

As Reported by the House Criminal Justice Committee

133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 431

Representatives Abrams, Carfagna

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

A BILL

To amend sections 2152.021, 2905.32, 2929.01, and 1
2950.01 and to enact section 109.96 of the 2
Revised Code to create the Sexual Exploitation 3
Database, to require a juvenile court in 4
specified circumstances to hold a delinquency 5
complaint in abeyance in certain cases related 6
to prostitution or human trafficking, and to 7
provide that the elements for the offense of 8
trafficking in persons that apply to a victim 9
under age 16 also apply to a victim who is age 10
16 or 17. 11

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

Section 1. That sections 2152.021, 2905.32, 2929.01, and 12
2950.01 be amended and section 109.96 of the Revised Code be 13
enacted to read as follows: 14

Sec. 109.96. (A) As used in this section: 15

(1) "Conviction record" means a record containing all of 16

<u>the following:</u>	17
<u>(a) The prostitution offender's full legal name;</u>	18
<u>(b) The prostitution offender's last known address;</u>	19
<u>(c) A color photograph of the prostitution offender, if</u> <u>available;</u>	20 21
<u>(d) The offense that the prostitution offender was</u> <u>convicted of or pleaded guilty to committing, identified by the</u> <u>Revised Code section containing the criminal prohibition and not</u> <u>including any specific division references;</u>	22 23 24 25
<u>(e) The date the offense listed in division (A) (1) (d) of</u> <u>this section was committed;</u>	26 27
<u>(f) The county and municipality or township where the</u> <u>offense listed in division (A) (1) (d) of this section was</u> <u>committed.</u>	28 29 30
<u>(2) "Prostitution offender" means a person who was</u> <u>convicted of or pleaded guilty to a prostitution offense.</u>	31 32
<u>(3) "Prostitution offense" means a violation of section</u> <u>2907.24 of the Revised Code if the offender offered to give the</u> <u>other person anything of value in exchange for engaging in</u> <u>sexual activity for hire.</u>	33 34 35 36
<u>(4) "Sexual activity for hire" has the same meaning as in</u> <u>section 2907.24 of the Revised Code.</u>	37 38
<u>(B) The attorney general shall establish and maintain the</u> <u>sexual exploitation database.</u>	39 40
<u>(C) If a person is convicted of or pleads guilty to a</u> <u>prostitution offense on or after the effective date of this</u> <u>section, the clerk of courts shall send the prostitution</u>	41 42 43

offender's conviction record to the attorney general. 44

(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. 45
46
47
48
49
50

(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: 51
52
53

(1) If five years have elapsed since the prostitution offender's most recent conviction of or plea of guilty to a prostitution offense, the attorney general shall automatically remove the prostitution offender from the sexual exploitation database. The prostitution offender does not need to submit an application to be removed from the sexual exploitation database under this division. 54
55
56
57
58
59
60

(2) If the prostitution offender's conviction of or plea of guilty to a prostitution offense has been overturned, expunged, or sealed prior to the automatic removal from the sexual exploitation database as described in division (E)(1) of this section, the court ordering the offense overturned, expunged, or sealed shall order the clerk of the court to submit to the attorney general an order to have that conviction record removed from the sexual exploitation database. Upon receipt of an order submitted under division (E)(2) of this section, the attorney general shall remove that conviction record from the sexual exploitation database. 61
62
63
64
65
66
67
68
69
70
71

(F) The attorney general shall adopt rules under Chapter 72

119. of the Revised Code establishing guidelines for the 73
establishment and operation of the sexual exploitation database 74
and prescribe forms necessary for the establishment and 75
operation of the sexual exploitation database, including rules 76
and forms establishing procedures for a court to order a 77
prostitution offender whose conviction of or plea of guilty to a 78
prostitution offense has been overturned, expunged, or sealed to 79
be removed from the sexual exploitation database. 80

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 81
section, any person having knowledge of a child who appears to 82
be a juvenile traffic offender or to be a delinquent child may 83
file a sworn complaint with respect to that child in the 84
juvenile court of the county in which the child has a residence 85
or legal settlement or in which the traffic offense or 86
delinquent act allegedly occurred. The sworn complaint may be 87
upon information and belief, and, in addition to the allegation 88
that the child is a delinquent child or a juvenile traffic 89
offender, the complaint shall allege the particular facts upon 90
which the allegation that the child is a delinquent child or a 91
juvenile traffic offender is based. 92

If a child appears to be a delinquent child who is 93
eligible for a serious youthful offender dispositional sentence 94
under section 2152.11 of the Revised Code and if the prosecuting 95
attorney desires to seek a serious youthful offender 96
dispositional sentence under section 2152.13 of the Revised Code 97
in regard to the child, the prosecuting attorney of the county 98
in which the alleged delinquency occurs may initiate a case in 99
the juvenile court of the county by presenting the case to a 100
grand jury for indictment, by charging the child in a bill of 101
information as a serious youthful offender pursuant to section 102
2152.13 of the Revised Code, by requesting a serious youthful 103

offender dispositional sentence in the original complaint 104
alleging that the child is a delinquent child, or by filing with 105
the juvenile court a written notice of intent to seek a serious 106
youthful offender dispositional sentence. This paragraph does 107
not apply regarding the imposition of a serious youthful 108
offender dispositional sentence pursuant to section 2152.121 of 109
the Revised Code. 110

(2) Any person having knowledge of a child who appears to 111
be a delinquent child for violating a court order regarding the 112
child's adjudication as an unruly child for being an habitual 113
truant, may file a sworn complaint with respect to that child, 114
or with respect to that child and the parent, guardian, or other 115
person having care of the child, in the juvenile court of the 116
county in which the child has a residence or legal settlement or 117
in which the child is supposed to attend public school. The 118
sworn complaint may be upon information and belief and shall 119
allege that the child is a delinquent child for violating a 120
court order regarding the child's prior adjudication as an 121
unruly child for being a habitual truant and, in addition, the 122
particular facts upon which that allegation is based. If the 123
complaint contains allegations regarding the child's parent, 124
guardian, or other person having care of the child, the 125
complaint additionally shall allege that the parent, guardian, 126
or other person having care of the child has failed to cause the 127
child's attendance at school in violation of section 3321.38 of 128
the Revised Code and, in addition, the particular facts upon 129
which that allegation is based. 130

(B) Any person with standing under applicable law may file 131
a complaint for the determination of any other matter over which 132
the juvenile court is given jurisdiction by section 2151.23 of 133
the Revised Code. The complaint shall be filed in the county in 134

which the child who is the subject of the complaint is found or 135
was last known to be found. 136

(C) Within ten days after the filing of a complaint or the 137
issuance of an indictment, the court shall give written notice 138
of the filing of the complaint or the issuance of an indictment 139
and of the substance of the complaint or indictment to the 140
superintendent of a city, local, exempted village, or joint 141
vocational school district if the complaint or indictment 142
alleges that a child committed an act that would be a criminal 143
offense if committed by an adult, that the child was sixteen 144
years of age or older at the time of the commission of the 145
alleged act, and that the alleged act is any of the following: 146

(1) A violation of section 2923.122 of the Revised Code 147
that relates to property owned or controlled by, or to an 148
activity held under the auspices of, the board of education of 149
that school district; 150

(2) A violation of section 2923.12 of the Revised Code, of 151
a substantially similar municipal ordinance, or of section 152
2925.03 of the Revised Code that was committed on property owned 153
or controlled by, or at an activity held under the auspices of, 154
the board of education of that school district; 155

(3) A violation of section 2925.11 of the Revised Code 156
that was committed on property owned or controlled by, or at an 157
activity held under the auspices of, the board of education of 158
that school district, other than a violation of that section 159
that would be a minor drug possession offense if committed by an 160
adult; 161

(4) A violation of section 2903.01, 2903.02, 2903.03, 162
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 163

Code, or a violation of former section 2907.12 of the Revised 164
Code, that was committed on property owned or controlled by, or 165
at an activity held under the auspices of, the board of 166
education of that school district, if the victim at the time of 167
the commission of the alleged act was an employee of the board 168
of education of that school district; 169

(5) Complicity in any violation described in division (C) 170
(1), (2), (3), or (4) of this section that was alleged to have 171
been committed in the manner described in division (C) (1), (2), 172
(3), or (4) of this section, regardless of whether the act of 173
complicity was committed on property owned or controlled by, or 174
at an activity held under the auspices of, the board of 175
education of that school district. 176

(D) A public children services agency, acting pursuant to 177
a complaint or an action on a complaint filed under this 178
section, is not subject to the requirements of section 3127.23 179
of the Revised Code. 180

(E) For purposes of the record to be maintained by the 181
clerk under division (B) of section 2152.71 of the Revised Code, 182
when a complaint is filed that alleges that a child is a 183
delinquent child, the court shall determine if the victim of the 184
alleged delinquent act was sixty-five years of age or older or 185
permanently and totally disabled at the time of the alleged 186
commission of the act. 187

(F) (1) At any time after the filing of a complaint 188
alleging that a child is a delinquent child and before 189
adjudication, the court ~~may hold a hearing to determine whether~~ 190
~~to hold the complaint in abeyance pending the child's successful~~ 191
~~completion of actions that constitute a method to divert the~~ 192
~~child from the juvenile court system shall promptly appoint for~~ 193

the child a guardian ad litem who is not the child's attorney if 194
~~the child agrees to the hearing and the court has reason to~~ 195
believe that either of the following ~~applies~~ might apply: 196

(a) The act charged would be a violation of section 197
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 198
were an adult. 199

(b) ~~The court has reason to believe that the~~ child is a 200
victim of a violation of section 2905.32 of the Revised Code, 201
regardless of whether any person has been convicted of a 202
violation of that section or of any other section for 203
victimizing the child, ~~and the act charged is related to the~~ 204
~~child's victimization.~~ 205

(2) The child, the child's attorney, the child's guardian 206
ad litem, or the prosecuting attorney may petition the court to 207
hold the complaint in abeyance if either of the following 208
applies: 209

(a) Division (F) (1) (a) of this section applies. 210

(b) Division (F) (1) (b) of this section applies and the act 211
charged in the complaint is related to the child's 212
victimization. 213

(3) (a) Upon the filing of a petition made under division 214
(F) (2) (a) of this section, the court may grant the petition 215
without a hearing. If the court decides to hold a hearing on the 216
petition, the court shall notify the prosecuting attorney of the 217
date, time, and location of the hearing, and the prosecuting 218
attorney has the right to participate in the hearing and may 219
object to holding the complaint in abeyance. No statement made 220
by a child at a hearing held under this division is admissible 221
in any subsequent proceeding against the child. 222

<u>(b) Upon the filing of a petition made under division (F)</u>	223
<u>(2) (b) of this section, both of the following apply:</u>	224
<u>(i) The court may grant the petition without a hearing,</u>	225
<u>provided the prosecuting attorney, after receiving notice of the</u>	226
<u>petition, consents.</u>	227
<u>(ii) If the prosecuting attorney does not consent to</u>	228
<u>holding the complaint in abeyance, the court shall hold a</u>	229
<u>hearing to determine whether to hold the complaint in abeyance.</u>	230
<u>The prosecuting attorney shall be notified of the date, time,</u>	231
<u>and location of the hearing, and has the right to participate in</u>	232
<u>any the hearing held under division (F) (1) of this section, to</u>	233
<u>object to holding the complaint that is the subject of the</u>	234
<u>hearing in abeyance, and to make recommendations related to</u>	235
<u>diversion actions. No statement made by a child at a hearing</u>	236
<u>held under <u>this</u> division (F) (1) of this section is admissible in</u>	237
<u>any subsequent proceeding against the child.</u>	238
(3) If either division (F) (1) (a) or (b) of this section	239
applies, the court shall promptly appoint a guardian ad litem	240
for the child. The court shall not appoint the child's attorney	241
as guardian ad litem. If the court decides to hold the complaint	242
in abeyance, the guardian ad litem shall make recommendations	243
that are in the best interest of the child to the court.	244
(4) <u>If the court decides to hold a hearing under division</u>	245
<u>(F) (3) (a) of this section and the court after the hearing finds</u>	246
<u>by a preponderance of the evidence that division (F) (1) (a) of</u>	247
<u>this section applies, if after a hearing held under division (F)</u>	248
<u>(3) (b) (ii) of this section the court decides to finds by a</u>	249
<u>preponderance of the evidence that division (F) (1) (b) of this</u>	250
<u>section applies and the act charged in the complaint is related</u>	251
<u>to the child's victimization, or if the court grants the</u>	252

petition without a hearing under division (F) (3) (a) or (b) (i) of 253
this section, the court shall hold the complaint in abeyance, 254
provided the child consents. The guardian ad litem shall make 255
recommendations that are in the best interest of the child. A 256
psychiatrist, psychologist, licensed professional clinical 257
counselor, or other clinician selected by the court, who has 258
assessed the child, may make recommendations that are in the 259
best interest of the child. The prosecuting attorney or the 260
child's attorney may make recommendations related to diversion 261
actions. The court may make any orders regarding placement, 262
services, supervision, diversion actions, and conditions of 263
abeyance, including, but not limited to, engagement in trauma- 264
based behavioral health services or education activities, that 265
the court considers appropriate and in the best interest of the 266
child. The court may hold the complaint in abeyance for up to 267
ninety days while the child engages in diversion actions. If the 268
child violates the conditions of abeyance or ~~does not complete~~ 269
is not actively engaging in the diversion actions to the court's 270
satisfaction within ninety days, the court may extend the period 271
of abeyance for not more than ~~two~~ three additional ninety-day 272
periods. 273

(5) If the court holds the complaint in abeyance and the 274
child complies with the conditions of abeyance and ~~completes~~ 275
actively engages in the diversion actions to the court's 276
satisfaction, the court shall dismiss the complaint and order 277
that the records pertaining to the case be expunged immediately. 278
If the child fails to ~~complete~~ actively engage in the diversion 279
actions to the court's satisfaction, the court shall proceed 280
upon the complaint. 281

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 282
entice, isolate, harbor, transport, provide, obtain, or 283

maintain, or knowingly attempt to recruit, lure, entice, 284
isolate, harbor, transport, provide, obtain, or maintain, 285
another person if ~~any~~ either of the following applies: 286

(1) The offender knows that the other person will be 287
subjected to involuntary servitude or be compelled to engage in 288
sexual activity for hire, engage in a performance that is 289
obscene, sexually oriented, or nudity oriented, or be a model or 290
participant in the production of material that is obscene, 291
sexually oriented, or nudity oriented. 292

(2) The other person is less than ~~sixteen~~ eighteen years 293
of age or is a person with a developmental disability whom the 294
offender knows or has reasonable cause to believe is a person 295
with a developmental disability, and either the offender knows 296
that the other person will be subjected to involuntary servitude 297
or the offender's knowing recruitment, luring, enticement, 298
isolation, harboring, transportation, provision, obtaining, or 299
maintenance of the other person or knowing attempt to recruit, 300
lure, entice, isolate, harbor, transport, provide, obtain, or 301
maintain the other person is for any of the following purposes: 302

(a) ~~To~~ For the other person to engage in sexual activity 303
for hire with one or more third parties; 304

(b) To engage in a performance for hire that is obscene, 305
sexually oriented, or nudity oriented; 306

(c) To be a model or participant for hire in the 307
production of material that is obscene, sexually oriented, or 308
nudity oriented. 309

~~(3) The other person is sixteen or seventeen years of age,~~ 310
~~either the offender knows that the other person will be~~ 311
~~subjected to involuntary servitude or the offender's knowing~~ 312

~~recruitment, luring, enticement, isolation, harboring, 313~~
~~transportation, provision, obtaining, or maintenance of the 314~~
~~other person or knowing attempt to recruit, lure, entice, 315~~
~~isolate, harbor, transport, provide, obtain, or maintain the 316~~
~~other person is for any purpose described in divisions (A) (2) (a) 317~~
~~to (c) of this section, and the circumstances described in 318~~
~~division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) 319~~
~~of section 2907.03 of the Revised Code apply with respect to the 320~~
~~offender and the other person. 321~~

(B) For a prosecution under division (A) (1) of this 322
section, the element "compelled" does not require that the 323
compulsion be openly displayed or physically exerted. The 324
element "compelled" has been established if the state proves 325
that the victim's will was overcome by force, fear, duress, 326
intimidation, or fraud. 327

(C) In a prosecution under this section, proof that the 328
defendant engaged in sexual activity with any person, or 329
solicited sexual activity with any person, whether or not for 330
hire, without more, does not constitute a violation of this 331
section. 332

(D) A prosecution for a violation of this section does not 333
preclude a prosecution of a violation of any other section of 334
the Revised Code. One or more acts, a series of acts, or a 335
course of behavior that can be prosecuted under this section or 336
any other section of the Revised Code may be prosecuted under 337
this section, the other section of the Revised Code, or both 338
sections. However, if an offender is convicted of or pleads 339
guilty to a violation of this section and also is convicted of 340
or pleads guilty to a violation of section 2907.21 of the 341
Revised Code based on the same conduct involving the same victim 342

that was the basis of the violation of this section, or is 343
convicted of or pleads guilty to any other violation of Chapter 344
2907. of the Revised Code based on the same conduct involving 345
the same victim that was the basis of the violation of this 346
section, the two offenses are allied offenses of similar import 347
under section 2941.25 of the Revised Code. 348

(E) Whoever violates this section is guilty of trafficking 349
in persons, a felony of the first degree. For a violation 350
committed prior to ~~the effective date of this amendment~~ March 351
22, 2019, notwithstanding the range of definite terms set forth 352
in division (A) (1) (b) of section 2929.14 of the Revised Code, 353
the court shall sentence the offender to a definite prison term 354
of ten, eleven, twelve, thirteen, fourteen, or fifteen years. 355
For a violation committed on or after ~~the effective date of this~~ 356
~~amendment~~ March 22, 2019, notwithstanding the range of minimum 357
terms set forth in division (A) (1) (a) of section 2929.14 of the 358
Revised Code, the court shall sentence the offender to an 359
indefinite prison term pursuant to that division, with a minimum 360
term under that sentence of ten, eleven, twelve, thirteen, 361
fourteen, or fifteen years. 362

(F) As used in this section: 363

(1) "Person with a developmental disability" means a 364
person whose ability to resist or consent to an act is 365
substantially impaired because of a mental or physical condition 366
or because of advanced age. 367

(2) "Sexual activity for hire," "performance for hire," 368
and "model or participant for hire" mean an implicit or explicit 369
agreement to provide sexual activity, engage in an obscene, 370
sexually oriented, or nudity oriented performance, or be a model 371
or participant in the production of obscene, sexually oriented, 372

or nudity oriented material, whichever is applicable, in	373
exchange for anything of value paid to any of the following:	374
(a) The person engaging in such sexual activity,	375
performance, or modeling or participation;	376
(b) Any person who recruits, lures, entices, isolates,	377
harbors, transports, provides, obtains, or maintains, or	378
attempts to recruit, lure, entice, isolate, harbor, transport,	379
provide, obtain, or maintain the person described in division	380
(F) (2) (a) of this section;	381
(c) Any person associated with a person described in	382
division (F) (2) (a) or (b) of this section.	383
(3) "Material that is obscene, sexually oriented, or	384
nudity oriented" and "performance that is obscene, sexually	385
oriented, or nudity oriented" have the same meanings as in	386
section 2929.01 of the Revised Code.	387
<u>(4) "Third party" means, with respect to conduct described</u>	388
<u>in division (A) (2) (a) of this section, any person other than the</u>	389
<u>offender.</u>	390
Sec. 2929.01. As used in this chapter:	391
(A) (1) "Alternative residential facility" means, subject	392
to division (A) (2) of this section, any facility other than an	393
offender's home or residence in which an offender is assigned to	394
live and that satisfies all of the following criteria:	395
(a) It provides programs through which the offender may	396
seek or maintain employment or may receive education, training,	397
treatment, or habilitation.	398
(b) It has received the appropriate license or certificate	399
for any specialized education, training, treatment,	400

habilitation, or other service that it provides from the 401
government agency that is responsible for licensing or 402
certifying that type of education, training, treatment, 403
habilitation, or service. 404

(2) "Alternative residential facility" does not include a 405
community-based correctional facility, jail, halfway house, or 406
prison. 407

(B) "Basic probation supervision" means a requirement that 408
the offender maintain contact with a person appointed to 409
supervise the offender in accordance with sanctions imposed by 410
the court or imposed by the parole board pursuant to section 411
2967.28 of the Revised Code. "Basic probation supervision" 412
includes basic parole supervision and basic post-release control 413
supervision. 414

(C) "Cocaine," "fentanyl-related compound," "hashish," 415
"L.S.D.," and "unit dose" have the same meanings as in section 416
2925.01 of the Revised Code. 417

(D) "Community-based correctional facility" means a 418
community-based correctional facility and program or district 419
community-based correctional facility and program developed 420
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 421

(E) "Community control sanction" means a sanction that is 422
not a prison term and that is described in section 2929.15, 423
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 424
that is not a jail term and that is described in section 425
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 426
control sanction" includes probation if the sentence involved 427
was imposed for a felony that was committed prior to July 1, 428
1996, or if the sentence involved was imposed for a misdemeanor 429

that was committed prior to January 1, 2004. 430

(F) "Controlled substance," "marihuana," "schedule I," and 431
"schedule II" have the same meanings as in section 3719.01 of 432
the Revised Code. 433

(G) "Curfew" means a requirement that an offender during a 434
specified period of time be at a designated place. 435

(H) "Day reporting" means a sanction pursuant to which an 436
offender is required each day to report to and leave a center or 437
other approved reporting location at specified times in order to 438
participate in work, education or training, treatment, and other 439
approved programs at the center or outside the center. 440

(I) "Deadly weapon" has the same meaning as in section 441
2923.11 of the Revised Code. 442

(J) "Drug and alcohol use monitoring" means a program 443
under which an offender agrees to submit to random chemical 444
analysis of the offender's blood, breath, or urine to determine 445
whether the offender has ingested any alcohol or other drugs. 446

(K) "Drug treatment program" means any program under which 447
a person undergoes assessment and treatment designed to reduce 448
or completely eliminate the person's physical or emotional 449
reliance upon alcohol, another drug, or alcohol and another drug 450
and under which the person may be required to receive assessment 451
and treatment on an outpatient basis or may be required to 452
reside at a facility other than the person's home or residence 453
while undergoing assessment and treatment. 454

(L) "Economic loss" means any economic detriment suffered 455
by a victim as a direct and proximate result of the commission 456
of an offense and includes any loss of income due to lost time 457
at work because of any injury caused to the victim, and any 458

property loss, medical cost, or funeral expense incurred as a 459
result of the commission of the offense. "Economic loss" does 460
not include non-economic loss or any punitive or exemplary 461
damages. 462

(M) "Education or training" includes study at, or in 463
conjunction with a program offered by, a university, college, or 464
technical college or vocational study and also includes the 465
completion of primary school, secondary school, and literacy 466
curricula or their equivalent. 467

(N) "Firearm" has the same meaning as in section 2923.11 468
of the Revised Code. 469

(O) "Halfway house" means a facility licensed by the 470
division of parole and community services of the department of 471
rehabilitation and correction pursuant to section 2967.14 of the 472
Revised Code as a suitable facility for the care and treatment 473
of adult offenders. 474

(P) "House arrest" means a period of confinement of an 475
offender that is in the offender's home or in other premises 476
specified by the sentencing court or by the parole board 477
pursuant to section 2967.28 of the Revised Code and during which 478
all of the following apply: 479

(1) The offender is required to remain in the offender's 480
home or other specified premises for the specified period of 481
confinement, except for periods of time during which the 482
offender is at the offender's place of employment or at other 483
premises as authorized by the sentencing court or by the parole 484
board. 485

(2) The offender is required to report periodically to a 486
person designated by the court or parole board. 487

(3) The offender is subject to any other restrictions and 488
requirements that may be imposed by the sentencing court or by 489
the parole board. 490

(Q) "Intensive probation supervision" means a requirement 491
that an offender maintain frequent contact with a person 492
appointed by the court, or by the parole board pursuant to 493
section 2967.28 of the Revised Code, to supervise the offender 494
while the offender is seeking or maintaining necessary 495
employment and participating in training, education, and 496
treatment programs as required in the court's or parole board's 497
order. "Intensive probation supervision" includes intensive 498
parole supervision and intensive post-release control 499
supervision. 500

(R) "Jail" means a jail, workhouse, minimum security jail, 501
or other residential facility used for the confinement of 502
alleged or convicted offenders that is operated by a political 503
subdivision or a combination of political subdivisions of this 504
state. 505

(S) "Jail term" means the term in a jail that a sentencing 506
court imposes or is authorized to impose pursuant to section 507
2929.24 or 2929.25 of the Revised Code or pursuant to any other 508
provision of the Revised Code that authorizes a term in a jail 509
for a misdemeanor conviction. 510

(T) "Mandatory jail term" means the term in a jail that a 511
sentencing court is required to impose pursuant to division (G) 512
of section 1547.99 of the Revised Code, division (E) of section 513
2903.06 or division (D) of section 2903.08 of the Revised Code, 514
division (E) or (G) of section 2929.24 of the Revised Code, 515
division (B) of section 4510.14 of the Revised Code, or division 516
(G) of section 4511.19 of the Revised Code or pursuant to any 517

other provision of the Revised Code that requires a term in a 518
jail for a misdemeanor conviction. 519

(U) "Delinquent child" has the same meaning as in section 520
2152.02 of the Revised Code. 521

(V) "License violation report" means a report that is made 522
by a sentencing court, or by the parole board pursuant to 523
section 2967.28 of the Revised Code, to the regulatory or 524
licensing board or agency that issued an offender a professional 525
license or a license or permit to do business in this state and 526
that specifies that the offender has been convicted of or 527
pleaded guilty to an offense that may violate the conditions 528
under which the offender's professional license or license or 529
permit to do business in this state was granted or an offense 530
for which the offender's professional license or license or 531
permit to do business in this state may be revoked or suspended. 532

(W) "Major drug offender" means an offender who is 533
convicted of or pleads guilty to the possession of, sale of, or 534
offer to sell any drug, compound, mixture, preparation, or 535
substance that consists of or contains at least one thousand 536
grams of hashish; at least one hundred grams of cocaine; at 537
least one thousand unit doses or one hundred grams of heroin; at 538
least five thousand unit doses of L.S.D. or five hundred grams 539
of L.S.D. in a liquid concentrate, liquid extract, or liquid 540
distillate form; at least fifty grams of a controlled substance 541
analog; at least one thousand unit doses or one hundred grams of 542
a fentanyl-related compound; or at least one hundred times the 543
amount of any other schedule I or II controlled substance other 544
than marihuana that is necessary to commit a felony of the third 545
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 546
of the Revised Code that is based on the possession of, sale of, 547

or offer to sell the controlled substance. 548

(X) "Mandatory prison term" means any of the following: 549

(1) Subject to division (X) (2) of this section, the term 550
in prison that must be imposed for the offenses or circumstances 551
set forth in divisions (F) (1) to (8) or (F) (12) to (21) of 552
section 2929.13 and division (B) of section 2929.14 of the 553
Revised Code. Except as provided in sections 2925.02, 2925.03, 554
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 555
maximum or another specific term is required under section 556
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 557
described in this division may be any prison term authorized for 558
the level of offense except that if the offense is a felony of 559
the first or second degree committed on or after ~~the effective~~ 560
~~date of this amendment~~ March 22, 2019, a mandatory prison term 561
described in this division may be one of the terms prescribed in 562
division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised 563
Code, whichever is applicable, that is authorized as the minimum 564
term for the offense. 565

(2) The term of sixty or one hundred twenty days in prison 566
that a sentencing court is required to impose for a third or 567
fourth degree felony OVI offense pursuant to division (G) (2) of 568
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 569
of the Revised Code or the term of one, two, three, four, or 570
five years in prison that a sentencing court is required to 571
impose pursuant to division (G) (2) of section 2929.13 of the 572
Revised Code. 573

(3) The term in prison imposed pursuant to division (A) of 574
section 2971.03 of the Revised Code for the offenses and in the 575
circumstances described in division (F) (11) of section 2929.13 576
of the Revised Code or pursuant to division (B) (1) (a), (b), or 577

(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 578
section 2971.03 of the Revised Code and that term as modified or 579
terminated pursuant to section 2971.05 of the Revised Code. 580

(Y) "Monitored time" means a period of time during which 581
an offender continues to be under the control of the sentencing 582
court or parole board, subject to no conditions other than 583
leading a law-abiding life. 584

(Z) "Offender" means a person who, in this state, is 585
convicted of or pleads guilty to a felony or a misdemeanor. 586

(AA) "Prison" means a residential facility used for the 587
confinement of convicted felony offenders that is under the 588
control of the department of rehabilitation and correction and 589
includes a violation sanction center operated under authority of 590
section 2967.141 of the Revised Code. 591

(BB) (1) "Prison term" includes either of the following 592
sanctions for an offender: 593

(a) A stated prison term; 594

(b) A term in a prison shortened by, or with the approval 595
of, the sentencing court pursuant to section 2929.143, 2929.20, 596
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 597

(2) With respect to a non-life felony indefinite prison 598
term, references in any provision of law to a reduction of, or 599
deduction from, the prison term mean a reduction in, or 600
deduction from, the minimum term imposed as part of the 601
indefinite term. 602

(CC) "Repeat violent offender" means a person about whom 603
both of the following apply: 604

(1) The person is being sentenced for committing or for 605

complicity in committing any of the following: 606

(a) Aggravated murder, murder, any felony of the first or 607
second degree that is an offense of violence, or an attempt to 608
commit any of these offenses if the attempt is a felony of the 609
first or second degree; 610

(b) An offense under an existing or former law of this 611
state, another state, or the United States that is or was 612
substantially equivalent to an offense described in division 613
(CC) (1) (a) of this section. 614

(2) The person previously was convicted of or pleaded 615
guilty to an offense described in division (CC) (1) (a) or (b) of 616
this section. 617

(DD) "Sanction" means any penalty imposed upon an offender 618
who is convicted of or pleads guilty to an offense, as 619
punishment for the offense. "Sanction" includes any sanction 620
imposed pursuant to any provision of sections 2929.14 to 2929.18 621
or 2929.24 to 2929.28 of the Revised Code. 622

(EE) "Sentence" means the sanction or combination of 623
sanctions imposed by the sentencing court on an offender who is 624
convicted of or pleads guilty to an offense. 625

(FF) (1) "Stated prison term" means the prison term, 626
mandatory prison term, or combination of all prison terms and 627
mandatory prison terms imposed by the sentencing court pursuant 628
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 629
under section 2919.25 of the Revised Code. "Stated prison term" 630
includes any credit received by the offender for time spent in 631
jail awaiting trial, sentencing, or transfer to prison for the 632
offense and any time spent under house arrest or house arrest 633
with electronic monitoring imposed after earning credits 634

pursuant to section 2967.193 of the Revised Code. If an offender 635
is serving a prison term as a risk reduction sentence under 636
sections 2929.143 and 5120.036 of the Revised Code, "stated 637
prison term" includes any period of time by which the prison 638
term imposed upon the offender is shortened by the offender's 639
successful completion of all assessment and treatment or 640
programming pursuant to those sections. 641

(2) As used in the definition of "stated prison term" set 642
forth in division (FF)(1) of this section, a prison term is a 643
definite prison term imposed under section 2929.14 of the 644
Revised Code or any other provision of law, is the minimum and 645
maximum prison terms under a non-life felony indefinite prison 646
term, or is a term of life imprisonment except to the extent 647
that the use of that definition in a section of the Revised Code 648
clearly is not intended to include a term of life imprisonment. 649
With respect to an offender sentenced to a non-life felony 650
indefinite prison term, references in section 2967.191 or 651
2967.193 of the Revised Code or any other provision of law to a 652
reduction of, or deduction from, the offender's stated prison 653
term or to release of the offender before the expiration of the 654
offender's stated prison term mean a reduction in, or deduction 655
from, the minimum term imposed as part of the indefinite term or 656
a release of the offender before the expiration of that minimum 657
term, references in section 2929.19 or 2967.28 of the Revised 658
Code to a stated prison term with respect to a prison term 659
imposed for a violation of a post-release control sanction mean 660
the minimum term so imposed, and references in any provision of 661
law to an offender's service of the offender's stated prison 662
term or the expiration of the offender's stated prison term mean 663
service or expiration of the minimum term so imposed plus any 664
additional period of incarceration under the sentence that is 665

required under section 2967.271 of the Revised Code. 666

(GG) "Victim-offender mediation" means a reconciliation or 667
mediation program that involves an offender and the victim of 668
the offense committed by the offender and that includes a 669
meeting in which the offender and the victim may discuss the 670
offense, discuss restitution, and consider other sanctions for 671
the offense. 672

(HH) "Fourth degree felony OVI offense" means a violation 673
of division (A) of section 4511.19 of the Revised Code that, 674
under division (G) of that section, is a felony of the fourth 675
degree. 676

(II) "Mandatory term of local incarceration" means the 677
term of sixty or one hundred twenty days in a jail, a community- 678
based correctional facility, a halfway house, or an alternative 679
residential facility that a sentencing court may impose upon a 680
person who is convicted of or pleads guilty to a fourth degree 681
felony OVI offense pursuant to division (G) (1) of section 682
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 683
section 4511.19 of the Revised Code. 684

(JJ) "Designated homicide, assault, or kidnapping 685
offense," "violent sex offense," "sexual motivation 686
specification," "sexually violent offense," "sexually violent 687
predator," and "sexually violent predator specification" have 688
the same meanings as in section 2971.01 of the Revised Code. 689

(KK) "Sexually oriented offense," "child-victim oriented 690
offense," and "tier III sex offender/child-victim offender" have 691
the same meanings as in section 2950.01 of the Revised Code. 692

(LL) An offense is "committed in the vicinity of a child" 693
if the offender commits the offense within thirty feet of or 694

within the same residential unit as a child who is under 695
eighteen years of age, regardless of whether the offender knows 696
the age of the child or whether the offender knows the offense 697
is being committed within thirty feet of or within the same 698
residential unit as the child and regardless of whether the 699
child actually views the commission of the offense. 700

(MM) "Family or household member" has the same meaning as 701
in section 2919.25 of the Revised Code. 702

(NN) "Motor vehicle" and "manufactured home" have the same 703
meanings as in section 4501.01 of the Revised Code. 704

(OO) "Detention" and "detention facility" have the same 705
meanings as in section 2921.01 of the Revised Code. 706

(PP) "Third degree felony OVI offense" means a violation 707
of division (A) of section 4511.19 of the Revised Code that, 708
under division (G) of that section, is a felony of the third 709
degree. 710

(QQ) "Random drug testing" has the same meaning as in 711
section 5120.63 of the Revised Code. 712

(RR) "Felony sex offense" has the same meaning as in 713
section 2967.28 of the Revised Code. 714

(SS) "Body armor" has the same meaning as in section 715
2941.1411 of the Revised Code. 716

(TT) "Electronic monitoring" means monitoring through the 717
use of an electronic monitoring device. 718

(UU) "Electronic monitoring device" means any of the 719
following: 720

(1) Any device that can be operated by electrical or 721

battery power and that conforms with all of the following: 722

(a) The device has a transmitter that can be attached to a 723
person, that will transmit a specified signal to a receiver of 724
the type described in division (UU) (1) (b) of this section if the 725
transmitter is removed from the person, turned off, or altered 726
in any manner without prior court approval in relation to 727
electronic monitoring or without prior approval of the 728
department of rehabilitation and correction in relation to the 729
use of an electronic monitoring device for an inmate on 730
transitional control or otherwise is tampered with, that can 731
transmit continuously and periodically a signal to that receiver 732
when the person is within a specified distance from the 733
receiver, and that can transmit an appropriate signal to that 734
receiver if the person to whom it is attached travels a 735
specified distance from that receiver. 736

(b) The device has a receiver that can receive 737
continuously the signals transmitted by a transmitter of the 738
type described in division (UU) (1) (a) of this section, can 739
transmit continuously those signals by a wireless or landline 740
telephone connection to a central monitoring computer of the 741
type described in division (UU) (1) (c) of this section, and can 742
transmit continuously an appropriate signal to that central 743
monitoring computer if the device has been turned off or altered 744
without prior court approval or otherwise tampered with. The 745
device is designed specifically for use in electronic 746
monitoring, is not a converted wireless phone or another 747
tracking device that is clearly not designed for electronic 748
monitoring, and provides a means of text-based or voice 749
communication with the person. 750

(c) The device has a central monitoring computer that can 751

receive continuously the signals transmitted by a wireless or 752
landline telephone connection by a receiver of the type 753
described in division (UU) (1) (b) of this section and can monitor 754
continuously the person to whom an electronic monitoring device 755
of the type described in division (UU) (1) (a) of this section is 756
attached. 757

(2) Any device that is not a device of the type described 758
in division (UU) (1) of this section and that conforms with all 759
of the following: 760

(a) The device includes a transmitter and receiver that 761
can monitor and determine the location of a subject person at 762
any time, or at a designated point in time, through the use of a 763
central monitoring computer or through other electronic means. 764

(b) The device includes a transmitter and receiver that 765
can determine at any time, or at a designated point in time, 766
through the use of a central monitoring computer or other 767
electronic means the fact that the transmitter is turned off or 768
altered in any manner without prior approval of the court in 769
relation to the electronic monitoring or without prior approval 770
of the department of rehabilitation and correction in relation 771
to the use of an electronic monitoring device for an inmate on 772
transitional control or otherwise is tampered with. 773

(3) Any type of technology that can adequately track or 774
determine the location of a subject person at any time and that 775
is approved by the director of rehabilitation and correction, 776
including, but not limited to, any satellite technology, voice 777
tracking system, or retinal scanning system that is so approved. 778

(VV) "Non-economic loss" means nonpecuniary harm suffered 779
by a victim of an offense as a result of or related to the 780

commission of the offense, including, but not limited to, pain 781
and suffering; loss of society, consortium, companionship, care, 782
assistance, attention, protection, advice, guidance, counsel, 783
instruction, training, or education; mental anguish; and any 784
other intangible loss. 785

(WW) "Prosecutor" has the same meaning as in section 786
2935.01 of the Revised Code. 787

(XX) "Continuous alcohol monitoring" means the ability to 788
automatically test and periodically transmit alcohol consumption 789
levels and tamper attempts at least every hour, regardless of 790
the location of the person who is being monitored. 791

(YY) A person is "adjudicated a sexually violent predator" 792
if the person is convicted of or pleads guilty to a violent sex 793
offense and also is convicted of or pleads guilty to a sexually 794
violent predator specification that was included in the 795
indictment, count in the indictment, or information charging 796
that violent sex offense or if the person is convicted of or 797
pleads guilty to a designated homicide, assault, or kidnapping 798
offense and also is convicted of or pleads guilty to both a 799
sexual motivation specification and a sexually violent predator 800
specification that were included in the indictment, count in the 801
indictment, or information charging that designated homicide, 802
assault, or kidnapping offense. 803

(ZZ) An offense is "committed in proximity to a school" if 804
the offender commits the offense in a school safety zone or 805
within five hundred feet of any school building or the 806
boundaries of any school premises, regardless of whether the 807
offender knows the offense is being committed in a school safety 808
zone or within five hundred feet of any school building or the 809
boundaries of any school premises. 810

(AAA) "Human trafficking" means a scheme or plan to which 811
all of the following apply: 812

(1) Its object is one or ~~more~~ both of the following: 813

(a) To subject a victim or victims to involuntary 814
servitude, as defined in section 2905.31 of the Revised Code or 815
to compel a victim or victims to engage in sexual activity for 816
hire, to engage in a performance that is obscene, sexually 817
oriented, or nudity oriented, or to be a model or participant in 818
the production of material that is obscene, sexually oriented, 819
or nudity oriented; 820

(b) To facilitate, encourage, or recruit a victim who is 821
~~less than sixteen years of age a minor~~ or is a person with a 822
developmental disability, or victims who are ~~less than sixteen~~ 823
~~years of age minors~~ or are persons with developmental 824
disabilities, for any purpose listed in divisions (A) (2) (a) to 825
(c) of section 2905.32 of the Revised Code; 826

~~(c) To facilitate, encourage, or recruit a victim who is 827
sixteen or seventeen years of age, or victims who are sixteen or 828
seventeen years of age, for any purpose listed in divisions (A) 829
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 830
circumstances described in division (A) (5), (6), (7), (8), (9), 831
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 832
apply with respect to the person engaging in the conduct and the 833
victim or victims. 834~~

(2) It involves at least two felony offenses, whether or 835
not there has been a prior conviction for any of the felony 836
offenses, to which all of the following apply: 837

(a) Each of the felony offenses is a violation of section 838
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 839

division (A) (1) or (2) of section 2907.323, or division (B) (1), 840
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 841
is a violation of a law of any state other than this state that 842
is substantially similar to any of the sections or divisions of 843
the Revised Code identified in this division. 844

(b) At least one of the felony offenses was committed in 845
this state. 846

(c) The felony offenses are related to the same scheme or 847
plan and are not isolated instances. 848

(BBB) "Material," "nudity," "obscene," "performance," and 849
"sexual activity" have the same meanings as in section 2907.01 850
of the Revised Code. 851

(CCC) "Material that is obscene, sexually oriented, or 852
nudity oriented" means any material that is obscene, that shows 853
a person participating or engaging in sexual activity, 854
masturbation, or bestiality, or that shows a person in a state 855
of nudity. 856

(DDD) "Performance that is obscene, sexually oriented, or 857
nudity oriented" means any performance that is obscene, that 858
shows a person participating or engaging in sexual activity, 859
masturbation, or bestiality, or that shows a person in a state 860
of nudity. 861

(EEE) "Accelerant" means a fuel or oxidizing agent, such 862
as an ignitable liquid, used to initiate a fire or increase the 863
rate of growth or spread of a fire. 864

(FFF) "Permanent disabling harm" means serious physical 865
harm that results in permanent injury to the intellectual, 866
physical, or sensory functions and that permanently and 867
substantially impairs a person's ability to meet one or more of 868

the ordinary demands of life, including the functions of caring 869
for one's self, performing manual tasks, walking, seeing, 870
hearing, speaking, breathing, learning, and working. 871

(GGG) "Non-life felony indefinite prison term" means a 872
prison term imposed under division (A)(1)(a) or (2)(a) of 873
section 2929.14 and section 2929.144 of the Revised Code for a 874
felony of the first or second degree committed on or after ~~the~~ 875
~~effective date of this amendment~~ March 22, 2019. 876

Sec. 2950.01. As used in this chapter, unless the context 877
clearly requires otherwise: 878

(A) "Sexually oriented offense" means any of the following 879
violations or offenses committed by a person, regardless of the 880
person's age: 881

(1) A violation of section 2907.02, 2907.03, 2907.05, 882
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 883
2907.322, or 2907.323 of the Revised Code; 884

(2) A violation of section 2907.04 of the Revised Code 885
when the offender is less than four years older than the other 886
person with whom the offender engaged in sexual conduct, the 887
other person did not consent to the sexual conduct, and the 888
offender previously has not been convicted of or pleaded guilty 889
to a violation of section 2907.02, 2907.03, or 2907.04 of the 890
Revised Code or a violation of former section 2907.12 of the 891
Revised Code; 892

(3) A violation of section 2907.04 of the Revised Code 893
when the offender is at least four years older than the other 894
person with whom the offender engaged in sexual conduct or when 895
the offender is less than four years older than the other person 896
with whom the offender engaged in sexual conduct and the 897

offender previously has been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a violation of former section 2907.12 of the Revised Code;

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

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

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

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

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

(9) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense;

(10) A violation of division (B) of section 2903.03, of division (B) of section 2905.02, of division (B) of section 2905.03, of division (B) of section 2905.05, or of division (B) (5) of section 2919.22 of the Revised Code;

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

(a) The violation is a violation of division (A) (1) of 926
that section and the offender knowingly recruited, lured, 927
enticed, isolated, harbored, transported, provided, obtained, or 928
maintained, or knowingly attempted to recruit, lure, entice, 929
isolate, harbor, transport, provide, obtain, or maintain, 930
another person knowing that the person would be compelled to 931
engage in sexual activity for hire, engage in a performance that 932
was obscene, sexually oriented, or nudity oriented, or be a 933
model or participant in the production of material that was 934
obscene, sexually oriented, or nudity oriented. 935

(b) The violation is a violation of division (A) (2) of 936
that section and the offender knowingly recruited, lured, 937
enticed, isolated, harbored, transported, provided, obtained, or 938
maintained, or knowingly attempted to recruit, lure, entice, 939
isolate, harbor, transport, provide, obtain, or maintain a 940
person who is less than ~~sixteen~~eighteen years of age or is a 941
person with a developmental disability whom the offender knows 942
or has reasonable cause to believe is a person with a 943
developmental disability for any purpose listed in divisions (A) 944
(2) (a) to (c) of that section. 945

~~(c) The violation is a violation of division (A) (3) of 946
that section, the offender knowingly recruited, lured, enticed, 947
isolated, harbored, transported, provided, obtained, or 948
maintained, or knowingly attempted to recruit, lure, entice, 949
isolate, harbor, transport, provide, obtain, or maintain a 950
person who is sixteen or seventeen years of age for any purpose 951
listed in divisions (A) (2) (a) to (c) of that section, and the 952
circumstances described in division (A) (5), (6), (7), (8), (9), 953
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 954
apply with respect to the offender and the other person. 955~~

(12) A violation of division (B)(4) of section 2907.09 of the Revised Code if the sentencing court classifies the offender as a tier I sex offender/child-victim offender relative to that offense pursuant to division (D) of that section;

(13) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of this section;

(14) A violation of division (A)(3) of section 2907.24 of the Revised Code;

(15) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), or (14) of this section.

(B)(1) "Sex offender" means, subject to division (B)(2) of this section, a person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing any sexually oriented offense.

(2) "Sex offender" does not include a person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing a sexually oriented offense if the offense involves consensual sexual conduct or consensual sexual contact and

either of the following applies:	985
(a) The victim of the sexually oriented offense was	986
eighteen years of age or older and at the time of the sexually	987
oriented offense was not under the custodial authority of the	988
person who is convicted of, pleads guilty to, has been convicted	989
of, has pleaded guilty to, is adjudicated a delinquent child for	990
committing, or has been adjudicated a delinquent child for	991
committing the sexually oriented offense.	992
(b) The victim of the offense was thirteen years of age or	993
older, and the person who is convicted of, pleads guilty to, has	994
been convicted of, has pleaded guilty to, is adjudicated a	995
delinquent child for committing, or has been adjudicated a	996
delinquent child for committing the sexually oriented offense is	997
not more than four years older than the victim.	998
(c) "Child-victim oriented offense" means any of the	999
following violations or offenses committed by a person,	1000
regardless of the person's age, when the victim is under	1001
eighteen years of age and is not a child of the person who	1002
commits the violation:	1003
(1) A violation of division (A)(1), (2), (3), or (5) of	1004
section 2905.01 of the Revised Code when the violation is not	1005
included in division (A)(7) of this section;	1006
(2) A violation of division (A) of section 2905.02,	1007
division (A) of section 2905.03, or division (A) of section	1008
2905.05 of the Revised Code;	1009
(3) A violation of any former law of this state, any	1010
existing or former municipal ordinance or law of another state	1011
or the United States, any existing or former law applicable in a	1012
military court or in an Indian tribal court, or any existing or	1013

former law of any nation other than the United States that is or 1014
was substantially equivalent to any offense listed in division 1015
(C) (1) or (2) of this section; 1016

(4) Any attempt to commit, conspiracy to commit, or 1017
complicity in committing any offense listed in division (C) (1), 1018
(2), or (3) of this section. 1019

(D) "Child-victim offender" means a person who is 1020
convicted of, pleads guilty to, has been convicted of, has 1021
pleaded guilty to, is adjudicated a delinquent child for 1022
committing, or has been adjudicated a delinquent child for 1023
committing any child-victim oriented offense. 1024

(E) "Tier I sex offender/child-victim offender" means any 1025
of the following: 1026

(1) A sex offender who is convicted of, pleads guilty to, 1027
has been convicted of, or has pleaded guilty to any of the 1028
following sexually oriented offenses: 1029

(a) A violation of section 2907.06, 2907.07, 2907.08, 1030
2907.22, or 2907.32 of the Revised Code; 1031

(b) A violation of section 2907.04 of the Revised Code 1032
when the offender is less than four years older than the other 1033
person with whom the offender engaged in sexual conduct, the 1034
other person did not consent to the sexual conduct, and the 1035
offender previously has not been convicted of or pleaded guilty 1036
to a violation of section 2907.02, 2907.03, or 2907.04 of the 1037
Revised Code or a violation of former section 2907.12 of the 1038
Revised Code; 1039

(c) A violation of division (A) (1), (2), (3), or (5) of 1040
section 2907.05 of the Revised Code; 1041

(d) A violation of division (A) (3) of section 2907.323 of the Revised Code; 1042
1043

(e) A violation of division (A) (3) of section 2903.211, of division (B) of section 2905.03, or of division (B) of section 2905.05 of the Revised Code; 1044
1045
1046

(f) A violation of division (B) (4) of section 2907.09 of the Revised Code if the sentencing court classifies the offender as a tier I sex offender/child-victim offender relative to that offense pursuant to division (D) of that section; 1047
1048
1049
1050

(g) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States, that is or was substantially equivalent to any offense listed in division (E) (1) (a), (b), (c), (d), (e), or (f) of this section; 1051
1052
1053
1054
1055
1056
1057

(h) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (E) (1) (a), (b), (c), (d), (e), (f), or (g) of this section. 1058
1059
1060

(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a child-victim oriented offense and who is not within either category of child-victim offender described in division (F) (2) or (G) (2) of this section. 1061
1062
1063
1064
1065

(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex offender/child- 1066
1067
1068
1069
1070

victim offender relative to the offense. 1071

(4) A child-victim offender who is adjudicated a 1072
delinquent child for committing or has been adjudicated a 1073
delinquent child for committing any child-victim oriented 1074
offense and who a juvenile court, pursuant to section 2152.82, 1075
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 1076
tier I sex offender/child-victim offender relative to the 1077
offense. 1078

(F) "Tier II sex offender/child-victim offender" means any 1079
of the following: 1080

(1) A sex offender who is convicted of, pleads guilty to, 1081
has been convicted of, or has pleaded guilty to any of the 1082
following sexually oriented offenses: 1083

(a) A violation of section 2907.21, 2907.321, or 2907.322 1084
of the Revised Code; 1085

(b) A violation of section 2907.04 of the Revised Code 1086
when the offender is at least four years older than the other 1087
person with whom the offender engaged in sexual conduct, or when 1088
the offender is less than four years older than the other person 1089
with whom the offender engaged in sexual conduct and the 1090
offender previously has been convicted of or pleaded guilty to a 1091
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 1092
Code or former section 2907.12 of the Revised Code; 1093

(c) A violation of division (A)(4) of section 2907.05, of 1094
division (A)(3) of section 2907.24, or of division (A)(1) or (2) 1095
of section 2907.323 of the Revised Code; 1096

(d) A violation of division (A)(1), (2), (3), or (5) of 1097
section 2905.01 of the Revised Code when the offense is 1098
committed with a sexual motivation; 1099

(e) A violation of division (A)(4) of section 2905.01 of 1100
the Revised Code when the victim of the offense is eighteen 1101
years of age or older; 1102

(f) A violation of division (B) of section 2905.02 or of 1103
division (B)(5) of section 2919.22 of the Revised Code; 1104

(g) A violation of section 2905.32 of the Revised Code 1105
that is described in division (A)(11)(a) ~~or~~ or (b) ~~or~~ (c) of this 1106
section; 1107

(h) A violation of any former law of this state, any 1108
existing or former municipal ordinance or law of another state 1109
or the United States, any existing or former law applicable in a 1110
military court or in an Indian tribal court, or any existing or 1111
former law of any nation other than the United States that is or 1112
was substantially equivalent to any offense listed in division 1113
(F)(1)(a), (b), (c), (d), (e), (f), or (g) of this section; 1114

(i) Any attempt to commit, conspiracy to commit, or 1115
complicity in committing any offense listed in division (F)(1) 1116
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 1117

(j) Any sexually oriented offense that is committed after 1118
the sex offender previously has been convicted of, pleaded 1119
guilty to, or has been adjudicated a delinquent child for 1120
committing any sexually oriented offense or child-victim 1121
oriented offense for which the offender was classified a tier I 1122
sex offender/child-victim offender. 1123

(2) A child-victim offender who is convicted of, pleads 1124
guilty to, has been convicted of, or has pleaded guilty to any 1125
child-victim oriented offense when the child-victim oriented 1126
offense is committed after the child-victim offender previously 1127
has been convicted of, pleaded guilty to, or been adjudicated a 1128

delinquent child for committing any sexually oriented offense or 1129
child-victim oriented offense for which the offender was 1130
classified a tier I sex offender/child-victim offender. 1131

(3) A sex offender who is adjudicated a delinquent child 1132
for committing or has been adjudicated a delinquent child for 1133
committing any sexually oriented offense and who a juvenile 1134
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 1135
of the Revised Code, classifies a tier II sex offender/child- 1136
victim offender relative to the offense. 1137

(4) A child-victim offender who is adjudicated a 1138
delinquent child for committing or has been adjudicated a 1139
delinquent child for committing any child-victim oriented 1140
offense and whom a juvenile court, pursuant to section 2152.82, 1141
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 1142
tier II sex offender/child-victim offender relative to the 1143
current offense. 1144

(5) A sex offender or child-victim offender who is not in 1145
any category of tier II sex offender/child-victim offender set 1146
forth in division (F) (1), (2), (3), or (4) of this section, who 1147
prior to January 1, 2008, was adjudicated a delinquent child for 1148
committing a sexually oriented offense or child-victim oriented 1149
offense, and who prior to that date was determined to be a 1150
habitual sex offender or determined to be a habitual child- 1151
victim offender, unless either of the following applies: 1152

(a) The sex offender or child-victim offender is 1153
reclassified pursuant to section 2950.031 or 2950.032 of the 1154
Revised Code as a tier I sex offender/child-victim offender or a 1155
tier III sex offender/child-victim offender relative to the 1156
offense. 1157

(b) A juvenile court, pursuant to section 2152.82, 1158
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the 1159
child a tier I sex offender/child-victim offender or a tier III 1160
sex offender/child-victim offender relative to the offense. 1161

(G) "Tier III sex offender/child-victim offender" means 1162
any of the following: 1163

(1) A sex offender who is convicted of, pleads guilty to, 1164
has been convicted of, or has pleaded guilty to any of the 1165
following sexually oriented offenses: 1166

(a) A violation of section 2907.02 or 2907.03 of the 1167
Revised Code; 1168

(b) A violation of division (B) of section 2907.05 of the 1169
Revised Code; 1170

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 1171
the Revised Code when the violation was committed with a sexual 1172
motivation; 1173

(d) A violation of division (A) of section 2903.04 of the 1174
Revised Code when the offender committed or attempted to commit 1175
the felony that is the basis of the violation with a sexual 1176
motivation; 1177

(e) A violation of division (A)(4) of section 2905.01 of 1178
the Revised Code when the victim of the offense is under 1179
eighteen years of age; 1180

(f) A violation of division (B) of section 2905.01 of the 1181
Revised Code when the victim of the offense is under eighteen 1182
years of age and the offender is not a parent of the victim of 1183
the offense; 1184

(g) A violation of division (B) of section 2903.03 of the 1185

Revised Code; 1186

(h) A violation of any former law of this state, any 1187
existing or former municipal ordinance or law of another state 1188
or the United States, any existing or former law applicable in a 1189
military court or in an Indian tribal court, or any existing or 1190
former law of any nation other than the United States that is or 1191
was substantially equivalent to any offense listed in division 1192
(G) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 1193

(i) Any attempt to commit, conspiracy to commit, or 1194
complicity in committing any offense listed in division (G) (1) 1195
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 1196

(j) Any sexually oriented offense that is committed after 1197
the sex offender previously has been convicted of, pleaded 1198
guilty to, or been adjudicated a delinquent child for committing 1199
any sexually oriented offense or child-victim oriented offense 1200
for which the offender was classified a tier II sex 1201
offender/child-victim offender or a tier III sex offender/child- 1202
victim offender. 1203

(2) A child-victim offender who is convicted of, pleads 1204
guilty to, has been convicted of, or has pleaded guilty to any 1205
child-victim oriented offense when the child-victim oriented 1206
offense is committed after the child-victim offender previously 1207
has been convicted of, pleaded guilty to, or been adjudicated a 1208
delinquent child for committing any sexually oriented offense or 1209
child-victim oriented offense for which the offender was 1210
classified a tier II sex offender/child-victim offender or a 1211
tier III sex offender/child-victim offender. 1212

(3) A sex offender who is adjudicated a delinquent child 1213
for committing or has been adjudicated a delinquent child for 1214

committing any sexually oriented offense and who a juvenile 1215
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 1216
of the Revised Code, classifies a tier III sex offender/child- 1217
victim offender relative to the offense. 1218

(4) A child-victim offender who is adjudicated a 1219
delinquent child for committing or has been adjudicated a 1220
delinquent child for committing any child-victim oriented 1221
offense and whom a juvenile court, pursuant to section 2152.82, 1222
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 1223
tier III sex offender/child-victim offender relative to the 1224
current offense. 1225

(5) A sex offender or child-victim offender who is not in 1226
any category of tier III sex offender/child-victim offender set 1227
forth in division (G) (1), (2), (3), or (4) of this section, who 1228
prior to January 1, 2008, was convicted of or pleaded guilty to 1229
a sexually oriented offense or child-victim oriented offense or 1230
was adjudicated a delinquent child for committing a sexually 1231
oriented offense or child-victim oriented offense and classified 1232
a juvenile offender registrant, and who prior to that date was 1233
adjudicated a sexual predator or adjudicated a child-victim 1234
predator, unless either of the following applies: 1235

(a) The sex offender or child-victim offender is 1236
reclassified pursuant to section 2950.031 or 2950.032 of the 1237
Revised Code as a tier I sex offender/child-victim offender or a 1238
tier II sex offender/child-victim offender relative to the 1239
offense. 1240

(b) The sex offender or child-victim offender is a 1241
delinquent child, and a juvenile court, pursuant to section 1242
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, 1243
classifies the child a tier I sex offender/child-victim offender 1244

or a tier II sex offender/child-victim offender relative to the 1245
offense. 1246

(6) A sex offender who is convicted of, pleads guilty to, 1247
was convicted of, or pleaded guilty to a sexually oriented 1248
offense, if the sexually oriented offense and the circumstances 1249
in which it was committed are such that division (F) of section 1250
2971.03 of the Revised Code automatically classifies the 1251
offender as a tier III sex offender/child-victim offender; 1252

(7) A sex offender or child-victim offender who is 1253
convicted of, pleads guilty to, was convicted of, pleaded guilty 1254
to, is adjudicated a delinquent child for committing, or was 1255
adjudicated a delinquent child for committing a sexually 1256
oriented offense or child-victim offense in another state, in a 1257
federal court, military court, or Indian tribal court, or in a 1258
court in any nation other than the United States if both of the 1259
following apply: 1260

(a) Under the law of the jurisdiction in which the 1261
offender was convicted or pleaded guilty or the delinquent child 1262
was adjudicated, the offender or delinquent child is in a 1263
category substantially equivalent to a category of tier III sex 1264
offender/child-victim offender described in division (G) (1), 1265
(2), (3), (4), (5), or (6) of this section. 1266

(b) Subsequent to the conviction, plea of guilty, or 1267
adjudication in the other jurisdiction, the offender or 1268
delinquent child resides, has temporary domicile, attends school 1269
or an institution of higher education, is employed, or intends 1270
to reside in this state in any manner and for any period of time 1271
that subjects the offender or delinquent child to a duty to 1272
register or provide notice of intent to reside under section 1273
2950.04 or 2950.041 of the Revised Code. 1274

(H) "Confinement" includes, but is not limited to, a 1275
community residential sanction imposed pursuant to section 1276
2929.16 or 2929.26 of the Revised Code. 1277

(I) "Prosecutor" has the same meaning as in section 1278
2935.01 of the Revised Code. 1279

(J) "Supervised release" means a release of an offender 1280
from a prison term, a term of imprisonment, or another type of 1281
confinement that satisfies either of the following conditions: 1282

(1) The release is on parole, a conditional pardon, under 1283
a community control sanction, under transitional control, or 1284
under a post-release control sanction, and it requires the 1285
person to report to or be supervised by a parole officer, 1286
probation officer, field officer, or another type of supervising 1287
officer. 1288

(2) The release is any type of release that is not 1289
described in division (J)(1) of this section and that requires 1290
the person to report to or be supervised by a probation officer, 1291
a parole officer, a field officer, or another type of 1292
supervising officer. 1293

(K) "Sexually violent predator specification," "sexually 1294
violent predator," "sexually violent offense," "sexual 1295
motivation specification," "designated homicide, assault, or 1296
kidnapping offense," and "violent sex offense" have the same 1297
meanings as in section 2971.01 of the Revised Code. 1298

(L) "Post-release control sanction" and "transitional 1299
control" have the same meanings as in section 2967.01 of the 1300
Revised Code. 1301

(M) "Juvenile offender registrant" means a person who is 1302
adjudicated a delinquent child for committing on or after 1303

January 1, 2002, a sexually oriented offense or a child-victim 1304
oriented offense, who is fourteen years of age or older at the 1305
time of committing the offense, and who a juvenile court judge, 1306
pursuant to an order issued under section 2152.82, 2152.83, 1307
2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a 1308
juvenile offender registrant and specifies has a duty to comply 1309
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 1310
Revised Code. "Juvenile offender registrant" includes a person 1311
who prior to January 1, 2008, was a "juvenile offender 1312
registrant" under the definition of the term in existence prior 1313
to January 1, 2008, and a person who prior to July 31, 2003, was 1314
a "juvenile sex offender registrant" under the former definition 1315
of that former term. 1316

(N) "Public registry-qualified juvenile offender 1317
registrant" means a person who is adjudicated a delinquent child 1318
and on whom a juvenile court has imposed a serious youthful 1319
offender dispositional sentence under section 2152.13 of the 1320
Revised Code before, on, or after January 1, 2008, and to whom 1321
all of the following apply: 1322

(1) The person is adjudicated a delinquent child for 1323
committing, attempting to commit, conspiring to commit, or 1324
complicity in committing one of the following acts: 1325

(a) A violation of section 2907.02 of the Revised Code, 1326
division (B) of section 2907.05 of the Revised Code, or section 1327
2907.03 of the Revised Code if the victim of the violation was 1328
less than twelve years of age; 1329

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 1330
the Revised Code that was committed with a purpose to gratify 1331
the sexual needs or desires of the child; 1332

(c) A violation of division (B) of section 2903.03 of the Revised Code. 1333
1334

(2) The person was fourteen, fifteen, sixteen, or seventeen years of age at the time of committing the act. 1335
1336

(3) A juvenile court judge, pursuant to an order issued under section 2152.86 of the Revised Code, classifies the person a juvenile offender registrant, specifies the person has a duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code, and classifies the person a public registry-qualified juvenile offender registrant, and the classification of the person as a public registry-qualified juvenile offender registrant has not been terminated pursuant to division (D) of section 2152.86 of the Revised Code. 1337
1338
1339
1340
1341
1342
1343
1344
1345

(O) "Secure facility" means any facility that is designed and operated to ensure that all of its entrances and exits are locked and under the exclusive control of its staff and to ensure that, because of that exclusive control, no person who is institutionalized or confined in the facility may leave the facility without permission or supervision. 1346
1347
1348
1349
1350
1351

(P) "Out-of-state juvenile offender registrant" means a person who is adjudicated a delinquent child in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States for committing a sexually oriented offense or a child-victim oriented offense, who on or after January 1, 2002, moves to and resides in this state or temporarily is domiciled in this state for more than five days, and who has a duty under section 2950.04 or 2950.041 of the Revised Code to register in this state and the duty to otherwise comply with that applicable section and sections 2950.05 and 2950.06 of the Revised Code. 1352
1353
1354
1355
1356
1357
1358
1359
1360
1361
1362

"Out-of-state juvenile offender registrant" includes a person 1363
who prior to January 1, 2008, was an "out-of-state juvenile 1364
offender registrant" under the definition of the term in 1365
existence prior to January 1, 2008, and a person who prior to 1366
July 31, 2003, was an "out-of-state juvenile sex offender 1367
registrant" under the former definition of that former term. 1368

(Q) "Juvenile court judge" includes a magistrate to whom 1369
the juvenile court judge confers duties pursuant to division (A) 1370
(15) of section 2151.23 of the Revised Code. 1371

(R) "Adjudicated a delinquent child for committing a 1372
sexually oriented offense" includes a child who receives a 1373
serious youthful offender dispositional sentence under section 1374
2152.13 of the Revised Code for committing a sexually oriented 1375
offense. 1376

(S) "School" and "school premises" have the same meanings 1377
as in section 2925.01 of the Revised Code. 1378

(T) "Residential premises" means the building in which a 1379
residential unit is located and the grounds upon which that 1380
building stands, extending to the perimeter of the property. 1381
"Residential premises" includes any type of structure in which a 1382
residential unit is located, including, but not limited to, 1383
multi-unit buildings and mobile and manufactured homes. 1384

(U) "Residential unit" means a dwelling unit for 1385
residential use and occupancy, and includes the structure or 1386
part of a structure that is used as a home, residence, or 1387
sleeping place by one person who maintains a household or two or 1388
more persons who maintain a common household. "Residential unit" 1389
does not include a halfway house or a community-based 1390
correctional facility. 1391

(V) "Multi-unit building" means a building in which is 1392
located more than twelve residential units that have entry doors 1393
that open directly into the unit from a hallway that is shared 1394
with one or more other units. A residential unit is not 1395
considered located in a multi-unit building if the unit does not 1396
have an entry door that opens directly into the unit from a 1397
hallway that is shared with one or more other units or if the 1398
unit is in a building that is not a multi-unit building as 1399
described in this division. 1400

(W) "Community control sanction" has the same meaning as 1401
in section 2929.01 of the Revised Code. 1402

(X) "Halfway house" and "community-based correctional 1403
facility" have the same meanings as in section 2929.01 of the 1404
Revised Code. 1405

Section 2. That existing sections 2152.021, 2905.32, 1406
2929.01, and 2950.01 of the Revised Code are hereby repealed. 1407

Section 3. Section 2929.01 of the Revised Code is 1408
presented in this act as a composite of the section as amended 1409
by H.B. 63, H.B. 411, H.B. 1, S.B. 20, and S.B. 201, all of the 1410
132nd General Assembly. The General Assembly, applying the 1411
principle stated in division (B) of section 1.52 of the Revised 1412
Code that amendments are to be harmonized if reasonably capable 1413
of simultaneous operation, finds that the composite is the 1414
resulting version of the section in effect prior to the 1415
effective date of the section as presented in this act. 1416