

**As Reported by the House Judiciary Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 106**

**Representative Schaffer**

**Cosponsors: Representatives Blessing, Becker, Kraus, Grossman**

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**A BILL**

To amend sections 2907.09 and 2950.01 of the  
Revised Code to require an offender who  
knowingly commits the offense of public  
indecenty under certain circumstances involving  
exposure of private parts likely to be viewed by  
minors and for the purpose of sexual arousal or  
gratification to register as a Tier I sex  
offender/child-victim offender.

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

**Section 1.** That sections 2907.09 and 2950.01 of the  
Revised Code be amended to read as follows:

**Sec. 2907.09.** (A) No person shall recklessly do any of the  
following, under circumstances in which the person's conduct is  
likely to be viewed by and affront others who are in the  
person's physical proximity and who are not members of the  
person's household:

- (1) Expose the person's private parts;
- (2) Engage in sexual conduct or masturbation;

(3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation. 18  
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(B) No person shall knowingly do any of the following, 20  
under circumstances in which the person's conduct is likely to 21  
be viewed by and affront another person who is in the person's 22  
physical proximity, who is a minor, and who is not the spouse of 23  
the offender, ~~and who resides in the person's household:~~ 24

(1) Engage in masturbation; 25

(2) Engage in sexual conduct; 26

(3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation; 27  
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(4) Expose the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity. 29  
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(C) (1) Whoever violates this section is guilty of public indecency and shall be punished as provided in divisions (C) (2), (3), (4), and (5) of this section. 32  
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(2) Except as otherwise provided in division (C) (2) of this section, a violation of division (A) (1) of this section is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of division (A) (1) of this section is a misdemeanor of the third degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two violations of this section, a violation of division (A) (1) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a 35  
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minor, a misdemeanor of the first degree. If the offender 47  
previously has been convicted of or pleaded guilty to three or 48  
more violations of this section, a violation of division (A) (1) 49  
of this section is a misdemeanor of the first degree or, if any 50  
person who was likely to view and be affronted by the offender's 51  
conduct was a minor, a felony of the fifth degree. 52

(3) Except as otherwise provided in division (C) (3) of 53  
this section, a violation of division (A) (2) or (3) of this 54  
section is a misdemeanor of the third degree. If the offender 55  
previously has been convicted of or pleaded guilty to one 56  
violation of this section, a violation of division (A) (2) or (3) 57  
of this section is a misdemeanor of the second degree or, if any 58  
person who was likely to view and be affronted by the offender's 59  
conduct was a minor, a misdemeanor of the first degree. If the 60  
offender previously has been convicted of or pleaded guilty to 61  
two or more violations of this section, a violation of division 62  
(A) (2) or (3) of this section is a misdemeanor of the first 63  
degree or, if any person who was likely to view and be affronted 64  
by the offender's conduct was a minor, a felony of the fifth 65  
degree. 66

(4) Except as otherwise provided in division (C) (4) of 67  
this section, a violation of division (B) (1), (2), or (3) of 68  
this section is a misdemeanor of the second degree. If the 69  
offender previously has been convicted of or pleaded guilty to 70  
one violation of this section, a violation of division (B) (1), 71  
(2), or (3) of this section is a misdemeanor of the first 72  
degree. If the offender previously has been convicted of or 73  
pleaded guilty to two or more violations of this section, a 74  
violation of division (B) (1), (2), or (3) of this section is a 75  
felony of the fifth degree. 76

(5) Except as otherwise provided in division (C) (5) of 77  
this section, a violation of division (B) (4) of this section is 78  
a misdemeanor of the first degree. If the offender previously 79  
has been convicted of or pleaded guilty to any violation of this 80  
section, a violation of division (B) (4) of this section is a 81  
felony of the fifth degree. 82

**Sec. 2950.01.** As used in this chapter, unless the context 83  
clearly requires otherwise: 84

(A) "Sexually oriented offense" means any of the following 85  
violations or offenses committed by a person, regardless of the 86  
person's age: 87

(1) A violation of section 2907.02, 2907.03, 2907.05, 88  
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 89  
2907.322, or 2907.323 of the Revised Code; 90

(2) A violation of section 2907.04 of the Revised Code 91  
when the offender is less than four years older than the other 92  
person with whom the offender engaged in sexual conduct, the 93  
other person did not consent to the sexual conduct, and the 94  
offender previously has not been convicted of or pleaded guilty 95  
to a violation of section 2907.02, 2907.03, or 2907.04 of the 96  
Revised Code or a violation of former section 2907.12 of the 97  
Revised Code; 98

(3) A violation of section 2907.04 of the Revised Code 99  
when the offender is at least four years older than the other 100  
person with whom the offender engaged in sexual conduct or when 101  
the offender is less than four years older than the other person 102  
with whom the offender engaged in sexual conduct and the 103  
offender previously has been convicted of or pleaded guilty to a 104  
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 105

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| Code or a violation of former section 2907.12 of the Revised Code;  | 106<br>107               |
| (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;  | 108<br>109<br>110        |
| (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;                               | 111<br>112<br>113<br>114 |
| (6) A violation of division (A) (3) of section 2903.211 of the Revised Code;  | 115<br>116               |
| (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;  | 117<br>118<br>119        |
| (8) A violation of division (A) (4) of section 2905.01 of the Revised Code;   | 120<br>121               |
| (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;                             | 122<br>123<br>124<br>125 |
| (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; | 126<br>127<br>128<br>129 |
| (11) A violation of section 2905.32 of the Revised Code when any of the following applies:  | 130<br>131               |
| (a) The violation is a violation of division (A) (1) of that section and the offender knowingly recruited, lured,   | 132<br>133               |

enticed, isolated, harbored, transported, provided, obtained, or 134  
maintained, or knowingly attempted to recruit, lure, entice, 135  
isolate, harbor, transport, provide, obtain, or maintain, 136  
another person knowing that the person would be compelled to 137  
engage in sexual activity for hire, engage in a performance that 138  
was obscene, sexually oriented, or nudity oriented, or be a 139  
model or participant in the production of material that was 140  
obscene, sexually oriented, or nudity oriented. 141

(b) The violation is a violation of division (A) (2) of 142  
that section and the offender knowingly recruited, lured, 143  
enticed, isolated, harbored, transported, provided, obtained, or 144  
maintained, or knowingly attempted to recruit, lure, entice, 145  
isolate, harbor, transport, provide, obtain, or maintain a 146  
person who is less than sixteen years of age or is a person with 147  
a developmental disability whom the offender knows or has 148  
reasonable cause to believe is a person with a developmental 149  
disability for any purpose listed in divisions (A) (2) (a) to (c) 150  
of that section. 151

(c) The violation is a violation of division (A) (3) of 152  
that section, the offender knowingly recruited, lured, enticed, 153  
isolated, harbored, transported, provided, obtained, or 154  
maintained, or knowingly attempted to recruit, lure, entice, 155  
isolate, harbor, transport, provide, obtain, or maintain a 156  
person who is sixteen or seventeen years of age for any purpose 157  
listed in divisions (A) (2) (a) to (c) of that section, and the 158  
circumstances described in division (A) (5), (6), (7), (8), (9), 159  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 160  
apply with respect to the offender and the other person. 161

(12) A violation of division (B) (4) of section 2907.09 of 162  
the Revised Code; 163

(13) A violation of any former law of this state, any 164  
existing or former municipal ordinance or law of another state 165  
or the United States, any existing or former law applicable in a 166  
military court or in an Indian tribal court, or any existing or 167  
former law of any nation other than the United States that is or 168  
was substantially equivalent to any offense listed in division 169  
(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), ~~or~~ (11), or 170  
(12) of this section; 171

~~(13)~~ (14) A violation of division (A) (3) of section 172  
2907.24 of the Revised Code; 173

~~(14)~~ (15) Any attempt to commit, conspiracy to commit, or 174  
complicity in committing any offense listed in division (A) (1), 175  
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), ~~or~~ 176  
(13), or (14) of this section. 177

(B) (1) "Sex offender" means, subject to division (B) (2) of 178  
this section, a person who is convicted of, pleads guilty to, 179  
has been convicted of, has pleaded guilty to, is adjudicated a 180  
delinquent child for committing, or has been adjudicated a 181  
delinquent child for committing any sexually oriented offense. 182

(2) "Sex offender" does not include a person who is 183  
convicted of, pleads guilty to, has been convicted of, has 184  
pleaded guilty to, is adjudicated a delinquent child for 185  
committing, or has been adjudicated a delinquent child for 186  
committing a sexually oriented offense if the offense involves 187  
consensual sexual conduct or consensual sexual contact and 188  
either of the following applies: 189

(a) The victim of the sexually oriented offense was 190  
eighteen years of age or older and at the time of the sexually 191  
oriented offense was not under the custodial authority of the 192

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



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| complicity in committing any offense listed in division (C) (1), | 222 |
| (2), or (3) of this section.                                     | 223 |
| (D) "Child-victim offender" means a person who is                | 224 |
| convicted of, pleads guilty to, has been convicted of, has       | 225 |
| pleaded guilty to, is adjudicated a delinquent child for         | 226 |
| committing, or has been adjudicated a delinquent child for       | 227 |
| committing any child-victim oriented offense.                    | 228 |
| (E) "Tier I sex offender/child-victim offender" means any        | 229 |
| of the following:  | 230 |
| (1) A sex offender who is convicted of, pleads guilty to,        | 231 |
| has been convicted of, or has pleaded guilty to any of the       | 232 |
| following sexually oriented offenses:                            | 233 |
| (a) A violation of section 2907.06, 2907.07, 2907.08,            | 234 |
| 2907.22, or 2907.32 of the Revised Code;                         | 235 |
| (b) A violation of section 2907.04 of the Revised Code           | 236 |
| when the offender is less than four years older than the other   | 237 |
| person with whom the offender engaged in sexual conduct, the     | 238 |
| other person did not consent to the sexual conduct, and the      | 239 |
| offender previously has not been convicted of or pleaded guilty  | 240 |
| to a violation of section 2907.02, 2907.03, or 2907.04 of the    | 241 |
| Revised Code or a violation of former section 2907.12 of the     | 242 |
| Revised Code;  | 243 |
| (c) A violation of division (A) (1), (2), (3), or (5) of         | 244 |
| section 2907.05 of the Revised Code;                             | 245 |
| (d) A violation of division (A) (3) of section 2907.323 of       | 246 |
| the Revised Code;  | 247 |
| (e) A violation of division (A) (3) of section 2903.211, of      | 248 |
| division (B) of section 2905.03, or of division (B) of section   | 249 |

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| 2905.05 of the Revised Code;   | 250 |
| (f) <u>A violation of division (B) (4) of section 2907.09 of</u>               | 251 |
| <u>the Revised Code;</u>   | 252 |
| (g) A violation of any former law of this state, any                           | 253 |
| existing or former municipal ordinance or law of another state                 | 254 |
| or the United States, any existing or former law applicable in a               | 255 |
| military court or in an Indian tribal court, or any existing or                | 256 |
| former law of any nation other than the United States, that is                 | 257 |
| or was substantially equivalent to any offense listed in                       | 258 |
| division (E) (1) (a), (b), (c), (d), <del>or (e)</del> , <u>or (f)</u> of this | 259 |
| section;   | 260 |
| <del>(g)</del> (h) Any attempt to commit, conspiracy to commit, or             | 261 |
| complicity in committing any offense listed in division (E) (1)                | 262 |
| (a), (b), (c), (d), (e), <del>or (f)</del> , <u>or (g)</u> of this section.    | 263 |
| (2) A child-victim offender who is convicted of, pleads                        | 264 |
| guilty to, has been convicted of, or has pleaded guilty to a                   | 265 |
| child-victim oriented offense and who is not within either                     | 266 |
| category of child-victim offender described in division (F) (2)                | 267 |
| or (G) (2) of this section.  | 268 |
| (3) A sex offender who is adjudicated a delinquent child                       | 269 |
| for committing or has been adjudicated a delinquent child for                  | 270 |
| committing any sexually oriented offense and who a juvenile                    | 271 |
| court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85               | 272 |
| of the Revised Code, classifies a tier I sex offender/child-                   | 273 |
| victim offender relative to the offense.                                       | 274 |
| (4) A child-victim offender who is adjudicated a                               | 275 |
| delinquent child for committing or has been adjudicated a                      | 276 |
| delinquent child for committing any child-victim oriented                      | 277 |
| offense and who a juvenile court, pursuant to section 2152.82,                 | 278 |

2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 279  
tier I sex offender/child-victim offender relative to the 280  
offense. 281

(F) "Tier II sex offender/child-victim offender" means any 282  
of the following: 283

(1) A sex offender who is convicted of, pleads guilty to, 284  
has been convicted of, or has pleaded guilty to any of the 285  
following sexually oriented offenses: 286

(a) A violation of section 2907.21, 2907.321, or 2907.322 287  
of the Revised Code; 288

(b) A violation of section 2907.04 of the Revised Code 289  
when the offender is at least four years older than the other 290  
person with whom the offender engaged in sexual conduct, or when 291  
the offender is less than four years older than the other person 292  
with whom the offender engaged in sexual conduct and the 293  
offender previously has been convicted of or pleaded guilty to a 294  
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 295  
Code or former section 2907.12 of the Revised Code; 296

(c) A violation of division (A) (4) of section 2907.05, of 297  
division (A) (3) of section 2907.24, or of division (A) (1) or (2) 298  
of section 2907.323 of the Revised Code; 299

(d) A violation of division (A) (1), (2), (3), or (5) of 300  
section 2905.01 of the Revised Code when the offense is 301  
committed with a sexual motivation; 302

(e) A violation of division (A) (4) of section 2905.01 of 303  
the Revised Code when the victim of the offense is eighteen 304  
years of age or older; 305

(f) A violation of division (B) of section 2905.02 or of 306

division (B) (5) of section 2919.22 of the Revised Code; 307

(g) A violation of section 2905.32 of the Revised Code 308  
that is described in division (A) (11) (a), (b), or (c) of this 309  
section; 310

(h) A violation of any former law of this state, any 311  
existing or former municipal ordinance or law of another state 312  
or the United States, any existing or former law applicable in a 313  
military court or in an Indian tribal court, or any existing or 314  
former law of any nation other than the United States that is or 315  
was substantially equivalent to any offense listed in division 316  
(F) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 317

(i) Any attempt to commit, conspiracy to commit, or 318  
complicity in committing any offense listed in division (F) (1) 319  
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 320

(j) Any sexually oriented offense that is committed after 321  
the sex offender previously has been convicted of, pleaded 322  
guilty to, or has been adjudicated a delinquent child for 323  
committing any sexually oriented offense or child-victim 324  
oriented offense for which the offender was classified a tier I 325  
sex offender/child-victim offender. 326

(2) A child-victim offender who is convicted of, pleads 327  
guilty to, has been convicted of, or has pleaded guilty to any 328  
child-victim oriented offense when the child-victim oriented 329  
offense is committed after the child-victim offender previously 330  
has been convicted of, pleaded guilty to, or been adjudicated a 331  
delinquent child for committing any sexually oriented offense or 332  
child-victim oriented offense for which the offender was 333  
classified a tier I sex offender/child-victim offender. 334

(3) A sex offender who is adjudicated a delinquent child 335

for committing or has been adjudicated a delinquent child for 336  
committing any sexually oriented offense and who a juvenile 337  
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 338  
of the Revised Code, classifies a tier II sex offender/child- 339  
victim offender relative to the offense. 340

(4) A child-victim offender who is adjudicated a 341  
delinquent child for committing or has been adjudicated a 342  
delinquent child for committing any child-victim oriented 343  
offense and whom a juvenile court, pursuant to section 2152.82, 344  
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 345  
tier II sex offender/child-victim offender relative to the 346  
current offense. 347

(5) A sex offender or child-victim offender who is not in 348  
any category of tier II sex offender/child-victim offender set 349  
forth in division (F) (1), (2), (3), or (4) of this section, who 350  
prior to January 1, 2008, was adjudicated a delinquent child for 351  
committing a sexually oriented offense or child-victim oriented 352  
offense, and who prior to that date was determined to be a 353  
habitual sex offender or determined to be a habitual child- 354  
victim offender, unless either of the following applies: 355

(a) The sex offender or child-victim offender is 356  
reclassified pursuant to section 2950.031 or 2950.032 of the 357  
Revised Code as a tier I sex offender/child-victim offender or a 358  
tier III sex offender/child-victim offender relative to the 359  
offense. 360

(b) A juvenile court, pursuant to section 2152.82, 361  
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the 362  
child a tier I sex offender/child-victim offender or a tier III 363  
sex offender/child-victim offender relative to the offense. 364

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| (G) "Tier III sex offender/child-victim offender" means          | 365 |
| any of the following:  | 366 |
| (1) A sex offender who is convicted of, pleads guilty to,        | 367 |
| has been convicted of, or has pleaded guilty to any of the       | 368 |
| following sexually oriented offenses:                            | 369 |
| (a) A violation of section 2907.02 or 2907.03 of the             | 370 |
| Revised Code;  | 371 |
| (b) A violation of division (B) of section 2907.05 of the        | 372 |
| Revised Code;  | 373 |
| (c) A violation of section 2903.01, 2903.02, or 2903.11 of       | 374 |
| the Revised Code when the violation was committed with a sexual  | 375 |
| motivation;  | 376 |
| (d) A violation of division (A) of section 2903.04 of the        | 377 |
| Revised Code when the offender committed or attempted to commit  | 378 |
| the felony that is the basis of the violation with a sexual      | 379 |
| motivation;  | 380 |
| (e) A violation of division (A) (4) of section 2905.01 of        | 381 |
| the Revised Code when the victim of the offense is under         | 382 |
| eighteen years of age;   | 383 |
| (f) A violation of division (B) of section 2905.01 of the        | 384 |
| Revised Code when the victim of the offense is under eighteen    | 385 |
| years of age and the offender is not a parent of the victim of   | 386 |
| the offense;   | 387 |
| (g) A violation of division (B) of section 2903.03 of the        | 388 |
| Revised Code;  | 389 |
| (h) A violation of any former law of this state, any             | 390 |
| existing or former municipal ordinance or law of another state   | 391 |
| or the United States, any existing or former law applicable in a | 392 |

military court or in an Indian tribal court, or any existing or 393  
former law of any nation other than the United States that is or 394  
was substantially equivalent to any offense listed in division 395  
(G) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 396

(i) Any attempt to commit, conspiracy to commit, or 397  
complicity in committing any offense listed in division (G) (1) 398  
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 399

(j) Any sexually oriented offense that is committed after 400  
the sex offender previously has been convicted of, pleaded 401  
guilty to, or been adjudicated a delinquent child for committing 402  
any sexually oriented offense or child-victim oriented offense 403  
for which the offender was classified a tier II sex 404  
offender/child-victim offender or a tier III sex offender/child- 405  
victim offender. 406

(2) A child-victim offender who is convicted of, pleads 407  
guilty to, has been convicted of, or has pleaded guilty to any 408  
child-victim oriented offense when the child-victim oriented 409  
offense is committed after the child-victim offender previously 410  
has been convicted of, pleaded guilty to, or been adjudicated a 411  
delinquent child for committing any sexually oriented offense or 412  
child-victim oriented offense for which the offender was 413  
classified a tier II sex offender/child-victim offender or a 414  
tier III sex offender/child-victim offender. 415

(3) A sex offender who is adjudicated a delinquent child 416  
for committing or has been adjudicated a delinquent child for 417  
committing any sexually oriented offense and who a juvenile 418  
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 419  
of the Revised Code, classifies a tier III sex offender/child- 420  
victim offender relative to the offense. 421

(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 452  
in which it was committed are such that division (F) of section 453  
2971.03 of the Revised Code automatically classifies the 454  
offender as a tier III sex offender/child-victim offender; 455

(7) A sex offender or child-victim offender who is 456  
convicted of, pleads guilty to, was convicted of, pleaded guilty 457  
to, is adjudicated a delinquent child for committing, or was 458  
adjudicated a delinquent child for committing a sexually 459  
oriented offense or child-victim offense in another state, in a 460  
federal court, military court, or Indian tribal court, or in a 461  
court in any nation other than the United States if both of the 462  
following apply: 463

(a) Under the law of the jurisdiction in which the 464  
offender was convicted or pleaded guilty or the delinquent child 465  
was adjudicated, the offender or delinquent child is in a 466  
category substantially equivalent to a category of tier III sex 467  
offender/child-victim offender described in division (G) (1), 468  
(2), (3), (4), (5), or (6) of this section. 469

(b) Subsequent to the conviction, plea of guilty, or 470  
adjudication in the other jurisdiction, the offender or 471  
delinquent child resides, has temporary domicile, attends school 472  
or an institution of higher education, is employed, or intends 473  
to reside in this state in any manner and for any period of time 474  
that subjects the offender or delinquent child to a duty to 475  
register or provide notice of intent to reside under section 476  
2950.04 or 2950.041 of the Revised Code. 477

(H) "Confinement" includes, but is not limited to, a 478  
community residential sanction imposed pursuant to section 479  
2929.16 or 2929.26 of the Revised Code. 480

|  |     |
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| (I) "Prosecutor" has the same meaning as in section              | 481 |
| 2935.01 of the Revised Code.                                     | 482 |
| (J) "Supervised release" means a release of an offender          | 483 |
| from a prison term, a term of imprisonment, or another type of   | 484 |
| confinement that satisfies either of the following conditions:   | 485 |
| (1) The release is on parole, a conditional pardon, under        | 486 |
| a community control sanction, under transitional control, or     | 487 |
| under a post-release control sanction, and it requires the       | 488 |
| person to report to or be supervised by a parole officer,        | 489 |
| probation officer, field officer, or another type of supervising | 490 |
| officer.   | 491 |
| (2) The release is any type of release that is not               | 492 |
| described in division (J) (1) of this section and that requires  | 493 |
| the person to report to or be supervised by a probation officer, | 494 |
| a parole officer, a field officer, or another type of            | 495 |
| supervising officer.   | 496 |
| (K) "Sexually violent predator specification," "sexually         | 497 |
| violent predator," "sexually violent offense," "sexual           | 498 |
| motivation specification," "designated homicide, assault, or     | 499 |
| kidnapping offense," and "violent sex offense" have the same     | 500 |
| meanings as in section 2971.01 of the Revised Code.              | 501 |
| (L) "Post-release control sanction" and "transitional            | 502 |
| control" have the same meanings as in section 2967.01 of the     | 503 |
| Revised Code.  | 504 |
| (M) "Juvenile offender registrant" means a person who is         | 505 |
| adjudicated a delinquent child for committing on or after        | 506 |
| January 1, 2002, a sexually oriented offense or a child-victim   | 507 |
| oriented offense, who is fourteen years of age or older at the   | 508 |
| time of committing the offense, and who a juvenile court judge,  | 509 |

pursuant to an order issued under section 2152.82, 2152.83, 510  
2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a 511  
juvenile offender registrant and specifies has a duty to comply 512  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 513  
Revised Code. "Juvenile offender registrant" includes a person 514  
who prior to January 1, 2008, was a "juvenile offender 515  
registrant" under the definition of the term in existence prior 516  
to January 1, 2008, and a person who prior to July 31, 2003, was 517  
a "juvenile sex offender registrant" under the former definition 518  
of that former term. 519

(N) "Public registry-qualified juvenile offender 520  
registrant" means a person who is adjudicated a delinquent child 521  
and on whom a juvenile court has imposed a serious youthful 522  
offender dispositional sentence under section 2152.13 of the 523  
Revised Code before, on, or after January 1, 2008, and to whom 524  
all of the following apply: 525

(1) The person is adjudicated a delinquent child for 526  
committing, attempting to commit, conspiring to commit, or 527  
complicity in committing one of the following acts: 528

(a) A violation of section 2907.02 of the Revised Code, 529  
division (B) of section 2907.05 of the Revised Code, or section 530  
2907.03 of the Revised Code if the victim of the violation was 531  
less than twelve years of age; 532

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 533  
the Revised Code that was committed with a purpose to gratify 534  
the sexual needs or desires of the child; 535

(c) A violation of division (B) of section 2903.03 of the 536  
Revised Code. 537

(2) The person was fourteen, fifteen, sixteen, or 538

seventeen years of age at the time of committing the act. 539

(3) A juvenile court judge, pursuant to an order issued 540  
under section 2152.86 of the Revised Code, classifies the person 541  
a juvenile offender registrant, specifies the person has a duty 542  
to comply with sections 2950.04, 2950.05, and 2950.06 of the 543  
Revised Code, and classifies the person a public registry- 544  
qualified juvenile offender registrant, and the classification 545  
of the person as a public registry-qualified juvenile offender 546  
registrant has not been terminated pursuant to division (D) of 547  
section 2152.86 of the Revised Code. 548

(O) "Secure facility" means any facility that is designed 549  
and operated to ensure that all of its entrances and exits are 550  
locked and under the exclusive control of its staff and to 551  
ensure that, because of that exclusive control, no person who is 552  
institutionalized or confined in the facility may leave the 553  
facility without permission or supervision. 554

(P) "Out-of-state juvenile offender registrant" means a 555  
person who is adjudicated a delinquent child in a court in 556  
another state, in a federal court, military court, or Indian 557  
tribal court, or in a court in any nation other than the United 558  
States for committing a sexually oriented offense or a child- 559  
victim oriented offense, who on or after January 1, 2002, moves 560  
to and resides in this state or temporarily is domiciled in this 561  
state for more than five days, and who has a duty under section 562  
2950.04 or 2950.041 of the Revised Code to register in this 563  
state and the duty to otherwise comply with that applicable 564  
section and sections 2950.05 and 2950.06 of the Revised Code. 565  
"Out-of-state juvenile offender registrant" includes a person 566  
who prior to January 1, 2008, was an "out-of-state juvenile 567  
offender registrant" under the definition of the term in 568

existence prior to January 1, 2008, and a person who prior to 569  
July 31, 2003, was an "out-of-state juvenile sex offender 570  
registrant" under the former definition of that former term. 571

(Q) "Juvenile court judge" includes a magistrate to whom 572  
the juvenile court judge confers duties pursuant to division (A) 573  
(15) of section 2151.23 of the Revised Code. 574

(R) "Adjudicated a delinquent child for committing a 575  
sexually oriented offense" includes a child who receives a 576  
serious youthful offender dispositional sentence under section 577  
2152.13 of the Revised Code for committing a sexually oriented 578  
offense. 579

(S) "School" and "school premises" have the same meanings 580  
as in section 2925.01 of the Revised Code. 581

(T) "Residential premises" means the building in which a 582  
residential unit is located and the grounds upon which that 583  
building stands, extending to the perimeter of the property. 584  
"Residential premises" includes any type of structure in which a 585  
residential unit is located, including, but not limited to, 586  
multi-unit buildings and mobile and manufactured homes. 587

(U) "Residential unit" means a dwelling unit for 588  
residential use and occupancy, and includes the structure or 589  
part of a structure that is used as a home, residence, or 590  
sleeping place by one person who maintains a household or two or 591  
more persons who maintain a common household. "Residential unit" 592  
does not include a halfway house or a community-based 593  
correctional facility. 594

(V) "Multi-unit building" means a building in which is 595  
located more than twelve residential units that have entry doors 596  
that open directly into the unit from a hallway that is shared 597

with one or more other units. A residential unit is not 598  
considered located in a multi-unit building if the unit does not 599  
have an entry door that opens directly into the unit from a 600  
hallway that is shared with one or more other units or if the 601  
unit is in a building that is not a multi-unit building as 602  
described in this division. 603

(W) "Community control sanction" has the same meaning as 604  
in section 2929.01 of the Revised Code. 605

(X) "Halfway house" and "community-based correctional 606  
facility" have the same meanings as in section 2929.01 of the 607  
Revised Code. 608

**Section 2.** That existing sections 2907.09 and 2950.01 of 609  
the Revised Code are hereby repealed. 610