

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 92**

**Representative Schaffer**

**Cosponsors: Representatives Dean, Becker, Manning, Ashford, Blessing, Butler, Craig, Dever, Green, Hambley, Holmes, Hughes, Landis, Lepore-Hagan, Miller, O'Brien, Patton, Riedel, Rogers, Romanchuk, Slaby, Speaker Smith**

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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 if the judge  
orders registration.

**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;	17
(2) Engage in sexual conduct or masturbation;	18
(3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.	19 20
(B) No person shall knowingly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront another person <u>who is in the person's physical proximity</u> , who is a minor, <u>and</u> who is not the spouse of the offender, <del>and who resides in the person's household:</del>	21 22 23 24 25
(1) Engage in masturbation;	26
(2) Engage in sexual conduct;	27
(3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation;	28 29
(4) Expose the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity.	30 31 32
(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.	33 34 35
(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	36 37 38 39 40 41 42 43 44

this section, a violation of division (A)(1) of this section is 45  
a misdemeanor of the second degree or, if any person who was 46  
likely to view and be affronted by the offender's conduct was a 47  
minor, a misdemeanor of the first degree. If the offender 48  
previously has been convicted of or pleaded guilty to three or 49  
more violations of this section, a violation of division (A)(1) 50  
of this section is a misdemeanor of the first degree or, if any 51  
person who was likely to view and be affronted by the offender's 52  
conduct was a minor, a felony of the fifth degree. 53

(3) Except as otherwise provided in division (C)(3) of 54  
this section, a violation of division (A)(2) or (3) of this 55  
section is a misdemeanor of the third degree. If the offender 56  
previously has been convicted of or pleaded guilty to one 57  
violation of this section, a violation of division (A)(2) or (3) 58  
of this section is a misdemeanor of the second degree or, if any 59  
person who was likely to view and be affronted by the offender's 60  
conduct was a minor, a misdemeanor of the first degree. If the 61  
offender previously has been convicted of or pleaded guilty to 62  
two or more violations of this section, a violation of division 63  
(A)(2) or (3) of this section is a misdemeanor of the first 64  
degree or, if any person who was likely to view and be affronted 65  
by the offender's conduct was a minor, a felony of the fifth 66  
degree. 67

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

violation of division (B) (1), (2), or (3) of this section is a 76  
felony of the fifth degree. 77

(5) Except as otherwise provided in division (C) (5) of 78  
this section, a violation of division (B) (4) of this section is 79  
a misdemeanor of the first degree. If the offender previously 80  
has been convicted of or pleaded guilty to any violation of this 81  
section, a violation of division (B) (4) of this section is a 82  
felony of the fifth degree. 83

(D) (1) If either of the following applies, the court may 84  
determine at the time of sentencing whether to classify the 85  
offender as a tier I sex offender/child-victim offender for a 86  
violation of division (B) (4) of this section: 87

(a) The offender is less than ten years older than the 88  
other person. 89

(b) The offender is ten or more years older than the other 90  
person and the offender has not previously been convicted of or 91  
pleaded guilty to any violation of this section. 92

(2) If the offender is convicted of or pleads guilty to a 93  
violation of division (B) (4) of this section, is ten or more 94  
years older than the other person, and previously has been 95  
convicted of or pleaded guilty to any violation of this section, 96  
the court shall issue an order at the time of sentencing that 97  
classifies the offender as a tier I sex offender/child-victim 98  
offender subject to registration under sections 2950.04, 99  
2950.041, 2950.05, and 2950.06 of the Revised Code. 100

**Sec. 2950.01.** As used in this chapter, unless the context 101  
clearly requires otherwise: 102

(A) "Sexually oriented offense" means any of the following 103  
violations or offenses committed by a person, regardless of the 104

person's age: 105

(1) A violation of section 2907.02, 2907.03, 2907.05, 106  
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 107  
2907.322, or 2907.323 of the Revised Code; 108

(2) A violation of section 2907.04 of the Revised Code 109  
when the offender is less than four years older than the other 110  
person with whom the offender engaged in sexual conduct, the 111  
other person did not consent to the sexual conduct, and the 112  
offender previously has not been convicted of or pleaded guilty 113  
to a violation of section 2907.02, 2907.03, or 2907.04 of the 114  
Revised Code or a violation of former section 2907.12 of the 115  
Revised Code; 116

(3) A violation of section 2907.04 of the Revised Code 117  
when the offender is at least four years older than the other 118  
person with whom the offender engaged in sexual conduct or when 119  
the offender is less than four years older than the other person 120  
with whom the offender engaged in sexual conduct and the 121  
offender previously has been convicted of or pleaded guilty to a 122  
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 123  
Code or a violation of former section 2907.12 of the Revised 124  
Code; 125

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 126  
the Revised Code when the violation was committed with a sexual 127  
motivation; 128

(5) A violation of division (A) of section 2903.04 of the 129  
Revised Code when the offender committed or attempted to commit 130  
the felony that is the basis of the violation with a sexual 131  
motivation; 132

(6) A violation of division (A) (3) of section 2903.211 of 133

the Revised Code; 134

(7) A violation of division (A) (1), (2), (3), or (5) of 135  
section 2905.01 of the Revised Code when the offense is 136  
committed with a sexual motivation; 137

(8) A violation of division (A) (4) of section 2905.01 of 138  
the Revised Code; 139

(9) A violation of division (B) of section 2905.01 of the 140  
Revised Code when the victim of the offense is under eighteen 141  
years of age and the offender is not a parent of the victim of 142  
the offense; 143

(10) A violation of division (B) of section 2903.03, of 144  
division (B) of section 2905.02, of division (B) of section 145  
2905.03, of division (B) of section 2905.05, or of division (B) 146  
(5) of section 2919.22 of the Revised Code; 147

(11) A violation of section 2905.32 of the Revised Code 148  
when any of the following applies: 149

(a) The violation is a violation of division (A) (1) of 150  
that section and the offender knowingly recruited, lured, 151  
enticed, isolated, harbored, transported, provided, obtained, or 152  
maintained, or knowingly attempted to recruit, lure, entice, 153  
isolate, harbor, transport, provide, obtain, or maintain, 154  
another person knowing that the person would be compelled to 155  
engage in sexual activity for hire, engage in a performance that 156  
was obscene, sexually oriented, or nudity oriented, or be a 157  
model or participant in the production of material that was 158  
obscene, sexually oriented, or nudity oriented. 159

(b) The violation is a violation of division (A) (2) of 160  
that section and the offender knowingly recruited, lured, 161  
enticed, isolated, harbored, transported, provided, obtained, or 162

maintained, or knowingly attempted to recruit, lure, entice, 163  
isolate, harbor, transport, provide, obtain, or maintain a 164  
person who is less than sixteen years of age or is a person with 165  
a developmental disability whom the offender knows or has 166  
reasonable cause to believe is a person with a developmental 167  
disability for any purpose listed in divisions (A) (2) (a) to (c) 168  
of that section. 169

(c) The violation is a violation of division (A) (3) of 170  
that section, the offender knowingly recruited, lured, enticed, 171  
isolated, harbored, transported, provided, obtained, or 172  
maintained, or knowingly attempted to recruit, lure, entice, 173  
isolate, harbor, transport, provide, obtain, or maintain a 174  
person who is sixteen or seventeen years of age for any purpose 175  
listed in divisions (A) (2) (a) to (c) of that section, and the 176  
circumstances described in division (A) (5), (6), (7), (8), (9), 177  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 178  
apply with respect to the offender and the other person. 179

(12) A violation of division (B) (4) of section 2907.09 of 180  
the Revised Code if the sentencing court classifies the offender 181  
as a tier I sex offender/child-victim offender relative to that 182  
offense pursuant to division (D) of that section; 183

(13) A violation of any former law of this state, any 184  
existing or former municipal ordinance or law of another state 185  
or the United States, any existing or former law applicable in a 186  
military court or in an Indian tribal court, or any existing or 187  
former law of any nation other than the United States that is or 188  
was substantially equivalent to any offense listed in division 189  
(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), ~~or (11)~~, 190  
or (12) of this section; 191

~~(13)~~ (14) A violation of division (A) (3) of section 192

2907.24 of the Revised Code; 193

~~(14)~~ (15) Any attempt to commit, conspiracy to commit, or 194  
complicity in committing any offense listed in division (A) (1), 195  
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), ~~or~~ 196  
(13), or (14) of this section. 197

(B) (1) "Sex offender" means, subject to division (B) (2) of 198  
this section, a person who is convicted of, pleads guilty to, 199  
has been convicted of, has pleaded guilty to, is adjudicated a 200  
delinquent child for committing, or has been adjudicated a 201  
delinquent child for committing any sexually oriented offense. 202

(2) "Sex offender" does not include a person who is 203  
convicted of, pleads guilty to, has been convicted of, has 204  
pleaded guilty to, is adjudicated a delinquent child for 205  
committing, or has been adjudicated a delinquent child for 206  
committing a sexually oriented offense if the offense involves 207  
consensual sexual conduct or consensual sexual contact and 208  
either of the following applies: 209

(a) The victim of the sexually oriented offense was 210  
eighteen years of age or older and at the time of the sexually 211  
oriented offense was not under the custodial authority of the 212  
person who is convicted of, pleads guilty to, has been convicted 213  
of, has pleaded guilty to, is adjudicated a delinquent child for 214  
committing, or has been adjudicated a delinquent child for 215  
committing the sexually oriented offense. 216

(b) The victim of the offense was thirteen years of age or 217  
older, and the person who is convicted of, pleads guilty to, has 218  
been convicted of, has pleaded guilty to, is adjudicated a 219  
delinquent child for committing, or has been adjudicated a 220  
delinquent child for committing the sexually oriented offense is 221

not more than four years older than the victim. 222

(C) "Child-victim oriented offense" means any of the 223  
following violations or offenses committed by a person, 224  
regardless of the person's age, when the victim is under 225  
eighteen years of age and is not a child of the person who 226  
commits the violation: 227

(1) A violation of division (A) (1), (2), (3), or (5) of 228  
section 2905.01 of the Revised Code when the violation is not 229  
included in division (A) (7) of this section; 230

(2) A violation of division (A) of section 2905.02, 231  
division (A) of section 2905.03, or division (A) of section 232  
2905.05 of the Revised Code; 233

(3) A violation of any former law of this state, any 234  
existing or former municipal ordinance or law of another state 235  
or the United States, any existing or former law applicable in a 236  
military court or in an Indian tribal court, or any existing or 237  
former law of any nation other than the United States that is or 238  
was substantially equivalent to any offense listed in division 239  
(C) (1) or (2) of this section; 240

(4) Any attempt to commit, conspiracy to commit, or 241  
complicity in committing any offense listed in division (C) (1), 242  
(2), or (3) of this section. 243

(D) "Child-victim offender" means a person who is 244  
convicted of, pleads guilty to, has been convicted of, has 245  
pleaded guilty to, is adjudicated a delinquent child for 246  
committing, or has been adjudicated a delinquent child for 247  
committing any child-victim oriented offense. 248

(E) "Tier I sex offender/child-victim offender" means any 249  
of the following: 250

(1) A sex offender who is convicted of, pleads guilty to, 251  
has been convicted of, or has pleaded guilty to any of the 252  
following sexually oriented offenses: 253

(a) A violation of section 2907.06, 2907.07, 2907.08, 254  
2907.22, or 2907.32 of the Revised Code; 255

(b) A violation of section 2907.04 of the Revised Code 256  
when the offender is less than four years older than the other 257  
person with whom the offender engaged in sexual conduct, the 258  
other person did not consent to the sexual conduct, and the 259  
offender previously has not been convicted of or pleaded guilty 260  
to a violation of section 2907.02, 2907.03, or 2907.04 of the 261  
Revised Code or a violation of former section 2907.12 of the 262  
Revised Code; 263

(c) A violation of division (A) (1), (2), (3), or (5) of 264  
section 2907.05 of the Revised Code; 265

(d) A violation of division (A) (3) of section 2907.323 of 266  
the Revised Code; 267

(e) A violation of division (A) (3) of section 2903.211, of 268  
division (B) of section 2905.03, or of division (B) of section 269  
2905.05 of the Revised Code; 270

(f) A violation of division (B) (4) of section 2907.09 of 271  
the Revised Code if the sentencing court classifies the offender 272  
as a tier I sex offender/child-victim offender relative to that 273  
offense pursuant to division (D) of that section; 274

(g) A violation of any former law of this state, any 275  
existing or former municipal ordinance or law of another state 276  
or the United States, any existing or former law applicable in a 277  
military court or in an Indian tribal court, or any existing or 278  
former law of any nation other than the United States, that is 279

or was substantially equivalent to any offense listed in 280  
division (E) (1) (a), (b), (c), (d), ~~or (e)~~, or (f) of this 281  
section; 282

~~(g)~~ (h) Any attempt to commit, conspiracy to commit, or 283  
complicity in committing any offense listed in division (E) (1) 284  
(a), (b), (c), (d), (e), ~~or (f)~~, or (g) of this section. 285

(2) A child-victim offender who is convicted of, pleads 286  
guilty to, has been convicted of, or has pleaded guilty to a 287  
child-victim oriented offense and who is not within either 288  
category of child-victim offender described in division (F) (2) 289  
or (G) (2) of this section. 290

(3) A sex offender who is adjudicated a delinquent child 291  
for committing or has been adjudicated a delinquent child for 292  
committing any sexually oriented offense and who a juvenile 293  
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 294  
of the Revised Code, classifies a tier I sex offender/child- 295  
victim offender relative to the offense. 296

(4) A child-victim offender who is adjudicated a 297  
delinquent child for committing or has been adjudicated a 298  
delinquent child for committing any child-victim oriented 299  
offense and who a juvenile court, pursuant to section 2152.82, 300  
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 301  
tier I sex offender/child-victim offender relative to the 302  
offense. 303

(F) "Tier II sex offender/child-victim offender" means any 304  
of the following: 305

(1) A sex offender who is convicted of, pleads guilty to, 306  
has been convicted of, or has pleaded guilty to any of the 307  
following sexually oriented offenses: 308

(a) A violation of section 2907.21, 2907.321, or 2907.322 309  
of the Revised Code; 310

(b) A violation of section 2907.04 of the Revised Code 311  
when the offender is at least four years older than the other 312  
person with whom the offender engaged in sexual conduct, or when 313  
the offender is less than four years older than the other person 314  
with whom the offender engaged in sexual conduct and the 315  
offender previously has been convicted of or pleaded guilty to a 316  
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 317  
Code or former section 2907.12 of the Revised Code; 318

(c) A violation of division (A) (4) of section 2907.05, of 319  
division (A) (3) of section 2907.24, or of division (A) (1) or (2) 320  
of section 2907.323 of the Revised Code; 321

(d) A violation of division (A) (1), (2), (3), or (5) of 322  
section 2905.01 of the Revised Code when the offense is 323  
committed with a sexual motivation; 324

(e) A violation of division (A) (4) of section 2905.01 of 325  
the Revised Code when the victim of the offense is eighteen 326  
years of age or older; 327

(f) A violation of division (B) of section 2905.02 or of 328  
division (B) (5) of section 2919.22 of the Revised Code; 329

(g) A violation of section 2905.32 of the Revised Code 330  
that is described in division (A) (11) (a), (b), or (c) of this 331  
section; 332

(h) A violation of any former law of this state, any 333  
existing or former municipal ordinance or law of another state 334  
or the United States, any existing or former law applicable in a 335  
military court or in an Indian tribal court, or any existing or 336  
former law of any nation other than the United States that is or 337

was substantially equivalent to any offense listed in division 338  
(F) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 339

(i) Any attempt to commit, conspiracy to commit, or 340  
complicity in committing any offense listed in division (F) (1) 341  
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 342

(j) Any sexually oriented offense that is committed after 343  
the sex offender previously has been convicted of, pleaded 344  
guilty to, or has been adjudicated a delinquent child for 345  
committing any sexually oriented offense or child-victim 346  
oriented offense for which the offender was classified a tier I 347  
sex offender/child-victim offender. 348

(2) A child-victim offender who is convicted of, pleads 349  
guilty to, has been convicted of, or has pleaded guilty to any 350  
child-victim oriented offense when the child-victim oriented 351  
offense is committed after the child-victim offender previously 352  
has been convicted of, pleaded guilty to, or been adjudicated a 353  
delinquent child for committing any sexually oriented offense or 354  
child-victim oriented offense for which the offender was 355  
classified a tier I sex offender/child-victim offender. 356

(3) A sex offender who is adjudicated a delinquent child 357  
for committing or has been adjudicated a delinquent child for 358  
committing any sexually oriented offense and who a juvenile 359  
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 360  
of the Revised Code, classifies a tier II sex offender/child- 361  
victim offender relative to the offense. 362

(4) A child-victim offender who is adjudicated a 363  
delinquent child for committing or has been adjudicated a 364  
delinquent child for committing any child-victim oriented 365  
offense and whom a juvenile court, pursuant to section 2152.82, 366

2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 367  
tier II sex offender/child-victim offender relative to the 368  
current offense. 369

(5) A sex offender or child-victim offender who is not in 370  
any category of tier II sex offender/child-victim offender set 371  
forth in division (F)(1), (2), (3), or (4) of this section, who 372  
prior to January 1, 2008, was adjudicated a delinquent child for 373  
committing a sexually oriented offense or child-victim oriented 374  
offense, and who prior to that date was determined to be a 375  
habitual sex offender or determined to be a habitual child- 376  
victim offender, unless either of the following applies: 377

(a) The sex offender or child-victim offender is 378  
reclassified pursuant to section 2950.031 or 2950.032 of the 379  
Revised Code as a tier I sex offender/child-victim offender or a 380  
tier III sex offender/child-victim offender relative to the 381  
offense. 382

(b) A juvenile court, pursuant to section 2152.82, 383  
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the 384  
child a tier I sex offender/child-victim offender or a tier III 385  
sex offender/child-victim offender relative to the offense. 386

(G) "Tier III sex offender/child-victim offender" means 387  
any of the following: 388

(1) A sex offender who is convicted of, pleads guilty to, 389  
has been convicted of, or has pleaded guilty to any of the 390  
following sexually oriented offenses: 391

(a) A violation of section 2907.02 or 2907.03 of the 392  
Revised Code; 393

(b) A violation of division (B) of section 2907.05 of the 394  
Revised Code; 395

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 396  
the Revised Code when the violation was committed with a sexual 397  
motivation; 398

(d) A violation of division (A) of section 2903.04 of the 399  
Revised Code when the offender committed or attempted to commit 400  
the felony that is the basis of the violation with a sexual 401  
motivation; 402

(e) A violation of division (A) (4) of section 2905.01 of 403  
the Revised Code when the victim of the offense is under 404  
eighteen years of age; 405

(f) A violation of division (B) of section 2905.01 of the 406  
Revised Code when the victim of the offense is under eighteen 407  
years of age and the offender is not a parent of the victim of 408  
the offense; 409

(g) A violation of division (B) of section 2903.03 of the 410  
Revised Code; 411

(h) A violation of any former law of this state, any 412  
existing or former municipal ordinance or law of another state 413  
or the United States, any existing or former law applicable in a 414  
military court or in an Indian tribal court, or any existing or 415  
former law of any nation other than the United States that is or 416  
was substantially equivalent to any offense listed in division 417  
(G) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 418

(i) Any attempt to commit, conspiracy to commit, or 419  
complicity in committing any offense listed in division (G) (1) 420  
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 421

(j) Any sexually oriented offense that is committed after 422  
the sex offender previously has been convicted of, pleaded 423  
guilty to, or been adjudicated a delinquent child for committing 424

any sexually oriented offense or child-victim oriented offense 425  
for which the offender was classified a tier II sex 426  
offender/child-victim offender or a tier III sex offender/child- 427  
victim offender. 428

(2) A child-victim offender who is convicted of, pleads 429  
guilty to, has been convicted of, or has pleaded guilty to any 430  
child-victim oriented offense when the child-victim oriented 431  
offense is committed after the child-victim offender previously 432  
has been convicted of, pleaded guilty to, or been adjudicated a 433  
delinquent child for committing any sexually oriented offense or 434  
child-victim oriented offense for which the offender was 435  
classified a tier II sex offender/child-victim offender or a 436  
tier III sex offender/child-victim offender. 437

(3) A sex offender who is adjudicated a delinquent child 438  
for committing or has been adjudicated a delinquent child for 439  
committing any sexually oriented offense and who a juvenile 440  
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 441  
of the Revised Code, classifies a tier III sex offender/child- 442  
victim offender relative to the offense. 443

(4) A child-victim offender who is adjudicated a 444  
delinquent child for committing or has been adjudicated a 445  
delinquent child for committing any child-victim oriented 446  
offense and whom a juvenile court, pursuant to section 2152.82, 447  
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 448  
tier III sex offender/child-victim offender relative to the 449  
current offense. 450

(5) A sex offender or child-victim offender who is not in 451  
any category of tier III sex offender/child-victim offender set 452  
forth in division (G)(1), (2), (3), or (4) of this section, who 453  
prior to January 1, 2008, was convicted of or pleaded guilty to 454

a sexually oriented offense or child-victim oriented offense or 455  
was adjudicated a delinquent child for committing a sexually 456  
oriented offense or child-victim oriented offense and classified 457  
a juvenile offender registrant, and who prior to that date was 458  
adjudicated a sexual predator or adjudicated a child-victim 459  
predator, unless either of the following applies: 460

(a) The sex offender or child-victim offender is 461  
reclassified pursuant to section 2950.031 or 2950.032 of the 462  
Revised Code as a tier I sex offender/child-victim offender or a 463  
tier II sex offender/child-victim offender relative to the 464  
offense. 465

(b) The sex offender or child-victim offender is a 466  
delinquent child, and a juvenile court, pursuant to section 467  
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, 468  
classifies the child a tier I sex offender/child-victim offender 469  
or a tier II sex offender/child-victim offender relative to the 470  
offense. 471

(6) A sex offender who is convicted of, pleads guilty to, 472  
was convicted of, or pleaded guilty to a sexually oriented 473  
offense, if the sexually oriented offense and the circumstances 474  
in which it was committed are such that division (F) of section 475  
2971.03 of the Revised Code automatically classifies the 476  
offender as a tier III sex offender/child-victim offender; 477

(7) A sex offender or child-victim offender who is 478  
convicted of, pleads guilty to, was convicted of, pleaded guilty 479  
to, is adjudicated a delinquent child for committing, or was 480  
adjudicated a delinquent child for committing a sexually 481  
oriented offense or child-victim offense in another state, in a 482  
federal court, military court, or Indian tribal court, or in a 483  
court in any nation other than the United States if both of the 484

following apply: 485

(a) Under the law of the jurisdiction in which the 486  
offender was convicted or pleaded guilty or the delinquent child 487  
was adjudicated, the offender or delinquent child is in a 488  
category substantially equivalent to a category of tier III sex 489  
offender/child-victim offender described in division (G) (1), 490  
(2), (3), (4), (5), or (6) of this section. 491

(b) Subsequent to the conviction, plea of guilty, or 492  
adjudication in the other jurisdiction, the offender or 493  
delinquent child resides, has temporary domicile, attends school 494  
or an institution of higher education, is employed, or intends 495  
to reside in this state in any manner and for any period of time 496  
that subjects the offender or delinquent child to a duty to 497  
register or provide notice of intent to reside under section 498  
2950.04 or 2950.041 of the Revised Code. 499

(H) "Confinement" includes, but is not limited to, a 500  
community residential sanction imposed pursuant to section 501  
2929.16 or 2929.26 of the Revised Code. 502

(I) "Prosecutor" has the same meaning as in section 503  
2935.01 of the Revised Code. 504

(J) "Supervised release" means a release of an offender 505  
from a prison term, a term of imprisonment, or another type of 506  
confinement that satisfies either of the following conditions: 507

(1) The release is on parole, a conditional pardon, under 508  
a community control sanction, under transitional control, or 509  
under a post-release control sanction, and it requires the 510  
person to report to or be supervised by a parole officer, 511  
probation officer, field officer, or another type of supervising 512  
officer. 513

(2) The release is any type of release that is not 514  
described in division (J) (1) of this section and that requires 515  
the person to report to or be supervised by a probation officer, 516  
a parole officer, a field officer, or another type of 517  
supervising officer. 518

(K) "Sexually violent predator specification," "sexually 519  
violent predator," "sexually violent offense," "sexual 520  
motivation specification," "designated homicide, assault, or 521  
kidnapping offense," and "violent sex offense" have the same 522  
meanings as in section 2971.01 of the Revised Code. 523

(L) "Post-release control sanction" and "transitional 524  
control" have the same meanings as in section 2967.01 of the 525  
Revised Code. 526

(M) "Juvenile offender registrant" means a person who is 527  
adjudicated a delinquent child for committing on or after 528  
January 1, 2002, a sexually oriented offense or a child-victim 529  
oriented offense, who is fourteen years of age or older at the 530  
time of committing the offense, and who a juvenile court judge, 531  
pursuant to an order issued under section 2152.82, 2152.83, 532  
2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a 533  
juvenile offender registrant and specifies has a duty to comply 534  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 535  
Revised Code. "Juvenile offender registrant" includes a person 536  
who prior to January 1, 2008, was a "juvenile offender 537  
registrant" under the definition of the term in existence prior 538  
to January 1, 2008, and a person who prior to July 31, 2003, was 539  
a "juvenile sex offender registrant" under the former definition 540  
of that former term. 541

(N) "Public registry-qualified juvenile offender 542  
registrant" means a person who is adjudicated a delinquent child 543

and on whom a juvenile court has imposed a serious youthful 544  
offender dispositional sentence under section 2152.13 of the 545  
Revised Code before, on, or after January 1, 2008, and to whom 546  
all of the following apply: 547

(1) The person is adjudicated a delinquent child for 548  
committing, attempting to commit, conspiring to commit, or 549  
complicity in committing one of the following acts: 550

(a) A violation of section 2907.02 of the Revised Code, 551  
division (B) of section 2907.05 of the Revised Code, or section 552  
2907.03 of the Revised Code if the victim of the violation was 553  
less than twelve years of age; 554

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 555  
the Revised Code that was committed with a purpose to gratify 556  
the sexual needs or desires of the child; 557

(c) A violation of division (B) of section 2903.03 of the 558  
Revised Code. 559

(2) The person was fourteen, fifteen, sixteen, or 560  
seventeen years of age at the time of committing the act. 561

(3) A juvenile court judge, pursuant to an order issued 562  
under section 2152.86 of the Revised Code, classifies the person 563  
a juvenile offender registrant, specifies the person has a duty 564  
to comply with sections 2950.04, 2950.05, and 2950.06 of the 565  
Revised Code, and classifies the person a public registry- 566  
qualified juvenile offender registrant, and the classification 567  
of the person as a public registry-qualified juvenile offender 568  
registrant has not been terminated pursuant to division (D) of 569  
section 2152.86 of the Revised Code. 570

(O) "Secure facility" means any facility that is designed 571  
and operated to ensure that all of its entrances and exits are 572

locked and under the exclusive control of its staff and to 573  
ensure that, because of that exclusive control, no person who is 574  
institutionalized or confined in the facility may leave the 575  
facility without permission or supervision. 576

(P) "Out-of-state juvenile offender registrant" means a 577  
person who is adjudicated a delinquent child in a court in 578  
another state, in a federal court, military court, or Indian 579  
tribal court, or in a court in any nation other than the United 580  
States for committing a sexually oriented offense or a child- 581  
victim oriented offense, who on or after January 1, 2002, moves 582  
to and resides in this state or temporarily is domiciled in this 583  
state for more than five days, and who has a duty under section 584  
2950.04 or 2950.041 of the Revised Code to register in this 585  
state and the duty to otherwise comply with that applicable 586  
section and sections 2950.05 and 2950.06 of the Revised Code. 587  
"Out-of-state juvenile offender registrant" includes a person 588  
who prior to January 1, 2008, was an "out-of-state juvenile 589  
offender registrant" under the definition of the term in 590  
existence prior to January 1, 2008, and a person who prior to 591  
July 31, 2003, was an "out-of-state juvenile sex offender 592  
registrant" under the former definition of that former term. 593

(Q) "Juvenile court judge" includes a magistrate to whom 594  
the juvenile court judge confers duties pursuant to division (A) 595  
(15) of section 2151.23 of the Revised Code. 596

(R) "Adjudicated a delinquent child for committing a 597  
sexually oriented offense" includes a child who receives a 598  
serious youthful offender dispositional sentence under section 599  
2152.13 of the Revised Code for committing a sexually oriented 600  
offense. 601

(S) "School" and "school premises" have the same meanings 602

as in section 2925.01 of the Revised Code. 603

(T) "Residential premises" means the building in which a 604  
residential unit is located and the grounds upon which that 605  
building stands, extending to the perimeter of the property. 606  
"Residential premises" includes any type of structure in which a 607  
residential unit is located, including, but not limited to, 608  
multi-unit buildings and mobile and manufactured homes. 609

(U) "Residential unit" means a dwelling unit for 610  
residential use and occupancy, and includes the structure or 611  
part of a structure that is used as a home, residence, or 612  
sleeping place by one person who maintains a household or two or 613  
more persons who maintain a common household. "Residential unit" 614  
does not include a halfway house or a community-based 615  
correctional facility. 616

(V) "Multi-unit building" means a building in which is 617  
located more than twelve residential units that have entry doors 618  
that open directly into the unit from a hallway that is shared 619  
with one or more other units. A residential unit is not 620  
considered located in a multi-unit building if the unit does not 621  
have an entry door that opens directly into the unit from a 622  
hallway that is shared with one or more other units or if the 623  
unit is in a building that is not a multi-unit building as 624  
described in this division. 625

(W) "Community control sanction" has the same meaning as 626  
in section 2929.01 of the Revised Code. 627

(X) "Halfway house" and "community-based correctional 628  
facility" have the same meanings as in section 2929.01 of the 629  
Revised Code. 630

**Section 2.** That existing sections 2907.09 and 2950.01 of 631

the Revised Code are hereby repealed.

632