

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 431

Representatives Abrams, Carfagna

**Cosponsors: Representatives Lipps, Koehler, Riedel, Ginter, Manchester,
Strahorn, Powell, Cross, Richardson, McClain, O'Brien, Wiggam, LaRe**

A BILL

To enact section 109.96 of the Revised Code to 1
create the Sexual Exploitation Database and to 2
make an appropriation. 3

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

Section 1. That section 109.96 of the Revised Code be 4
enacted to read as follows: 5

Sec. 109.96. (A) As used in this section: 6

(1) "Conviction record" means a record containing all of 7
the following: 8

(a) The prostitution offender's full legal name; 9

(b) The prostitution offender's last known address; 10

(c) A color photograph of the prostitution offender; 11

(d) The offense that the prostitution offender was 12
convicted of or pleaded guilty to committing; 13

(e) The date the offense listed in division (A) (1) (d) of 14
this section was committed; 15

(f) The county and municipality or township where the offense listed in division (A) (1) (d) of this section was committed. 16
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(2) "Prostitution offender" means a person who was convicted of or pleaded guilty to a prostitution offense. 19
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(3) "Prostitution offense" means either of the following: 21

(a) A violation of section 2907.22 of the Revised Code; 22

(b) A violation of section 2907.24 of the Revised Code if the offender offered to give the other person anything of value in exchange for engaging in sexual activity for hire. 23
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(4) "Sexual activity for hire" has the same meaning as in section 2907.24 of the Revised Code. 26
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(B) The attorney general shall establish and maintain the sexual exploitation database. 28
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(C) If a person is convicted of or pleads guilty to a prostitution offense on or after the effective date of this section, the clerk of courts shall send the prostitution offender's conviction record to the attorney general. 30
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(D) The attorney general shall ensure that a prostitution offender's conviction record received under division (C) of this section is entered into the sexual exploitation database if the prostitution offender was convicted of or pleaded guilty to the prostitution offense on or after the effective date of this section. 34
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(E) The attorney general shall ensure that a prostitution offender's conviction record is removed from the sexual exploitation database in accordance with the following: 40
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(1) If five years have elapsed since the prostitution 43
offender's most recent conviction of or plea of guilty to a 44
prostitution offense, the attorney general shall automatically 45
remove the prostitution offender from the sexual exploitation 46
database. The prostitution offender does not need to submit an 47
application to be removed from the sexual exploitation database 48
under this division. 49

(2) If the prostitution offender's conviction of or plea 50
of guilty to a prostitution offense has been overturned, 51
expunged, or sealed prior to the automatic removal from the 52
sexual exploitation database as described in division (E) (1) of 53
this section, the prostitution offender may submit an 54
application to have that conviction record removed from the 55
sexual exploitation database. If the attorney general approves 56
the prostitution offender's application to have that conviction 57
record removed from the sexual exploitation database, the 58
attorney general shall remove that conviction record from the 59
sexual exploitation database. 60

(F) The attorney general shall adopt rules under Chapter 61
119. of the Revised Code establishing guidelines for the 62
establishment and operation of the sexual exploitation database 63
and prescribe forms necessary for the establishment and 64
operation of the sexual exploitation database, including rules 65
and forms establishing procedures for a prostitution offender to 66
submit an application to be removed from the sexual exploitation 67
database and for the attorney general to approve or deny a 68
prostitution offender's application to be removed from the 69
sexual exploitation database. 70

Section 2. All items in this section are hereby 71
appropriated as designated out of any moneys in the state 72

treasury to the credit of the designated fund. For all 73
 appropriations made in this act, those in the first column are 74
 for fiscal year 2020 and those in the second column are for 75
 fiscal year 2021. The appropriations made in this act are in 76
 addition to any other appropriations made for the FY 2020-FY 77
 2021 biennium. 78

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A	AGO ATTORNEY GENERAL				
B	General Revenue Fund				
C	GRF	055436	Sexual Exploitation Database	\$ 170,000	\$ 20,000
D	Total GRF General Revenue Fund			\$ 170,000	\$ 20,000
E	TOTAL ALL BUDGET FUND GROUPS			\$ 170,000	\$ 20,000

SEXUAL EXPLOITATION DATABASE 80

The foregoing appropriation item 055436, Sexual 81
 Exploitation Database, shall be used to establish and maintain 82
 the database described in section 109.96 of the Revised Code. 83

Section 3. Within the limits set forth in this act, the 84
 Director of Budget and Management shall establish accounts 85
 indicating the source and amount of funds for each appropriation 86
 made in this act, and shall determine the form and manner in 87
 which appropriation accounts shall be maintained. Expenditures 88
 from appropriations contained in this act shall be accounted for 89

as though made in the main operating appropriations act of the	90
133rd General Assembly.	91
The appropriations made in this act are subject to all	92
provisions of the main operating appropriations act of the 133rd	93
General Assembly that are generally applicable to such	94
appropriations.	95