

As Passed by the Senate

133rd General Assembly

Regular Session

2019-2020

Sub. S. B. No. 13

Senator Fedor

Cosponsors: Senators Thomas, Yuko, Kunze, Sykes, Antonio, Craig, Maharath, Brenner, Williams, O'Brien, Roegner, Eklund, Burke, Dolan, Gavarone, Hackett, Hoagland, Hottinger, Huffman, M., Huffman, S., Lehner, McColley, Obhof, Peterson, Rulli, Schaffer, Terhar, Uecker, Wilson

A BILL

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

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

Section 1. That sections 2152.021, 2905.32, 2929.01, and 2950.01 of the Revised Code be amended to read as follows: 10
11

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this section, any person having knowledge of a child who appears to be a juvenile traffic offender or to be a delinquent child may file a sworn complaint with respect to that child in the juvenile court of the county in which the child has a residence 12
13
14
15
16

or legal settlement or in which the traffic offense or 17
delinquent act allegedly occurred. The sworn complaint may be 18
upon information and belief, and, in addition to the allegation 19
that the child is a delinquent child or a juvenile traffic 20
offender, the complaint shall allege the particular facts upon 21
which the allegation that the child is a delinquent child or a 22
juvenile traffic offender is based. 23

If a child appears to be a delinquent child who is 24
eligible for a serious youthful offender dispositional sentence 25
under section 2152.11 of the Revised Code and if the prosecuting 26
attorney desires to seek a serious youthful offender 27
dispositional sentence under section 2152.13 of the Revised Code 28
in regard to the child, the prosecuting attorney of the county 29
in which the alleged delinquency occurs may initiate a case in 30
the juvenile court of the county by presenting the case to a 31
grand jury for indictment, by charging the child in a bill of 32
information as a serious youthful offender pursuant to section 33
2152.13 of the Revised Code, by requesting a serious youthful 34
offender dispositional sentence in the original complaint 35
alleging that the child is a delinquent child, or by filing with 36
the juvenile court a written notice of intent to seek a serious 37
youthful offender dispositional sentence. This paragraph does 38
not apply regarding the imposition of a serious youthful 39
offender dispositional sentence pursuant to section 2152.121 of 40
the Revised Code. 41

(2) Any person having knowledge of a child who appears to 42
be a delinquent child for violating a court order regarding the 43
child's adjudication as an unruly child for being an habitual 44
truant, may file a sworn complaint with respect to that child, 45
or with respect to that child and the parent, guardian, or other 46
person having care of the child, in the juvenile court of the 47

county in which the child has a residence or legal settlement or 48
in which the child is supposed to attend public school. The 49
sworn complaint may be upon information and belief and shall 50
allege that the child is a delinquent child for violating a 51
court order regarding the child's prior adjudication as an 52
unruly child for being a habitual truant and, in addition, the 53
particular facts upon which that allegation is based. If the 54
complaint contains allegations regarding the child's parent, 55
guardian, or other person having care of the child, the 56
complaint additionally shall allege that the parent, guardian, 57
or other person having care of the child has failed to cause the 58
child's attendance at school in violation of section 3321.38 of 59
the Revised Code and, in addition, the particular facts upon 60
which that allegation is based. 61

(B) Any person with standing under applicable law may file 62
a complaint for the determination of any other matter over which 63
the juvenile court is given jurisdiction by section 2151.23 of 64
the Revised Code. The complaint shall be filed in the county in 65
which the child who is the subject of the complaint is found or 66
was last known to be found. 67

(C) Within ten days after the filing of a complaint or the 68
issuance of an indictment, the court shall give written notice 69
of the filing of the complaint or the issuance of an indictment 70
and of the substance of the complaint or indictment to the 71
superintendent of a city, local, exempted village, or joint 72
vocational school district if the complaint or indictment 73
alleges that a child committed an act that would be a criminal 74
offense if committed by an adult, that the child was sixteen 75
years of age or older at the time of the commission of the 76
alleged act, and that the alleged act is any of the following: 77

(1) A violation of section 2923.122 of the Revised Code	78
that relates to property owned or controlled by, or to an	79
activity held under the auspices of, the board of education of	80
that school district;	81
(2) A violation of section 2923.12 of the Revised Code, of	82
a substantially similar municipal ordinance, or of section	83
2925.03 of the Revised Code that was committed on property owned	84
or controlled by, or at an activity held under the auspices of,	85
the board of education of that school district;	86
(3) A violation of section 2925.11 of the Revised Code	87
that was committed on property owned or controlled by, or at an	88
activity held under the auspices of, the board of education of	89
that school district, other than a violation of that section	90
that would be a minor drug possession offense if committed by an	91
adult;	92
(4) A violation of section 2903.01, 2903.02, 2903.03,	93
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised	94
Code, or a violation of former section 2907.12 of the Revised	95
Code, that was committed on property owned or controlled by, or	96
at an activity held under the auspices of, the board of	97
education of that school district, if the victim at the time of	98
the commission of the alleged act was an employee of the board	99
of education of that school district;	100
(5) Complicity in any violation described in division (C)	101
(1), (2), (3), or (4) of this section that was alleged to have	102
been committed in the manner described in division (C)(1), (2),	103
(3), or (4) of this section, regardless of whether the act of	104
complicity was committed on property owned or controlled by, or	105
at an activity held under the auspices of, the board of	106
education of that school district.	107

(D) A public children services agency, acting pursuant to 108
a complaint or an action on a complaint filed under this 109
section, is not subject to the requirements of section 3127.23 110
of the Revised Code. 111

(E) For purposes of the record to be maintained by the 112
clerk under division (B) of section 2152.71 of the Revised Code, 113
when a complaint is filed that alleges that a child is a 114
delinquent child, the court shall determine if the victim of the 115
alleged delinquent act was sixty-five years of age or older or 116
permanently and totally disabled at the time of the alleged 117
commission of the act. 118

(F) (1) At any time after the filing of a complaint 119
alleging that a child is a delinquent child and before 120
adjudication, the court ~~may hold a hearing to determine whether~~ 121
~~to hold the complaint in abeyance pending the child's successful~~ 122
~~completion of actions that constitute a method to divert the~~ 123
~~child from the juvenile court system shall promptly appoint for~~ 124
the child a guardian ad litem who is not the child's attorney if 125
the child agrees to the hearing and the court has reason to 126
believe that either of the following applies might apply: 127

(a) The act charged would be a violation of section 128
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 129
were an adult. 130

(b) ~~The court has reason to believe that the child is a~~ 131
victim of a violation of section 2905.32 of the Revised Code, 132
regardless of whether any person has been convicted of a 133
violation of that section or of any other section for 134
victimizing the child, ~~and the act charged is related to the~~ 135
~~child's victimization.~~ 136

(2) The child, the child's attorney, the child's guardian 137
ad litem, or the prosecuting attorney may petition the court to 138
hold the complaint in abeyance if either of the following 139
applies: 140

(a) Division (F)(1)(a) of this section applies; 141

(b) Division (F)(1)(b) of this section applies and the act 142
charged in the complaint is related to the child's 143
victimization. 144

(3)(a) Upon the filing of a petition made under division 145
(F)(2)(a) of this section, the court may grant the petition 146
without a hearing. If the court decides to hold a hearing on the 147
petition, the court shall notify the prosecuting attorney of the 148
date, time, and location of the hearing, and the prosecuting 149
attorney has the right to participate in the hearing and may 150
object to holding the complaint in abeyance. No statement made 151
by a child at a hearing held under this division is admissible 152
in any subsequent proceeding against the child. 153

(b) Upon the filing of a petition made under division (F) 154
(2)(b) of this section, both of the following apply: 155

(i) The court may grant the petition without a hearing, 156
provided the prosecuting attorney, after receiving notice of the 157
petition, consents. 158

(ii) If the prosecuting attorney does not consent to 159
holding the complaint in abeyance, the court shall hold a 160
hearing to determine whether to hold the complaint in abeyance. 161
The prosecuting attorney shall be notified of the date, time, 162
and location of the hearing, and has the right to participate in 163
any the hearing held under division (F)(1) of this section, to 164
object to holding the complaint that is the subject of the 165

~~hearing in abeyance, and to make recommendations related to~~ 166
~~diversion actions.~~ No statement made by a child at a hearing 167
held under this division ~~(F) (1) of this section~~ is admissible in 168
any subsequent proceeding against the child. 169

~~(3) If either division (F) (1) (a) or (b) of this section~~ 170
~~applies, the court shall promptly appoint a guardian ad litem~~ 171
~~for the child. The court shall not appoint the child's attorney~~ 172
~~as guardian ad litem. If the court decides to hold the complaint~~ 173
~~in abeyance, the guardian ad litem shall make recommendations~~ 174
~~that are in the best interest of the child to the court.~~ 175

(4) If the court decides to hold a hearing under division 176
(F) (3) (a) of this section and the court after the hearing finds 177
by a preponderance of the evidence that division (F) (1) (a) of 178
this section applies, if after a hearing held under division (F) 179
(3) (b) (ii) of this section the court decides to finds by a 180
preponderance of the evidence that division (F) (1) (b) of this 181
section applies and the act charged in the complaint is related 182
to the child's victimization, or if the court grants the 183
petition without a hearing under division (F) (3) (a) or (b) (i) of 184
this section, the court shall hold the complaint in abeyance, 185
provided the child consents. The guardian ad litem shall make 186
recommendations that are in the best interest of the child. A 187
psychiatrist, psychologist, licensed professional clinical 188
counselor, or other clinician selected by the court, who has 189
assessed the child, may make recommendations that are in the 190
best interest of the child. The prosecuting attorney or the 191
child's attorney may make recommendations related to diversion 192
actions. The court may make any orders regarding placement, 193
services, supervision, diversion actions, and conditions of 194
abeyance, including, but not limited to, engagement in trauma- 195
based behavioral health services or education activities, that 196

the court considers appropriate and in the best interest of the 197
child. The court may hold the complaint in abeyance for up to 198
ninety days while the child engages in diversion actions. If the 199
child violates the conditions of abeyance or ~~does not complete~~ 200
is not actively engaging in the diversion actions to the court's 201
satisfaction within ninety days, the court may extend the period 202
of abeyance for not more than ~~two~~three additional ninety-day 203
periods. 204

(5) If the court holds the complaint in abeyance and the 205
child complies with the conditions of abeyance and ~~completes~~ 206
actively engages in the diversion actions to the court's 207
satisfaction, the court shall dismiss the complaint and order 208
that the records pertaining to the case be expunged immediately. 209
If the child fails to ~~complete~~actively engage in the diversion 210
actions to the court's satisfaction, the court shall proceed 211
upon the complaint. 212

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 213
entice, isolate, harbor, transport, provide, obtain, or 214
maintain, or knowingly attempt to recruit, lure, entice, 215
isolate, harbor, transport, provide, obtain, or maintain, 216
another person if ~~any~~either of the following applies: 217

(1) The offender knows that the other person will be 218
subjected to involuntary servitude or be compelled to engage in 219
sexual activity for hire, engage in a performance that is 220
obscene, sexually oriented, or nudity oriented, or be a model or 221
participant in the production of material that is obscene, 222
sexually oriented, or nudity oriented. 223

(2) The other person is less than ~~sixteen~~eighteen years 224
of age or is a person with a developmental disability whom the 225
offender knows or has reasonable cause to believe is a person 226

with a developmental disability, and either the offender knows 227
that the other person will be subjected to involuntary servitude 228
or the offender's knowing recruitment, luring, enticement, 229
isolation, harboring, transportation, provision, obtaining, or 230
maintenance of the other person or knowing attempt to recruit, 231
lure, entice, isolate, harbor, transport, provide, obtain, or 232
maintain the other person is for any of the following purposes: 233

(a) ~~To~~ For the other person to engage in sexual activity 234
for hire with one or more third parties; 235

(b) To engage in a performance for hire that is obscene, 236
sexually oriented, or nudity oriented; 237

(c) To be a model or participant for hire in the 238
production of material that is obscene, sexually oriented, or 239
nudity oriented. 240

~~(3) The other person is sixteen or seventeen years of age, 241
either the offender knows that the other person will be 242
subjected to involuntary servitude or the offender's knowing 243
recruitment, luring, enticement, isolation, harboring, 244
transportation, provision, obtaining, or maintenance of the 245
other person or knowing attempt to recruit, lure, entice, 246
isolate, harbor, transport, provide, obtain, or maintain the 247
other person is for any purpose described in divisions (A) (2) (a) 248
to (c) of this section, and the circumstances described in 249
division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) 250
of section 2907.03 of the Revised Code apply with respect to the 251
offender and the other person. 252~~

(B) For a prosecution under division (A) (1) of this 253
section, the element "compelled" does not require that the 254
compulsion be openly displayed or physically exerted. The 255

element "compelled" has been established if the state proves 256
that the victim's will was overcome by force, fear, duress, 257
intimidation, or fraud. 258

(C) In a prosecution under this section, proof that the 259
defendant engaged in sexual activity with any person, or 260
solicited sexual activity with any person, whether or not for 261
hire, without more, does not constitute a violation of this 262
section. 263

(D) A prosecution for a violation of this section does not 264
preclude a prosecution of a violation of any other section of 265
the Revised Code. One or more acts, a series of acts, or a 266
course of behavior that can be prosecuted under this section or 267
any other section of the Revised Code may be prosecuted under 268
this section, the other section of the Revised Code, or both 269
sections. However, if an offender is convicted of or pleads 270
guilty to a violation of this section and also is convicted of 271
or pleads guilty to a violation of section 2907.21 of the 272
Revised Code based on the same conduct involving the same victim 273
that was the basis of the violation of this section, or is 274
convicted of or pleads guilty to any other violation of Chapter 275
2907. of the Revised Code based on the same conduct involving 276
the same victim that was the basis of the violation of this 277
section, the two offenses are allied offenses of similar import 278
under section 2941.25 of the Revised Code. 279

(E) Whoever violates this section is guilty of trafficking 280
in persons, a felony of the first degree. Notwithstanding 281
division (A) (1) of section 2929.14 of the Revised Code, the 282
court shall sentence the offender to a definite prison term of 283
ten, eleven, twelve, thirteen, fourteen, or fifteen years. 284

(F) As used in this section: 285

(1) "Person with a developmental disability" means a 286
person whose ability to resist or consent to an act is 287
substantially impaired because of a mental or physical condition 288
or because of advanced age. 289

(2) "Sexual activity for hire," "performance for hire," 290
and "model or participant for hire" mean an implicit or explicit 291
agreement to provide sexual activity, engage in an obscene, 292
sexually oriented, or nudity oriented performance, or be a model 293
or participant in the production of obscene, sexually oriented, 294
or nudity oriented material, whichever is applicable, in 295
exchange for anything of value paid to any of the following: 296

(a) The person engaging in such sexual activity, 297
performance, or modeling or participation; 298

(b) Any person who recruits, lures, entices, isolates, 299
harbors, transports, provides, obtains, or maintains, or 300
attempts to recruit, lure, entice, isolate, harbor, transport, 301
provide, obtain, or maintain the person described in division 302
(F) (2) (a) of this section; 303

(c) Any person associated with a person described in 304
division (F) (2) (a) or (b) of this section. 305

(3) "Material that is obscene, sexually oriented, or 306
nudity oriented" and "performance that is obscene, sexually 307
oriented, or nudity oriented" have the same meanings as in 308
section 2929.01 of the Revised Code. 309

(4) "Third party" means, with respect to conduct described 310
in division (A) (2) (a) of this section, any person other than the 311
offender. 312

Sec. 2929.01. As used in this chapter: 313

(A) (1) "Alternative residential facility" means, subject 314
to division (A) (2) of this section, any facility other than an 315
offender's home or residence in which an offender is assigned to 316
live and that satisfies all of the following criteria: 317

(a) It provides programs through which the offender may 318
seek or maintain employment or may receive education, training, 319
treatment, or habilitation. 320

(b) It has received the appropriate license or certificate 321
for any specialized education, training, treatment, 322
habilitation, or other service that it provides from the 323
government agency that is responsible for licensing or 324
certifying that type of education, training, treatment, 325
habilitation, or service. 326

(2) "Alternative residential facility" does not include a 327
community-based correctional facility, jail, halfway house, or 328
prison. 329

(B) "Basic probation supervision" means a requirement that 330
the offender maintain contact with a person appointed to 331
supervise the offender in accordance with sanctions imposed by 332
the court or imposed by the parole board pursuant to section 333
2967.28 of the Revised Code. "Basic probation supervision" 334
includes basic parole supervision and basic post-release control 335
supervision. 336

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 337
the same meanings as in section 2925.01 of the Revised Code. 338

(D) "Community-based correctional facility" means a 339
community-based correctional facility and program or district 340
community-based correctional facility and program developed 341
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 342

(E) "Community control sanction" means a sanction that is 343
not a prison term and that is described in section 2929.15, 344
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 345
that is not a jail term and that is described in section 346
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 347
control sanction" includes probation if the sentence involved 348
was imposed for a felony that was committed prior to July 1, 349
1996, or if the sentence involved was imposed for a misdemeanor 350
that was committed prior to January 1, 2004. 351

(F) "Controlled substance," "marihuana," "schedule I," and 352
"schedule II" have the same meanings as in section 3719.01 of 353
the Revised Code. 354

(G) "Curfew" means a requirement that an offender during a 355
specified period of time be at a designated place. 356

(H) "Day reporting" means a sanction pursuant to which an 357
offender is required each day to report to and leave a center or 358
other approved reporting location at specified times in order to 359
participate in work, education or training, treatment, and other 360
approved programs at the center or outside the center. 361

(I) "Deadly weapon" has the same meaning as in section 362
2923.11 of the Revised Code. 363

(J) "Drug and alcohol use monitoring" means a program 364
under which an offender agrees to submit to random chemical 365
analysis of the offender's blood, breath, or urine to determine 366
whether the offender has ingested any alcohol or other drugs. 367

(K) "Drug treatment program" means any program under which 368
a person undergoes assessment and treatment designed to reduce 369
or completely eliminate the person's physical or emotional 370
reliance upon alcohol, another drug, or alcohol and another drug 371

and under which the person may be required to receive assessment 372
and treatment on an outpatient basis or may be required to 373
reside at a facility other than the person's home or residence 374
while undergoing assessment and treatment. 375

(L) "Economic loss" means any economic detriment suffered 376
by a victim as a direct and proximate result of the commission 377
of an offense and includes any loss of income due to lost time 378
at work because of any injury caused to the victim, and any 379
property loss, medical cost, or funeral expense incurred as a 380
result of the commission of the offense. "Economic loss" does 381
not include non-economic loss or any punitive or exemplary 382
damages. 383

(M) "Education or training" includes study at, or in 384
conjunction with a program offered by, a university, college, or 385
technical college or vocational study and also includes the 386
completion of primary school, secondary school, and literacy 387
curricula or their equivalent. 388

(N) "Firearm" has the same meaning as in section 2923.11 389
of the Revised Code. 390

(O) "Halfway house" means a facility licensed by the 391
division of parole and community services of the department of 392
rehabilitation and correction pursuant to section 2967.14 of the 393
Revised Code as a suitable facility for the care and treatment 394
of adult offenders. 395

(P) "House arrest" means a period of confinement of an 396
offender that is in the offender's home or in other premises 397
specified by the sentencing court or by the parole board 398
pursuant to section 2967.28 of the Revised Code and during which 399
all of the following apply: 400

(1) The offender is required to remain in the offender's 401
home or other specified premises for the specified period of 402
confinement, except for periods of time during which the 403
offender is at the offender's place of employment or at other 404
premises as authorized by the sentencing court or by the parole 405
board. 406

(2) The offender is required to report periodically to a 407
person designated by the court or parole board. 408

(3) The offender is subject to any other restrictions and 409
requirements that may be imposed by the sentencing court or by 410
the parole board. 411

(Q) "Intensive probation supervision" means a requirement 412
that an offender maintain frequent contact with a person 413
appointed by the court, or by the parole board pursuant to 414
section 2967.28 of the Revised Code, to supervise the offender 415
while the offender is seeking or maintaining necessary 416
employment and participating in training, education, and 417
treatment programs as required in the court's or parole board's 418
order. "Intensive probation supervision" includes intensive 419
parole supervision and intensive post-release control 420
supervision. 421

(R) "Jail" means a jail, workhouse, minimum security jail, 422
or other residential facility used for the confinement of 423
alleged or convicted offenders that is operated by a political 424
subdivision or a combination of political subdivisions of this 425
state. 426

(S) "Jail term" means the term in a jail that a sentencing 427
court imposes or is authorized to impose pursuant to section 428
2929.24 or 2929.25 of the Revised Code or pursuant to any other 429

provision of the Revised Code that authorizes a term in a jail 430
for a misdemeanor conviction. 431

(T) "Mandatory jail term" means the term in a jail that a 432
sentencing court is required to impose pursuant to division (G) 433
of section 1547.99 of the Revised Code, division (E) of section 434
2903.06 or division (D) of section 2903.08 of the Revised Code, 435
division (E) or (G) of section 2929.24 of the Revised Code, 436
division (B) of section 4510.14 of the Revised Code, or division 437
(G) of section 4511.19 of the Revised Code or pursuant to any 438
other provision of the Revised Code that requires a term in a 439
jail for a misdemeanor conviction. 440

(U) "Delinquent child" has the same meaning as in section 441
2152.02 of the Revised Code. 442

(V) "License violation report" means a report that is made 443
by a sentencing court, or by the parole board pursuant to 444
section 2967.28 of the Revised Code, to the regulatory or 445
licensing board or agency that issued an offender a professional 446
license or a license or permit to do business in this state and 447
that specifies that the offender has been convicted of or 448
pleaded guilty to an offense that may violate the conditions 449
under which the offender's professional license or license or 450
permit to do business in this state was granted or an offense 451
for which the offender's professional license or license or 452
permit to do business in this state may be revoked or suspended. 453

(W) "Major drug offender" means an offender who is 454
convicted of or pleads guilty to the possession of, sale of, or 455
offer to sell any drug, compound, mixture, preparation, or 456
substance that consists of or contains at least one thousand 457
grams of hashish; at least one hundred grams of cocaine; at 458
least one thousand unit doses or one hundred grams of heroin; at 459

least five thousand unit doses of L.S.D. or five hundred grams 460
of L.S.D. in a liquid concentrate, liquid extract, or liquid 461
distillate form; at least fifty grams of a controlled substance 462
analog; or at least one hundred times the amount of any other 463
schedule I or II controlled substance other than marihuana that 464
is necessary to commit a felony of the third degree pursuant to 465
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 466
Code that is based on the possession of, sale of, or offer to 467
sell the controlled substance. 468

(X) "Mandatory prison term" means any of the following: 469

(1) Subject to division (X)(2) of this section, the term 470
in prison that must be imposed for the offenses or circumstances 471
set forth in divisions (F)(1) to (8) or (F)(12) to (18) of 472
section 2929.13 and division (B) of section 2929.14 of the 473
Revised Code. Except as provided in sections 2925.02, 2925.03, 474
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 475
maximum or another specific term is required under section 476
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 477
described in this division may be any prison term authorized for 478
the level of offense. 479

(2) The term of sixty or one hundred twenty days in prison 480
that a sentencing court is required to impose for a third or 481
fourth degree felony OVI offense pursuant to division (G)(2) of 482
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 483
of the Revised Code or the term of one, two, three, four, or 484
five years in prison that a sentencing court is required to 485
impose pursuant to division (G)(2) of section 2929.13 of the 486
Revised Code. 487

(3) The term in prison imposed pursuant to division (A) of 488
section 2971.03 of the Revised Code for the offenses and in the 489

circumstances described in division (F) (11) of section 2929.13 490
of the Revised Code or pursuant to division (B) (1) (a), (b), or 491
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 492
section 2971.03 of the Revised Code and that term as modified or 493
terminated pursuant to section 2971.05 of the Revised Code. 494

(Y) "Monitored time" means a period of time during which 495
an offender continues to be under the control of the sentencing 496
court or parole board, subject to no conditions other than 497
leading a law-abiding life. 498

(Z) "Offender" means a person who, in this state, is 499
convicted of or pleads guilty to a felony or a misdemeanor. 500

(AA) "Prison" means a residential facility used for the 501
confinement of convicted felony offenders that is under the 502
control of the department of rehabilitation and correction but 503
does not include a violation sanction center operated under 504
authority of section 2967.141 of the Revised Code. 505

(BB) "Prison term" includes either of the following 506
sanctions for an offender: 507

(1) A stated prison term; 508

(2) A term in a prison shortened by, or with the approval 509
of, the sentencing court pursuant to section 2929.143, 2929.20, 510
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 511

(CC) "Repeat violent offender" means a person about whom 512
both of the following apply: 513

(1) The person is being sentenced for committing or for 514
complicity in committing any of the following: 515

(a) Aggravated murder, murder, any felony of the first or 516
second degree that is an offense of violence, or an attempt to 517

commit any of these offenses if the attempt is a felony of the 518
first or second degree; 519

(b) An offense under an existing or former law of this 520
state, another state, or the United States that is or was 521
substantially equivalent to an offense described in division 522
(CC) (1) (a) of this section. 523

(2) The person previously was convicted of or pleaded 524
guilty to an offense described in division (CC) (1) (a) or (b) of 525
this section. 526

(DD) "Sanction" means any penalty imposed upon an offender 527
who is convicted of or pleads guilty to an offense, as 528
punishment for the offense. "Sanction" includes any sanction 529
imposed pursuant to any provision of sections 2929.14 to 2929.18 530
or 2929.24 to 2929.28 of the Revised Code. 531

(EE) "Sentence" means the sanction or combination of 532
sanctions imposed by the sentencing court on an offender who is 533
convicted of or pleads guilty to an offense. 534

(FF) "Stated prison term" means the prison term, mandatory 535
prison term, or combination of all prison terms and mandatory 536
prison terms imposed by the sentencing court pursuant to section 537
2929.14, 2929.142, or 2971.03 of the Revised Code or under 538
section 2919.25 of the Revised Code. "Stated prison term" 539
includes any credit received by the offender for time spent in 540
jail awaiting trial, sentencing, or transfer to prison for the 541
offense and any time spent under house arrest or house arrest 542
with electronic monitoring imposed after earning credits 543
pursuant to section 2967.193 of the Revised Code. If an offender 544
is serving a prison term as a risk reduction sentence under 545
sections 2929.143 and 5120.036 of the Revised Code, "stated 546

prison term" includes any period of time by which the prison 547
term imposed upon the offender is shortened by the offender's 548
successful completion of all assessment and treatment or 549
programming pursuant to those sections. 550

(GG) "Victim-offender mediation" means a reconciliation or 551
mediation program that involves an offender and the victim of 552
the offense committed by the offender and that includes a 553
meeting in which the offender and the victim may discuss the 554
offense, discuss restitution, and consider other sanctions for 555
the offense. 556

(HH) "Fourth degree felony OVI offense" means a violation 557
of division (A) of section 4511.19 of the Revised Code that, 558
under division (G) of that section, is a felony of the fourth 559
degree. 560

(II) "Mandatory term of local incarceration" means the 561
term of sixty or one hundred twenty days in a jail, a community- 562
based correctional facility, a halfway house, or an alternative 563
residential facility that a sentencing court may impose upon a 564
person who is convicted of or pleads guilty to a fourth degree 565
felony OVI offense pursuant to division (G) (1) of section 566
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 567
section 4511.19 of the Revised Code. 568

(JJ) "Designated homicide, assault, or kidnapping 569
offense," "violent sex offense," "sexual motivation 570
specification," "sexually violent offense," "sexually violent 571
predator," and "sexually violent predator specification" have 572
the same meanings as in section 2971.01 of the Revised Code. 573

(KK) "Sexually oriented offense," "child-victim oriented 574
offense," and "tier III sex offender/child-victim offender" have 575

the same meanings as in section 2950.01 of the Revised Code.	576
(LL) An offense is "committed in the vicinity of a child"	577
if the offender commits the offense within thirty feet of or	578
within the same residential unit as a child who is under	579
eighteen years of age, regardless of whether the offender knows	580
the age of the child or whether the offender knows the offense	581
is being committed within thirty feet of or within the same	582
residential unit as the child and regardless of whether the	583
child actually views the commission of the offense.	584
(MM) "Family or household member" has the same meaning as	585
in section 2919.25 of the Revised Code.	586
(NN) "Motor vehicle" and "manufactured home" have the same	587
meanings as in section 4501.01 of the Revised Code.	588
(OO) "Detention" and "detention facility" have the same	589
meanings as in section 2921.01 of the Revised Code.	590
(PP) "Third degree felony OVI offense" means a violation	591
of division (A) of section 4511.19 of the Revised Code that,	592
under division (G) of that section, is a felony of the third	593
degree.	594
(QQ) "Random drug testing" has the same meaning as in	595
section 5120.63 of the Revised Code.	596
(RR) "Felony sex offense" has the same meaning as in	597
section 2967.28 of the Revised Code.	598
(SS) "Body armor" has the same meaning as in section	599
2941.1411 of the Revised Code.	600
(TT) "Electronic monitoring" means monitoring through the	601
use of an electronic monitoring device.	602

(UU) "Electronic monitoring device" means any of the 603
following: 604

(1) Any device that can be operated by electrical or 605
battery power and that conforms with all of the following: 606

(a) The device has a transmitter that can be attached to a 607
person, that will transmit a specified signal to a receiver of 608
the type described in division (UU) (1) (b) of this section if the 609
transmitter is removed from the person, turned off, or altered 610
in any manner without prior court approval in relation to 611
electronic monitoring or without prior approval of the 612
department of rehabilitation and correction in relation to the 613
use of an electronic monitoring device for an inmate on 614
transitional control or otherwise is tampered with, that can 615
transmit continuously and periodically a signal to that receiver 616
when the person is within a specified distance from the 617
receiver, and that can transmit an appropriate signal to that 618
receiver if the person to whom it is attached travels a 619
specified distance from that receiver. 620

(b) The device has a receiver that can receive 621
continuously the signals transmitted by a transmitter of the 622
type described in division (UU) (1) (a) of this section, can 623
transmit continuously those signals by a wireless or landline 624
telephone connection to a central monitoring computer of the 625
type described in division (UU) (1) (c) of this section, and can 626
transmit continuously an appropriate signal to that central 627
monitoring computer if the device has been turned off or altered 628
without prior court approval or otherwise tampered with. The 629
device is designed specifically for use in electronic 630
monitoring, is not a converted wireless phone or another 631
tracking device that is clearly not designed for electronic 632

monitoring, and provides a means of text-based or voice 633
communication with the person. 634

(c) The device has a central monitoring computer that can 635
receive continuously the signals transmitted by a wireless or 636
landline telephone connection by a receiver of the type 637
described in division (UU) (1) (b) of this section and can monitor 638
continuously the person to whom an electronic monitoring device 639
of the type described in division (UU) (1) (a) of this section is 640
attached. 641

(2) Any device that is not a device of the type described 642
in division (UU) (1) of this section and that conforms with all 643
of the following: 644

(a) The device includes a transmitter and receiver that 645
can monitor and determine the location of a subject person at 646
any time, or at a designated point in time, through the use of a 647
central monitoring computer or through other electronic means. 648

(b) The device includes a transmitter and receiver that 649
can determine at any time, or at a designated point in time, 650
through the use of a central monitoring computer or other 651
electronic means the fact that the transmitter is turned off or 652
altered in any manner without prior approval of the court in 653
relation to the electronic monitoring or without prior approval 654
of the department of rehabilitation and correction in relation 655
to the use of an electronic monitoring device for an inmate on 656
transitional control or otherwise is tampered with. 657

(3) Any type of technology that can adequately track or 658
determine the location of a subject person at any time and that 659
is approved by the director of rehabilitation and correction, 660
including, but not limited to, any satellite technology, voice 661

tracking system, or retinal scanning system that is so approved. 662

(VV) "Non-economic loss" means nonpecuniary harm suffered 663
by a victim of an offense as a result of or related to the 664
commission of the offense, including, but not limited to, pain 665
and suffering; loss of society, consortium, companionship, care, 666
assistance, attention, protection, advice, guidance, counsel, 667
instruction, training, or education; mental anguish; and any 668
other intangible loss. 669

(WW) "Prosecutor" has the same meaning as in section 670
2935.01 of the Revised Code. 671

(XX) "Continuous alcohol monitoring" means the ability to 672
automatically test and periodically transmit alcohol consumption 673
levels and tamper attempts at least every hour, regardless of 674
the location of the person who is being monitored. 675

(YY) A person is "adjudicated a sexually violent predator" 676
if the person is convicted of or pleads guilty to a violent sex 677
offense and also is convicted of or pleads guilty to a sexually 678
violent predator specification that was included in the 679
indictment, count in the indictment, or information charging 680
that violent sex offense or if the person is convicted of or 681
pleads guilty to a designated homicide, assault, or kidnapping 682
offense and also is convicted of or pleads guilty to both a 683
sexual motivation specification and a sexually violent predator 684
specification that were included in the indictment, count in the 685
indictment, or information charging that designated homicide, 686
assault, or kidnapping offense. 687

(ZZ) An offense is "committed in proximity to a school" if 688
the offender commits the offense in a school safety zone or 689
within five hundred feet of any school building or the 690

boundaries of any school premises, regardless of whether the 691
offender knows the offense is being committed in a school safety 692
zone or within five hundred feet of any school building or the 693
boundaries of any school premises. 694

(AAA) "Human trafficking" means a scheme or plan to which 695
all of the following apply: 696

(1) Its object is one or ~~more~~ both of the following: 697

(a) To subject a victim or victims to involuntary 698
servitude, as defined in section 2905.31 of the Revised Code or 699
to compel a victim or victims to engage in sexual activity for 700
hire, to engage in a performance that is obscene, sexually 701
oriented, or nudity oriented, or to be a model or participant in 702
the production of material that is obscene, sexually oriented, 703
or nudity oriented; 704

(b) To facilitate, encourage, or recruit a victim who is 705
~~less than sixteen years of age~~ a minor or is a person with a 706
developmental disability, or victims who are ~~less than sixteen~~ 707
~~years of age~~ minors or are persons with developmental 708
disabilities, for any purpose listed in divisions (A) (2) (a) to 709
(c) of section 2905.32 of the Revised Code; 710

~~(c) To facilitate, encourage, or recruit a victim who is~~ 711
~~sixteen or seventeen years of age, or victims who are sixteen or~~ 712
~~seventeen years of age, for any purpose listed in divisions (A)~~ 713
~~(2) (a) to (c) of section 2905.32 of the Revised Code, if the~~ 714
~~circumstances described in division (A) (5), (6), (7), (8), (9),~~ 715
~~(10), (11), (12), or (13) of section 2907.03 of the Revised Code~~ 716
~~apply with respect to the person engaging in the conduct and the~~ 717
~~victim or victims.~~ 718

(2) It involves at least two felony offenses, whether or 719

not there has been a prior conviction for any of the felony 720
offenses, to which all of the following apply: 721

(a) Each of the felony offenses is a violation of section 722
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 723
division (A) (1) or (2) of section 2907.323, or division (B) (1), 724
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 725
is a violation of a law of any state other than this state that 726
is substantially similar to any of the sections or divisions of 727
the Revised Code identified in this division. 728

(b) At least one of the felony offenses was committed in 729
this state. 730

(c) The felony offenses are related to the same scheme or 731
plan and are not isolated instances. 732

(BBB) "Material," "nudity," "obscene," "performance," and 733
"sexual activity" have the same meanings as in section 2907.01 734
of the Revised Code. 735

(CCC) "Material that is obscene, sexually oriented, or 736
nudity oriented" means any material that is obscene, that shows 737
a person participating or engaging in sexual activity, 738
masturbation, or bestiality, or that shows a person in a state 739
of nudity. 740

(DDD) "Performance that is obscene, sexually oriented, or 741
nudity oriented" means any performance that is obscene, that 742
shows a person participating or engaging in sexual activity, 743
masturbation, or bestiality, or that shows a person in a state 744
of nudity. 745

(EEE) "Accelerant" means a fuel or oxidizing agent, such 746
as an ignitable liquid, used to initiate a fire or increase the 747
rate of growth or spread of a fire. 748

Sec. 2950.01. As used in this chapter, unless the context	749
clearly requires otherwise:	750
(A) "Sexually oriented offense" means any of the following	751
violations or offenses committed by a person, regardless of the	752
person's age:	753
(1) A violation of section 2907.02, 2907.03, 2907.05,	754
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321,	755
2907.322, or 2907.323 of the Revised Code;	756
(2) A violation of section 2907.04 of the Revised Code	757
when the offender is less than four years older than the other	758
person with whom the offender engaged in sexual conduct, the	759
other person did not consent to the sexual conduct, and the	760
offender previously has not been convicted of or pleaded guilty	761
to a violation of section 2907.02, 2907.03, or 2907.04 of the	762
Revised Code or a violation of former section 2907.12 of the	763
Revised Code;	764
(3) A violation of section 2907.04 of the Revised Code	765
when the offender is at least four years older than the other	766
person with whom the offender engaged in sexual conduct or when	767
the offender is less than four years older than the other person	768
with whom the offender engaged in sexual conduct and the	769
offender previously has been convicted of or pleaded guilty to a	770
violation of section 2907.02, 2907.03, or 2907.04 of the Revised	771
Code or a violation of former section 2907.12 of the Revised	772
Code;	773
(4) A violation of section 2903.01, 2903.02, or 2903.11 of	774
the Revised Code when the violation was committed with a sexual	775
motivation;	776
(5) A violation of division (A) of section 2903.04 of the	777

Revised Code when the offender committed or attempted to commit 778
the felony that is the basis of the violation with a sexual 779
motivation; 780

(6) A violation of division (A) (3) of section 2903.211 of 781
the Revised Code; 782

(7) A violation of division (A) (1), (2), (3), or (5) of 783
section 2905.01 of the Revised Code when the offense is 784
committed with a sexual motivation; 785

(8) A violation of division (A) (4) of section 2905.01 of 786
the Revised Code; 787

(9) A violation of division (B) of section 2905.01 of the 788
Revised Code when the victim of the offense is under eighteen 789
years of age and the offender is not a parent of the victim of 790
the offense; 791

(10) A violation of division (B) of section 2903.03, of 792
division (B) of section 2905.02, of division (B) of section 793
2905.03, of division (B) of section 2905.05, or of division (B) 794
(5) of section 2919.22 of the Revised Code; 795

(11) A violation of section 2905.32 of the Revised Code 796
when ~~any~~ either of the following applies: 797

(a) The violation is a violation of division (A) (1) of 798
that section and the offender knowingly recruited, lured, 799
enticed, isolated, harbored, transported, provided, obtained, or 800
maintained, or knowingly attempted to recruit, lure, entice, 801
isolate, harbor, transport, provide, obtain, or maintain, 802
another person knowing that the person would be compelled to 803
engage in sexual activity for hire, engage in a performance that 804
was obscene, sexually oriented, or nudity oriented, or be a 805
model or participant in the production of material that was 806

obscene, sexually oriented, or nudity oriented. 807

(b) The violation is a violation of division (A) (2) of 808
that section and the offender knowingly recruited, lured, 809
enticed, isolated, harbored, transported, provided, obtained, or 810
maintained, or knowingly attempted to recruit, lure, entice, 811
isolate, harbor, transport, provide, obtain, or maintain a 812
person who is less than ~~sixteen~~ eighteen years of age or is a 813
person with a developmental disability whom the offender knows 814
or has reasonable cause to believe is a person with a 815
developmental disability for any purpose listed in divisions (A) 816
(2) (a) to (c) of that section. 817

~~(c) The violation is a violation of division (A) (3) of 818
that section, the offender knowingly recruited, lured, enticed, 819
isolated, harbored, transported, provided, obtained, or 820
maintained, or knowingly attempted to recruit, lure, entice, 821
isolate, harbor, transport, provide, obtain, or maintain a 822
person who is sixteen or seventeen years of age for any purpose 823
listed in divisions (A) (2) (a) to (c) of that section, and the 824
circumstances described in division (A) (5), (6), (7), (8), (9), 825
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 826
apply with respect to the offender and the other person. 827~~

(12) A violation of division (B) (4) of section 2907.09 of 828
the Revised Code if the sentencing court classifies the offender 829
as a tier I sex offender/child-victim offender relative to that 830
offense pursuant to division (D) of that section; 831

(13) A violation of any former law of this state, any 832
existing or former municipal ordinance or law of another state 833
or the United States, any existing or former law applicable in a 834
military court or in an Indian tribal court, or any existing or 835
former law of any nation other than the United States that is or 836

was substantially equivalent to any offense listed in division 837
(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 838
(12) of this section; 839

(14) A violation of division (A) (3) of section 2907.24 of 840
the Revised Code; 841

(15) Any attempt to commit, conspiracy to commit, or 842
complicity in committing any offense listed in division (A) (1), 843
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), 844
or (14) of this section. 845

(B) (1) "Sex offender" means, subject to division (B) (2) of 846
this section, a person who is convicted of, pleads guilty to, 847
has been convicted of, has pleaded guilty to, is adjudicated a 848
delinquent child for committing, or has been adjudicated a 849
delinquent child for committing any sexually oriented offense. 850

(2) "Sex offender" does not include a person who is 851
convicted of, pleads guilty to, has been convicted of, has 852
pleaded guilty to, is adjudicated a delinquent child for 853
committing, or has been adjudicated a delinquent child for 854
committing a sexually oriented offense if the offense involves 855
consensual sexual conduct or consensual sexual contact and 856
either of the following applies: 857

(a) The victim of the sexually oriented offense was 858
eighteen years of age or older and at the time of the sexually 859
oriented offense was not under the custodial authority of the 860
person who is convicted of, pleads guilty to, has been convicted 861
of, has pleaded guilty to, is adjudicated a delinquent child for 862
committing, or has been adjudicated a delinquent child for 863
committing the sexually oriented offense. 864

(b) The victim of the offense was thirteen years of age or 865

older, and the person who is convicted of, pleads guilty to, has 866
been convicted of, has pleaded guilty to, is adjudicated a 867
delinquent child for committing, or has been adjudicated a 868
delinquent child for committing the sexually oriented offense is 869
not more than four years older than the victim. 870

(C) "Child-victim oriented offense" means any of the 871
following violations or offenses committed by a person, 872
regardless of the person's age, when the victim is under 873
eighteen years of age and is not a child of the person who 874
commits the violation: 875

(1) A violation of division (A) (1), (2), (3), or (5) of 876
section 2905.01 of the Revised Code when the violation is not 877
included in division (A) (7) of this section; 878

(2) A violation of division (A) of section 2905.02, 879
division (A) of section 2905.03, or division (A) of section 880
2905.05 of the Revised Code; 881

(3) A violation of any former law of this state, any 882
existing or former municipal ordinance or law of another state 883
or the United States, any existing or former law applicable in a 884
military court or in an Indian tribal court, or any existing or 885
former law of any nation other than the United States that is or 886
was substantially equivalent to any offense listed in division 887
(C) (1) or (2) of this section; 888

(4) Any attempt to commit, conspiracy to commit, or 889
complicity in committing any offense listed in division (C) (1), 890
(2), or (3) of this section. 891

(D) "Child-victim offender" means a person who is 892
convicted of, pleads guilty to, has been convicted of, has 893
pleaded guilty to, is adjudicated a delinquent child for 894

committing, or has been adjudicated a delinquent child for 895
committing any child-victim oriented offense. 896

(E) "Tier I sex offender/child-victim offender" means any 897
of the following: 898

(1) A sex offender who is convicted of, pleads guilty to, 899
has been convicted of, or has pleaded guilty to any of the 900
following sexually oriented offenses: 901

(a) A violation of section 2907.06, 2907.07, 2907.08, 902
2907.22, or 2907.32 of the Revised Code; 903

(b) A violation of section 2907.04 of the Revised Code 904
when the offender is less than four years older than the other 905
person with whom the offender engaged in sexual conduct, the 906
other person did not consent to the sexual conduct, and the 907
offender previously has not been convicted of or pleaded guilty 908
to a violation of section 2907.02, 2907.03, or 2907.04 of the 909
Revised Code or a violation of former section 2907.12 of the 910
Revised Code; 911

(c) A violation of division (A) (1), (2), (3), or (5) of 912
section 2907.05 of the Revised Code; 913

(d) A violation of division (A) (3) of section 2907.323 of 914
the Revised Code; 915

(e) A violation of division (A) (3) of section 2903.211, of 916
division (B) of section 2905.03, or of division (B) of section 917
2905.05 of the Revised Code; 918

(f) A violation of division (B) (4) of section 2907.09 of 919
the Revised Code if the sentencing court classifies the offender 920
as a tier I sex offender/child-victim offender relative to that 921
offense pursuant to division (D) of that section; 922

(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;

(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.

(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.

(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-victim offender relative to the offense.

(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim 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-victim offender relative to the offense.

(F) "Tier II sex offender/child-victim offender" means any

of the following:	952
(1) A sex offender who is convicted of, pleads guilty to,	953
has been convicted of, or has pleaded guilty to any of the	954
following sexually oriented offenses:	955
(a) A violation of section 2907.21, 2907.321, or 2907.322	956
of the Revised Code;	957
(b) A violation of section 2907.04 of the Revised Code	958
when the offender is at least four years older than the other	959
person with whom the offender engaged in sexual conduct, or when	960
the offender is less than four years older than the other person	961
with whom the offender engaged in sexual conduct and the	962
offender previously has been convicted of or pleaded guilty to a	963
violation of section 2907.02, 2907.03, or 2907.04 of the Revised	964
Code or former section 2907.12 of the Revised Code;	965
(c) A violation of division (A) (4) of section 2907.05, of	966
division (A) (3) of section 2907.24, or of division (A) (1) or (2)	967
of section 2907.323 of the Revised Code;	968
(d) A violation of division (A) (1), (2), (3), or (5) of	969
section 2905.01 of the Revised Code when the offense is	970
committed with a sexual motivation;	971
(e) A violation of division (A) (4) of section 2905.01 of	972
the Revised Code when the victim of the offense is eighteen	973
years of age or older;	974
(f) A violation of division (B) of section 2905.02 or of	975
division (B) (5) of section 2919.22 of the Revised Code;	976
(g) A violation of section 2905.32 of the Revised Code	977
that is described in division (A) (11) (a), <u>or</u> (b), or (c) of this	978
section;	979

(h) 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 (F) (1) (a), (b), (c), (d), (e), (f), or (g) of this section;

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

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

(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any child-victim oriented offense when the child-victim oriented offense is committed after the child-victim offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier I sex offender/child-victim offender.

(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 II sex offender/child-victim offender relative to the offense.

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

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

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

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

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

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

(a) A violation of section 2907.02 or 2907.03 of the Revised Code;	1039 1040
(b) A violation of division (B) of section 2907.05 of the Revised Code;	1041 1042
(c) A violation of section 2903.01, 2903.02, or 2903.11 of the Revised Code when the violation was committed with a sexual motivation;	1043 1044 1045
(d) 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;	1046 1047 1048 1049
(e) A violation of division (A) (4) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age;	1050 1051 1052
(f) 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;	1053 1054 1055 1056
(g) A violation of division (B) of section 2903.03 of the Revised Code;	1057 1058
(h) 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 (G) (1) (a), (b), (c), (d), (e), (f), or (g) of this section;	1059 1060 1061 1062 1063 1064 1065
(i) Any attempt to commit, conspiracy to commit, or	1066

complicity in committing any offense listed in division (G) (1) 1067
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 1068

(j) Any sexually oriented offense that is committed after 1069
the sex offender previously has been convicted of, pleaded 1070
guilty to, or been adjudicated a delinquent child for committing 1071
any sexually oriented offense or child-victim oriented offense 1072
for which the offender was classified a tier II sex 1073
offender/child-victim offender or a tier III sex offender/child- 1074
victim offender. 1075

(2) A child-victim offender who is convicted of, pleads 1076
guilty to, has been convicted of, or has pleaded guilty to any 1077
child-victim oriented offense when the child-victim oriented 1078
offense is committed after the child-victim offender previously 1079
has been convicted of, pleaded guilty to, or been adjudicated a 1080
delinquent child for committing any sexually oriented offense or 1081
child-victim oriented offense for which the offender was 1082
classified a tier II sex offender/child-victim offender or a 1083
tier III sex offender/child-victim offender. 1084

(3) A sex offender who is adjudicated a delinquent child 1085
for committing or has been adjudicated a delinquent child for 1086
committing any sexually oriented offense and who a juvenile 1087
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 1088
of the Revised Code, classifies a tier III sex offender/child- 1089
victim offender relative to the offense. 1090

(4) A child-victim offender who is adjudicated a 1091
delinquent child for committing or has been adjudicated a 1092
delinquent child for committing any child-victim oriented 1093
offense and whom a juvenile court, pursuant to section 2152.82, 1094
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 1095
tier III sex offender/child-victim offender relative to the 1096

current offense. 1097

(5) A sex offender or child-victim offender who is not in 1098
any category of tier III sex offender/child-victim offender set 1099
forth in division (G)(1), (2), (3), or (4) of this section, who 1100
prior to January 1, 2008, was convicted of or pleaded guilty to 1101
a sexually oriented offense or child-victim oriented offense or 1102
was adjudicated a delinquent child for committing a sexually 1103
oriented offense or child-victim oriented offense and classified 1104
a juvenile offender registrant, and who prior to that date was 1105
adjudicated a sexual predator or adjudicated a child-victim 1106
predator, unless either of the following applies: 1107

(a) The sex offender or child-victim offender is 1108
reclassified pursuant to section 2950.031 or 2950.032 of the 1109
Revised Code as a tier I sex offender/child-victim offender or a 1110
tier II sex offender/child-victim offender relative to the 1111
offense. 1112

(b) The sex offender or child-victim offender is a 1113
delinquent child, and a juvenile court, pursuant to section 1114
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, 1115
classifies the child a tier I sex offender/child-victim offender 1116
or a tier II sex offender/child-victim offender relative to the 1117
offense. 1118

(6) A sex offender who is convicted of, pleads guilty to, 1119
was convicted of, or pleaded guilty to a sexually oriented 1120
offense, if the sexually oriented offense and the circumstances 1121
in which it was committed are such that division (F) of section 1122
2971.03 of the Revised Code automatically classifies the 1123
offender as a tier III sex offender/child-victim offender; 1124

(7) A sex offender or child-victim offender who is 1125

convicted of, pleads guilty to, was convicted of, pleaded guilty 1126
to, is adjudicated a delinquent child for committing, or was 1127
adjudicated a delinquent child for committing a sexually 1128
oriented offense or child-victim offense in another state, in a 1129
federal court, military court, or Indian tribal court, or in a 1130
court in any nation other than the United States if both of the 1131
following apply: 1132

(a) Under the law of the jurisdiction in which the 1133
offender was convicted or pleaded guilty or the delinquent child 1134
was adjudicated, the offender or delinquent child is in a 1135
category substantially equivalent to a category of tier III sex 1136
offender/child-victim offender described in division (G) (1), 1137
(2), (3), (4), (5), or (6) of this section. 1138

(b) Subsequent to the conviction, plea of guilty, or 1139
adjudication in the other jurisdiction, the offender or 1140
delinquent child resides, has temporary domicile, attends school 1141
or an institution of higher education, is employed, or intends 1142
to reside in this state in any manner and for any period of time 1143
that subjects the offender or delinquent child to a duty to 1144
register or provide notice of intent to reside under section 1145
2950.04 or 2950.041 of the Revised Code. 1146

(H) "Confinement" includes, but is not limited to, a 1147
community residential sanction imposed pursuant to section 1148
2929.16 or 2929.26 of the Revised Code. 1149

(I) "Prosecutor" has the same meaning as in section 1150
2935.01 of the Revised Code. 1151

(J) "Supervised release" means a release of an offender 1152
from a prison term, a term of imprisonment, or another type of 1153
confinement that satisfies either of the following conditions: 1154

(1) The release is on parole, a conditional pardon, under 1155
a community control sanction, under transitional control, or 1156
under a post-release control sanction, and it requires the 1157
person to report to or be supervised by a parole officer, 1158
probation officer, field officer, or another type of supervising 1159
officer. 1160

(2) The release is any type of release that is not 1161
described in division (J) (1) of this section and that requires 1162
the person to report to or be supervised by a probation officer, 1163
a parole officer, a field officer, or another type of 1164
supervising officer. 1165

(K) "Sexually violent predator specification," "sexually 1166
violent predator," "sexually violent offense," "sexual 1167
motivation specification," "designated homicide, assault, or 1168
kidnapping offense," and "violent sex offense" have the same 1169
meanings as in section 2971.01 of the Revised Code. 1170

(L) "Post-release control sanction" and "transitional 1171
control" have the same meanings as in section 2967.01 of the 1172
Revised Code. 1173

(M) "Juvenile offender registrant" means a person who is 1174
adjudicated a delinquent child for committing on or after 1175
January 1, 2002, a sexually oriented offense or a child-victim 1176
oriented offense, who is fourteen years of age or older at the 1177
time of committing the offense, and who a juvenile court judge, 1178
pursuant to an order issued under section 2152.82, 2152.83, 1179
2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a 1180
juvenile offender registrant and specifies has a duty to comply 1181
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 1182
Revised Code. "Juvenile offender registrant" includes a person 1183
who prior to January 1, 2008, was a "juvenile offender 1184

registrant" under the definition of the term in existence prior 1185
to January 1, 2008, and a person who prior to July 31, 2003, was 1186
a "juvenile sex offender registrant" under the former definition 1187
of that former term. 1188

(N) "Public registry-qualified juvenile offender 1189
registrant" means a person who is adjudicated a delinquent child 1190
and on whom a juvenile court has imposed a serious youthful 1191
offender dispositional sentence under section 2152.13 of the 1192
Revised Code before, on, or after January 1, 2008, and to whom 1193
all of the following apply: 1194

(1) The person is adjudicated a delinquent child for 1195
committing, attempting to commit, conspiring to commit, or 1196
complicity in committing one of the following acts: 1197

(a) A violation of section 2907.02 of the Revised Code, 1198
division (B) of section 2907.05 of the Revised Code, or section 1199
2907.03 of the Revised Code if the victim of the violation was 1200
less than twelve years of age; 1201

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 1202
the Revised Code that was committed with a purpose to gratify 1203
the sexual needs or desires of the child; 1204

(c) A violation of division (B) of section 2903.03 of the 1205
Revised Code. 1206

(2) The person was fourteen, fifteen, sixteen, or 1207
seventeen years of age at the time of committing the act. 1208

(3) A juvenile court judge, pursuant to an order issued 1209
under section 2152.86 of the Revised Code, classifies the person 1210
a juvenile offender registrant, specifies the person has a duty 1211
to comply with sections 2950.04, 2950.05, and 2950.06 of the 1212
Revised Code, and classifies the person a public registry- 1213

qualified juvenile offender registrant, and the classification 1214
of the person as a public registry-qualified juvenile offender 1215
registrant has not been terminated pursuant to division (D) of 1216
section 2152.86 of the Revised Code. 1217

(O) "Secure facility" means any facility that is designed 1218
and operated to ensure that all of its entrances and exits are 1219
locked and under the exclusive control of its staff and to 1220
ensure that, because of that exclusive control, no person who is 1221
institutionalized or confined in the facility may leave the 1222
facility without permission or supervision. 1223

(P) "Out-of-state juvenile offender registrant" means a 1224
person who is adjudicated a delinquent child in a court in 1225
another state, in a federal court, military court, or Indian 1226
tribal court, or in a court in any nation other than the United 1227
States for committing a sexually oriented offense or a child- 1228
victim oriented offense, who on or after January 1, 2002, moves 1229
to and resides in this state or temporarily is domiciled in this 1230
state for more than five days, and who has a duty under section 1231
2950.04 or 2950.041 of the Revised Code to register in this 1232
state and the duty to otherwise comply with that applicable 1233
section and sections 2950.05 and 2950.06 of the Revised Code. 1234
"Out-of-state juvenile offender registrant" includes a person 1235
who prior to January 1, 2008, was an "out-of-state juvenile 1236
offender registrant" under the definition of the term in 1237
existence prior to January 1, 2008, and a person who prior to 1238
July 31, 2003, was an "out-of-state juvenile sex offender 1239
registrant" under the former definition of that former term. 1240

(Q) "Juvenile court judge" includes a magistrate to whom 1241
the juvenile court judge confers duties pursuant to division (A) 1242
(15) of section 2151.23 of the Revised Code. 1243

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

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

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

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

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

(W) "Community control sanction" has the same meaning as 1273
in section 2929.01 of the Revised Code. 1274

(X) "Halfway house" and "community-based correctional 1275
facility" have the same meanings as in section 2929.01 of the 1276
Revised Code. 1277

Section 2. That existing sections 2152.021, 2905.32, 1278
2929.01, and 2950.01 of the Revised Code are hereby repealed. 1279