

State of Ohio

SUMMARY OF REGISTRATION AND  
COMMUNITY NOTIFICATION PROVISIONS

Sexually Oriented Offenses Requiring Registration (R.C. 2950.04)

A. Persons with a Duty to Register: The following offenders who are convicted or plead guilty to a sexually oriented offense have a duty to register, regardless of whether they are adjudicated a sexual predator or habitual sexual offender:

1. Any person sentenced to prison or "confinement" and is released in any manner on or after 7/1/1997, regardless of when the offense was committed;
  - a. Confinement includes, but is not limited to, a community residential sanction. R.C. 2950.01(A).
2. Any person sentenced to prison or "confinement" on or after 7/1/97, regardless of when the offense was committed;
3. Any "habitual sexual offender" required to register before 7/1/97;
4. Any person required to register as a sex offender or child-victim offender in any other state, nation or jurisdiction;
5. Any person who is convicted of or who pleaded guilty to a sexually oriented offense "that is not registration exempt" in another state, federal court, military court, Indian tribal court or in a court in any other nation, regardless of whether the offender had a prior duty to register for the offense if
  - the offender resides or is domiciled in Ohio, even temporarily; or
  - the offender enters Ohio to attend a school or institution of higher education, either on a full-time or part-time basis; or
  - are employed in Ohio for more "for more than fourteen days or for an aggregate period of thirty of more days in a calendar year."

Note: For purposes of determining the responsibility to register with regard to employment, the statute sets forth as the relevant time period: "more than fourteen days or for an aggregate period of thirty or more days in a calendar year." It is unclear whether the responsibility to register is triggered by fourteen consecutive days and whether those days are calendar days, work days, etc.

6. Any person sentenced to prison or "confinement" and is released in any manner on or after 7/1/97, regardless of when the offense was committed, and the person is adjudicated to be a sexual predator subsequent to the release.

**Persons Subject to Community Notification** (R.C. 2950.11)(F)

A. Persons Subject to Community Notification Provision: The following offenders are subject to notification of their presence in the community:

1. an offender adjudicated as a sexual predator;  
Note: R.C. 2950.11 refers only to persons adjudicated as sexual predators. Presumably, the general assembly also meant to include those persons automatically classified as sexual predators (i.e. sexually violent offenders and offenders designated as sexual predators in another jurisdiction)
2. an offender adjudicated as a child-victim predator;
3. an offender adjudicated as a habitual sex offender when the trial court determines that the offender should be subject to a community notification;
4. an offender adjudicated as a habitual child-victim offender when the trial court determines that the offender should be subject to community notification;
5. an offender who has committed an aggravated sexually oriented offense
  - a. Aggravated sexually oriented offenses are
    - Rape of a child under the age of 13 (R.C.2907.02(A)(1)(b))
    - Forcible rape (R.C.2907.02(A)(2)) committed on or after 7/31/03

**Duties of Persons Subject to Community Notification** (R.C.2950.04(G);  
R.C.2950.041(G))

- A. Send sheriff of the county in which offender intends to reside notice at least 20 days prior to residency, stating;
- Offender's name;
  - Address/addresses at which the offender intends to reside;
  - Sexually oriented offense or child-victim oriented offense of which the offender was convicted;
  - Statement that the offender has been adjudicated a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender (or has committed an aggravated sexually oriented offense) and that, as of the date of the notice, the determination has not been removed under R.C.2152.84 or R.C.2152.85

**Residency Prohibited within 1,000 Feet of Any School**(R.C. 2950.031)

- A. No person who has been convicted of or pleaded to either
- a sexually oriented offense that is not a registration-exempt sexually oriented offense; or
  - a child-victim oriented offense
- shall establish a residence or "occupy residential premises: within 1,000 feet of any school premises.

Note: The definition of "school premises: is borrowed from the drug offense statute and is broadly defined as "any parcel of real property on which any school is situated, whether or not any instruction, extra-curricular activities, or training provided by the school is being conducted on the premises.\*\*\*"

B. Injunctive Relief

1. An owner or lessee of real property that is located within 1,000 feet of any school has a cause of action for injunctive relief against an offender who establishes or occupies a residence within 1,000 feet of that school.
2. The owner or lessee does does not have to prove irreparable harm in order to obtain the relief.

**Penalties for Violating Registration and Community Notification Requirements**(R.C. 2950.99)

A. Category One (R.C.2950.99(A)(1)(b)(i)-(iv))

1. Prior Conviction for Violation of Duties: Applies where an offender previously has been convicted of a violation of duties to register, to notify of intent to reside or change address, or to periodically verify current address based upon sexually oriented offense or child-victim offense.

2. Punishment

If the most serious sexually oriented offense or child-victim offense upon which the above duties were based was

- a. Aggravated murder, murder, or a F1, F2, F3, or F4, then offender is guilty of F3.
- b. F5, then offender is guilty of a F4.
- c. M1, then offender is guilty of a F4.
- d. Misdemeanor other than a M1, then offender is guilty of a misdemeanor that is one degree higher than the most serious sexually oriented offense/child-victim offense upon which the above duties were based.

B. Category Two (R.C.2950.99(A)(1)(a)(i)-(ii))

1. No Prior Conviction for Violation of Duties: Applies where there has been no prior conviction of a violation of duties to register, to notify of intent to reside or change address, or to periodically verify current address based upon sexually oriented offense or child-victim offense.

2. Punishment

If the most serious sexually oriented offense or child-victim oriented offense upon which the above duties were based was

- a. Aggravated murder, murder, or a F1, F2, or F3, then offender is guilty of a F3.
- b. F4, F5, or misdemeanor, then offender is guilty of a felony or misdemeanor of the same degree of the most serious sexually oriented offense/child-victim offense upon which the above duties were based.

C. Probation/Parole/Post-Release Control: Where offender from either category is on probation or parole or subject to post-release control, the violation shall constitute a violation of the conditions or probation, parole, or other post-release control. R.C.2950.99(A)(2).

## **Assessment of Supervision Level by the Adult Parole Authority**

- All sex offender cases shall be classified at the Basic High level of supervision during the first year of supervision.
- A case may be considered for classification to a higher or lower supervision level based on documented special circumstances. Cases considered for classification to a lower supervision level must be staffed and approved by the Sex Offender Specialist. This shall be documented in the case file.

### Reclassification of Supervision Level

- If either of the following apply the offender shall remain at the Basic high supervision level.
  - i. Cases with a Community Notification Provision as designated by the court (e.g. Sexual Predator, Habitual Sex Offender with notification).
  - ii. Cases with two or more adult felony sex offense convictions (including instant offense).
- Eligible offenders may be considered for a reclassification of the level of supervision on a case by case basis. All cases must be staffed with the Sex Offender Specialist. The Sex Offender Specialist will consider the following minimum criteria:
  - i. Active involvement in or completion of programming recommended by the Sex Offender Specialist.
  - ii. Violation behavior during the period of supervision.

### Program Referral:

Sex offender specific and other programming provides offenders with an appropriate opportunity to learn to manage and control criminal behaviors that result in harm to the community. In order to enhance the offender's opportunity for rehabilitation and reduce risk to the public, offenders should be referred to programs approved by the Adult Parole Authority.

**QUICK REFERENCE CHART SUMMARIZING  
REGISTRATION AND COMMUNITY NOTIFICATION REQUIREMENTS IN R.C. Chapter 2950**

CATEGORY	Registration			Community Notification	
	Required?	Duration	Frequency	Required?	Duration
Registration Exempt Sexually Oriented Offender	No	N/A	N/A	No	N/A
Sexually Oriented Offense	Yes	10 Years	Annual	No	N/A
Aggravated Sexually Oriented Offense	Yes	Life	90 days	Yes	20 Years/Life
Habitual Sexual Offender	Yes	20 Years/Life	Annual	Presumed	20 Years/Life
Sexual Predator	Yes	Life	90 days	Yes	20 Years/Life
Child Victim Offense	Yes	10 Years	Annual	No	N/A
Habitual Child-Victim Offender	Yes	20 Years	Annual	Court's Discretion	20 Years/Life
Child-Victim Predator	Yes	Life	90 days	Yes	20 Years/Life