroll in the violent offender database personally with 124  
the sheriff of the county in which the offender resides or that 125  
sheriff's designee. The enrollee shall obtain from the sheriff 126  
or designee a copy of an enrollment form prescribed by the 127  
attorney general that conforms to division (C) (2) of this 128  
section, shall complete and sign the form, and shall return to 129  
the sheriff or designee the completed and signed form together 130  
with the identification records required under division (C) (3) 131  
of this section. 132

(2) The enrollment form to be used under division (C) (1) 133  
of this section shall include or contain all of the following 134  
for the violent offender or out-of-state violent offender who is 135  
enrolling: 136

<u>(a) The violent offender's or out-of-state violent</u>	137
<u>offender's full name and any alias used;</u>	138
<u>(b) The violent offender's or out-of-state violent</u>	139
<u>offender's residence address;</u>	140
<u>(c) The violent offender's or out-of-state violent</u>	141
<u>offender's social security number;</u>	142
<u>(d) Any driver's license number, commercial driver's</u>	143
<u>license number, or state identification card number issued to</u>	144
<u>the violent offender or out-of-state violent offender by this or</u>	145
<u>another state;</u>	146
<u>(e) The offense that the violent offender or out-of-state</u>	147
<u>violent offender was convicted of or pleaded guilty to;</u>	148
<u>(f) The name and address of any place where the violent</u>	149
<u>offender or out-of-state violent offender is employed;</u>	150
<u>(g) The name and address of any school or institution of</u>	151
<u>higher education that the violent offender or out-of-state</u>	152
<u>violent offender is attending;</u>	153
<u>(h) The identification license plate number of each</u>	154
<u>vehicle owned or operated by the violent offender or out-of-</u>	155
<u>state violent offender or registered in the violent offender's</u>	156
<u>or out-of-state violent offender's name, the vehicle</u>	157
<u>identification number of each vehicle, and a description of each</u>	158
<u>vehicle;</u>	159
<u>(i) A description of any scars, tattoos, or other</u>	160
<u>distinguishing marks on the violent offender or out-of-state</u>	161
<u>violent offender;</u>	162
<u>(j) Any other information required by the attorney</u>	163
<u>general.</u>	164

(3) The violent offender or out-of-state violent offender shall provide fingerprints and palm prints at the time of enrollment. The sheriff or sheriff's designee shall obtain a photograph of the violent offender or out-of-state violent offender at the time of enrollment. 165  
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(D) (1) Each violent offender or out-of-state violent offender shall re-enroll in the violent offender database annually, in person, with the sheriff of the county in which the offender resides or that sheriff's designee within ten days prior to the anniversary of the calendar date on which the offender initially enrolled. The enrollee shall re-enroll by completing, signing, and returning to the sheriff or designee a copy of the enrollment form prescribed by the attorney general and described in divisions (C) (1) and (2) of this section, amending any information required under division (C) of this section that has changed since the enrollee's last enrollment, and providing any additional enrollment information required by the attorney general. The sheriff or designee with whom the violent offender or out-of-state violent offender re-enrolls shall obtain a new photograph of the offender annually when the offender re-enrolls. Additionally, if the violent offender's or out-of-state violent offender's most recent enrollment or re-enrollment was with a sheriff or designee of a sheriff of a different county, the offender shall provide written notice of the offender's change of residence address to that sheriff or a designee of that sheriff. 170  
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(2) (a) Except as provided in division (D) (2) (b) of this section and section 2903.44 of the Revised Code, the duty of a violent offender or out-of-state violent offender to re-enroll in the violent offender database annually shall continue until the offender's death. 191  
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(b) The judge may limit a violent offender's duty to re-enroll in the violent offender database at the offender's sentencing hearing to not less than ten years if the judge receives a request from the prosecutor and the investigating law enforcement agency to consider limiting the violent offender's enrollment period. 196  
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(3) The official in charge of a jail, workhouse, state correctional institution, or other institution shall notify the attorney general in accordance with rules adopted by the attorney general pursuant to Chapter 119. of the Revised Code if a violent offender or out-of-state violent offender is confined in the jail, workhouse, state correctional institution, or other institution. 202  
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(E) Each violent offender or out-of-state violent offender shall notify the sheriff with whom the offender most recently enrolled or re-enrolled or that sheriff's designee in person within three business days of a change of address. 209  
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(F) (1) After a violent offender or out-of-state violent offender enrolls or re-enrolls in the violent offender database with a sheriff or a sheriff's designee pursuant to this section, the sheriff or designee shall forward the offender's signed, written enrollment form, photograph, fingerprints, palm prints, and other materials to the bureau of criminal identification and investigation in accordance with forwarding procedures adopted by the attorney general under division (G) of this section. The bureau shall include the information and materials forwarded to it under this division in the violent offender database established and maintained under division (E) (2) of this section. 213  
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(2) The bureau of criminal identification and 225



investigation shall establish and maintain a database of violent 226  
offenders and out-of-state violent offenders that includes the 227  
information and materials the bureau receives pursuant to 228  
division (D) (1) of this section. The bureau shall make the 229  
database available to federal, state, and local law enforcement 230  
officers. The database of violent offenders and out-of-state 231  
violent offenders maintained by the bureau is not a public 232  
record under section 149.43 of the Revised Code. 233

(3) (a) Except as otherwise provided in division (F) (3) (b) 234  
of this section, any statements, information, photographs, 235  
fingerprints, or materials that are provided by a violent 236  
offender or out-of-state violent offender pursuant to this 237  
section and that are in the possession of a county sheriff are 238  
public records open to public inspection under section 149.43 of 239  
the Revised Code. 240

(b) A violent offender or out-of-state violent offender 241  
may file a motion with the court of common pleas in the county 242  
in which the offender resides stating that the offender fears 243  
for the offender's safety if the statements, information, 244  
photographs, fingerprints, or materials provided by the offender 245  
pursuant to this section and that are in the possession of a 246  
county sheriff are open for public inspection, and requesting 247  
the court to issue an order to ban or restrict access to those 248  
statements, information, photographs, fingerprints, and 249  
materials. A motion filed with a court under this division shall 250  
expressly state the reasons for which the violent offender or 251  
out-of-state violent offender fears for the offender's safety, 252  
shall identify each county in which the offender has enrolled or 253  
re-enrolled, and shall provide information and materials in 254  
support of the motion. The court, upon the filing of the motion 255  
under this division, may determine whether to grant or deny the 256

motion without a hearing or may conduct a hearing to determine 257  
whether to grant or deny the motion. The court may grant the 258  
motion if it determines, upon review of the motion, the 259  
supporting information and materials provided with the motion, 260  
and, if the court conducts a hearing, any additional information 261  
provided at the hearing, that the offender's or violent 262  
offender's fears for the offender's safety are valid and that 263  
the interests of justice and the offender's safety require that 264  
the motion be granted. 265

If the court grants the motion, the statements, 266  
information, photographs, fingerprints, or materials provided by 267  
the offender pursuant to this section and that are in the 268  
possession of a county sheriff are not public records open to 269  
public inspection under section 149.43 of the Revised Code and 270  
the court shall issue an order to that effect. A court that 271  
grants a motion and issues an order under this division shall 272  
notify the sheriff in each county in which the offender has 273  
enrolled or re-enrolled of the issuance of the order, and each 274  
of those sheriffs shall comply with the order. 275

(G) Each sheriff or sheriff's designee with whom a violent 276  
offender or out-of-state violent offender enrolls or re-enrolls 277  
under this section shall collect an enrollment fee of fifty 278  
dollars and an annual re-enrollment fee of twenty-five dollars 279  
from each violent offender or out-of-state violent offender who 280  
enrolls or re-enrolls with the sheriff or designee. By the last 281  
day of March, the last day of June, the last day of September, 282  
and the last day of December in each year, each sheriff who 283  
collects or whose designee collects any fees under this division 284  
in the preceding three-month period shall send to the attorney 285  
general the fees collected during that period. The fees shall be 286  
used for the maintenance of the database of violent offenders 287

and out-of-state violent offenders. A sheriff or designee may 288  
waive a fee for an indigent violent offender or out-of-state 289  
violent offender. 290

(H) The attorney general shall prescribe the forms to be 291  
used by violent offenders and out-of-state violent offenders to 292  
enroll, re-enroll, and provide notice of a change of address 293  
under divisions (A) to (D) of this section. The attorney general 294  
shall adopt procedures for sheriffs to use to forward 295  
information, photographs, fingerprints, palm prints, and other 296  
materials to the bureau of criminal identification and 297  
investigation pursuant to division (F) (1) of this section. 298

(I) The attorney general, in accordance with Chapter 119. 299  
of the Revised Code, may adopt rules regarding enrollment dates 300  
different than those prescribed in divisions (A), (B), and (D) 301  
of this section for any violent offender or out-of-state violent 302  
offender who also is an arson offender, as defined in section 303  
2909.13 of the Revised Code, or a sex offender or child-victim 304  
offender, both as defined in section 2950.01 of the Revised 305  
Code. 306

(J) Whoever fails to enroll, re-enroll, or notify the 307  
sheriff or sheriff's designee of a change of address as required 308  
by this section is guilty of a felony of the fifth degree. If a 309  
violent offender or out-of-state violent offender is subject to 310  
a community control sanction, is on parole, is subject to one or 311  
more post-release control sanctions, or is subject to any other 312  
type of supervised release at the time of the violation, the 313  
violation shall constitute a violation of the terms and 314  
conditions of the community control sanction, parole, post- 315  
release control sanction, or other type of supervised release. 316

**Sec. 2903.44.** (A) Pursuant to this section, a violent 317

offender or out-of-state violent offender may file a motion to 318  
the court of common pleas of the county in which the offender 319  
resides requesting that the court terminate the offender's duty 320  
to enroll in the violent offender database after ten years of 321  
enrollment in the violent offender database. 322

(B) A violent offender or out-of-state violent offender 323  
who makes a motion under division (A) of this section shall 324  
include with the motion all of the following: 325

(1) A certified copy of the judgment entry and any other 326  
documentation of the sentence or disposition given for the 327  
offense or offenses for which the offender was enrolled in the 328  
violent offender database; 329

(2) Documentation of the date of the offender's discharge 330  
from supervision or release, whichever is applicable; 331

(3) Evidence that the offender has not been convicted of 332  
or pleaded guilty to any criminal offense within ten years of 333  
the offender's original enrollment in the violent offender 334  
database, except that this division does not apply with respect 335  
to any conviction of or plea of guilty to a minor misdemeanor 336  
traffic offense; 337

(4) Evidence that the eligible offender has paid all 338  
financial sanctions imposed upon the offender pursuant to 339  
section 2929.18 or 2929.28 of the Revised Code. 340

(C) Upon the filing of a motion pursuant to division (A) 341  
of this section, the offender shall serve a copy of the motion 342  
on the prosecutor who handled the offender's underlying case. 343

Upon the filing of the motion, the court shall set a 344  
tentative date for a hearing on the motion that, except as 345  
otherwise provided in this division, is not later than one 346

hundred eighty days after the date on which the motion is filed. 347  
The court may set a tentative date for a hearing that is later 348  
than that specified time if good cause exists to hold the 349  
hearing at a later date. The court shall notify the offender and 350  
the prosecutor of the date, time, and place of the hearing. The 351  
court shall forward a copy of the motion and its supporting 352  
documentation to the court's probation department or another 353  
appropriate agency to investigate the merits of the motion. The 354  
probation department or agency shall submit a written report 355  
detailing its investigation to the court within sixty days after 356  
receiving the motion and supporting documentation. 357

Upon receipt of the written report from the probation 358  
department or other appropriate agency, the court shall forward 359  
a copy of the motion, the supporting documentation, and the 360  
written report to the prosecutor. 361

(D) (1) After the prosecutor is served with a copy of the 362  
motion as described in division (C) of this section, the 363  
prosecutor shall notify the victim of any offense for which the 364  
offender is enrolled in the violent offender database. The 365  
victim may submit a written statement to the prosecutor 366  
regarding any knowledge the victim has of the offender's conduct 367  
while subject to enrollment. 368

(2) At least seven days before the hearing date, the 369  
prosecutor may file an objection to the motion with the court 370  
and serve a copy of the objection to the motion to the offender 371  
or the offender's attorney. 372

(E) In determining whether to grant a motion made under 373  
division (A) of this section, the court shall consider the 374  
evidence that accompanies the motion described in division (B) 375  
of this section, shall consider the written report submitted 376

pursuant to division (C) of this section, and may consider any 377  
other evidence the court considers relevant, including, but not 378  
limited to, evidence of the following during the period while 379  
the offender has been enrolled in the violent offender database: 380

(1) Whether the offender's driver's license, commercial 381  
driver's license, temporary instruction permit, probationary 382  
license, or nonresident operating privilege has ever been 383  
suspended during that period; 384

(2) Whether the offender during that period has maintained 385  
financial responsibility for a motor vehicle as required by 386  
section 4509.101 of the Revised Code; 387

(3) Whether the offender during that period has satisfied 388  
any child or spousal support obligations, if applicable; 389

(4) Whether the offender during that period has paid all 390  
local, state, and federal income taxes, and has timely filed all 391  
associated income tax returns, as required by local, state, or 392  
federal law; 393

(5) Whether the offender during that period has maintained 394  
a residence for a substantial period of time; 395

(6) Whether the offender during that period has maintained 396  
employment or, if the offender has not been employed, whether 397  
the offender during that period has satisfied the offender's 398  
financial obligations through other manners of support such as 399  
disability payments, a pension, spousal or child support, or 400  
scholarships or grants; 401

(7) Whether the offender during that period has adequately 402  
addressed any drug or alcohol abuse or addiction; 403

(8) Letters of reference regarding the offender during 404

that period; 405

(9) Documentation of the offender's service during that 406  
period to the community or to specific individuals in need. 407

(F) (1) The court, without a hearing, may issue an order 408  
denying the offender's motion to terminate the offender's duty 409  
to enroll in the violent offender database if the court, after 410  
considering the evidence submitted with the motion, the written 411  
report submitted pursuant to division (C) of this section, and 412  
the other evidence it considers relevant, finds that the duty 413  
should not be terminated. 414

(2) If the prosecutor does not file an objection to the 415  
offender's application as provided in division (D) (2) of this 416  
section, the court, without a hearing, may issue an order that 417  
terminates the eligible offender's duty to enroll in the violent 418  
offender database if the court, after considering the evidence 419  
submitted with the motion, the written report submitted pursuant 420  
to division (C) of this section, and the other evidence it 421  
considers relevant, finds that the duty should be terminated. 422  
This division does not apply if the prosecutor files an 423  
objection to the offender's application as provided in division 424  
(D) (2) of this section. 425

(3) If the court does not issue an order under division 426  
(F) (1) or (2) of this section, the court shall hold a hearing to 427  
determine whether to grant or deny the motion. At the hearing, 428  
the Rules of Civil Procedure apply, except to the extent that 429  
those Rules would by their nature be clearly inapplicable. At 430  
the hearing, the offender has the burden of going forward with 431  
the evidence and the burden of proof by a preponderance of the 432  
evidence that the duty should be terminated. If, after 433  
considering the evidence submitted with the motion, the written 434

report submitted pursuant to division (C) of this section, and 435  
any other evidence it considers relevant the court finds that 436  
the offender has satisfied the burden of proof described in this 437  
division, the court shall issue an order that terminates the 438  
offender's duty to enroll in the violent offender database. If 439  
the court finds that the offender has not satisfied the burden 440  
of proof, the court shall issue an order denying the motion. 441

(4) (a) Upon its issuance of an order under division (F) 442  
(1), (2), or (3) of this section, the court shall provide prompt 443  
notice of the order to the offender or the offender's attorney. 444

(b) If the court issues an order under division (F) (2) or 445  
(3) of this section terminating the offender's duty to enroll in 446  
the violent offender database, the court shall promptly forward 447  
a copy of the order to the bureau of criminal identification and 448  
investigation. Upon receipt of the order, the bureau shall 449  
update all records pertaining to the offender to reflect the 450  
termination order. The bureau also shall provide notice of the 451  
issuance of the termination order to every sheriff with whom the 452  
offender has most recently enrolled or re-enrolled. 453

**Section 2.** This act shall be known as "Sierah's Law." 454