

**As Reported by the Senate Judiciary Committee**

**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**

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**A BILL**

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

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

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

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

<b>Sec. 2950.01.</b> 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	923
existing or former municipal ordinance or law of another state	924
or the United States, any existing or former law applicable in a	925
military court or in an Indian tribal court, or any existing or	926
former law of any nation other than the United States, that is	927
or was substantially equivalent to any offense listed in	928
division (E) (1) (a), (b), (c), (d), (e), or (f) of this section;	929
(h) Any attempt to commit, conspiracy to commit, or	930
complicity in committing any offense listed in division (E) (1)	931
(a), (b), (c), (d), (e), (f), or (g) of this section.	932
(2) A child-victim offender who is convicted of, pleads	933
guilty to, has been convicted of, or has pleaded guilty to a	934
child-victim oriented offense and who is not within either	935
category of child-victim offender described in division (F) (2)	936
or (G) (2) of this section.	937
(3) A sex offender who is adjudicated a delinquent child	938
for committing or has been adjudicated a delinquent child for	939
committing any sexually oriented offense and who a juvenile	940
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85	941
of the Revised Code, classifies a tier I sex offender/child-	942
victim offender relative to the offense.	943
(4) A child-victim offender who is adjudicated a	944
delinquent child for committing or has been adjudicated a	945
delinquent child for committing any child-victim oriented	946
offense and who a juvenile court, pursuant to section 2152.82,	947
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a	948
tier I sex offender/child-victim offender relative to the	949
offense.	950
(F) "Tier II sex offender/child-victim offender" means any	951

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), or (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
<b>Section 2.</b> That existing sections 2152.021, 2905.32,	1278
2929.01, and 2950.01 of the Revised Code are hereby repealed.	1279