

IN THE
SUPREME COURT OF OHIO

IN RE D.R.,

A Minor Child, Appellee.

Case No. 2021-0934

On Appeal from the Hamilton County
Court of Appeals, First Appellate
District

Appellate Case No.: C-1900594

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INTRODUCTION

Classification as a sex offender is one of the most severe sanctions that can be imposed by the juvenile court. Unlike virtually all other penalties in juvenile court, a sex offender classification and its stigma can follow a child into adulthood. As to offenders such as D.R., who were 16 or 17 at the time of their offense and were initially classified as a Tier I sex offender, R.C. 2152.84(A) mandates a hearing but makes continued status as a juvenile offender registrant automatic. The juvenile court is stripped of its ability to exercise discretion, undercutting the rehabilitative purpose of the juvenile system. This violates procedural due process.

Juvenile justice is all about second chances; it is meant to hold children accountable while providing services to help children grow into responsible, law-abiding adults. It is not meant to burden the child with punishment and sanctions after the child has been rehabilitated. The First District correctly determined that the process provided in R.C. 2152.84 was not adequate, was fundamentally unfair, and deprived D.R. of protected interests without due process of law. Therefore, the First District determined that R.C. 2152.84 was unconstitutional as applied to D.R.

STATEMENT OF THE CASE AND FACTS

When D.R. was 16 years old, a group of friends spent the night at his house. (Exhibit 1, p. 6; 8/17/2018 T.p. 9). S.L., who was 12 at the time, was one of the friends who stayed that night. *Id.* D.R. and S.L. had known each other for a long time. *Id.* Their mothers were best friends, and the two had essentially grown up together. *Id.* D.R. was interested in S.L. romantically and believed there was some mutual interest on the part of S.L. (8/17/2018 T.p. 26-27).

That night, while watching a movie, S.L. sat on D.R.'s lap. (Exhibit 1, p. 7). At some point, D.R. began to touch S.L., first over her clothes, and then under. (Exhibit 1, p. 7; 8/17/2018 T.p. 10). When the touching progressed to her genitals, S.L. told D.R. to stop. *Id.* Later in the evening,

D.R. again made advances towards S.L. and ultimately performed oral sex on S.L. (Exhibit 1, p. 7; 8/17/2018 T.p. 10, 18). S.L. said nothing during this portion of the encounter. (8/17/2018 T.p. 10). When D.R. was questioned about the incident by a court evaluator, D.R. explained that when she did not tell him to stop, he thought it was okay. (Exhibit 1, p. 7, 12).

On April 5, 2018, D.R. entered a plea of admit and was adjudicated of gross sexual imposition, a third-degree felony if committed by an adult. (T.d. 12, 13). The disposition hearing was held on August 17, 2018, where the court ordered the following: restitution, stay away from the victim, suspended commitment to Department of Youth Services (DYS), and probation. (T.d. 25). As part of probation, D.R. was ordered to attend and complete treatment services through Lighthouse Youth Services Sex Offender Program. *Id.*

At the initial classification hearing on August 23, 2018, the court only had discretion to determine what tier level to classify D.R.; as D.R. was 16 years old at the time of the offense, he was a mandatory registrant. After considering the nature of the offense, D.R.'s genuine remorse for the offense, and the other statutory factors, the juvenile court classified D.R. as a Tier I juvenile offender registrant, the lowest tier level. (T.d. 28, 29).

D.R. completed services through Lighthouse on February 25, 2019. (Exhibit 1 and 2). An end of disposition hearing pursuant to R.C. 2152.84 was held on June 7, 2019. (T.d. 39). At that hearing, the great improvements D.R. made during his treatment were noted. (6/7/2019 T.p. 4-7). As part of this hearing, the magistrate also received and reviewed a probation termination report which stated, in part, the following:

While on probation, [D.R.] did not pick up any new charges. [D.R.] has been involved with Lighthouse Sex Offender Specific Program. [D.R.] did very well while in treatment with Lighthouse. There were no attendance issues nor did he have any issues engaging with treatment providers. * * * [D.R.] reports having a good relationship with his mother. Ms. [W] has been very cooperative with probation and has held [D.R.] accountable for his

actions while on probation. [D.R.] * ** graduated [high school] on May 23, 2019. [D.R.] is currently working * ** . [D.R.] plans on attending Cincinnati State in the fall. [D.R.] completed the supervision goal of increasing his ability to identify and personalize high risk situations. This goal was met with treatment with Lighthouse Youth Services. [D.R.] completed treatment in February, 2019.

(T.d. 40; 8/28/19 T.p. 19-20). As to the concern about D.R. having access to pornography, the probation officer clarified that the issue occurred at the beginning of probation; after D.R. was counseled on the issue, there were no further concerns. (6/7/19 T.p. 18).

Two stipulated exhibits were also entered into evidence: (1) Exhibit 1 – a Psychological Evaluation of D.R. opining that he was a low risk to re-offend; and (2) Exhibit 2 – Lighthouse Youth Services Discharge/Transition Summary, which indicated D.R. successfully completed the sex offender program. (T.d. 39). These demonstrated that through his treatment, D.R. had eliminated the risk factors that were present at the time the offense was committed and when the initial classification was entered. The evaluator also found no risk factors on the community stability scale or the intervention scale. (Exhibit 1; 6/7/19 T.p. 6).

The court also heard evidence as to D.R.’s change in his understanding of the offense and how it affected the victim:

[D.R.] reported that he talked extensively with his mother about what he learned about the victim’s perspective, emphasizing how easy it is to freeze in those situations. He went on to state that while he had previously believed that the victim should have said “no” more seriously than she did, he noted that his group therapy helped him realize this was a cognitive distortion.

He went on to note that he has since explained to his mother that he learned not all victims respond the same way and many do not know how to respond when they are abused, leaving them to freeze and not telling the perpetrator to stop.

He noted that once he gained insight to the victim’s perspective, he now feels completely responsible for the situation.

(Exhibit 1; 6/7/2019 T.p. 5-6).

Although the court had all this positive information demonstrating D.R.'s rehabilitation and his low risk to re-offend, D.R.'s classification as a Tier I registrant was continued as required by R.C. 2152.84(A)(2)(a). (T.d. 40). In reaching this decision, the magistrate stated: "I agree that the current state of the law is that I don't have authority to remove him. Until the higher court says that can happen we are bound by those decisions, *despite what I want to do.*" (Emphasis added.) (6/7/2019 T.p. 19). D.R. was also terminated from official probation and placed on non-reporting probation with monitored time. (T.d. 40).

D.R. filed objections to the magistrate's decision. (T.d. 42, 58). He argued that the statute violated his procedural as well as substantive due process rights, as well as his right to equal protection under the law. (8/28/19 T.p. 11-15; T.d. 58). The juvenile court adopted and affirmed the magistrate's decision on September 17, 2019, finding it was "constrained by current precedent," but noted "[t]he issue at bar is one which has some merit" and "invite[d] an appeal to address this narrow issue." (T.d. 63, 64). Since the juvenile court's September 17, 2019 entry did not state that D.R.'s classification was continued, the juvenile court entered a nunc pro tunc entry on October 4, 2019, ordering D.R.'s classification as a Tier I juvenile offender registrant be continued. (T.d. 64). The juvenile court also adopted the decision terminating D.R. from official probation and placed him on non-reporting probation with monitored time. (T.d. 40, 63, 64).

D.R. timely sought review by the First District Court of Appeals challenging multiple issues related to his classification, including: (1) R.C. 2152.84 violated D.R.'s right to procedural and substantive due process as guaranteed by the U.S. and Ohio Constitutions; (2) continued mandatory registration as required under R.C. 2152.84(A)(2)(A) violated D.R.'s right to equal protection under the U.S. and Ohio Constitutions; and (3) the continued classification of D.R. as a

Tier I Offender constitutes cruel and unusual punishment in violation of the U.S. and Ohio Constitutions.

Upon review of D.R.'s appeal, the First District Court of Appeals reversed the juvenile court's order continuing D.R.'s Tier I classification. *In re D.R.*, 2021-Ohio-1797, 173 N.E.3d 103, ¶ 17 (1st Dist.) ("6/26/21 Opinion"). In reaching its decision, the First District held that "D.R.'s continued classification as a Tier I juvenile-offender registrant violated his procedural due-process rights." *Id.* at ¶ 16. The First District remanded the case "for a new completion-of-disposition hearing under R.C. 2152.84, during which the juvenile court may exercise its discretion to continue D.R.'s classification as a Tier I juvenile-offender registrant or declassify him." (6/26/21 Opinion at ¶ 17). The First District rejected D.R.'s equal protection argument but declined to address D.R.'s challenges to substantive due process and cruel and unusual punishment. *Id.* at ¶¶ 7, 14, 16. The State filed a motion for reconsideration, which was denied by the First District on June 25, 2021.

ARGUMENT

Appellee's Response to Appellant's Proposition of Law: Automatic continued classification at the end of disposition under R.C. 2152.84(A)(2) for mandatory juvenile sex offender registrants initially classified as Tier I violates fundamental fairness and procedural due process.

Classification for children adjudicated of sexually oriented offenses is not based on the offense as it is for adults. *See In re R.B.*, 162 Ohio St.3d 281, 2020-Ohio-5476, 165 N.E.3d 288, ¶ 5. Rather, classification and registration for children is governed by R.C. 2152.82 through R.C. 2152.86. For children who committed the offense at age 14 or 15, the juvenile court has discretion whether to hold a classification hearing or impose a classification at all; if classification is imposed, the court maintains discretion to determine the appropriate tier level. R.C. 2152.83(B)(1);(B)(2);(C)(1); 2152.831(A) and (B). For children who committed the offense at age

16 or 17, classification as a juvenile offender registrant is mandatory. R.C. 2152.83(A)(1).¹ Although classification is mandatory, the specific tier level is left to the discretion of the juvenile court judge. R.C. 2152.83(A)(2); 2152.831(A) and (B).

All children classified as sexual offenders, whether mandatory or discretionary, must receive a hearing at the completion of the child's disposition to determine whether the child responded to rehabilitation and whether the child poses a risk to re-offend. R.C. 2152.84(A)(1). At the completion of disposition hearing, the juvenile court must determine whether the classification should be continued, modified, or terminated. R.C. 2152.84(A)(2).

For mandatory registrants who were initially classified as Tier I, like D.R., classification is not statutorily permitted to be terminated at the completion of disposition. R.C. 2152.84(A)(2)(b) ("Division (A)(2)(b) of this section does not apply to a prior order issued under section 2152.82 or division (A) of section 2152.83 of the Revised Code."). Furthermore, modification of the classification is not available, as Tier I is the lowest tier a registrant can be classified. R.C. 2152.84(A)(2)(c) and (B). Continued classification is automatic at the end of disposition, even if the youth demonstrated to the juvenile court rehabilitation has been achieved. The same cannot be said for any other child registrant. Termination, modification, or continuation is available for all discretionary child registrants. *See* R.C. 2152.84. Although continued registration is required for other mandatory registrants, those initially classified as Tier II or II may receive a reduction of their tier level. *Id.*

¹ Mandatory registration is also imposed for repeat offenders as set forth in R.C. 2152.82. For ease, references in the brief to "mandatory registrants" refer to those offenders aged 16 or 17 at the time of the offense and classified under R.C. 2152.83(A). "Discretionary registrants" refer to those offenders aged 14 or 15 at the time of the offense and who are classified pursuant to R.C. 2152.83(B).

As found by the First District, R.C. 2152.84(A)(2) is unconstitutional as applied to D.R. Specifically, R.C. 2152.84(A)(2) violates the fundamental fairness requirement for due process, as it mandates continued classification and registration at the end of disposition without meaningful review or discretion by the juvenile court to determine an appropriate penalty for children initially classified as mandatory Tier I registrants. (6/26/21 Opinion at ¶¶ 12-14). Continued registration by operation of law, rather than by an individualized assessment, creates an irrebuttable presumption and completely undercuts the rehabilitative purpose of juvenile court. As applied to D.R., the process provided in R.C. 2152.84 is fundamentally unfair as he lowered his risk to re-offend and was successfully rehabilitated, yet the court could not consider this information at the completion of disposition in deciding whether D.R.’s classification should be terminated. As a result, the First District found that R.C. 2152.84 violated D.R.’s procedural due process rights. *Id.*

I. The presumption of constitutionality is rebuttable.

While R.C. 1.47(A) dictates that a statute is presumed constitutional, “[c]ourts have a duty to liberally construe statutes ‘to save them from constitutional infirmities.’” *State v. Mole*, 149 Ohio St.3d 215, 2016-Ohio-5124, 74 N.E.83d 368, ¶ 11, quoting *Desenco Inc v. Akron*, 84 Ohio St.3d 535, 538, 1999-Ohio-368, 706 N.E.2d 323 (1999). When the statute and the Constitution are clearly incompatible beyond a reasonable doubt, then the presumption of constitutionality is rebutted. *Mole* at ¶ 11. This case presents one of those situations where the statute did not meet procedural due process standards of fundamental fairness.

II. The due process standard in juvenile proceedings is fundamental fairness.

The Due Process Clause of the Fourteenth Amendment provides: “[N]or shall any State deprive any person of life, liberty, or property, without due process of law.” Ohio’s Due Course of Law Clause in Article I, Section 16 has been equated with the Due Process Clause of the

Fourteenth Amendment to the United States Constitution. *See Adler v. Whitbeck*, 44 Ohio St. 539, 569, 9 N.E. 672 (1887). Due process rights are applicable to children through the Due Process Clause of the Fourteenth Amendment to the United States Constitution and Article I, Section 16 of the Ohio Constitution. *In re M.I.*, 2017-Ohio-1524, 88 N.E.3d 1276, ¶ 7 (1st Dist.); *In re D.S.*, 146 Ohio St.3d 182, 2016-Ohio-1027, 54 N.E.3d 1184, ¶ 28, citing *In re C.S.*, 115 Ohio St.3d 267, 2007-Ohio-4919, 874 N.E.2d 1177, ¶ 79, and *In re Gault*, 387 U.S. 1, 41, 87 S.Ct. 1428, 18 L.Ed.2d 527 (1967).

The Due Process Clause forbids arbitrary deprivations of liberty. *Goss v. Lopez*, 419 U.S. 565, 95 S.Ct. 729, 42 L.Ed.2d 725 (1975). However, “[d]ue process is a flexible concept that varies depending on the importance attached to the interest at stake and the particular circumstances under which the deprivation may occur.” *State v. Aalim*, 150 Ohio St.3d 489, 2017-Ohio-2956, 83 N.E.3d 883, ¶ 22, citing *Walters v. Natl. Assn. of Radiation Survivors*, 473 U.S. 305, 320, 105 S.Ct. 3180, 87 L.Ed.2d 220 (1985). These provisions have been interpreted to include both a substantive and procedural component. *See, e.g., Ferguson v. State*, 151 Ohio St.3d 265, 2017-Ohio-7844, 87 N.E.3d 1250, ¶¶ 42-43.

A. The First District’s decision turned on a violation of procedural due process.

Procedural due process refers to the *procedures* the government must follow before it deprives a person of life, liberty, or property. *Ferguson* at ¶ 42. Procedural due process requires that an individual be given an opportunity to be heard “at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 335, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976). This analysis focuses on the adequacy of the hearing:

The hearing required by the Due Process Clause must be ‘meaningful,’ and ‘appropriate to the nature of the case.’ It is a proposition which hardly seems to need explication that a hearing which excludes consideration of an element essential to the decision * * * does not meet this standard.

(Citations omitted.) *Bell v. Burson*, 402 U.S. 535, 541-542, 91 S.Ct. 1586, 29 L.Ed.2d 90 (1971)

The United States Supreme Court has made clear that “[t]he extent to which procedural due process must be afforded the recipient is influenced by the extent to which he may be ‘condemned to suffer grievous loss.’” *Goldberg v. Kelly*, 397 U.S. 254, 262-263, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970)

(Citations omitted).

Conversely, substantive due process entails fundamental rights and liberties rooted at the core of this Nation’s history and tradition, which must be carefully described. *See Washington v. Glucksberg*, 521 U.S. 702, 719-721, 117 S.Ct. 2258, 117 S.Ct. 2302, 138 L.Ed.2d 772 (1997)

(Citation omitted). Substantive due process “forbids the government to infringe on certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest.” *In re Raheem L*, 2013-Ohio-2423, 993 N.E.2d 455, ¶ 7 (1st Dist.) quoting *Reno v. Flores*, 507 U.S. 292, 302, 113 S.Ct. 1439, 123 L.Ed.2d 1 (1993).

Although both the State and its Amici reference arguments pertaining to substantive due process, the First District determined R.C. 2152.84 violated procedural due process and declined to address whether it also violated substantive due process. (State/Appellant’s Brief, p. 11-12; Brief of Amicus Attorney General (“AG”), p. 8, 10-11; Brief of Amicus Ohio Prosecuting Attorneys Association (“OPAA”), p. 1-2, 9-10, 13-17, 19); *Contra* (6/26/21 Opinion at ¶ 16). Additionally, the State’s Amici conflate the analyses for procedural versus substantive due process. (*See* Amicus AG’s Brief, p. 6-8, 10-11; Amicus OPAA’s Brief, p. 1-2, 9-10, 14-16). As the First District’s decision only addressed procedural due process, the focus of the analysis is on the adequacy of the procedures at the end of disposition.

B. Fundamental fairness is the overarching concern for children.

Juvenile courts “occupy a unique place in our legal system.” *In re C.S.*, 115 Ohio St.3d 267, 2007-Ohio-4919, 874 N.E.2d 1177, ¶ 65. “Punishment is not the goal of the juvenile system, except as necessary to direct the child toward the goal of rehabilitation.” *In re C.P.*, 131 Ohio St.3d 513, 2012-Ohio-1446, 967 N.E.2d 729, ¶ 77, quoting *In re Caldwell*, 76 Ohio St.3d 156, 157, 666 N.E.2d 1367 (1996). “Since its origin, the juvenile justice system has emphasized individual assessment, the best interest of the child, treatment, and rehabilitation, with a goal of reintegrating juveniles back into society.” *State v. Hanning*, 89 Ohio St.3d 86, 88, 728 N.E.2d 1059 (2000).

Both the United States Supreme Court and this Court have held that children may be treated differently than adults from a due process perspective. *See In re C.P.* at ¶ 71. According to the United States Supreme Court, “the applicable due process standard in juvenile proceedings * * * is fundamental fairness.” *McKeiver v. Pennsylvania*, 403 U.S. 528, 543, 91 S.Ct. 1976, 29 L.Ed.2d 647 (1971) (plurality opinion). This Court has also applied a “fundamental-fairness standard in addressing due process concerns, holding that a balanced approach is required to preserve the special nature of the juvenile process.” *In re C.P.* at ¶ 73, citing *State v. D.H.*, 120 Ohio St.3d 540, 2009-Ohio-9, 901 N.E.2d 209, ¶ 50; *see also In re D.S.*, 146 Ohio St.3d 182, 2016-Ohio-1027, 54 N.E.3d 1184 ¶¶ 27-40; *State v. Hand*, 149 Ohio St.3d 94, 2016-Ohio-5504, 73 N.E.3d 448, ¶¶ 11-37. However, the definition of “fundamental fairness” is not exact. *In re C.S.* at ¶ 80. Rather, the Court’s task is to ascertain what process is due in a given case to ensure orderliness and fairness. *Id.* at ¶ 81.

C. Children classified as sexual offenders, especially those kept within the juvenile system, have several interests at stake that are entitled to procedural due process protections.

Once a State provides statutory rights greater than those afforded by the United States Constitution, the Constitution prohibits the State from divesting citizens of those rights without

due process. *Aalim*, 150 Ohio St.3d 489, 2017-Ohio-2956, 83 N.E.3d 883, ¶ 78 (O'Connor, C.J., dissenting) citing *Connecticut Bd. of Pardons v. Dumschat*, 452 U.S. 458, 463, 101 S.Ct. 2460, 69 L.Ed.2d 158 (1981); *see also Sandin v. Conner*, 515 U.S. 472, 477-478, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995) (“State’s may under certain circumstances create liberty interests which are protected by the Due Process Clause.”) citing *Wolf v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974).

1. All child registrants have a right to a meaningful end of disposition hearing to review the child’s classification.

The General Assembly directed that all discretionary and mandatory child registrants, regardless of their tier level, receive a mandatory hearing at the completion of the child’s disposition pursuant to R.C. 2152.84 to determine whether the child responded to treatment and whether the child poses a risk to re-offend. R.C. 2152.84(A)(1); *In re D.S.*, 146 Ohio St.3d 182, 2016-Ohio-1027, 967 N.E.3d 279, ¶ 35. The importance of the end of disposition hearing cannot be minimized. In fact, at the initial classification hearing for all children classified as a sexual offender, the court is *required* to tell the child that a second hearing will be held at the end of disposition and that the classification order is subject to “modification or termination” pursuant to R.C. 2152.84. *See* R.C. 2152.82(B)(1); 2152.83(C)(3). The General Assembly also repeatedly pointed to the importance of the end of disposition hearing throughout the statutory scheme, noting the classification order is subject to “modification or termination.” *See* R.C. 2152.82(C); 2152.83(E); 2152.851. As aptly put by the United States Supreme Court, discretion vested in the juvenile court is not “a license for arbitrary procedure.” *Kent v. United States*, 383 U.S. 541, 533, 86 S.Ct. 1045, 16 L.Ed.2d 84 (1966). Yet, R.C. 2152.84 results in an arbitrary procedure for mandatory registrants classified as Tier I.

Children who remain under the jurisdiction of the juvenile court and are classified as sexual offenders have a right to a meaningful hearing at the completion of their disposition pursuant to R.C. 2152.84. Accordingly, based on R.C. 2152.84, children have a vested right in having an end of disposition hearing and the procedural due process protections that accompany it. This includes the right to a meaningful hearing where the court has discretion to determine whether to continue or remove the classification of a Tier I mandatory registrant.

2. Children also have other interests at stake.

In the context of punishment, the United States Supreme Court has been clear: children are different and have a fundamental right to be treated as children. *See, e.g., Miller v. Alabama*, 567 U.S. 4678, 132 S.Ct. 2455, 2464, 183 L.Ed.2d 407 (2012). As this Court noted in *In re C.P.*:

[F]undamental fairness is not a one-way street that allows only for an easing of due process requirements for juveniles; instead, fundamental fairness may require * * * additional procedural safeguards for juveniles in order to meet of (sic) the juvenile system's goals of rehabilitation and reintegration into society.

In re C.P., 131 Ohio St.3d 513, 2012-Ohio-1446, 967 N.E.2d 729, ¶ 85.

Children who remain under the jurisdiction of the juvenile court have a right to rehabilitation within the juvenile system. *In re W.Z.*, 194 Ohio App.3d 610, 2011-Ohio-3238, 957 N.E.2d 367, ¶ 52 (6th Dist.). The juvenile justice system is based on “individualized assessment of the juvenile followed by rehabilitation and reintegration into society, rather than rote assessments focused only on the child’s age and misconduct, with the ultimate goal of punishment.” *Aalim*, 150 Ohio St.3d 489, 2017-Ohio-2956, 83 N.E.3d 883, ¶ 100, (O’Connor, C.J., dissenting), citing *State v. Hanning*, 89 Ohio St.3d 86, 88-89, 728 N.E.2d 1059; *Kent v. United States*, 383 U.S. 541, 86 S.Ct. 1045, 16 L.Ed.2d 84 (1966).

Additionally, the General Assembly has “provided juveniles with certain liberty interests by statutory protection of privacy, including confidentiality of juvenile records and identity in

court proceedings, closed hearings, and sealed records.” *In re W.Z.* at ¶¶ 51-52 (6th Dist.). This is consistent with the understanding that children require special protections and are different than adults. *Id.* (Citations omitted).

Youth, such as D.R., also have a liberty interest in their reputation, and specifically, a reputation without the label “sex offender.” *See, e.g., Collins v. Wolfson*, 498 F.2d 1100, 1103 (5th Cir.1974). A person’s reputation has been recognized as a liberty interest under the Due Process Clause. *Wisconsin v. Constantineau*, 400 U.S. 433, 437, 91 S.Ct. 507, 27 L.Ed.2d 51 (1971); *Goss*, 419 U.S. 565, 95 S.Ct. 729, 42 L.Ed.2d 725 (1975). Moreover, Article I, Section 16 of the Ohio Constitution expressly protects the right to reputation.

Being labeled a sexual offender creates numerous barriers in a young person’s life. As this Court stated in *In re C.P.*:

Registration and notification requirements frustrate two of the fundamental elements of juvenile rehabilitation: confidentiality and the avoidance of stigma. Confidentiality promotes rehabilitation by allowing the juvenile to move into adulthood without the baggage of youthful mistakes. Public exposure of those mistakes brands the juvenile as undesirable wherever he goes.

In re C.P., 131 Ohio St.3d 513, 2012-Ohio-1446, 967 N.E.2d 729, ¶ 67. “Because [classification] is punitive, and thus imposes a punishment, the possibility exists that a sexual offender may be deprived of a protected liberty interest by virtue of his classification.” *State v. Metcalf*, 12th Dist. Warren No. CA2015-03-022, 2016-Ohio-4923, 68 N.E.3d 371, ¶ 19. As outlined by the Amicus Ohio Public Defender (“OPD”), the label “sex offender” perpetuates several myths and assumptions. (*See* Amicus OPD’s Brief, p. 5-10). Moreover, the corresponding duty to registry imposes numerous burdens on the child and the child’s family. *Id.* at p. 16-24. Removal from the registry permits child offenders to leave their indiscretions in juvenile court. Therefore, it is

undeniable that a child has a significant interest in the opportunity for removal from the registry at the completion of disposition hearing.

Since the statute confers certain interests and rights to D.R. and he has other significant interests at stake, the State cannot deprive D.R. of those interests without first providing adequate procedural due process protections at the end of disposition hearing.

3. The argument that the First District did not properly conduct a procedural due process analysis is without merit.

The State's Amici advance an argument that the First District did not properly conduct a due process analysis because the First District did not identify a specific liberty interest and that D.R. did not have an interest that would entitle him to procedural due process protections. (Amicus AG's Brief, p. 7-8, 12; Amicus OPAA's Brief, p. 11, 13). This argument was not raised by the State in its Merit Brief, and therefore is not properly before this Court. Furthermore, this was not raised by the State at the trial or appellate level. App.d. 26. "[A]mici curiae are not parties to an action and may not, therefore, interject issues and claims not raised by the parties." *State ex. rel. Citizen Action v. Hamilton County Bd. of Elections*, 115 Ohio St.3d 437 2007-Ohio-5379, 875 N.E.2d 902, ¶ 26, citing *Lakewood v. State Emp. Relations Bd.*, 66 Ohio App.3d 387, 394, 584 N.E.2d 70 (8th Dist.1990).

While the State deferred to the "propositions of law set forth by the Amicus Curiae in their briefs," this Court accepted jurisdiction of this case based on the State's proposition of law which solely addressed whether the process provided in R.C. 2152.84 is fundamentally fair and complies with state and federal due process. (State/Appellant's Brief, p. 3, 11). However, even if the State's deferment to the propositions of law by its Amici are enough to constitute a claim raised by a party on this issue, the argument still fails.

While not referring to a specific “liberty” interest, the First District addressed several interests that must be protected at the end of disposition hearing to satisfy fundamental fairness: (1) a meaningful hearing; (2) discretion of the juvenile court judge to determine the appropriate penalty for mandatory Tier I registrants once they complete disposition; (3) an emphasis on corrective treatment and rehabilitation; and (4) ability of the court to consider individual factors about a child and the recognition that child offenders are less culpable and more able to be reformed than adults. (*See* 6/26/21 Opinion at ¶¶ 12-14).

The interests identified by the First District align with the protected interests repeatedly found by this Court as to children when reviewing procedural due process issues. *See In re D.S.*, 146 Ohio St.3d 182, 2016-Ohio-1027, 54 N.E.3d 1184 ¶¶ 27-40; *In re C.P.*, 131 Ohio St.3d 513, 2012-Ohio-1446, 967 N.E.2d 729, ¶¶ 70-87; *State v. Hand*, 149 Ohio St.3d 94, 2016-Ohio-5504, 73 N.E.3d 448, ¶¶ 11-37; *D.H.*, 120 Ohio St.3d 540, 2009-Ohio-9, 901 N.E.2d, 209, ¶¶ 18-60. In fact, the majority opinion in both *In re D.S.* and *In re C.P.* do not even use the word “liberty interest.” Therefore, this argument must fail.

D. Procedural due process protections are necessary and required at an end of disposition hearing to ensure fundamental fairness.

Because D.R. had several protected interests at stake, the next step is to determine the adequacy of the procedures used. *See, e.g., Walters v. Natl. Assn. of Radiation Survivors*, 473 U.S. 305, 320, 105 S.Ct. 3180, 87 L.Ed.2d 220 (1985). When the legislature has established a right to an individualized determination, the procedures used must satisfy due process requirements. *See, e.g. State v. McKinney*, 2015-Ohio-4398, 46 N.E.3d 179, ¶ 16 (1st Dist.), citing *Kent v. United States*, 383 U.S. 541, 86 S.Ct. 1045, 16 L.Ed.2d 84 (1966).

Here, the State and its Amici assert that mandatory Tier I child offenders do not have a right to their sex-offender classification terminating immediately upon completion of their

disposition. (State/Appellant's Brief, p. 11-12; Amicus AG's Brief, p. 5, 7-8, 10-12; Amicus OPAA's Brief, p. 10, 13-14). The State and its Amici fail to recognize that by virtue of the General Assembly enacting a statute that requires the juvenile court to hold a hearing and consider numerous factors, children classified as a sexual offender have a right to procedural protections at the end of disposition hearing. Children also have a liberty interest in their reputation and not being classified as a sexual offender. Furthermore, the State and its Amici fail to acknowledge the special nature of juvenile court proceedings, which focus on and rehabilitation of children and discretion of the juvenile court to determine an appropriate penalty. This too brings it within the threshold to justify procedural due process protections.

To ensure the end of disposition hearing comports with due process as one that is meaningful, it must provide the child with the opportunity for relief, i.e., termination of the child's sex offender classification. Thus, there is a "right" to termination upon the completion of disposition, so long as the statutory procedure is followed, and the court finds the child worthy of said termination.

1. Determining whether a child has been rehabilitated is at the heart of an end of disposition hearing; therefore, a meaningful hearing is required.

The United States Supreme Court has been clear that procedural due process can require a hearing to prove or disprove a set of facts where the facts at issue are relevant to the inquiry at hand. *Wisconsin v. Constantineau*, 400 U.S. 433, 435-437, 439, 91 S.Ct. 507, 27 L.Ed.2d 515 (1971) (declaring unconstitutional a state law that allowed officials to post in liquor establishments the names of persons to whom intoxicating beverages could not be sold without allowing the person notice and opportunity to be heard on the issue); *Goss*, 419 U.S. 565, 581, 95 S.Ct. 729, 42 L.Ed.2d 725 (1975) (for students facing suspension from school for 10 days or less, procedural due process requires oral or written notice of the charges against him, and if the student denies

them, an explanation of the evidence against him and an opportunity to present his side of the story). In *Kent*, the United States Supreme Court held that for purposes of bindover from juvenile court to adult court, due process is satisfied when: a juvenile court holds a hearing where the child is represented by counsel; the child is given access “to social records and probation or similar reports which presumably are considered by the court;” and the court issues a decision stating its reasons to transfer after conducting a hearing. *Kent*, 383 U.S. 541, 554, 557, 86 S.Ct. 1045, 16 L.Ed.2d 84 (1966).

The OPAA asserts that when a statute precludes particular relief, it cannot be a matter of procedural due process. (Amicus OPAA’s Brief, p. 1, 9-10). This Court rejected such notion in *In re C.P.*, 131 Ohio St.3d 513, 2012-Ohio-1446, 967 N.E.2d 729, ¶¶ 70-87. The OPAA directs this Court to *Connecticut Dept. of Pub. Safety v. Doe*, 538 U.S. 1, 4, 7-8, 123 S.Ct. 1160, 155 L.Ed.2d 98 (2003) and *State v. Hayden*, 96 Ohio St.3d 211, 2002-Ohio-4169 to ostensibly support a claim that procedural due process protections are not necessary at the end of disposition hearing. (See Amicus OPAA’s Brief, p. 1, 10-11). In *Doe*, the registration requirements in Connecticut were based solely on the person’s conviction, not whether the person was dangerous. *Doe* at ¶¶ 4, 7-8. Therefore, the United States Supreme Court denied a due process challenge to Connecticut’s adult sex offender statutory scheme when the fact the respondent wanted to prove at the hearing, that he was not dangerous, was not relevant to the statutory scheme. *Id.* In *Hayden*, an adult defendant was convicted of rape and therefore was required to be classified as a sexually oriented offender. *Id.* at ¶ 15. As a result, this Court did not find a due process violation when the defendant was not afforded a hearing on whether he was a sexually oriented offender since the classification attached as a matter of law. *Id.* at ¶ 18.

However, *Doe* and *Hayden* are inapplicable to child registrants; *See, e.g., In re B.H.*, 5th Dist. Licking No. 17 CA 0005, 2017-Ohio-6996, ¶ 34 (finding that the rationale in *Hayden* does not apply to children as the juvenile court is required to conduct a hearing and engage in a two-step process in the exercise of its discretion at the initial classification); *In re W.Z.*, 194 Ohio App.3d 610, 2011-Ohio-3238, 957 N.E.2d 367, ¶ 59 (6th Dist.) (determining that *Doe* only applies to issues regarding adult sexual offender classifications, not child sexual offender classifications). Contrary to the automatic classification for adults, the juvenile court maintains discretion to determine the appropriate classification of a child offender at the time of initial classification. R.C. 2152.82(B); 2152.83(A)(2); 2152.83(C)(1). Then, the juvenile court has several opportunities to review the appropriateness of that classification; the first opportunity for review is at the completion of the child's disposition. R.C. 2152.84; R.C. 2152.85; *In re R.B.*, 162 Ohio St.3d 281, 2020-Ohio-5476, 165 N.E.3d 288, ¶¶ 5, 10.

D.R.'s case is in line with *Constantineau*, *Goss*, and *Kent*, rather than *Doe* or *Hayden*. Unlike the cases of *Doe* and *Hayden*, the facts D.R. sought to prove at the end of disposition hearing were not only statutorily relevant, but the court was also mandated to consider those facts. *See* R.C. 2152.84(A)(1) and (2); 2152.83 (D). As directed by R.C. 2152.84, the court was required to determine multiple factors, including: "the risk the child might re-offend" and "the results of any treatment provided to the child and of any follow-up professional assessments of the child." R.C. 2152.84(A)(1); R.C. 2152.83(D). Therefore, whether D.R. had been rehabilitated and whether he posed a risk to re-offend was material to the statutory scheme and the question before the court.

The purpose of the end of disposition hearing is to afford meaningful review, not merely rubber-stamping the court's initial classification decision as the OPAA suggests. (Amicus OPAA's Brief, p. 10). By virtue of R.C. 2152.84 requiring a hearing at the completion of disposition, and

the fact that D.R. has liberty and other interests at stake, D.R. is entitled to procedural due process protections. This also makes the end of disposition hearing is fundamentally different than an “act of grace opportunity” that does not create a liberty interest or an adult court’s decision on whether to grant “shock probation” or “judicial release” as suggested by OPAA. (Amicus OPAA’s Brief, p. 14-15, 22). Moreover, whether a procedural due process violation would exist in other states based on the law in those states is not determinative of whether a procedural due process violation exists as applied to D.R. (Amicus AG’s Brief, p. 12).

D.R. has numerous interests which were not adequately protected by the process afforded to him in R.C. 2152.84(A)(2). Therefore, R.C. 2152.84 is unconstitutional as applied to D.R. and violated his right to procedural due process.

2. An analysis under the traditional balancing test leads to the same conclusion that R.C. 2152.84 violates procedural due process.

Although the First District followed this Court’s precedent for analyzing procedural due process for children under a fundamental fairness standard, even under the traditional balancing test pursuant to *Mathews v. Eldridge*, 424 U.S. 319, 96 S.Ct. 893, 903, 47 L.Ed.2d 18 (1976), the end of disposition hearing violates procedural due process for mandatory registrants classified as Tier I. To satisfy the requirements of due process, the means employed by the State must have a real and substantial relation to the object to be obtained, and its methods must not be unreasonable, arbitrary, or capricious. *Nebbia v. New York*, 291 U.S. 502, 525, 54 S.Ct. 505, 78 L.Ed. 940 (1934); see *Mominee v. Scherbarth*, 28 Ohio St.3d 270, 274, 503 N.E.2d 717 (1986). Because the requirements of due process are “flexible” and only call for the procedural protections as demanded by the situation, courts often apply the framework established in *Mathews*, 424 U.S. 319, 335, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976) to determine the constitutionality of the process in civil cases. Under such a framework, three factors are considered: (1) the private interest that will be affected

by the official action; (2) the risk of an erroneous deprivation of such an interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. Therefore, the test comes down to a child's right to privacy, their reputation, and entitlement to a restoration of these rights after rehabilitation versus the State's interest in protecting society from sexual offenders.

a) First Factor: D.R.'s interest in removal from the registry is substantial.

As set forth above, D.R. has significant interests that are in jeopardy at the end of disposition hearing; this includes a liberty interest in his reputation and one without the label "sex offender." *See supra*, p. 10-14.

b) Second Factor: Risk of an erroneous deprivation of such interest through the procedures used, and, the probative value, if any, of additional or substitute procedural safeguards.

For mandatory registrants classified as Tier I, R.C. 2152.84 invades the child's reputation interest when the classification is continued after the child completes disposition without regard to whether the child poses a risk to re-offend. This is because R.C. 2152.84 does not provide appropriate procedural safeguards at the end of disposition hearing for mandatory registrants classified as a Tier I.

In this case, D.R. was deprived of the right to a meaningful hearing at the completion of his disposition since the court could not make an individualized determination about whether his classification should be modified or terminated. In turn, the juvenile court's lack of discretion results in further risk of erroneous deprivation of D.R. interest in his reputation and confidentiality inherent with juvenile court proceedings. This can be cured with the procedural safeguard of

allowing the juvenile court discretion to determine whether the classification for mandatory Tier I registrants should continue or be terminated. Therefore, the probative value of substitute procedural safeguards is significant.

c) Third Factor: The State's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Any perceived burdens on the State's interests do not outweigh a child's liberty interest in having procedural safeguards implemented to ensure an end of disposition hearing affords meaningful review and is not arbitrary.

The State has an interest in protecting the public. The State's interest is determined through its intent in enacting the legislation at issue. *See In re Adoption of H.N.R.*, 145 Ohio St.3d 144, 2015-Ohio-5476, 47 N.E.3d 803, ¶ 27. The General Assembly set forth its intent in R.C. 2950.02, which provides:

Sex offenders * * * pose a risk of engaging in further sexually abusive behavior even after being released from imprisonment, a prison term, or other confinement or detention, and protection of the public from sex offenders and child-victim offenders is a paramount governmental interest.

R.C. 2950.02(A)(2). The section also provides:

If the public is provided adequate notice and information about offenders and delinquent children who commit sexually oriented offenses or who commit child-victim oriented offenses, members of the public and communities can develop constructive plans to prepare themselves and their children for the offender's or delinquent child's release.

R.C. 2950.02 (A)(1). Therefore, R.C. 2950.02(A)(2) provides that placement on the registry expressly indicates that the offender poses a risk to re-offend. The common view of registered sexual offenders is that they are dangerous and offend at high rates. This is not supported by the research. (*See Amicus OPD's Brief*, p. 6-12).

However, the State also has a “parens patriae interest in preserving and promoting the welfare of the child.” *D.H.*, 120 Ohio St.3d 540, 2009-Ohio-9, 901 N.E.2d 209, ¶ 50 quoting *Santosky v. Kramer*, 455 U.S. 745 766, 102 S.Ct. 1388, 1401, 71 L.Ed.2d 599 (1982). Therefore, the State has an interest in rehabilitating its children. *Id.* By enacting R.C. 2152.84, the General Assembly recognized the importance of reviewing the child’s treatment and whether the child remains a risk to re-offend. Only those children who show a risk to re-offend, after receiving juvenile court intervention and treatment, should remain at their initial tier level.

Requiring the registration and classification of mandatory Tier I registrants to continue for an additional three years without regard to whether the child poses a risk to re-offend contravenes the interests articulated by the General Assembly. The purpose of the statute can only be met if the child poses a risk to engage in further sexually abusive behavior. Therefore, the State’s interest in R.C. 2950.02 and R.C. 2152.84 is not met by preventing mandatory Tier I registrants from having their classification terminated at the completion of their disposition if the child has been rehabilitated. A child’s continued duty to registry despite posing a low risk to re-offend only distracts the public from those who pose a real risk.

Of significance to the analysis under the *Mathews* balancing test is the fact that the State does not incur an additional financial burden by providing a meaningful end of disposition hearing for mandatory Tier I registrants. D.R. is not advocating for a separate or different hearing. The procedure is already set up in R.C. 2152.84 that mandates the juvenile court to conduct a review of the effectiveness of the child’s disposition and progress in treatment for all child offender registrants. Therefore, the State bears no additional cost since the end of disposition hearing is already required to occur for all child registrants. The only additional procedure is giving the court

discretion to terminate the classification for mandatory Tier I registrants if the child has been rehabilitated based on the evidence presented at the end of disposition hearing.

The process in R.C. 2152.84 is wholly inadequate for mandatory Tier I registrants as it does not provide them with a meaningful hearing. Therefore, it does not comport with notions of fundamental fairness for due process purposes. The traditional balancing test demonstrates that the process due to D.R. under R.C. 2152.84 is a meaningful hearing when the juvenile court has discretion to determine whether his classification should continue or be terminated.

3. *Patterson v. New York* is not applicable here.

The AG's application of the standard in *Patterson v. New York*, 432 U.S. 197, 97 S.Ct. 2319, 53 L.Ed.2d 281 (1977) for procedural due process is not relevant. (Amicus AG's Brief, p. 7). *Patterson* only pertains to the procedural rules that are part of criminal procedure. The goals of the juvenile system are distinguishable from those in the adult system. See *State v. D.W.*, 133 Ohio St.3d 434, 2012-Ohio-4544, 978 N.E.3d 894, ¶ 7 citing *In re C.S.*, 115 Ohio St.3d 267, 2007-Ohio-4919, 874 N.E.2d 1177, ¶¶ 65-66. While the juvenile system does have some criminal aspects, it also has roots in the civil system, and a focus towards rehabilitation and individual, corrective treatment rather than guilt and punishment. See *State v. Walls*, 96 Ohio St.3d 437, 2002-Ohio-5059, 775 N.E.2d 829, ¶¶ 25-27; *In re Agler*, 19 Ohio St.2d 70, 74, 249 N.E.2d 88 (1969). Juvenile delinquency cases are civil in nature, not criminal. See *Walls* at ¶ 25, citing *In re Anderson*, 92 Ohio St.3d 63, 2001-Ohio-131, 748 N.E.2d 67 (2001). Providing due process protections in delinquency cases does not result in a "parallel system of criminal courts for Ohio children." *Agler* at 74. Therefore, the reference to *Patterson* and the line of cases following *Patterson* does not apply. *Aalim*, 150 Ohio St.3d 489, 2017-Ohio-2956, 83 N.E.3d 883, ¶ 80 fn.8 (O'Connor, C.J.,

dissenting) (“Notably, I am aware of no juvenile cases in which the United States Supreme Court applied the *Patterson* standard to a due-process challenge.”).

III. The inability of mandatory Tier I registrants to have their classification terminated at the end of disposition hearing renders the procedures in R.C. 2152.84 meaningless and does not provide adequate procedural protection thereby violating fundamental fairness and due process.

A. Fundamental fairness requires the expertise of a juvenile court judge.

When it comes to child offenders facing penalties into adulthood, “[f]undamental fairness requires that the judge decide the appropriateness of any such penalty.” *In re C.P.* at ¶¶ 76, 78. This Court has held that “the decided emphasis [of juvenile courts] should be upon individual, corrective treatment.” *In re C.P.*, 131 Ohio St.3d 513, 2012-Ohio-1446, 967 N.E.2d 729, ¶ 61, citing *In re Agler*, 19 Ohio St.2d 70, 72, 249 N.E.2d 808 (1969). In the context of bindover hearings to adult court, “[t]he safeguard of a hearing is contained in the Revised Code and the Rules of Juvenile Procedure, and it is grounded in due process and other constitutional protections.” *State v. D.W.*, 133 Ohio St.3d 434, 2012-Ohio-4544, 978 N.E.2d 894, ¶ 20. Likewise, the safeguard of a meaningful end of disposition hearing is contained in R.C. 2152.84 and is grounded in due process and fundamental fairness.

In *In re D.S.*, this Court considered whether an initial discretionary classification as a Tier II offender under R.C. 2152.83(B) violated a child’s due process rights when the punishment of registration would continue into adulthood. *In re D.S.*, 146 Ohio St.3d 182, 2016-Ohio-1027, 54 N.E.3d 1184. In concluding that registration into adulthood did not violate due process, this Court found significant that R.C. 2152.84 was part of the statutory scheme and required the juvenile court to determine whether continuing the initial classification remained necessary, or whether rehabilitative efforts had been met when the child completed his disposition. Specifically, this Court held that:

Under R.C. 2152.84(A)(1), when a child is classified as a juvenile-offender registrant before the completion of disposition for the sexually oriented offense, the juvenile court shall conduct a hearing upon the completion of the child's disposition to determine whether the prior classification of the child as a juvenile offender registrant should be continued or terminated or modified. R.C. 2152.84(A)(1). Thus, the juvenile-offender-registrant status is subject to statutorily prescribed review and can be modified or terminated at the discretion of the juvenile court.

In re D.S. at ¶ 35. The basis for this Court's decision in *In re D.S.* was that the juvenile court maintained discretion to determine the appropriate tier level and whether registration continued to be necessary before such classification continued into adulthood. *Id.* at ¶¶ 28-37. Additionally, this Court recognized the juvenile court had multiple opportunities for the classification to be reviewed by the court for purposes of modification or termination, starting end the end of disposition hearing. *Id.*

In *In re C.P.*, this Court held that due process was violated by the automatic imposition of a Tier III sex offender classification under R.C. 2152.86 with lifetime registration and notification on children adjudicated as serious youthful offenders. *In re C.P.*, 131 Ohio St.3d 513, 2012-Ohio-1446, 967 N.E.2d 729, ¶ 86. One of the offending aspects of the sentence was the inability of the juvenile court judge to exercise discretion in fashioning the disposition. *Id.* at ¶¶ 12, 77.

In *D.H.*, this court analyzed whether a serious youthful offender (SYO) blended sentence comported with notions of fundamental fairness. *D.H.*, 120 Ohio St.3d 540, 2009-Ohio-9, 901 N.E.2d 209. In SYO cases, the adult portion of the sentence may only be invoked for certain bad acts by the child, and only after a hearing where the court must determine whether the child is likely to be rehabilitated during the remaining period of the juvenile court's jurisdiction. R.C. 2152.13. Even if the juvenile court imposes the adult sentence, the court has discretion to impose a more lenient sentence than the original stayed sentence, as permitted by the specific offense. R.C. 2152.14(E)(2). What saved the SYO blended sentence from being unconstitutional was the

fact that there were sufficient procedural protections for children who were given a blended juvenile and adult sentence.

R.C. 2152.84 does not provide similar procedural protections for mandatory registrants classified as Tier I. For those mandatory registrants initially classified at the lowest level, modification or termination is not available at the end of disposition hearing. The juvenile court only has one option – to continue the child’s classification. This issue was not contemplated by this Court in *In re D.S.* Moreover, the discretionary classification at issue in *In re D.S.* saved the statute from being a violation of procedural due process, and is thus distinguishable from the completion of disposition hearing for mandatory registrants classified as Tier I.

Here, like the automatic Tier III classification in *In re C.P.*, the statute leaves no room for the juvenile court to determine whether the child has been rehabilitated at the completion of disposition. R.C. 2152.84(A)(2)(b). For children such as D.R., who were 16 or 17 years old at the time of the offense, were required to be classified under R.C. 2152.83(A) and were initially ordered to register as a Tier I offender, there is no actual review or discretion to be exercised at the end of disposition hearing under R.C. 2152.84. The child cannot be removed from the registry. R.C. 2152.84(A)(2)(b). Nor can the court modify the child’s tier level. *See* R.C. 2152.84(A)(2)(c). Practically speaking, for mandatory registrants initially ordered to register as a Tier I offender, the classification at the end of disposition is automatic, and without regard to whether the child poses a risk to society. While the length of the classification is shorter than that of the child in *In re C.P.*, the analysis remains the same.

For classification to continue after the child completes disposition, fundamental fairness requires that juvenile courts have discretion to make an individualized determination about whether a child’s current classification should continue based on whether the child has been found

to be rehabilitated. Because R.C. 2152.84(A)(2) circumvents meaningful review and determination for mandatory Tier I registrants, such as D.R., it is violative of procedural due process.

B. R.C. 2152.84 fails to provide for a meaningful hearing at the completion of the child's disposition for mandatory Tier I registrants.

Registration is a penalty. *In re C.P.*, 131 Ohio St.3d 513, 2012-Ohio-1446, 967 N.E.2d 729, ¶ 11, citing *State v. Williams*, 129 Ohio St.3d 344, 2011-Ohio-3374, 952 N.E.2d 1108, ¶ 16. As a result, the General Assembly chose to balance this penalty for Ohio's youth with rehabilitation by putting into place mandatory checks on classification and the resulting duty to register. However, for mandatory registrants initially classified at the lowest tier level and found to be at the lowest risk to re-offend, those children are not provided a meaningful hearing at the end of their disposition.

In the Eighth District, mandatory initial classification was upheld as not violating due process for two reasons: (1) the juvenile court still had the discretion to determine the appropriate tier level at the time of the initial classification; and (2) the court had the ability to further reduce the classification at the end of disposition. *In re R.A.H.*, 8th Dist. Cuyahoga No. 101936, 2015-Ohio-3342, ¶¶ 26-28 rev'd in part on other grounds, 148 Ohio St.3d 531, 2016-Ohio-7592, 71 N.E.3d 1015. The same procedural due process protections do not exist for mandatory Tier I registrants at the end of disposition hearing.

1. The end of disposition hearing was not meaningful for D.R.

Although the court is required to consider numerous statutory factors at the end of disposition hearing, the outcome for mandatory registrants classified as Tier I is a foregone conclusion; the Tier I classification must continue. R.C. 2152.84(A)(2). What is lacking for Tier I mandatory registrants like D.R. is a meaningful hearing and a meaningful review at the completion of the child's disposition. This is especially important because individuals, who were 16 or 17 at

the time of the offense, such as D.R., are initially required to be classified and register as sexual offenders. R.C. 2152.83(A).

In the specific case of D.R., he submitted evidence which demonstrated the juvenile court's intervention and treatment was successful, he had been rehabilitated, he had reduced his to risk to re-offend, and therefore it was no longer necessary for him to remain on the registry. (*See* Exhibit 1; Exhibit 2). This evidence included that: (1) He successfully completed juvenile sex offender treatment. (Exhibit 2); (2) He took complete responsibility for his offense. (Exhibit 1 and 2); (6/7/2019 T.p. 5); (3) He learned what true consent looked like so he could act appropriately in the future. (Exhibit 1); (4) As a result of treatment, he was at a low risk to re-offend. (Exhibit 1, p. 12-13); (5) He had graduated high school. (6/7/2019 T.p. 18); (6) He intended to take college classes. (Exhibit 1, p. 8; 6/7/2019 T.p.18); and (7) He was employed and working to become a productive adult member of society. (6/7/2019 T.p. 18).

D.R. eliminated the risk factors that were present at the time the offense was committed. There were no risk factors on the community stability scale or the intervention scale. (Exhibit 1, p. 10). Numerous other dynamic risk factors, those factors which can be changed, also were not present. (Exhibit 1, p. 9-12). He also had multiple protective factors. (Exhibit 1, p. 12). Additionally, he utilized his treatment to manage his risk for future offending. (Exhibit 1, p. 13).

Yet, as the magistrate indicated, "despite what [she] wanted to do" the law required her to continue D.R.'s Tier I status. (6/17/2019 T.p. 19). Similarly, the juvenile court judge found the due process and other issues to have some merit but was ultimately "constrained by current precedent." (T.d. 63, 64). As can be seen in D.R.'s case, R.C. 2152.84 provides an empty process, and one without any remedy.

The OPAA provides an unfounded claim that there is no basis to determine that D.R.'s risk of recidivism would have dissipated in the less than 10 months since D.R.'s initial classification. (Amicus OPAA's Brief, p 6-9, 23). This ignores the results of D.R.'s risk assessment, which found him to pose a low risk to re-offend at the completion of his disposition and found he had changed his cognitive distortions. (Exhibit 1, p. 8, 12-13; 6/7/2019 T.p. 5-6). The argument by OPAA also ignores the substantial research regarding low recidivism rates of children who have been adjudicated of a sexual offense. (See Amicus OPD's Brief, p. 10-12).

Based on this Court's reasoning in *In re C.P.*, the First District recognized that the mandatory provision in R.C. 2152.84(A)(2) removed all discretion from the juvenile court to do anything but continue D.R.'s Tier I classification, regardless of whether it found D.R. had responded to treatment. (6/26/21 Opinion at ¶¶ 12-14). Therefore, the procedures in R.C. 2152.84 were not satisfactory and failed to meet the requirements of fundamental fairness because they did not provide D.R. with an opportunity "to be heard in a meaningful time and in a meaningful manner." *Id.* This therefore violated D.R.'s right to procedural due process.

2. The end of disposition hearing must provide meaningful review at the time of the end of disposition hearing; the lack of discretion is not cured by finding discretion elsewhere.

The State and its Amici rely on everything other than the actual purpose of the end of disposition and what the juvenile court was required to consider at that time in a vain attempt to give meaning to the end of disposition hearing for mandatory registrants classified as Tier I. (State/Appellant's Brief, p. 10-12; Amicus AG's Brief, p. 13-14, 17-18; Amicus OPAA's Brief, p. 9-12). Despite the State's contention, the fact that D.R.'s probation terminated does not mean that the end of disposition hearing afforded a meaningful hearing. (See State/Appellant's Brief, p. 11). Whether probation should be terminated is not part of the analysis required to be considered at the

completion of disposition hearing. *See* R.C. 2152.84. In fact, this argument is a red herring because an end of disposition hearing is not supposed to occur until the child completes the disposition.

The discretion provided to the juvenile court at the initial classification and at the R.C. 2152.85 hearing does not salvage the lack of discretion available to the court at the end of disposition hearing for mandatory Tier I registrants. (State/Appellant’s Brief, p. 10-12; Amicus AG’s Brief, p. 13-14, 17-18; Amicus OPAA’s Brief, p. 9-12). What the State and its Amici suggest is exactly the procedural due process violation found by the First District. Holding a hearing at the end of disposition that prohibits the court from exercising any discretion is not enough to satisfy procedural due process. The hearing must be meaningful and provide meaningful review.

3. A meaningful hearing requires more than just a hearing for “show.”

A completion of disposition hearing is not a status conference merely for the court to obtain an update on the progress of the case without awarding any sort of relief. (Amicus AG’s Brief, p. 13, 17-18). Such a suggestion flies in the face of this Court’s holdings in *In re C.P.*, 131 Ohio St.3d 513, 2012-Ohio-1446, 967 N.E.2d 729, ¶ 23 and *In re D.S.*, 146 Ohio St.3d 182, 2016-Ohio-1027, 967 N.E.3d 279, ¶ 35, which both turned on the importance of a meaningful end of disposition hearing. Furthermore, the determination following an end of disposition hearing results in its own classification order. *See* R.C. 2950.01(E)(3); (F)(3); (G)(3). Therefore, R.C. 2152.84 requires a meaningful hearing, the purpose of which is to make a new classification order.

Moreover, the assertion that R.C. 2152.84 is meaningful solely because it creates a record to be used at the R.C. 2152.85 hearing three years later defies logic. (State/Appellant’s Brief, p. 11-12; Amicus AG’s Brief, p. 14; Amicus OPAA’s Brief, p. 11-12). First, the General Assembly mandated the end of disposition hearing under R.C. 2152.84 to review the child’s classification and effectiveness of the disposition. *See In re R.B.*, 162 Ohio St.3d 281, 2020-Ohio-5476, 165

N.E.3d 288, ¶ 43. Second, the argument ignores the purpose of having regular periods where the juvenile court determines whether the classification should be modified or terminated. *See In re C.P.*, 131 Ohio St.3d 513, 2012-Ohio-1446, 967 N.E.2d 729, ¶ 61; *In re D.S.*, 146 Ohio St.3d 182, 2016-Ohio-1027, 54 N.E.3d 1184, ¶¶ 35-37. Third, the legislature intended for a separate hearing to occur pursuant to R.C. 2152.85 for those children whose classification was not terminated at the end of disposition. The hearing under R.C. 2152.85 does not evaluate new factors that were not evaluated at the end of disposition hearing. *See* R.C. 2152.84; *contra* R.C. 2152.85. Therefore, the end of disposition hearing under R.C. 2152.84 requires procedural due process protections of a meaningful hearing at that time, and not three years later. Otherwise, the procedures at the end of disposition hearing would be arbitrary.

4. Severance would not be the appropriate remedy to cure the due process violation.

Severance of a portion of R.C. 2152.84 to eliminate the end of disposition hearing only for mandatory registrants classified as Tier I, as suggested by Amici for the State, does not satisfy the three-part test for severance. (Amicus AG’s Brief, p. 14; Amicus OPAA’s Brief, p. 11). This Court has relied on a three-part test to determine if severing a statutory provision is appropriate:

(1) the provision must be capable of separation so that the constitutional portion of the statutory scheme may stand by itself, (2) the provision must not be so connected with the general scope of the statutory scheme that the apparent intent of the legislature cannot be given effect if the provision is stricken, and (3) it should not be necessary to insert words or terms in order to separate the constitutional from the unconstitutional portions of the statutory scheme.

City of Athens v. McClain, 163 Ohio St.3d 61, 2020-Ohio-5146, 168 N.E.3d 411, ¶ 58, citing *Cleveland v. State*, 138 Ohio St.3d 232, 2015-Ohio-86, 5 N.E.3d 644, ¶ 19.

Severing only the requirement in R.C. 2152.84 that mandatory Tier I registrants do not have an end of disposition hearing would not allow the constitutional portion of the statutory

scheme to speak for itself. The instructions that an end of disposition hearing will occur where the classification can be modified or terminated is repeated in several portions of the statutory scheme for classification of juvenile sexual offenders. *See* R.C. 2152.82(B)(1); 2152.82(C); 2152.83(C)(3); 2152.83(E); 2152.851; *see also* R.C. 2152.85(B)(1) (referencing the mandatory hearing under R.C. 2152.84). Furthermore, the purpose of the end of disposition hearing is for the court to review numerous factors for all juvenile offender registrants to determine whether the child has been rehabilitated. What the State’s Amici propose being severed cannot be separated from R.C. 2152.84 nor the rest of the statutory scheme. Severance, as suggested by the State’s Amici, would not be appropriate.

C. R.C. 2152.84(A)(2)(b) undercuts the rehabilitative purpose of juvenile court for mandatory registrants.

The purpose for juvenile dispositions is to “provide for the care, protection, and mental and physical development of children * * *, protect the public interest and safety, hold the offender accountable for the offender’s actions, restore the victim, and rehabilitate the offender.” R.C. 2152.01(A). The General Assembly further mandated that “[t]hese purposes shall be achieved by a system of graduated sanctions and services.” *Id.* Further, the General Assembly made clear that the laws governing the administration of the juvenile courts must be “liberally interpreted and construed” to effectuate the above purposes. R.C. 2151.01.

As this Court has reiterated, the timing of the R.C. 2152.84 hearing promotes the child’s rehabilitation. *In re I.A.*, 140 Ohio St.3d 203, 2014-Ohio-3155, 16 N.E.3d 653, ¶ 16 (noting that where a child is classified but told the classification can be reduced or terminated if treatment is successful, said process provides good motivation for the youth to successfully complete their treatment). This is also consistent with the goal of disposition and the juvenile system.

Yet Tier I mandatory registrants, such as D.R., are the only registrants whose classification cannot be modified or terminated at the end of disposition hearing in response to the child's rehabilitative efforts. *See* R.C. 2152.84(A)(1); 2152.84(A)(2)(b); 2152.84(A)(2)(c); 2152.84(B)(2). For children initially classified at the lowest tier level and posing the lowest risk to re-offend *prior* to starting court ordered treatment, this does not comport with the intention of the General Assembly. Instead, it ensures that the child will face continued difficulties long into adulthood. Despite the State's contention, a graduated approach to disposition is not preserved for D.R. or other similarly situated mandatory child registrants classified at the lowest tier level. (State/Appellant's Brief, p. 10).

In addition, requiring Tier I mandatory registrants to wait until the R.C. 2152.85 hearing to have their classification removed does ensure a "meaningful period of registration." (State/Appellant's Brief, p. 12). Mandatory registrants would still be required to register from the initial classification until the conclusion of the end of disposition hearing. Even then, it would not be a foregone conclusion that all mandatory Tier I offenders would have their classification and registration requirements terminated at a completion of disposition hearing; rather, it would only be for those children who have shown they have been rehabilitated. Therefore, for those children who could show they were successfully rehabilitated, continued classification and registration is not "meaningful." On the contrary, it results in deprivation of liberty interests for an additional three years without first providing adequate procedural protections.

Moreover, the fact that D.R. completed his disposition in approximately 10 months does not preclude the finding that R.C. 2152.84 violated D.R.'s right to procedural due process. (Amicus OPAA's Brief, p. 3, 6, 8). Considering that D.R. posed a low risk to reoffend and was placed at the lowest tier level even before starting treatment, it is reasonable that D.R. would be able to

successfully complete disposition in a short period of time. In fact, as shown by Amicus OPD, this amount of time would be sufficient to treat D.R. (See Amicus OPD's Brief, p. 11-12).

Although the purpose of the registry is to protect the public from those likely to re-offend, the purpose is undermined by the lack of discretion for mandatory registrants classified as a Tier I. Rather, registration is controlled by age alone. The continued classification is not based on a lack of rehabilitation, or the child's actual risk to re-offend, or on a realistic need to protect the public.

"The protections and rehabilitative aims of the juvenile system must remain paramount; we must recognize that juvenile offenders are less culpable and more amenable to reform than adult offenders." *In re C.P.*, 131 Ohio St.3d 513, 2012-Ohio-1446, 967 N.E.2d 729, ¶ 84. However, as to offenders such as D.R., who were age 16 or 17 at the time of the offense and initially classified as a Tier I registrant, these children have been effectively branded by R.C. 2152.84(A)(2) as the most culpable and unable to reform during the dispositional phase and for three years after. Such a conclusion is contrary to the very purpose of the juvenile system. Additional safeguards are therefore necessary at the end of disposition hearing under R.C. 2152.84 for mandatory registrants classified as Tier I. *See e.g. In re C.P.* at ¶ 78.

D.R. was classified as a Tier I registrant and ordered to register on August 23, 2018. (T.d. 28, 29). Although the end of disposition hearing occurred on June 7, 2019, the juvenile court's order was not issued until September 17, 2019, and modified via nunc pro tunc on October 4, 2019. (T.d. 39, 40, 63, 64). As a result, D.R. would be subject to classification and registration for over four years without the juvenile court having discretion during that period to determine whether the punishment was appropriate or should continue. Tier I juvenile registrants can only be required to register for a maximum of 10 years. R.C. 2950.07. Therefore, requiring D.R. to wait an additional

three years after the end of disposition hearing, and after establishing he had been rehabilitated, is not a “brief” registration requirement or waiting period. (Amicus AG’s Brief, p. 15, 18).

1. The punishment is disproportionate to other juvenile sexual offenders.

In *In re C.P.*, this Court determined it was the fact that traditional juvenile sex offenders were given an opportunity to have their classification reevaluated when their juvenile disposition ended *and* at regularly scheduled intervals, whereas public-registry-qualified juvenile registrants were not given the same opportunity, which rendered the punishment disproportionate. *In re C.P.*, 131 Ohio St.3d 513, 2012-Ohio-1446, 967 N.E.2d 729, ¶¶ 23, 61. Similar to the offenders in *In re C.P.*, under R.C. 2152.84(A)(2), mandatory Tier I registrants are treated significantly different than any other juvenile offender registrant. Tier I mandatory registrants can only be continued at their current tier without the opportunity for modification or removal until three years after the juvenile court’s order following the end of disposition hearing. *See* R.C. 2152.85(A)(1) and (2); 2152.85(B)(1). This leaves them without the ability for the court to reconsider the punishment at regularly scheduled intervals, starting with a review at the completion of disposition as contemplated in *In re C.P.* *See In re C.P.* at ¶ 61.

D.R. was subjected to the precise type of punishment that this Court found problematic in *In re C.P.* The treatment for mandatory Tier I registrants is disproportionate. This disproportionate treatment is even more clear considering that those labeled as Tier I registrants are typically reserved for those who, even before starting treatment, are the least dangerous and pose the lowest risk. *See* R.C. 2152.83; 2950.11(K), 2929.12(B) and (C). This disproportionate treatment violates fundamental fairness.

2. The severity of the penalty without review is significant.

To ensure whether the stigma of the label “sex offender” should continue, the General Assembly required the classification to be reviewed when the child’s disposition ends. *See* R.C. 2152.84. The timing is also consistent with the purpose of juvenile court. It shields those children who have been successfully rehabilitated from further stigmatization as a “sex offender” into adulthood. The child’s offense remains confidential. *See In re C.P.* at ¶ 67.

As recognized by this Court in *In re C.P.*:

[T]he stigma of the label of sex offender attaches at the start of his adult life and cannot be shaken. With no other offense is the juvenile’s wrongdoing announced to the world. Before a juvenile can even begin his adult life, before he has a chance to live on his own, the world will know of his offense. He will never have a chance to establish a good character in the community. He will be hampered in his education, in his relationships, and in his work life. His potential will be squelched.

In re C.P. at ¶ 45. The label encompasses all aspects of a child’s life including barriers to employment, housing, and even the child’s own safety. (*See* Amicus OPD’s Brief, p. 15-24).

To comply with his Tier I duties, D.R. must personally register with the sheriff of the county in which he lives. R.C. 2950.04. This procedure includes completing a registration form and providing personal information to the county sheriff, including picture, name, aliases, social security number, birth date, license plate number, driver’s license number, e-mail addresses, and telephone numbers. R.C. 2950.04. If D.R. travels to a different county and stays in that county for more than three consecutive days, or for 14 days in a 30-day period, he must also personally register with the sheriff of that county. R.C. 2950.041. If D.R. moves to a different address, he must provide notice to the county sheriff. R.C. 2950.111. This information is public record and subject to disclosure on a background check. R.C. 2950.081(A). And, if D.R. fails to meet any of the registration requirements after the age of 18, he is subject to an adult felony conviction and a potential prison sentence. R.C. 2950.06; 2950.99.

While D.R. may eventually seek declassification under R.C. 2152.85, such a review would not be available to D.R. for approximately four years from the time he was initially classified. The severity of this punishment on D.R.'s interests is significant when D.R. was not afforded sufficient procedural protections at the end of disposition hearing. The only way to ensure the end of disposition is not arbitrary and provides adequate procedural protections is to afford D.R. a meaningful end of disposition hearing. In turn, fundamental fairness demands D.R. be given the opportunity to demonstrate that he has been rehabilitated and whether removal from the registry is appropriate at the end of disposition hearing.

3. R.C. 2152.84 creates an irrebuttable presumption that is fundamentally unfair.

In *Kent*, the United States Supreme Court emphasized that “meaningful review requires that the reviewing court should review” and the decision “should not be remitted to assumptions.” *Kent*, 383 U.S. 541, 561, 86 S.Ct. 1045, 16 L.Ed.2d 84 (1966). The United States Supreme Court has struck down statutes creating irrebuttable presumptions because they “have long been disfavored under the Due Process Clause of the Fifth and Fourteenth Amendments.” *Vlandis v. Kline*, 412 U.S. 441, 446, 94 S.Ct. 2230, 37 L.Ed.2d 63 (1973).

In 2014, the Pennsylvania Supreme Court found lifetime registration for children violated due process because it utilized an irrebuttable presumption that all juvenile offenders pose a high risk of committing additional sexual offenses. *In the Interest of J.B.*, 630 Pa. 408, 434, 107 A.3d 1 (2014). In that case, the court found Pennsylvania's Sex Offender Registration and Notification Act imposed an irrebuttable presumption on juvenile offenders by requiring lifetime registration for those adjudicated delinquent of certain offenses without considering the differences between children and adults or the individual characteristics of each juvenile offender. *Id.* The court held that the classification violated children's due process rights under the United States and

Pennsylvania Constitutions because the presumption within the statute was not universally true, and reasonable means existed to determine which offenders were likely to re-offend. *Id.*

Continued registration by operation of law, rather than by individualized assessment, creates an irrebuttable presumption and completely undercuts the rehabilitative purpose of juvenile court. By requiring continued classification and registration, R.C. 2152.84(A)(2)(b) presumes children 16 or 17 at the time of the offense who were initially classified as a Tier I are at a high risk of committing additional sex offenses and therefore need additional tracking to protect the public. *See* R.C. 2950.02. However, research regarding recidivism of children who commit sexual offenses demonstrates that this is not universally true. (*See* Amicus OPD's Brief, p. 6-7, 10-15). Moreover, the facts of D.R.'s case demonstrate that the assumption is not true. Children, just like D.R., can reduce their risk to re-offend by participating in treatment ordered by the juvenile court as part of the dispositional sentence.

After completing disposition, Ohio law already provides procedures for determining whether a child should remain on the registry. R.C. 2152.84(A)(1) and (A)(2) requires a hearing to occur and for the court to consider numerous factors to determine whether the child has been rehabilitated. This is already the precise procedure that is utilized at the end of disposition hearing for discretionary registrants to determine if their registrations should be continued or terminated and for mandatory registrants classified as Tier II or III to determine if their classification should be continued or reduced. As a result, R.C. 2152.84(A)(2)(b) violates fundamental fairness because it creates an irrebuttable presumption that is not universally true for all mandatory registrants initially classified as a Tier I, such as D.R.

4. R.C. 2152.84 violates fundamental fairness as it utilizes age as an aggravating, rather than a mitigating factor.

The Supreme Court's decisions in *Roper*, *Graham*, and *Miller* support the conclusion that a child's youth and its attendant characteristics must be considered as a mitigating factor at every stage of the proceedings. *See Roper v. Simmons*, 543 U.S. 551, 125 S.Ct. 1183, 161 L.Ed.2d 1 (2005); *Graham v. Florida*, 560 U.S. 48, 130 S.Ct. 2011, 176 L.Ed.2d 825 (2010); *Miller v. Alabama*, 567 U.S. 460, 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012). The United State Supreme Court has repeatedly held that "[a] child's age is far 'more than a chronological fact.'" *J.D.B. v. North Carolina*, 564 U.S. 261, 272, 131 S.Ct. 2394, 180 L.Ed.2d 310 (2011) quoting *Eddings v. Oklahoma*, 455 U.S. 104, 115, 102 S.Ct. 869, 71 L.Ed.2d 1 (1982). R.C. 2152.84 requires registration to continue an additional three years after the juvenile court's order following the end of disposition hearing based solely on the child's age at the time of the offense. Even after successful rehabilitation, an older child's age is used as an aggravating factor.

Using age as an aggravating factor, rather than a mitigating factor, does not promote community safety nor does it rehabilitate the child. The only way to satisfy fundamental fairness is to provide the juvenile court with discretion to determine whether a Tier I mandatory registrants should have their classification continued or be removed from the registry at the completion of disposition based on the individual child's risk to re-offend.

For the foregoing reasons, the First District correctly determined R.C. 2152.84 violated fundamental fairness as applied to D.R. in violation of his procedural due-process rights. (6/26/21 Opinion at ¶¶ 14, 16).

CONCLUSION

Accordingly, D.R. respectfully requests that this Court affirm the First District's decision and hold that R.C. 2152.84(A)(2) is unconstitutional as applied to D.R. as a violation of his procedural due-process rights.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Merit Brief of Appellee D.R. has been served on Paula Adams, Counsel for Appellant, State of Ohio, via email at paula.adams@hcpros.org on January 25, 2022.

I also certify that a copy of the Merit Brief of Appellee D.R. has been served on Lauren Hammersmith and Katherine Sato, Counsel for Amicus Curiae, Ohio Public Defender, at Lauren.hammersmith@opd.ohio.gov and Katherine.sato@opd.ohio.gov, Benjamin Flowers, Counsel for Amicus Curiae, Ohio Attorney General Dave Yost, at benjamin.flowers@OhioAGO.gov, and Steven Taylor, Counsel for Amicus Curiae, Ohio Prosecuting Attorneys Assn., at taylor@ohiopa.org on January 25, 2022.

/s/ Jessica Moss
JESSICA MOSS (0085437)

APPENDIX TO MERIT BRIEF OF APPELLEE D.R.



Ohio Revised Code

Section 1.47 Presumptions in enactment of statutes.

Effective: January 3, 1972

Legislation: House Bill 607 - 109th General Assembly

In enacting a statute, it is presumed that:

(A) Compliance with the constitutions of the state and of the United States is intended;

(B) The entire statute is intended to be effective;

(C) A just and reasonable result is intended;

(D) A result feasible of execution is intended.



Ohio Revised Code

Section 2151.01 Liberal interpretation and construction.

Effective: January 1, 2002

Legislation: Senate Bill 179

The sections in Chapter 2151. of the Revised Code, with the exception of those sections providing for the criminal prosecution of adults, shall be liberally interpreted and construed so as to effectuate the following purposes:

- (A) To provide for the care, protection, and mental and physical development of children subject to Chapter 2151. of the Revised Code, whenever possible, in a family environment, separating the child from the child's parents only when necessary for the child's welfare or in the interests of public safety;
- (B) To provide judicial procedures through which Chapters 2151. and 2152. of the Revised Code are executed and enforced, and in which the parties are assured of a fair hearing, and their constitutional and other legal rights are recognized and enforced.



Ohio Revised Code

Section 2152.13 Serious youthful dispositional sentence and serious youthful offender dispositional sentence.

Effective: September 30, 2011

Legislation: House Bill 86 - 129th General Assembly

(A) A juvenile court shall impose a serious youthful dispositional sentence on a child when required under division (B)(3) of section 2152.121 of the Revised Code. In such a case, the remaining provisions of this division and divisions (B) and (C) do not apply to the child, and the court shall impose the mandatory serious youthful dispositional sentence under division (D)(1) of this section.

In all other cases, a juvenile court may impose a serious youthful offender dispositional sentence on a child only if the prosecuting attorney of the county in which the delinquent act allegedly occurred initiates the process against the child in accordance with this division, and the child is an alleged delinquent child who is eligible for the dispositional sentence. The prosecuting attorney may initiate the process in any of the following ways:

- (1) Obtaining an indictment of the child as a serious youthful offender;
- (2) The child waives the right to indictment, charging the child in a bill of information as a serious youthful offender;
- (3) Until an indictment or information is obtained, requesting a serious youthful offender dispositional sentence in the original complaint alleging that the child is a delinquent child;
- (4) Until an indictment or information is obtained, if the original complaint does not request a serious youthful offender dispositional sentence, filing with the juvenile court a written notice of intent to seek a serious youthful offender dispositional sentence within twenty days after the later of the following, unless the time is extended by the juvenile court for good cause shown:
 - (a) The date of the child's first juvenile court hearing regarding the complaint;
 - (b) The date the juvenile court determines not to transfer the case under section 2152.12 of the



Revised Code.

After a written notice is filed under division (A)(4) of this section, the juvenile court shall serve a copy of the notice on the child and advise the child of the prosecuting attorney's intent to seek a serious youthful offender dispositional sentence in the case.

(B) If an alleged delinquent child is not indicted or charged by information as described in division (A)(1) or (2) of this section and if a notice or complaint as described in division (A)(3) or (4) of this section indicates that the prosecuting attorney intends to pursue a serious youthful offender dispositional sentence in the case, the juvenile court shall hold a preliminary hearing to determine if there is probable cause that the child committed the act charged and is by age eligible for, or required to receive, a serious youthful offender dispositional sentence.

(C)(1) A child for whom a serious youthful offender dispositional sentence is sought by a prosecuting attorney has the right to a grand jury determination of probable cause that the child committed the act charged and that the child is eligible by age for a serious youthful offender dispositional sentence. The grand jury may be impaneled by the court of common pleas or the juvenile court.

Once a child is indicted, or charged by information or the juvenile court determines that the child is eligible for a serious youthful offender dispositional sentence, the child is entitled to an open and speedy trial by jury in juvenile court and to be provided with a transcript of the proceedings. The time within which the trial is to be held under Title XXIX of the Revised Code commences on whichever of the following dates is applicable:

(a) If the child is indicted or charged by information, on the date of the filing of the indictment or information.

(b) If the child is charged by an original complaint that requests a serious youthful offender dispositional sentence, on the date of the filing of the complaint.

(c) If the child is not charged by an original complaint that requests a serious youthful offender dispositional sentence, on the date that the prosecuting attorney files the written notice of intent to



seek a serious youthful offender dispositional sentence.

(2) If the child is detained awaiting adjudication, upon indictment or being charged by information, the child has the same right to bail as an adult charged with the offense the alleged delinquent act would be if committed by an adult. Except as provided in division (D) of section 2152.14 of the Revised Code, all provisions of Title XXIX of the Revised Code and the Criminal Rules shall apply in the case and to the child. The juvenile court shall afford the child all rights afforded a person who is prosecuted for committing a crime including the right to counsel and the right to raise the issue of competency. The child may not waive the right to counsel.

(D)(1) If a child is adjudicated a delinquent child for committing an act under circumstances that require the juvenile court to impose upon the child a serious youthful offender dispositional sentence under section 2152.11 of the Revised Code, all of the following apply:

(a) The juvenile court shall impose upon the child a sentence available for the violation, as if the child were an adult, under Chapter 2929. of the Revised Code, except that the juvenile court shall not impose on the child a sentence of death or life imprisonment without parole.

(b) The juvenile court also shall impose upon the child one or more traditional juvenile dispositions under sections 2152.16, 2152.19, and 2152.20, and, if applicable, section 2152.17 of the Revised Code.

(c) The juvenile court shall stay the adult portion of the serious youthful offender dispositional sentence pending the successful completion of the traditional juvenile dispositions imposed.

(2)(a) If a child is adjudicated a delinquent child for committing an act under circumstances that allow, but do not require, the juvenile court to impose on the child a serious youthful offender dispositional sentence under section 2152.11 of the Revised Code, all of the following apply:

(i) If the juvenile court on the record makes a finding that, given the nature and circumstances of the violation and the history of the child, the length of time, level of security, and types of programming and resources available in the juvenile system alone are not adequate to provide the juvenile court with a reasonable expectation that the purposes set forth in section 2152.01 of the



Revised Code will be met, the juvenile court may impose upon the child a sentence available for the violation, as if the child were an adult, under Chapter 2929. of the Revised Code, except that the juvenile court shall not impose on the child a sentence of death or life imprisonment without parole.

(ii) If a sentence is imposed under division (D)(2)(a)(i) of this section, the juvenile court also shall impose upon the child one or more traditional juvenile dispositions under sections 2152.16, 2152.19, and 2152.20 and, if applicable, section 2152.17 of the Revised Code.

(iii) The juvenile court shall stay the adult portion of the serious youthful offender dispositional sentence pending the successful completion of the traditional juvenile dispositions imposed.

(b) If the juvenile court does not find that a sentence should be imposed under division (D)(2)(a)(i) of this section, the juvenile court may impose one or more traditional juvenile dispositions under sections 2152.16, 2152.19, 2152.20, and, if applicable, section 2152.17 of the Revised Code.

(3) A child upon whom a serious youthful offender dispositional sentence is imposed under division (D)(1) or (2) of this section has a right to appeal under division (A)(1), (3), (4), or (5) of section 2953.08 of the Revised Code the adult portion of the serious youthful offender dispositional sentence when any of those divisions apply. The child may appeal the adult portion, and the court shall consider the appeal as if the adult portion were not stayed.



Ohio Revised Code

Section 2152.14 Motion to invoke adult portion of dispositional sentence.

Effective: October 12, 2016

Legislation: House Bill 158 - 131st General Assembly

(A)(1) The director of youth services may request the prosecuting attorney of the county in which is located the juvenile court that imposed a serious youthful offender dispositional sentence upon a person under section 2152.121 or 2152.13 of the Revised Code to file a motion with that juvenile court to invoke the adult portion of the dispositional sentence if all of the following apply to the person:

(a) The person is at least fourteen years of age.

(b) The person is in the institutional custody, or an escapee from the custody, of the department of youth services.

(c) The person is serving the juvenile portion of the serious youthful offender dispositional sentence.

(2) The motion shall state that there is reasonable cause to believe that either of the following misconduct has occurred and shall state that at least one incident of misconduct of that nature occurred after the person reached fourteen years of age:

(a) The person committed an act that is a violation of the rules of the institution and that could be charged as any felony or as a first degree misdemeanor offense of violence if committed by an adult.

(b) The person has engaged in conduct that creates a substantial risk to the safety or security of the institution, the community, or the victim.

(B) If a person is at least fourteen years of age, is serving the juvenile portion of a serious youthful offender dispositional sentence imposed under section 2152.121 or 2152.13 of the Revised Code, and is on parole or aftercare from a department of youth services facility, or on community control, the director of youth services, the juvenile court that imposed the serious youthful offender dispositional sentence on the person, or the probation department supervising the person may request



the prosecuting attorney of the county in which is located the juvenile court to file a motion with the juvenile court to invoke the adult portion of the dispositional sentence. The prosecuting attorney may file a motion to invoke the adult portion of the dispositional sentence even if no request is made. The motion shall state that there is reasonable cause to believe that either of the following occurred and shall state that at least one incident of misconduct of that nature occurred after the person reached fourteen years of age:

(1) The person committed an act that is a violation of the conditions of supervision and that could be charged as any felony or as a first degree misdemeanor offense of violence if committed by an adult.

(2) The person has engaged in conduct that creates a substantial risk to the safety or security of the community or of the victim.

(C) If the prosecuting attorney declines a request to file a motion that was made by the department of youth services or the supervising probation department under division (A) or (B) of this section or fails to act on a request made under either division by the department within a reasonable time, the department of youth services or the supervising probation department may file a motion of the type described in division (A) or (B) of this section with the juvenile court to invoke the adult portion of the serious youthful offender dispositional sentence. If the prosecuting attorney declines a request to file a motion that was made by the juvenile court under division (B) of this section or fails to act on a request from the court under that division within a reasonable time, the juvenile court may hold the hearing described in division (D) of this section on its own motion.

(D) Upon the filing of a motion described in division (A), (B), or (C) of this section, the juvenile court may hold a hearing to determine whether to invoke the adult portion of a person's serious juvenile offender dispositional sentence. The juvenile court shall not invoke the adult portion of the dispositional sentence without a hearing. At the hearing the person who is the subject of the serious youthful offender disposition has the right to be present, to receive notice of the grounds upon which the adult sentence portion is sought to be invoked, to be represented by counsel including counsel appointed under Juvenile Rule 4(A), to be advised on the procedures and protections set forth in the Juvenile Rules, and to present evidence on the person's own behalf, including evidence that the person has a mental illness or intellectual disability. The person may not waive the right to counsel. The hearing shall be open to the public. If the person presents evidence that the person has a mental



illness or intellectual disability, the juvenile court shall consider that evidence in determining whether to invoke the adult portion of the serious youthful offender dispositional sentence.

(E)(1) The juvenile court may invoke the adult portion of a person's serious youthful offender dispositional sentence if the juvenile court finds all of the following on the record by clear and convincing evidence:

(a) The person is serving the juvenile portion of a serious youthful offender dispositional sentence.

(b) The person is at least fourteen years of age and has been admitted to a department of youth services facility, or criminal charges are pending against the person.

(c) The person engaged in the conduct or acts charged under division (A), (B), or (C) of this section, and the person's conduct demonstrates that the person is unlikely to be rehabilitated during the remaining period of juvenile jurisdiction.

(2) The court may modify the adult sentence the court invokes to consist of any lesser prison term that could be imposed for the offense and, in addition to the prison term or in lieu of the prison term if the prison term was not mandatory, any community control sanction that the offender was eligible to receive at sentencing.

(F) If a juvenile court issues an order invoking the adult portion of a serious youthful offender dispositional sentence under division (E) of this section, the juvenile portion of the dispositional sentence shall terminate, and the department of youth services shall transfer the person to the department of rehabilitation and correction or place the person under another sanction imposed as part of the sentence. The juvenile court shall state in its order the total number of days that the person has been held in detention or in a facility operated by, or under contract with, the department of youth services under the juvenile portion of the dispositional sentence. The time the person must serve on a prison term imposed under the adult portion of the dispositional sentence shall be reduced by the total number of days specified in the order plus any additional days the person is held in a juvenile facility or in detention after the order is issued and before the person is transferred to the custody of the department of rehabilitation and correction. In no case shall the total prison term as calculated under this division exceed the maximum prison term available for an adult who is



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convicted of violating the same sections of the Revised Code.

Any community control imposed as part of the adult sentence or as a condition of a judicial release from prison shall be under the supervision of the entity that provides adult probation services in the county. Any post-release control imposed after the offender otherwise is released from prison shall be supervised by the adult parole authority.



Ohio Revised Code

Section 2152.831 Juvenile sex offenders - tier classification hearing.

Effective: January 1, 2008

Legislation: Senate Bill 10 - 127th General Assembly

(A) If, on or after January 1, 2008, a juvenile court adjudicates a child a delinquent child and classifies the child a juvenile offender registrant pursuant to section 2152.82 or 2152.83 of the Revised Code, before issuing the order that classifies the child a juvenile offender registrant the court shall conduct a hearing to determine whether to classify the child a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/ child-victim offender.

(B) When a judge issues an order under section 2152.82 or 2152.83 of the Revised Code that classifies a delinquent child a juvenile offender registrant, in addition to the other statements and information required by the section under which the order is issued, the judge shall include in the order its determination made under division (A) of this section as to whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender. When a judge issues an order under section 2152.84 or 2152.85 of the Revised Code that reclassifies a delinquent child from one tier of sex offender/child-victim offender to a different tier of sex offender/child-victim offender, in addition to the other statements and information required by the section under which the order is issued, the judge shall include in the order its determination as to the reclassification of the child and the tier to which the child is reclassified.

(C) The provisions of this section do not apply to a delinquent child if the court is required to classify the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to section 2152.86 of the Revised Code.



Ohio Revised Code

Section 2152.851 Effect of redesignation of offense.

Effective: January 1, 2008

Legislation: Senate Bill 10 - 127th General Assembly

If, prior to January 1, 2008, a judge issues an order under section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that classifies a delinquent child a juvenile offender registrant based on an adjudication for a sexually oriented offense or a child-victim oriented offense as those terms were defined in section 2950.01 of the Revised Code prior to January 1, 2008, and if, on and after January 1, 2008, the offense upon which the order was based is a sexually oriented offense or a child-victim oriented offense as those terms are defined in section 2950.01 of the Revised Code on and after January 1, 2008, notwithstanding the changes to sections 2152.82, 2152.83, 2152.84, and 2152.85 of the Revised Code made on January 1, 2008, on and after that date, the order shall remain in effect for the period described in the section under which it was issued as that section exists on and after January 1, 2008, subject to subsequent modification or termination under section 2152.84, 2152.85, or 2950.15 of the Revised Code, or, if division (A)(3) of section 2152.86 of the Revised Code applies regarding the child, for the period described in division (C) of that section subject to modification or termination under section 2152.84, 2152.85, or 2950.15 of the Revised Code, whichever is applicable, and the duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code on and after January 1, 2008, shall be considered, for purposes of section 2950.07 of the Revised Code and for all other purposes, to be a continuation of the duty imposed upon the child prior to January 1, 2008, under the order issued under section 2152.82, 2152.83, 2152.84, or 2152.85 and Chapter 2950. of the Revised Code.



Ohio Revised Code

Section 2929.12 Seriousness of crime and recidivism factors.

Effective: September 19, 2014

Legislation: Senate Bill 143 - 130th General Assembly

(A) Unless otherwise required by section 2929.13 or 2929.14 of the Revised Code, a court that imposes a sentence under this chapter upon an offender for a felony has discretion to determine the most effective way to comply with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code. In exercising that discretion, the court shall consider the factors set forth in divisions (B) and (C) of this section relating to the seriousness of the conduct, the factors provided in divisions (D) and (E) of this section relating to the likelihood of the offender's recidivism, and the factors set forth in division (F) of this section pertaining to the offender's service in the armed forces of the United States and, in addition, may consider any other factors that are relevant to achieving those purposes and principles of sentencing.

(B) The sentencing court shall consider all of the following that apply regarding the offender, the offense, or the victim, and any other relevant factors, as indicating that the offender's conduct is more serious than conduct normally constituting the offense:

(1) The physical or mental injury suffered by the victim of the offense due to the conduct of the offender was exacerbated because of the physical or mental condition or age of the victim.

(2) The victim of the offense suffered serious physical, psychological, or economic harm as a result of the offense.

(3) The offender held a public office or position of trust in the community, and the offense related to that office or position.

(4) The offender's occupation, elected office, or profession obliged the offender to prevent the offense or bring others committing it to justice.

(5) The offender's professional reputation or occupation, elected office, or profession was used to facilitate the offense or is likely to influence the future conduct of others.



(6) The offender's relationship with the victim facilitated the offense.

(7) The offender committed the offense for hire or as a part of an organized criminal activity.

(8) In committing the offense, the offender was motivated by prejudice based on race, ethnic background, gender, sexual orientation, or religion.

(9) If the offense is a violation of section 2919.25 or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children.

(C) The sentencing court shall consider all of the following that apply regarding the offender, the offense, or the victim, and any other relevant factors, as indicating that the offender's conduct is less serious than conduct normally constituting the offense:

(1) The victim induced or facilitated the offense.

(2) In committing the offense, the offender acted under strong provocation.

(3) In committing the offense, the offender did not cause or expect to cause physical harm to any person or property.

(4) There are substantial grounds to mitigate the offender's conduct, although the grounds are not enough to constitute a defense.

(D) The sentencing court shall consider all of the following that apply regarding the offender, and any other relevant factors, as factors indicating that the offender is likely to commit future crimes:

(1) At the time of committing the offense, the offender was under release from confinement before trial or sentencing; was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18



of the Revised Code; was under post-release control pursuant to section 2967.28 or any other provision of the Revised Code for an earlier offense or had been unfavorably terminated from post-release control for a prior offense pursuant to division (B) of section 2967.16 or section 2929.141 of the Revised Code; was under transitional control in connection with a prior offense; or had absconded from the offender's approved community placement resulting in the offender's removal from the transitional control program under section 2967.26 of the Revised Code.

(2) The offender previously was adjudicated a delinquent child pursuant to Chapter 2151. of the Revised Code prior to January 1, 2002, or pursuant to Chapter 2152. of the Revised Code, or the offender has a history of criminal convictions.

(3) The offender has not been rehabilitated to a satisfactory degree after previously being adjudicated a delinquent child pursuant to Chapter 2151. of the Revised Code prior to January 1, 2002, or pursuant to Chapter 2152. of the Revised Code, or the offender has not responded favorably to sanctions previously imposed for criminal convictions.

(4) The offender has demonstrated a pattern of drug or alcohol abuse that is related to the offense, and the offender refuses to acknowledge that the offender has demonstrated that pattern, or the offender refuses treatment for the drug or alcohol abuse.

(5) The offender shows no genuine remorse for the offense.

(E) The sentencing court shall consider all of the following that apply regarding the offender, and any other relevant factors, as factors indicating that the offender is not likely to commit future crimes:

(1) Prior to committing the offense, the offender had not been adjudicated a delinquent child.

(2) Prior to committing the offense, the offender had not been convicted of or pleaded guilty to a criminal offense.

(3) Prior to committing the offense, the offender had led a law-abiding life for a significant number of years.



(4) The offense was committed under circumstances not likely to recur.

(5) The offender shows genuine remorse for the offense.

(F) The sentencing court shall consider the offender's military service record and whether the offender has an emotional, mental, or physical condition that is traceable to the offender's service in the armed forces of the United States and that was a contributing factor in the offender's commission of the offense or offenses.



Ohio Revised Code

Section 2950.01 Sexual predator, habitual sex offender, sexually oriented offender definitions.

Effective: April 12, 2021

Legislation: House Bill 431 - 133rd General Assembly

As used in this chapter, unless the context clearly requires otherwise:

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

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

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

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

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

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



- (6) A violation of division (A)(3) of section 2903.211 of the Revised Code;
- (7) A violation of division (A)(1), (2), (3), or (5) of section 2905.01 of the Revised Code when the offense is committed with a sexual motivation;
- (8) A violation of division (A)(4) of section 2905.01 of the Revised Code;
- (9) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense;
- (10) A violation of division (B) of section 2903.03, of division (B) of section 2905.02, of division (B) of section 2905.03, of division (B) of section 2905.05, or of division (B)(5) of section 2919.22 of the Revised Code;
- (11) A violation of section 2905.32 of the Revised Code when either of the following applies:
- (a) The violation is a violation of division (A)(1) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person knowing that the person would be compelled to engage in sexual activity for hire, engage in a performance that was obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that was obscene, sexually oriented, or nudity oriented.
- (b) The violation is a violation of division (A)(2) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain a person who is less than eighteen years of age or is a person with a developmental disability whom the offender knows or has reasonable cause to believe is a person with a developmental disability for any purpose listed in divisions (A)(2)(a) to (c) of that section.
- (12) A violation of division (B)(4) of section 2907.09 of the Revised Code if the sentencing court classifies the offender as a tier I sex offender/child-victim offender relative to that offense pursuant to division (D) of that section;



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

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

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

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

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

(b) The victim of the offense was thirteen years of age or older, and the person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing the sexually oriented offense is not more than four years older than the victim.

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



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

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

(3) 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 (C)(1) or (2) of this section;

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

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

(E) "Tier I 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 2907.06, 2907.07, 2907.08, 2907.22, or 2907.32 of the Revised Code;

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

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



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

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

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

(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:



(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 2907.21, 2907.321, or 2907.322 of the Revised Code;

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

(c) A violation of division (A)(4) of section 2907.05 or of division (A)(1) or (2) of section 2907.323 of the Revised Code;

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

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

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

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

(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;

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

(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;

(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;

(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;

(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;

(g) A violation of division (B) of section 2903.03 of the Revised Code;

(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;



(i) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (G)(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 been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier II sex offender/child-victim offender or a tier III 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 II sex offender/child-victim offender or a tier III 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 III 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 III 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 III sex offender/child-victim offender set forth in division (G)(1), (2), (3), or (4) of this section, who prior to January 1, 2008, was convicted of or pleaded guilty to a sexually oriented offense or child-victim oriented offense or was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense and classified a juvenile offender registrant, and who prior to that date was adjudicated a sexual predator or adjudicated a child-victim predator, 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 II sex offender/child-victim offender relative to the offense.

(b) The sex offender or child-victim offender is a delinquent child, and 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 II sex offender/child-victim offender relative to the offense.

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

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

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

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

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



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

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

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

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

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

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

(M) "Juvenile offender registrant" means a person who is adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense or a child-victim oriented offense, who is fourteen years of age or older at the time of committing the offense, and who a juvenile court judge, pursuant to an order issued under section 2152.82, 2152.83, 2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a juvenile offender registrant and specifies has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. "Juvenile offender registrant" includes a person who prior to January 1, 2008, was a "juvenile offender registrant" under the definition of the term in existence prior to January 1, 2008, and a person who prior to July 31, 2003, was a "juvenile sex offender registrant" under the former definition of that former term.



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

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

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

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

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

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

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

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

(P) "Out-of-state juvenile offender registrant" means a person who is adjudicated a delinquent child



in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States for committing a sexually oriented offense or a child-victim oriented offense, who on or after January 1, 2002, moves to and resides in this state or temporarily is domiciled in this state for more than five days, and who has a duty under section 2950.04 or 2950.041 of the Revised Code to register in this state and the duty to otherwise comply with that applicable section and sections 2950.05 and 2950.06 of the Revised Code. "Out-of-state juvenile offender registrant" includes a person who prior to January 1, 2008, was an "out-of-state juvenile offender registrant" under the definition of the term in existence prior to January 1, 2008, and a person who prior to July 31, 2003, was an "out-of-state juvenile sex offender registrant" under the former definition of that former term.

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

(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



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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 in section 2929.01 of the Revised Code.

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



Ohio Revised Code

Section 2950.04 Duty to register - form.

Effective: January 1, 2008

Legislation: Senate Bill 10 - 127th General Assembly

(A)(1)(a) Immediately after a sentencing hearing is held on or after January 1, 2008, for an offender who is convicted of or pleads guilty to a sexually oriented offense and is sentenced to a prison term, a term of imprisonment, or any other type of confinement and before the offender is transferred to the custody of the department of rehabilitation and correction or to the official in charge of the jail, workhouse, state correctional institution, or other institution where the offender will be confined, the offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender was convicted of or pleaded guilty to the sexually oriented offense.

(b) Immediately after a dispositional hearing is held on or after January 1, 2008, for a child who is adjudicated a delinquent child for committing a sexually oriented offense, is classified a juvenile offender registrant based on that adjudication, and is committed to the custody of the department of youth services or to a secure facility that is not operated by the department and before the child is transferred to the custody of the department of youth services or the secure facility to which the delinquent child is committed, the delinquent child shall register personally with the sheriff, or the sheriff's designee, of the county in which the delinquent child was classified a juvenile offender registrant based on that sexually oriented offense.

(c) A law enforcement officer shall be present at the sentencing hearing or dispositional hearing described in division (A)(1)(a) or (b) of this section to immediately transport the offender or delinquent child who is the subject of the hearing to the sheriff, or the sheriff's designee, of the county in which the offender or delinquent child is convicted, pleads guilty, or is adjudicated a delinquent child.

(d) After an offender who has registered pursuant to division (A)(1)(a) of this section is released from a prison term, a term of imprisonment, or any other type of confinement, the offender shall register as provided in division (A)(2) of this section. After a delinquent child who has registered pursuant to division (A)(1)(b) of this section is released from the custody of the department of



youth services or from a secure facility that is not operated by the department, the delinquent child shall register as provided in division (A)(3) of this section.

(2) Regardless of when the sexually oriented offense was committed, each offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense shall comply with the following registration requirements described in divisions (A)(2)(a), (b), (c), (d), and (e) of this section:

(a) The offender shall register personally with the sheriff, or the sheriff's designee, of the county within three days of the offender's coming into a county in which the offender resides or temporarily is domiciled for more than three days.

(b) The offender shall register personally with the sheriff, or the sheriff's designee, of the county immediately upon coming into a county in which the offender attends a school or institution of higher education on a full-time or part-time basis regardless of whether the offender resides or has a temporary domicile in this state or another state.

(c) The offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender is employed if the offender resides or has a temporary domicile in this state and has been employed in that county for more than three days or for an aggregate period of fourteen or more days in that calendar year.

(d) The offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender then is employed if the offender does not reside or have a temporary domicile in this state and has been employed at any location or locations in this state more than three days or for an aggregate period of fourteen or more days in that calendar year.

(e) The offender shall register with the sheriff, or the sheriff's designee, or other appropriate person of the other state immediately upon entering into any state other than this state in which the offender attends a school or institution of higher education on a full-time or part-time basis or upon being employed in any state other than this state for more than three days or for an aggregate period of fourteen or more days in that calendar year regardless of whether the offender resides or has a temporary domicile in this state, the other state, or a different state.



(3)(a) Each child who is adjudicated a delinquent child for committing a sexually oriented offense and who is classified a juvenile offender registrant based on that adjudication shall register personally with the sheriff, or the sheriff's designee, of the county within three days of the delinquent child's coming into a county in which the delinquent child resides or temporarily is domiciled for more than three days.

(b) In addition to the registration duty imposed under division (A)(3)(a) of this section, each public registry-qualified juvenile offender registrant shall comply with the following additional registration requirements:

(i) The public registry-qualified juvenile offender registrant shall register personally with the sheriff, or the sheriff's designee, of the county immediately upon coming into a county in which the registrant attends a school or institution of higher education on a full-time or part-time basis regardless of whether the registrant resides or has a temporary domicile in this state or another state.

(ii) The public registry-qualified juvenile offender registrant shall register personally with the sheriff, or the sheriff's designee, of the county in which the registrant is employed if the registrant resides or has a temporary domicile in this state and has been employed in that county for more than three days or for an aggregate period of fourteen or more days in that calendar year.

(iii) The public registry-qualified juvenile offender registrant shall register personally with the sheriff, or the sheriff's designee, of the county in which the registrant then is employed if the registrant does not reside or have a temporary domicile in this state and has been employed at any location or locations in this state more than three days or for an aggregate period of fourteen or more days in that calendar year.

(iv) The public registry-qualified juvenile offender registrant shall register with the sheriff, or the sheriff's designee, or other appropriate person of the other state immediately upon entering into any state other than this state in which the registrant attends a school or institution of higher education on a full-time or part-time basis or upon being employed in any state other than this state for more than three days or for an aggregate period of fourteen or more days in that calendar year regardless



of whether the registrant resides or has a temporary domicile in this state, the other state, or a different state.

(c) If the delinquent child is committed for the sexually oriented offense to the department of youth services or to a secure facility that is not operated by the department, this duty begins when the delinquent child is discharged or released in any manner from custody in a department of youth services secure facility or from the secure facility that is not operated by the department if pursuant to the discharge or release the delinquent child is not committed to any other secure facility of the department or any other secure facility.

(4) Regardless of when the sexually oriented offense was committed, each person who is convicted, pleads guilty, or is adjudicated a delinquent child in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States for committing a sexually oriented offense shall comply with the following registration requirements if, at the time the offender or delinquent child moves to and resides in this state or temporarily is domiciled in this state for more than three days, the offender or public registry-qualified juvenile offender registrant enters this state to attend a school or institution of higher education, or the offender or public registry-qualified juvenile offender registrant is employed in this state for more than the specified period of time, the offender or delinquent child has a duty to register as a sex offender or child-victim offender under the law of that other jurisdiction as a result of the conviction, guilty plea, or adjudication:

(a) Each offender and delinquent child shall register personally with the sheriff, or the sheriff's designee, of the county within three days of the offender's or delinquent child's coming into the county in which the offender or delinquent child resides or temporarily is domiciled for more than three days.

(b) Each offender or public registry-qualified juvenile offender registrant shall register personally with the sheriff, or the sheriff's designee, of the county immediately upon coming into a county in which the offender or public registry-qualified juvenile offender registrant attends a school or institution of higher education on a full-time or part-time basis regardless of whether the offender or public registry-qualified juvenile offender registrant resides or has a temporary domicile in this state or another state.



(c) Each offender or public registry-qualified juvenile offender registrant shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender or public registry-qualified juvenile offender registrant is employed if the offender resides or has a temporary domicile in this state and has been employed in that county for more than three days or for an aggregate period of fourteen days or more in that calendar year.

(d) Each offender or public registry-qualified juvenile offender registrant shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender or public registry-qualified juvenile offender registrant then is employed if the offender or public registry-qualified juvenile offender registrant does not reside or have a temporary domicile in this state and has been employed at any location or locations in this state for more than three days or for an aggregate period of fourteen or more days in that calendar year.

(5) An offender or a delinquent child who is a public registry-qualified juvenile offender registrant is not required to register under division (A)(2), (3), or (4) of this section if a court issues an order terminating the offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code pursuant to section 2950.15 of the Revised Code. A delinquent child who is a juvenile offender registrant but is not a public registry-qualified juvenile offender registrant is not required to register under any of those divisions if a juvenile court issues an order declassifying the delinquent child as a juvenile offender registrant pursuant to section 2152.84 or 2152.85 of the Revised Code.

(B) An offender or delinquent child who is required by division (A) of this section to register in this state personally shall obtain from the sheriff or from a designee of the sheriff a registration form that conforms to division (C) of this section, shall complete and sign the form, and shall return the completed form together with the offender's or delinquent child's photograph, copies of travel and immigration documents, and any other required material to the sheriff or the designee. The sheriff or designee shall sign the form and indicate on the form the date on which it is so returned. The registration required under this division is complete when the offender or delinquent child returns the form, containing the requisite information, photograph, other required material, signatures, and date, to the sheriff or designee.



(C) The registration form to be used under divisions (A) and (B) of this section shall include or contain all of the following for the offender or delinquent child who is registering:

(1) The offender's or delinquent child's name and any aliases used by the offender or delinquent child;

(2) The offender's or delinquent child's social security number and date of birth, including any alternate social security numbers or dates of birth that the offender or delinquent child has used or uses;

(3) Regarding an offender or delinquent child who is registering under a duty imposed under division (A)(1) of this section, a statement that the offender is serving a prison term, term of imprisonment, or any other type of confinement or a statement that the delinquent child is in the custody of the department of youth services or is confined in a secure facility that is not operated by the department;

(4) Regarding an offender or delinquent child who is registering under a duty imposed under division (A)(2), (3), or (4) of this section as a result of the offender or delinquent child residing in this state or temporarily being domiciled in this state for more than three days, the current residence address of the offender or delinquent child who is registering, the name and address of the offender's or delinquent child's employer if the offender or delinquent child is employed at the time of registration or if the offender or delinquent child knows at the time of registration that the offender or delinquent child will be commencing employment with that employer subsequent to registration, any other employment information, such as the general area where the offender or delinquent child is employed, if the offender or delinquent child is employed in many locations, and the name and address of the offender's or public registry-qualified juvenile offender registrant's school or institution of higher education if the offender or public registry-qualified juvenile offender registrant attends one at the time of registration or if the offender or public registry-qualified juvenile offender registrant knows at the time of registration that the offender or public registry-qualified juvenile offender registrant will be commencing attendance at that school or institution subsequent to registration;

(5) Regarding an offender or public registry-qualified juvenile offender registrant who is registering



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under a duty imposed under division (A)(2), (3), or (4) of this section as a result of the offender or public registry-qualified juvenile offender registrant attending a school or institution of higher education in this state on a full-time or part-time basis or being employed in this state or in a particular county in this state, whichever is applicable, for more than three days or for an aggregate of fourteen or more days in any calendar year, the name and current address of the school, institution of higher education, or place of employment of the offender or public registry-qualified juvenile offender registrant who is registering, including any other employment information, such as the general area where the offender or public registry-qualified juvenile offender registrant is employed, if the offender or public registry-qualified juvenile offender registrant is employed in many locations;

(6) The identification license plate number of each vehicle the offender or delinquent child owns, of each vehicle registered in the offender's or delinquent child's name, of each vehicle the offender or delinquent child operates as a part of employment, and of each other vehicle that is regularly available to be operated by the offender or delinquent child; a description of where each vehicle is habitually parked, stored, docked, or otherwise kept; and, if required by the bureau of criminal identification and investigation, a photograph of each of those vehicles;

(7) If the offender or delinquent child has a driver's or commercial driver's license or permit issued by this state or any other state or a state identification card issued under section 4507.50 or 4507.51 of the Revised Code or a comparable identification card issued by another state, the driver's license number, commercial driver's license number, or state identification card number;

(8) If the offender or delinquent child was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing the sexually oriented offense resulting in the registration duty in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States, a DNA specimen, as defined in section 109.573 of the Revised Code, from the offender or delinquent child, a citation for, and the name of, the sexually oriented offense resulting in the registration duty, and a certified copy of a document that describes the text of that sexually oriented offense;

(9) A description of each professional and occupational license, permit, or registration, including those licenses, permits, and registrations issued under Title XLVII of the Revised Code, held by



the offender or delinquent child;

(10) Any email addresses, internet identifiers, or telephone numbers registered to or used by the offender or delinquent child;

(11) Any other information required by the bureau of criminal identification and investigation.

(D) After an offender or delinquent child registers with a sheriff, or the sheriff's designee, pursuant to this section, the sheriff, or the sheriff's designee, shall forward the signed, written registration form, photograph, and other material to the bureau of criminal identification and investigation in accordance with the forwarding procedures adopted pursuant to section 2950.13 of the Revised Code. If an offender registers a school, institution of higher education, or place of employment address, or provides a school or institution of higher education address under division (C)(4) of this section, the sheriff also shall provide notice to the law enforcement agency with jurisdiction over the premises of the school, institution of higher education, or place of employment of the offender's name and that the offender has registered that address as a place at which the offender attends school or an institution of higher education or at which the offender is employed. The bureau shall include the information and materials forwarded to it under this division in the state registry of sex offenders and childvictim offenders established and maintained under section 2950.13 of the Revised Code.

(E) No person who is required to register pursuant to divisions (A) and (B) of this section, and no person who is required to send a notice of intent to reside pursuant to division (G) of this section, shall fail to register or send the notice of intent as required in accordance with those divisions or that division.

(F) An offender or delinquent child who is required to register pursuant to divisions (A) and (B) of this section shall register pursuant to this section for the period of time specified in section 2950.07 of the Revised Code, with the duty commencing on the date specified in division (A) of that section.

(G) If an offender or delinquent child who is required by division (A) of this section to register is a tier III sex offender/child-victim offender, the offender or delinquent child also shall send the sheriff, or the sheriff's designee, of the county in which the offender or delinquent child intends to



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reside written notice of the offender's or delinquent child's intent to reside in the county. The offender or delinquent child shall send the notice of intent to reside at least twenty days prior to the date the offender or delinquent child begins to reside in the county. The notice of intent to reside shall contain the following information:

- (1) The offender's or delinquent child's name;
- (2) The address or addresses at which the offender or delinquent child intends to reside;
- (3) The sexually oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child.

(H) If, immediately prior to January 1, 2008, an offender or delinquent child who was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense as those terms were defined in section 2950.01 of the Revised Code prior to January 1, 2008, was required by division (A) of this section or section 2950.041 of the Revised Code to register and if, on or after January 1, 2008, that offense is a sexually oriented offense as that term is defined in section 2950.01 of the Revised Code on and after January 1, 2008, the duty to register that is imposed pursuant to this section on and after January 1, 2008, shall be considered, for purposes of section 2950.07 of the Revised Code and for all other purposes, to be a continuation of the duty imposed upon the offender or delinquent child prior to January 1, 2008, under this section or section 2950.041 of the Revised Code.



Ohio Revised Code

Section 2950.041 Personal registration with sheriff.

Effective: January 1, 2008

Legislation: Senate Bill 10 - 127th General Assembly

(A)(1)(a) Immediately after a sentencing hearing is held on or after January 1, 2008, for an offender who is convicted of or pleads guilty to a child-victim oriented offense and is sentenced to a prison term, a term of imprisonment, or any other type of confinement and before the offender is transferred to the custody of the department of rehabilitation and correction or to the official in charge of the jail, workhouse, state correctional institution, or other institution where the offender will be confined, the offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender was convicted of or pleaded guilty to the child-victim offense.

(b) Immediately after a dispositional hearing is held on or after January 1, 2008, for a child who is adjudicated a delinquent child for committing a child-victim oriented offense, is classified a juvenile offender registrant based on that adjudication, and is committed to the custody of the department of youth services or to a secure facility that is not operated by the department and before the child is transferred to the custody of the department of youth services or the secure facility to which the delinquent child is committed, the delinquent child shall register personally with the sheriff, or the sheriff's designee, of the county in which the delinquent child was classified a juvenile offender registrant based on that child-victim oriented offense.

(c) A law enforcement officer shall be present at the sentencing hearing or dispositional hearing described in division (A)(1)(a) or (b) of this section to immediately transport the offender or delinquent child who is the subject of the hearing to the sheriff, or the sheriff's designee, of the county in which the offender or delinquent child is convicted, pleads guilty, or is adjudicated a delinquent child.

(d) After an offender who has registered pursuant to division (A)(1)(a) of this section is released from a prison term, a term of imprisonment, or any other type of confinement, the offender shall register as provided in division (A)(2) of this section. After a delinquent child who has registered pursuant to division (A)(1)(b) of this section is released from the custody of the department of youth services or from a secure facility that is not operated by the department, the delinquent child



shall register as provided in division (A)(3) of this section.

(2) Regardless of when the child-victim oriented offense was committed, each offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a child-victim oriented offense shall comply with all of the following registration requirements:

(a) The offender shall register personally with the sheriff, or the sheriff's designee, of the county within three days of the offender's coming into a county in which the offender resides or temporarily is domiciled for more than three days.

(b) The offender shall register personally with the sheriff, or the sheriff's designee, of the county immediately upon coming into a county in which the offender attends a school or institution of higher education on a full-time or part-time basis regardless of whether the offender resides or has a temporary domicile in this state or another state.

(c) The offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender is employed if the offender resides or has a temporary domicile in this state and has been employed in that county for more than three days or for an aggregate period of fourteen or more days in that calendar year.

(d) The offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender then is employed if the offender does not reside or have a temporary domicile in this state and has been employed at any location or locations in this state for more than three days or for an aggregate period of fourteen or more days in that calendar year.

(e) The offender shall register personally with the sheriff, or the sheriff's designee, or other appropriate person of the other state immediately upon entering into any state other than this state in which the offender attends a school or institution of higher education on a full-time or part-time basis or upon being employed in any state other than this state for more than three days or for an aggregate period of fourteen or more days in that calendar year regardless of whether the offender resides or has a temporary domicile in this state, the other state, or a different state.

(3) Regardless of when the child-victim oriented offense was committed, each child who on or after



July 31, 2003, is adjudicated a delinquent child for committing a child-victim oriented offense and who is classified a juvenile offender registrant based on that adjudication shall register personally with the sheriff, or the sheriff's designee, of the county within three days of the delinquent child's coming into a county in which the delinquent child resides or temporarily is domiciled for more than three days. If the delinquent child is committed for the child-victim oriented offense to the department of youth services or to a secure facility that is not operated by the department, this duty begins when the delinquent child is discharged or released in any manner from custody in a department of youth services secure facility or from the secure facility that is not operated by the department if pursuant to the discharge or release the delinquent child is not committed to any other secure facility of the department or any other secure facility.

(4) Regardless of when the child-victim oriented offense was committed, each person who is convicted, pleads guilty, or is adjudicated a delinquent child in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States for committing a child-victim oriented offense shall comply with all of the following registration requirements if, at the time the offender or delinquent child moves to and resides in this state or temporarily is domiciled in this state for more than three days, the offender enters this state to attend the school or institution of higher education, or the offender is employed in this state for more than the specified period of time, the offender or delinquent child has a duty to register as a child-victim offender or sex offender under the law of that other jurisdiction as a result of the conviction, guilty plea, or adjudication:

(a) Each offender and delinquent child shall register personally with the sheriff, or the sheriff's designee, of the county within three days of the offender's or delinquent child's coming into the county in which the offender or delinquent child resides or temporarily is domiciled for more than three days.

(b) Each offender shall register personally with the sheriff, or the sheriff's designee, of the county immediately upon coming into a county in which the offender attends a school or institution of higher education on a full-time or part-time basis regardless of whether the offender resides or has a temporary domicile in this state or another state.

(c) Each offender shall register personally with the sheriff, or the sheriff's designee, of the county in



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which the offender is employed if the offender resides or has a temporary domicile in this state and has been employed in that county for more than three days or for an aggregate period of fourteen days or more in that calendar year.

(d) Each offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender then is employed if the offender does not reside or have a temporary domicile in this state and has not been employed at any location or locations in this state for more than three days or for an aggregate period of fourteen or more days in that calendar year.

(5) An offender is not required to register under division (A)(2), (3), or (4) of this section if a court issues an order terminating the offender's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code pursuant to section 2950.15 of the Revised Code. A delinquent child who is a juvenile offender registrant but is not a public registry-qualified juvenile offender registrant is not required to register under any of those divisions if a juvenile court issues an order declassifying the delinquent child as a juvenile offender registrant pursuant to section 2152.84 or 2152.85 of the Revised Code.

(B) An offender or delinquent child who is required by division (A) of this section to register in this state personally shall do so in the manner described in division (B) of section 2950.04 of the Revised Code, and the registration is complete as described in that division.

(C) The registration form to be used under divisions (A) and (B) of this section shall include or contain all of the following for the offender or delinquent child who is registering:

(1) The offender's or delinquent child's name, any aliases used by the offender or delinquent child, and a photograph of the offender or delinquent child;

(2) The offender's or delinquent child's social security number and date of birth, including any alternate social security numbers or dates of birth that the offender or delinquent child has used or uses;

(3) Regarding an offender or delinquent child who is registering under a duty imposed under division (A)(1) of this section, a statement that the offender is serving a prison term, term of



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imprisonment, or any other type of confinement or a statement that the delinquent child is in the custody of the department of youth services or is confined in a secure facility that is not operated by the department;

(4) Regarding an offender or delinquent child who is registering under a duty imposed under division (A)(2), (3), or (4) of this section as a result of the offender or delinquent child residing in this state or temporarily being domiciled in this state for more than three days, all of the information described in division (C)(4) of section 2950.04 of the Revised Code;

(5) Regarding an offender who is registering under a duty imposed under division (A)(2) or (4) of this section as a result of the offender attending a school or institution of higher education on a full-time or part-time basis or being employed in this state or in a particular county in this state, whichever is applicable, for more than three days or for an aggregate of fourteen or more days in any calendar year, all of the information described in division (C)(5) of section 2950.04 of the Revised Code;

(6) The identification license plate number issued by this state or any other state of each vehicle the offender or delinquent child owns, of each vehicle registered in the offender's or delinquent child's name, of each vehicle the offender or delinquent child operates as a part of employment, and of each other vehicle that is regularly available to be operated by the offender or delinquent child; a description of where each vehicle is habitually parked, stored, docked, or otherwise kept; and, if required by the bureau of criminal identification and investigation, a photograph of each of those vehicles;

(7) If the offender or delinquent child has a driver's or commercial driver's license or permit issued by this state or any other state or a state identification card issued under section 4507.50 or 4507.51 of the Revised Code or a comparable identification card issued by another state, the driver's license number, commercial driver's license number, or state identification card number;

(8) If the offender or delinquent child was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing the child-victim oriented offense resulting in the registration duty in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States, a DNA specimen, as defined in section 109.573 of the Revised



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Code, from the offender or delinquent child, a citation for, and the name of, the child-victim oriented offense resulting in the registration duty, and a certified copy of a document that describes the text of that child-victim oriented offense;

(9) Copies of travel and immigration documents;

(10) A description of each professional and occupational license, permit, or registration, including those licenses, permits, and registrations issued under Title XLVII of the Revised Code, held by the offender or delinquent child;

(11) Any email addresses, internet identifiers, or telephone numbers registered to or used by the offender or delinquent child;

(12) Any other information required by the bureau of criminal identification and investigation.

(D) Division (D) of section 2950.04 of the Revised Code applies when an offender or delinquent child registers with a sheriff pursuant to this section.

(E) No person who is required to register pursuant to divisions (A) and (B) of this section, and no person who is required to send a notice of intent to reside pursuant to division (G) of this section, shall fail to register or send the notice as required in accordance with those divisions or that division.

(F) An offender or delinquent child who is required to register pursuant to divisions (A) and (B) of this section shall register pursuant to this section for the period of time specified in section 2950.07 of the Revised Code, with the duty commencing on the date specified in division (A) of that section.

(G) If an offender or delinquent child who is required by division (A) of this section to register is a tier III sex offender/child-victim offender, the offender or delinquent child also shall send the sheriff, or the sheriff's designee, of the county in which the offender or delinquent child intends to reside written notice of the offender's or delinquent child's intent to reside in the county. The offender or delinquent child shall send the notice of intent to reside at least twenty days prior to the date the offender or delinquent child begins to reside in the county. The notice of intent to reside shall contain all of the following information:



(1) The information specified in divisions (G)(1) and (2) of section 2950.04 of the Revised Code;

(2) The child-victim oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child.

(H) If, immediately prior to January 1, 2008, an offender or delinquent child who was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing a child-victim oriented offense or a sexually oriented offense as those terms were defined in section 2950.01 of the Revised Code prior to January 1, 2008, was required by division (A) of this section or section 2950.04 of the Revised Code to register and if, on or after January 1, 2008, that offense is a child-victim oriented offense as that term is defined in section 2950.01 of the Revised Code on and after January 1, 2008, the duty to register that is imposed pursuant to this section on and after January 1, 2008, shall be considered, for purposes of section 2950.07 of the Revised Code and for all other purposes, to be a continuation of the duty imposed upon the offender or delinquent child prior to January 1, 2008, under this section or section 2950.04 of the Revised Code.



Ohio Revised Code

Section 2950.06 Periodic verification of current residence address.

Effective: January 1, 2008

Legislation: Senate Bill 10 - 127th General Assembly

(A) An offender or delinquent child who is required to register a residence address pursuant to division (A)(2), (3), or (4) of section 2950.04 or 2950.041 of the Revised Code shall periodically verify the offender's or delinquent child's current residence address, and an offender or public registry-qualified juvenile offender registrant who is required to register a school, institution of higher education, or place of employment address pursuant to any of those divisions shall periodically verify the address of the offender's or public registry-qualified juvenile offender registrant's current school, institution of higher education, or place of employment, in accordance with this section. The frequency of verification shall be determined in accordance with division (B) of this section, and the manner of verification shall be determined in accordance with division (C) of this section.

(B) The frequency with which an offender or delinquent child must verify the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address pursuant to division (A) of this section shall be determined as follows:

(1) Regardless of when the sexually oriented offense or child-victim oriented offense for which the offender or delinquent child is required to register was committed, if the offender or delinquent child is a tier I sex offender/child-victim offender, the offender shall verify the offender's current residence address or current school, institution of higher education, or place of employment address, and the delinquent child shall verify the delinquent child's current residence address, in accordance with division (C) of this section on each anniversary of the offender's or delinquent child's initial registration date during the period the offender or delinquent child is required to register.

(2) Regardless of when the sexually oriented offense or child-victim oriented offense for which the offender or delinquent child is required to register was committed, if the offender or delinquent child is a tier II sex offender/child-victim offender, the offender shall verify the offender's current residence address or current school, institution of higher education, or place of employment



address, and the delinquent child shall verify the delinquent child's current residence address, in accordance with division (C) of this section every one hundred eighty days after the offender's or delinquent child's initial registration date during the period the offender or delinquent child is required to register.

(3) Regardless of when the sexually oriented offense or child-victim oriented offense for which the offender or delinquent child is required to register was committed, if the offender or delinquent child is a tier III sex offender/child-victim offender, the offender shall verify the offender's current residence address or current school, institution of higher education, or place of employment address, and the delinquent child shall verify the delinquent child's current residence address and, if the delinquent child is a public registry-qualified juvenile offender registrant, the current school, institution of higher education, or place of employment address, in accordance with division (C) of this section every ninety days after the offender's or delinquent child's initial registration date during the period the offender or delinquent child is required to register.

(4) If, prior to January 1, 2008, an offender or delinquent child registered with a sheriff under a duty imposed under section 2950.04 or 2950.041 of the Revised Code as a result of a conviction of, plea of guilty to, or adjudication as a delinquent child for committing a sexually oriented offense or a child-victim oriented offense as those terms were defined in section 2950.01 of the Revised Code prior to January 1, 2008, the duty to register that is imposed on the offender or delinquent child pursuant to section 2950.04 or 2950.041 of the Revised Code on and after January 1, 2008, is a continuation of the duty imposed upon the offender prior to January 1, 2008, under section 2950.04 or 2950.041 of the Revised Code and, for purposes of divisions (B)(1), (2), and (3) of this section, the offender's initial registration date related to that offense is the date on which the offender initially registered under section 2950.04 or 2950.041 of the Revised Code.

(C)(1) An offender or delinquent child who is required to verify the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address pursuant to division (A) of this section shall verify the address with the sheriff with whom the offender or delinquent child most recently registered the address by personally appearing before the sheriff or a designee of the sheriff, no earlier than ten days before the date on which the verification is required pursuant to division (B) of this section and no later than the date so required for verification, and completing and signing a copy of the verification form prescribed by the bureau of criminal



identification and investigation. The sheriff or designee shall sign the completed form and indicate on the form the date on which it is so completed. The verification required under this division is complete when the offender or delinquent child personally appears before the sheriff or designee and completes and signs the form as described in this division.

(2) To facilitate the verification of an offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, under division (C)(1) of this section, the sheriff with whom the offender or delinquent child most recently registered the address may mail a nonforwardable verification form prescribed by the bureau of criminal identification and investigation to the offender's or delinquent child's last reported address and to the last reported address of the parents of the delinquent child, with a notice that conspicuously states that the offender or delinquent child must personally appear before the sheriff or a designee of the sheriff to complete the form and the date by which the form must be so completed. Regardless of whether a sheriff mails a form to an offender or delinquent child and that child's parents, each offender or delinquent child who is required to verify the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, pursuant to division (A) of this section shall personally appear before the sheriff or a designee of the sheriff to verify the address in accordance with division (C)(1) of this section.

(D) The verification form to be used under division (C) of this section shall contain all of the following:

(1) Except as provided in division (D)(2) of this section, the current residence address of the offender or delinquent child, the name and address of the offender's or delinquent child's employer if the offender or delinquent child is employed at the time of verification or if the offender or delinquent child knows at the time of verification that the offender or delinquent child will be commencing employment with that employer subsequent to verification, the name and address of the offender's or public registry-qualified juvenile offender registrant's school or institution of higher education if the offender or public registry-qualified juvenile offender registrant attends one at the time of verification or if the offender or public registry-qualified juvenile offender registrant knows at the time of verification that the offender will be commencing attendance at that school or institution subsequent to verification, and any other information required by the bureau of criminal identification and investigation.



(2) Regarding an offender or public registry-qualified juvenile offender registrant who is verifying a current school, institution of higher education, or place of employment address, the name and current address of the school, institution of higher education, or place of employment of the offender or public registry-qualified juvenile offender registrant and any other information required by the bureau of criminal identification and investigation.

(E) Upon an offender's or delinquent child's personal appearance and completion of a verification form under division (C) of this section, a sheriff promptly shall forward a copy of the verification form to the bureau of criminal identification and investigation in accordance with the forwarding procedures adopted by the attorney general pursuant to section 2950.13 of the Revised Code. If an offender or public registry-qualified juvenile offender registrant verifies a school, institution of higher education, or place of employment address, or provides a school or institution of higher education address under division (D)(1) of this section, the sheriff also shall provide notice to the law enforcement agency with jurisdiction over the premises of the school, institution of higher education, or place of employment of the offender's or public registry-qualified juvenile offender registrant's name and that the offender or public registry-qualified juvenile offender registrant has verified or provided that address as a place at which the offender or public registry-qualified juvenile offender registrant attends school or an institution of higher education or at which the offender or public registry-qualified juvenile offender registrant is employed. The bureau shall include all information forwarded to it under this division in the state registry of sex offenders and child-victim offenders established and maintained under section 2950.13 of the Revised Code.

(F) No person who is required to verify a current residence, school, institution of higher education, or place of employment address, as applicable, pursuant to divisions (A) to (C) of this section shall fail to verify a current residence, school, institution of higher education, or place of employment address, as applicable, in accordance with those divisions by the date required for the verification as set forth in division (B) of this section, provided that no person shall be prosecuted or subjected to a delinquent child proceeding for a violation of this division, and that no parent, guardian, or custodian of a delinquent child shall be prosecuted for a violation of section 2919.24 of the Revised Code based on the delinquent child's violation of this division, prior to the expiration of the period of time specified in division (G) of this section.



(G)(1) If an offender or delinquent child fails to verify a current residence, school, institution of higher education, or place of employment address, as applicable, as required by divisions (A) to (C) of this section by the date required for the verification as set forth in division (B) of this section, the sheriff with whom the offender or delinquent child is required to verify the current address, on the day following that date required for the verification, shall send a written warning to the offender or to the delinquent child and that child's parents, at the offender's or delinquent child's and that child's parents' last known residence, school, institution of higher education, or place of employment address, as applicable, regarding the offender's or delinquent child's duty to verify the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable.

The written warning shall do all of the following:

- (a) Identify the sheriff who sends it and the date on which it is sent;
- (b) State conspicuously that the offender or delinquent child has failed to verify the offender's or public registry-qualified juvenile offender registrant's current residence, school, institution of higher education, or place of employment address or the current residence address of a delinquent child who is not a public registry-qualified juvenile offender registrant by the date required for the verification;
- (c) Conspicuously state that the offender or delinquent child has seven days from the date on which the warning is sent to verify the current residence, school, institution of higher education, or place of employment address, as applicable, with the sheriff who sent the warning;
- (d) Conspicuously state that a failure to timely verify the specified current address or addresses is a felony offense;
- (e) Conspicuously state that, if the offender or public registry-qualified juvenile offender registrant verifies the current residence, school, institution of higher education, or place of employment address or the delinquent child who is not a public registry-qualified juvenile offender registrant verifies the current residence address with that sheriff within that seven-day period, the offender or delinquent child will not be prosecuted or subjected to a delinquent child proceeding for a failure to



timely verify a current address and the delinquent child's parent, guardian, or custodian will not be prosecuted based on a failure of the delinquent child to timely verify an address;

(f) Conspicuously state that, if the offender or public registry-qualified juvenile offender registrant does not verify the current residence, school, institution of higher education, or place of employment address or the delinquent child who is not a public registry-qualified juvenile offender registrant does not verify the current residence address with that sheriff within that seven-day period, the offender or delinquent child will be arrested or taken into custody, as appropriate, and prosecuted or subjected to a delinquent child proceeding for a failure to timely verify a current address and the delinquent child's parent, guardian, or custodian may be prosecuted for a violation of section 2919.24 of the Revised Code based on the delinquent child's failure to timely verify a current residence address.

(2) If an offender or delinquent child fails to verify a current residence, school, institution of higher education, or place of employment address, as applicable, as required by divisions (A) to (C) of this section by the date required for the verification as set forth in division (B) of this section, the offender or delinquent child shall not be prosecuted or subjected to a delinquent child proceeding for a violation of division (F) of this section, and the delinquent child's parent, guardian, or custodian shall not be prosecuted for a violation of section 2919.24 of the Revised Code based on the delinquent child's failure to timely verify a current residence address and, if the delinquent child is a public registry-qualified juvenile offender registrant, the current school, institution of higher education, or place of employment address, as applicable, unless the seven-day period subsequent to that date that the offender or delinquent child is provided under division (G)(1) of this section to verify the current address has expired and the offender or delinquent child, prior to the expiration of that seven-day period, has not verified the current address. Upon the expiration of the seven-day period that the offender or delinquent child is provided under division (G)(1) of this section to verify the current address, if the offender or delinquent child has not verified the current address, all of the following apply:

(a) The sheriff with whom the offender or delinquent child is required to verify the current residence, school, institution of higher education, or place of employment address, as applicable, promptly shall notify the bureau of criminal identification and investigation of the failure.



(b) The sheriff with whom the offender or delinquent child is required to verify the current residence, school, institution of higher education, or place of employment address, as applicable, the sheriff of the county in which the offender or delinquent child resides, the sheriff of the county in which is located the offender's or public registry-qualified juvenile offender registrant's school, institution of higher education, or place of employment address that was to be verified, or a deputy of the appropriate sheriff, shall locate the offender or delinquent child, promptly shall seek a warrant for the arrest or taking into custody, as appropriate, of the offender or delinquent child for the violation of division (F) of this section and shall arrest the offender or take the child into custody, as appropriate.

(c) The offender or delinquent child is subject to prosecution or a delinquent child proceeding for the violation of division (F) of this section, and the delinquent child's parent, guardian, or custodian may be subject to prosecution for a violation of section 2919.24 of the Revised Code based on the delinquent child's violation of that division.

(H) An offender or public registry-qualified juvenile offender registrant who is required to verify the offender's or public registry-qualified juvenile offender registrant's current residence, school, institution of higher education, or place of employment address pursuant to divisions (A) to (C) of this section and a delinquent child who is not a public registry-qualified juvenile offender registrant who is required to verify the delinquent child's current residence address pursuant to those divisions shall do so for the period of time specified in section 2950.07 of the Revised Code.



Ohio Revised Code

Section 2950.07 Commencement date for duty to register.

Effective: January 1, 2008

Legislation: Senate Bill 10 - 127th General Assembly

(A) The duty of an offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and the duty of a delinquent child who is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or who is an out-of-state juvenile offender registrant to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code commences on whichever of the following dates is applicable:

(1) If the offender's duty to register is imposed pursuant to division (A)(1)(a) of section 2950.04 or division (A)(1)(a) of section 2950.041 of the Revised Code, the offender's duty to comply with those sections commences immediately after the entry of the judgment of conviction.

(2) If the delinquent child's duty to register is imposed pursuant to division (A)(1)(b) of section 2950.04 or division (A)(1)(b) of section 2950.041 of the Revised Code, the delinquent child's duty to comply with those sections commences immediately after the order of disposition.

(3) If the offender's duty to register is imposed pursuant to division (A)(2) of section 2950.04 or division (A)(2) of section 2950.041 of the Revised Code, subject to division (A)(7) of this section, the offender's duty to comply with those sections commences on the date of the offender's release from a prison term, a term of imprisonment, or any other type of confinement, or if the offender is not sentenced to a prison term, a term of imprisonment, or any other type of confinement, on the date of the entry of the judgment of conviction of the sexually oriented offense or child-victim oriented offense.

(4) If the offender's or delinquent child's duty to register is imposed pursuant to division (A)(4) of section 2950.04 or division (A)(4) of section 2950.041 of the Revised Code, the offender's duty to comply with those sections commences regarding residence addresses on the date that the offender begins to reside or becomes temporarily domiciled in this state, the offender's duty regarding



addresses of schools, institutions of higher education, and places of employment commences on the date the offender begins attending any school or institution of higher education in this state on a full-time or part-time basis or becomes employed in this state, and the delinquent child's duty commences on the date the delinquent child begins to reside or becomes temporarily domiciled in this state.

(5) If the delinquent child's duty to register is imposed pursuant to division (A)(3) of section 2950.04 or division (A)(3) of section 2950.041 of the Revised Code, if the delinquent child's classification as a juvenile offender registrant is made at the time of the child's disposition for that sexually oriented offense or child-victim oriented offense, whichever is applicable, and if the delinquent child is committed for the sexually oriented offense or child-victim oriented offense to the department of youth services or to a secure facility that is not operated by the department, the delinquent child's duty to comply with those sections commences on the date of the delinquent child's discharge or release from custody in the department of youth services secure facility or from the secure facility not operated by the department as described in that division.

(6) If the delinquent child's duty to register is imposed pursuant to division (A)(3) of section 2950.04 or division (A)(3) of section 2950.041 of the Revised Code and if either the delinquent child's classification as a juvenile offender registrant is made at the time of the child's disposition for that sexually oriented offense or child-victim oriented offense, whichever is applicable, and the delinquent child is not committed for the sexually oriented offense or child-victim oriented offense to the department of youth services or to a secure facility that is not operated by the department or the child's classification as a juvenile offender registrant is made pursuant to section 2152.83 or division (A)(2) of section 2152.86 of the Revised Code, subject to divisions (A)(7) of this section, the delinquent child's duty to comply with those sections commences on the date of entry of the court's order that classifies the delinquent child a juvenile offender registrant.

(7) If the offender's or delinquent child's duty to register is imposed pursuant to division (A)(2), (3), or (4) of section 2950.04 or section 2950.041 of the Revised Code and if the offender or delinquent child prior to January 1, 2008, has registered a residence, school, institution of higher education, or place of employment address pursuant to section 2950.04, 2950.041, or 2950.05 of the Revised Code as they existed prior to that date, the offender or delinquent child initially shall register in accordance with section 2950.04 or 2950.041 of the Revised Code, whichever is applicable, as it



exists on and after January 1, 2008, not later than the earlier of the dates specified in divisions (A)(7)(a) and (b) of this section. The offender's or delinquent child's duty to comply thereafter with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as they exist on and after January 1, 2008, commences on the date of that initial registration. The offender or delinquent child initially shall register under section 2950.04 or 2950.041 of the Revised Code as it exists on and after January 1, 2008, not later than the earlier of the following:

(a) The date that is six months after the date on which the offender or delinquent child received a registered letter from the attorney general under division (A)(2) or (B) of section 2950.031 of the Revised Code;

(b) The earlier of the date on which the offender or delinquent child would be required to verify a previously registered address under section 2950.06 of the Revised Code as it exists on and after January 1, 2008, or, if the offender or delinquent child has changed a previously registered address, the date on which the offender or delinquent child would be required to register a new residence, school, institution of higher education, or place of employment address under section 2950.05 of the Revised Code as it exists on and after January 1, 2008.

(8) If the offender's or delinquent child's duty to register was imposed pursuant to section 2950.04 or 2950.041 of the Revised Code as they existed prior to January 1, 2008, the offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as they exist on and after January 1, 2008, is a continuation of the offender's or delinquent child's former duty to register imposed prior to January 1, 2008, under section 2950.04 or 2950.041 of the Revised Code and shall be considered for all purposes as having commenced on the date that the offender's duty under that section commenced.

(B) The duty of an offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and the duty of a delinquent child who is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or who is an out-of-state juvenile offender registrant to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code continues, after the date of commencement, for whichever of the following periods is applicable:



(1) Except as otherwise provided in this division, if the person is an offender who is a tier III sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, if the person is a delinquent child who is a tier III sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, or if the person is a delinquent child who is a public registry-qualified juvenile offender registrant relative to the sexually oriented offense, the offender's or delinquent child's duty to comply with those sections continues until the offender's or delinquent child's death. Regarding a delinquent child who is a tier III sex offender/child-victim offender relative to the offense but is not a public registry-qualified juvenile offender registrant relative to the offense, if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is a tier III sex offender/child-victim offender, the delinquent child's duty to comply with those sections continues for the period of time that is applicable to the delinquent child under division (B)(2) or (3) of this section, based on the reclassification of the child pursuant to section 2152.84 or 21562.85 of the Revised Code as a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender. In no case shall the lifetime duty to comply that is imposed under this division on an offender who is a tier III sex offender/child-victim offender be removed or terminated. A delinquent child who is a public registry-qualified juvenile offender registrant may have the lifetime duty to register terminated only pursuant to section 2950.15 of the Revised Code.

(2) If the person is an offender who is a tier II sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, the offender's duty to comply with those sections continues for twenty-five years. Except as otherwise provided in this division, if the person is a delinquent child who is a tier II sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, the delinquent child's duty to comply with those sections continues for twenty years. Regarding a delinquent child who is a tier II sex offender/child-victim offender relative to the offense but is not a public registry-qualified juvenile offender registrant relative to the offense, if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is a tier II sex offender/child-victim offender but remains a juvenile offender registrant, the delinquent child's duty to comply with those sections continues for the period of time that is applicable to the delinquent child under division



(B)(3) of this section, based on the reclassification of the child pursuant to section 2152.84 or 2152.85 of the Revised Code as a tier I sex offender/child-victim offender.

(3) Except as otherwise provided in this division, if the person is an offender who is a tier I sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, the offender's duty to comply with those sections continues for fifteen years. Except as otherwise provided in this division, if the person is a delinquent child who is a tier I sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, the delinquent child's duty to comply with those sections continues for ten years.

Regarding a delinquent child who is a juvenile offender registrant and a tier I sex offender/child-victim offender but is not a public registry-qualified juvenile offender registrant, if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is to be classified a juvenile offender registrant, the delinquent child's duty to comply with those sections terminates upon the court's entry of the determination. A person who is an offender who is a tier I sex offender/child-victim offender may have the fifteen-year duty to register terminated only pursuant to section 2950.15 of the Revised Code.

(C)(1) If an offender has been convicted of or pleaded guilty to a sexually oriented offense and the offender subsequently is convicted of or pleads guilty to another sexually oriented offense or a child-victim oriented offense, if an offender has been convicted of or pleaded guilty to a child-victim oriented offense and the offender subsequently is convicted of or pleads guilty to another child-victim oriented offense or a sexually oriented offense, if a delinquent child has been adjudicated a delinquent child for committing a sexually oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant and the child subsequently is adjudicated a delinquent child for committing another sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant relative to that offense or subsequently is convicted of or pleads guilty to another sexually oriented offense or a child-victim oriented offense, or if a delinquent child has been adjudicated a delinquent child for committing a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant and the child subsequently is adjudicated a delinquent child for committing another child-victim oriented offense or a sexually oriented offense and is classified a juvenile offender registrant relative to that offense or subsequently is convicted of or pleads guilty



to another child-victim oriented offense or a sexually oriented offense, the period of time for which the offender or delinquent child must comply with the sections specified in division (A) of this section shall be separately calculated pursuant to divisions (A)(1) to (8) and (B)(1) to (3) of this section for each of the sexually oriented offenses and child-victim oriented offenses, and the offender or delinquent child shall comply with each separately calculated period of time independently.

If a delinquent child has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense, is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant relative to that offense, and, after attaining eighteen years of age, subsequently is convicted of or pleads guilty to another sexually oriented offense or child-victim oriented offense, the subsequent conviction or guilty plea does not limit, affect, or supersede the duties imposed upon the delinquent child under this chapter relative to the delinquent child's classification as a juvenile offender registrant or as an out-of-state juvenile offender registrant, and the delinquent child shall comply with both those duties and the duties imposed under this chapter relative to the subsequent conviction or guilty plea.

(2) If a delinquent child has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant relative to the offense and if the juvenile judge or the judge's successor in office subsequently reclassifies the offense tier in which the child is classified pursuant to section 2152.84 or 2152.85 of the Revised Code, the judge's subsequent determination to reclassify the child does not affect the date of commencement of the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as determined under division (A) of this section. The child's duty to comply with those sections after the reclassification is a continuation of the child's duty to comply with the sections that was in effect prior to the reclassification, and the duty shall continue for the period of time specified in division (B)(1), (2), or (3) of this section, whichever is applicable.

If, prior to January 1, 2008, an offender had a duty to comply with the sections specified in division (A) of this section as a result of a conviction of or plea of guilty to a sexually oriented offense or child-victim oriented offense as those terms were defined in section 2950.01 of the Revised Code prior to January 1, 2008, or a delinquent child had a duty to comply with those sections as a result



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of an adjudication as a delinquent child for committing one of those offenses as they were defined prior to January 1, 2008, the period of time specified in division (B)(1), (2), or (3) of this section on and after January 1, 2008, for which a person must comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code applies to the person, automatically replaces the period of time for which the person had to comply with those sections prior to January 1, 2008, and is a continuation of the person's duty to comply with the sections that was in effect prior to the reclassification. If, prior to January 1, 2008, an offender or a delinquent child had a duty to comply with the sections specified in division (A) of this section, the offender's or delinquent child's classification as a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender for purposes of that period of time shall be determined as specified in section 2950.031 or 2950.032 of the Revised Code, as applicable.

(D) The duty of an offender or delinquent child to register under this chapter is tolled for any period during which the offender or delinquent child is returned to confinement in a secure facility for any reason or imprisoned for an offense when the confinement in a secure facility or imprisonment occurs subsequent to the date determined pursuant to division (A) of this section. The offender's or delinquent child's duty to register under this chapter resumes upon the offender's or delinquent child's release from confinement in a secure facility or imprisonment.

(E) An offender or delinquent child who has been or is convicted, has pleaded or pleads guilty, or has been or is adjudicated a delinquent child, in a court in another state, in a federal court, military court, or Indian tribal court, or in a court of any nation other than the United States for committing a sexually oriented offense or a child-victim oriented offense may apply to the sheriff of the county in which the offender or delinquent child resides or temporarily is domiciled, or in which the offender attends a school or institution of higher education or is employed, for credit against the duty to register for the time that the offender or delinquent child has complied with the sex offender or child-victim offender registration requirements of another jurisdiction. The sheriff shall grant the offender or delinquent child credit against the duty to register for time for which the offender or delinquent child provides adequate proof that the offender or delinquent child has complied with the sex offender or child-victim offender registration requirements of another jurisdiction. If the offender or delinquent child disagrees with the determination of the sheriff, the offender or delinquent child may appeal the determination to the court of common pleas of the county in which the offender or delinquent child resides or is temporarily domiciled, or in which the offender



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attends a school or institution of higher education or is employed.



Ohio Revised Code

Section 2950.081 Public inspection of information and records in possession of sheriff.

Effective: January 1, 2008

Legislation: Senate Bill 10 - 127th General Assembly

(A) Any statements, information, photographs, fingerprints, or materials that are required to be provided, and that are provided, by an offender or delinquent child pursuant to section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code and that are in the possession of a county sheriff are public records open to public inspection under section 149.43 of the Revised Code and shall be included in the internet sex offender and child-victim offender database established and maintained under section 2950.13 of the Revised Code to the extent provided in that section.

(B) Except when the child is classified a public registry-qualified juvenile offender registrant, the sheriff shall not cause to be publicly disseminated by means of the internet any statements, information, photographs, fingerprints, or materials that are provided by a delinquent child who sends a notice of intent to reside, registers, provides notice of a change of residence address and registers the new residence address, or provides verification of a current residence address pursuant to this chapter and that are in the possession of a county sheriff.

(C) If a sheriff establishes on the internet a sex offender and child-victim offender database for the public dissemination of some or all of the materials that are described in division (A) of this section, that are not prohibited from inclusion by division (B) of this section, and that pertain to offenders or delinquent children who register in the sheriff's county, in addition to all of the other information and materials included, the sheriff shall include in the database a chart describing which sexually oriented offenses and child-victim oriented offenses are included in the definitions of tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, and tier III sex offender/child-victim offender and for each offender or delinquent child in relation to whom information and materials are provided a statement as to whether the offender or delinquent child is a tier I sex offender/child-victim offenders, a tier II sex offender/child-victim offenders, or a tier III sex offender/child-victim offenders.



Ohio Revised Code

Section 2950.11 Notice of identity and location of offender in specified geographical notification area.

Effective: January 1, 2014

Legislation: Senate Bill 316 - 129th General Assembly

(A) Regardless of when the sexually oriented offense or child-victim oriented offense was committed, if a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code, within the period of time specified in division (C) of this section, shall provide a written notice containing the information set forth in division (B) of this section to all of the persons described in divisions (A)(1) to (10) of this section. If the sheriff has sent a notice to the persons described in those divisions as a result of receiving a notice of intent to reside and if the offender or delinquent child registers a residence address that is the same residence address described in the notice of intent to reside, the sheriff is not required to send an additional notice when the offender or delinquent child registers. The sheriff shall provide the notice to all of the following persons:

(1)(a) Any occupant of each residential unit that is located within one thousand feet of the offender's or delinquent child's residential premises, that is located within the county served by the sheriff, and that is not located in a multi-unit building. Division (D)(3) of this section applies regarding notices required under this division.

(b) If the offender or delinquent child resides in a multi-unit building, any occupant of each residential unit that is located in that multi-unit building and that shares a common hallway with the offender or delinquent child. For purposes of this division, an occupant's unit shares a common hallway with the offender or delinquent child if the entrance door into the occupant's unit is located



on the same floor and opens into the same hallway as the entrance door to the unit the offender or delinquent child occupies. Division (D)(3) of this section applies regarding notices required under this division.

(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the offender's or delinquent child's residential premises, including a multi-unit building in which the offender or delinquent child resides, and that is located within the county served by the sheriff. In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under this division, the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate. The manager or person exercising management and control of the building shall permit the sheriff to post copies of the notice under this division as the sheriff determines appropriate. In lieu of posting copies of the notice as described in this division, a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact; if the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of neighbors of the offender or delinquent child that the attorney general by rule adopted under section 2950.13 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff;

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3)(a) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff;

(b) The principal of the school within the specified geographical notification area and within the county served by the sheriff that the delinquent child attends;

(c) If the delinquent child attends a school outside of the specified geographical notification area or



outside of the school district where the delinquent child resides, the superintendent of the board of education of a school district that governs the school that the delinquent child attends and the principal of the school that the delinquent child attends.

(4)(a) The appointing or hiring officer of each chartered nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section;

(b) Regardless of the location of the school, the appointing or hiring officer of a chartered nonpublic school that the delinquent child attends.

(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff;

(6) The administrator of each child day-care center or type A family day-care home that is located within the specified geographical notification area and within the county served by the sheriff, each holder of a license to operate a type B family day-care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child day-care center," "type A family day-care home," and "type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.

(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff, and the chief law enforcement officer of the state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code, if any, that serves that institution;

(8) The sheriff of each county that includes any portion of the specified geographical notification area;



(9) If the offender or delinquent child resides within the county served by the sheriff, the chief of police, marshal, or other chief law enforcement officer of the municipal corporation in which the offender or delinquent child resides or, if the offender or delinquent child resides in an unincorporated area, the constable or chief of the police department or police district police force of the township in which the offender or delinquent child resides;

(10) Volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, company, or individual who requests notification as provided in division (J) of this section.

(B) The notice required under division (A) of this section shall include all of the following information regarding the subject offender or delinquent child:

(1) The offender's or delinquent child's name;

(2) The address or addresses of the offender's or public registry-qualified juvenile offender registrant's residence, school, institution of higher education, or place of employment, as applicable, or the residence address or addresses of a delinquent child who is not a public registry-qualified juvenile offender registrant;

(3) The sexually oriented offense or child-victim oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child;

(4) A statement that identifies the category specified in division (F)(1)(a), (b), or (c) of this section that includes the offender or delinquent child and that subjects the offender or delinquent child to this section;

(5) The offender's or delinquent child's photograph.

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by



division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided notice under division (A)(8) of this section shall provide the notices described in divisions (A)(1) to (7) and (A)(9) and (10) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question.

(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) and (A)(10) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (10) of this section. If a sheriff provides a notice pursuant to this division to the sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided the notice under division (A)(8) of this section may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in



divisions (A)(1) to (7) and (A)(9) and (10) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or (b) of this section, and may provide notice under division (A)(1)(c) of this section to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry door to a residential unit. For purposes of divisions (A)(1)(a) and (b) of this section, and the portion of division (A)(1)(c) of this section relating to the provision of notice to occupants of a multi-unit building by mail or personal contact, the provision of one written notice per unit is deemed as providing notice to all occupants of that unit.

(E) All information that a sheriff possesses regarding an offender or delinquent child who is in a category specified in division (F)(1)(a), (b), or (c) of this section that is described in division (B) of this section and that must be provided in a notice required under division (A) or (C) of this section or that may be provided in a notice authorized under division (D)(2) of this section is a public record that is open to inspection under section 149.43 of the Revised Code.

The sheriff shall not cause to be publicly disseminated by means of the internet any of the information described in this division that is provided by a delinquent child unless that child is in a category specified in division (F)(1)(a), (b), or (c) of this section.

(F)(1) Except as provided in division (F)(2) of this section, the duties to provide the notices described in divisions (A) and (C) of this section apply regarding any offender or delinquent child who is in any of the following categories:

(a) The offender is a tier III sex offender/child-victim offender, or the delinquent child is a public registry-qualified juvenile offender registrant, and a juvenile court has not removed pursuant to section 2950.15 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(b) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was subjected to this section prior to January 1, 2008, as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in section 2950.01 of the Revised Code as it existed



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prior to January 1, 2008, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(c) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant on or after January 1, 2008, the court has imposed a requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(2) The notification provisions of this section do not apply to a person described in division (F)(1)(a), (b), or (c) of this section if a court finds at a hearing after considering the factors described in this division that the person would not be subject to the notification provisions of this section that were in the version of this section that existed immediately prior to January 1, 2008. In making the determination of whether a person would have been subject to the notification provisions under prior law as described in this division, the court shall consider the following factors:

(a) The offender's or delinquent child's age;

(b) The offender's or delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses;

(c) The age of the victim of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made;

(d) Whether the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made involved multiple victims;

(e) Whether the offender or delinquent child used drugs or alcohol to impair the victim of the sexually oriented offense or to prevent the victim from resisting;



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(f) If the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be, a criminal offense, whether the offender or delinquent child completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;

(g) Any mental illness or mental disability of the offender or delinquent child;

(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;

(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;

(j) Whether the offender or delinquent child would have been a habitual sex offender or a habitual child victim offender under the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each board of education, school, or program of that



type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school.

(3) The Ohio board of regents shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding an offender or delinquent child, or a designee of a sheriff of that type, may request the department of job and family services, department of education, or Ohio board of regents, by telephone, in person, or by mail, to provide the sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom the notices described in divisions (A)(2) to (7) of this section are to be provided. Upon receipt of a request, the department or board shall provide the requesting sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom those notices are to be provided.

(H)(1) Upon the motion of the offender or the prosecuting attorney of the county in which the offender was convicted of or pleaded guilty to the sexually oriented offense or child-victim oriented offense for which the offender is subject to community notification under this section, or upon the motion of the sentencing judge or that judge's successor in office, the judge may schedule a hearing to determine whether the interests of justice would be served by suspending the community notification requirement under this section in relation to the offender. The judge may dismiss the motion without a hearing but may not issue an order suspending the community notification requirement without a hearing. At the hearing, all parties are entitled to be heard, and the judge shall consider all of the factors set forth in division (K) of this section. If, at the conclusion of the hearing, the judge finds that the offender has proven by clear and convincing evidence that the offender is unlikely to commit in the future a sexually oriented offense or a child-victim oriented offense and if the judge finds that suspending the community notification requirement is in the interests of justice, the judge may suspend the application of this section in relation to the offender. The order shall contain both of these findings.



The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a sexually violent predator;

(b) A person who is convicted of or pleads guilty to a sexually oriented offense that is a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code;



(c) A person who is convicted of or pleads guilty to a sexually oriented offense that is attempted rape committed on or after January 2, 2007, and who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code;

(d) A person who is convicted of or pleads guilty to an offense described in division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and who is sentenced for that offense pursuant to that division;

(e) An offender who is in a category specified in division (F)(1)(a), (b), or (c) of this section and who, subsequent to being subjected to community notification, has pleaded guilty to or been convicted of a sexually oriented offense or child-victim oriented offense.

(I) If a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is not in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code, within the period of time specified in division (D) of this section, shall provide a written notice containing the information set forth in division (B) of this section to the executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff.

(J) Each sheriff shall allow a volunteer organization or other organization, company, or individual who wishes to receive the notice described in division (A)(10) of this section regarding a specific offender or delinquent child or notice regarding all offenders and delinquent children who are located in the specified geographical notification area to notify the sheriff by electronic mail or through the sheriff's web site of this election. The sheriff shall promptly inform the bureau of criminal identification and investigation of these requests in accordance with the forwarding



procedures adopted by the attorney general pursuant to section 2950.13 of the Revised Code.

(K) In making a determination under division (H)(1) of this section as to whether to suspend the community notification requirement under this section for an offender, the judge shall consider all relevant factors, including, but not limited to, all of the following:

(1) The offender's age;

(2) The offender's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexually oriented offenses or child-victim oriented offenses;

(3) The age of the victim of the sexually oriented offense or child-victim oriented offense the offender committed;

(4) Whether the sexually oriented offense or child-victim oriented offense the offender committed involved multiple victims;

(5) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense the offender committed or to prevent the victim from resisting;

(6) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the offender completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sex offenders or child-victim offenders;

(7) Any mental illness or mental disability of the offender;

(8) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense the offender committed or the nature of the offender's interaction in a sexual context with the victim of the child-victim oriented offense the offender committed, whichever is applicable, and whether the sexual conduct, sexual contact, or interaction in



a sexual context was part of a demonstrated pattern of abuse;

(9) Whether the offender, during the commission of the sexually oriented offense or child-victim oriented offense the offender committed, displayed cruelty or made one or more threats of cruelty;

(10) Any additional behavioral characteristics that contribute to the offender's conduct.

(L) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general, by rule adopted under section 2950.13 of the Revised Code, requires the notice described in division (B) of this section to be given to the persons identified in divisions (A)(2) to (8) of this section.



Ohio Revised Code

Section 2950.111 Notification of change or verification of residence address.

Effective: July 31, 2003

Legislation: Senate Bill 5 - 125th General Assembly

(A) If an offender or delinquent child registers a residence address, provides notice of a change of any residence address, or verifies a current residence address pursuant to section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, all of the following apply:

(1) At any time after the registration, provision of the notice, or verification, the sheriff with whom the offender or delinquent child so registered or to whom the offender or delinquent child so provided the notice or verified the current address, or a designee of that sheriff, may contact a person who owns, leases, or otherwise has custody, control, or supervision of the premises at the address provided by the offender or delinquent child in the registration, the notice, or the verification and request that the person confirm or deny that the offender or delinquent child currently resides at that address.

(2) Upon receipt of a request under division (A)(1) of this section, notwithstanding any other provision of law, the person who owns, leases, or otherwise has custody, control, or supervision of the premises, or an agent of that person, shall comply with the request and inform the sheriff or designee who made the request whether or not the offender or delinquent child currently resides at that address.

(3) Section 2950.12 of the Revised Code applies to a person who, in accordance with division (A)(2) of this section, provides information of the type described in that division.

(B) Division (A) of this section applies regarding any public or private residential premises, including, but not limited to, a private residence, a multi-unit residential facility, a halfway house, a homeless shelter, or any other type of residential premises. Division (A) of this section does not apply regarding an offender's registration, provision of notice of a change in, or verification of a school, institution of higher education, or place of employment address pursuant to section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code.



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(C) A sheriff or designee of a sheriff may attempt to confirm that an offender or delinquent child who registers a residence address, provides notice of a change of any residence address, or verifies a current residence address as described in division (A) of this section currently resides at the address in question in manners other than the manner provided in this section. A sheriff or designee of a sheriff is not limited in the number of requests that may be made under this section regarding any registration, provision of notice, or verification, or in the number of times that the sheriff or designee may attempt to confirm, in manners other than the manner provided in this section, that an offender or delinquent child currently resides at the address in question.



Ohio Revised Code Section 2950.99 Penalty.

Effective: September 30, 2011

Legislation: House Bill 86 - 129th General Assembly

(A)(1)(a) Except as otherwise provided in division (A)(1)(b) of this section, whoever violates a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code shall be punished as follows:

(i) If the most serious sexually oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is aggravated murder or murder if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the first degree.

(ii) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is a felony of the first, second, third, or fourth degree if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the same degree as the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address, or address verification requirement that was violated under the prohibition, or, if the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address, or address verification requirement that was violated under the prohibition is a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the same degree as that offense committed in the other jurisdiction would constitute if committed in this state.

(iii) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is a felony of the fifth degree or a misdemeanor if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the fourth degree.



(b) If the offender previously has been convicted of or pleaded guilty to, or previously has been adjudicated a delinquent child for committing, a violation of a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, whoever violates a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code shall be punished as follows:

(i) If the most serious sexually oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is aggravated murder or murder if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the first degree.

(ii) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is a felony of the first, second, or third degree if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the same degree as the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address, or address verification requirement that was violated under the prohibition, or, if the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address, or address verification requirement that was violated under the prohibition is a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the same degree as that offense committed in the other jurisdiction would constitute if committed in this state.

(iii) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is a felony of the fourth or fifth degree if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the third degree.

(iv) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is a misdemeanor if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony



of the fourth degree.

(2)(a) In addition to any penalty or sanction imposed under division (A)(1) of this section or any other provision of law for a violation of a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the offender or delinquent child is subject to a community control sanction, is on parole, is subject to one or more post-release control sanctions, or is subject to any other type of supervised release at the time of the violation, the violation shall constitute a violation of the terms and conditions of the community control sanction, parole, post-release control sanction, or other type of supervised release.

(b) In addition to any penalty or sanction imposed under division (A)(1)(b)(i), (ii), or (iii) of this section or any other provision of law for a violation of a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the offender previously has been convicted of or pleaded guilty to, or previously has been adjudicated a delinquent child for committing, a violation of a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code when the most serious sexually oriented offense or child-victim oriented offense that was the basis of the requirement that was violated under the prohibition is a felony if committed by an adult or a comparable category of offense committed in another jurisdiction, the court imposing a sentence upon the offender shall impose a definite prison term of no less than three years. The definite prison term imposed under this section, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced to less than three years pursuant to any provision of Chapter 2967. or any other provision of the Revised Code.

(3) As used in division (A)(1) of this section, "comparable category of offense committed in another jurisdiction" means a sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated, that is a violation of an existing or former law of another state or the United States, an existing or former law applicable in a military court or in an Indian tribal court, or an existing or former law of any nation other than the United States, and that, if it had been committed in this state, would constitute or would have constituted aggravated murder or murder for purposes of division (A)(1)(a)(i) of this section, a felony of the first, second, third, or fourth degree for purposes of division (A)(1)(a)(ii) of this section, a felony of the fifth degree or a misdemeanor for purposes of division (A)(1)(a)(iii) of this section, aggravated murder or murder for



purposes of division (A)(1)(b)(i) of this section, a felony of the first, second, or third degree for purposes of division (A)(1)(b)(ii) of this section, a felony of the fourth or fifth degree for purposes of division (A)(1)(b)(iii) of this section, or a misdemeanor for purposes of division (A)(1)(b)(iv) of this section.

(B) If a person violates a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code that applies to the person as a result of the person being adjudicated a delinquent child and being classified a juvenile offender registrant or an out-of-state juvenile offender registrant, both of the following apply:

(1) If the violation occurs while the person is under eighteen years of age, the person is subject to proceedings under Chapter 2152. of the Revised Code based on the violation.

(2) If the violation occurs while the person is eighteen years of age or older, the person is subject to criminal prosecution based on the violation.

(C) Whoever violates division (C) of section 2950.13 of the Revised Code is guilty of a misdemeanor of the first degree.