

As Re-ferred by the House Rules and Reference Committee

133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 302

Representative Perales

**Cosponsors: Representatives Becker, Butler, Carfagna, Ginter, Green, Hoops,
Kent, Lipps, Merrin, Miranda, O'Brien, Riedel, Leland, Rogers**

A BILL

To amend section 2903.41 of the Revised Code to 1
include certain child abuse-related offenses in 2
the violent offender database, to name the act 3
Jacob's Law, and to make an appropriation. 4

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

Section 1. That section 2903.41 of the Revised Code be 5
amended to read as follows: 6

Sec. 2903.41. As used in sections 2903.41 to 2903.44 of 7
the Revised Code: 8

(A) "Violent offender" means any of the following: 9

(1) A person who on or after the effective date of this 10
section is convicted of or pleads guilty to any of the 11
following: 12

(a) A violation of section 2903.01, 2903.02, 2903.03, or 13
2905.01 of the Revised Code or a violation of section 2905.02 of 14
the Revised Code that is a felony of the second degree; 15

(b) A violation of section 2903.15 or 2919.25 of the 16

Revised Code that was committed when the offender was eighteen 17
years of age or older and that involved a victim who was under 18
fourteen years of age at the time of the offense; 19

(c) Any attempt to commit, conspiracy to commit, or 20
complicity in committing any offense listed in division (A) (1) 21
(a) or (b) of this section. 22

(2) A person who on the effective date of this section has 23
been convicted of or pleaded guilty to an offense listed in 24
division (A) (1) of this section and is confined in a jail, 25
workhouse, state correctional institution, or other institution, 26
serving a prison term, term of imprisonment, or other term of 27
confinement for the offense. 28

(B) "Community control sanction," "jail," and "prison" 29
have the same meanings as in section 2929.01 of the Revised 30
Code. 31

(C) "Out-of-state violent offender" means a person who is 32
convicted of, pleads guilty to, has been convicted of, or has 33
pleaded guilty to a violation of any existing or former 34
municipal ordinance or law of another state or the United 35
States, or any existing or former law applicable in a military 36
court or in an Indian tribal court, that is or was substantially 37
equivalent to any offense listed in division (A) (1) of this 38
section. 39

(D) "Qualifying out-of-state violent offender" means an 40
out-of-state violent offender who is aware of the existence of 41
the violent offender database. 42

(E) "Post-release control sanction" and "supervised 43
release" have the same meanings as in section 2950.01 of the 44
Revised Code. 45

(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.

(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.

(H) "Violent offender database duties" and "VOD duties" mean the duty to enroll, duty to re-enroll, and duty to provide notice of a change of address imposed on a violent offender or a qualifying out-of-state violent offender under section 2903.42, 2903.421, 2903.43, or 2903.44 of the Revised Code.

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

(J) "Extended enrollment period" means, for a violent offender who has violent offender database duties pursuant to section 2903.42 of the Revised Code or a qualifying out-of-state violent offender who has violent offender database duties pursuant to section 2903.421 of the Revised Code, the offender's

enrollment period as extended pursuant to division (D) (2) of 76
section 2903.43 of the Revised Code. 77

(K) "Prosecutor" means one of the following: 78

(1) As used in section 2903.42 of the Revised Code, the 79
office of the prosecuting attorney who handled a violent 80
offender's underlying case or the office of that prosecutor's 81
successor. 82

(2) As used in sections 2903.421, 2903.43, and 2903.44 of 83
the Revised Code, the office of the prosecuting attorney of the 84
county in which a violent offender resides or of the county in 85
which an out-of-state violent offender resides or occupies a 86
dwelling. 87

Section 2. That existing section 2903.41 of the Revised 88
Code is hereby repealed. 89

Section 3. This act shall be known as Jacob's Law. 90

Section 4. All items in this section are hereby 91
appropriated as designated out of any moneys in the state 92
treasury to the credit of the designated fund. For all 93
appropriations made in this act, those in the first column are 94
for fiscal year 2020 and those in the second column are for 95
fiscal year 2021. The appropriations made in this act are in 96
addition to any other appropriations made for the FY 2020-FY 97
2021 biennium. 98

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B	General Revenue Fund			
C	GRF 055321 Operating Expenses	\$	100,000	\$ 15,000
D	TOTAL GRF General Revenue Fund	\$	100,000	\$ 15,000
E	TOTAL ALL BUDGET FUND GROUPS	\$	100,000	\$ 15,000

VIOLENT OFFENDER DATABASE 100

Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in fiscal year 2020 and \$15,000 in fiscal year 2021 shall be used for the violent offender database that the Bureau of Criminal Identification and Investigation is required to establish and maintain pursuant to division (F) (2) of section 2903.43 of the Revised Code. 101
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Section 5. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in this act shall be accounted for as though made in the main operating appropriations act of the 133rd General Assembly. 107
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The appropriations made in this act are subject to all provisions of the main operating appropriations act of the 133rd General Assembly that are generally applicable to such appropriations. 115
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Section 6. Sections 1, 2, and 3 of this act shall take effect six months after the effective date of this section. 119
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