

# OHIO SEX-OFFENDER REGISTRATION AND NOTIFICATION

## CONTACT INFORMATION

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## NUMBER OF REGISTERED SEX OFFENDERS

9,128 as of March 27, 2003.

### **1. WHO IS REQUIRED TO REGISTER?**

The following offenders who are convicted of or pled guilty to, or who have been convicted of or pled guilty to, a sexually oriented offense must register:

- (1) regardless of when the sexually oriented offense was committed, an offender who is sentenced for the offense to a prison term or any other type of confinement and, on or after July 1, 1997, is released in any manner from the prison term or confinement;
- (2) regardless of when the sexually oriented offense was committed, an offender who is sentenced for the offense on or after July 1, 1997, but did not serve a prison term or was not confined; and
- (3) if the sexually oriented offense was committed prior to July 1, 1997, an offender who, immediately prior to July 1, 1997, was a habitual sex offender who was required to register.

*(Ohio Rev. Code Ann. § 2950.04(A)(1))*

### **2. WHAT DOES "SEXUALLY ORIENTED OFFENSE" MEAN?**

"Sexually oriented offense" means:

- (1) any of the following violations or offenses committed by a person 18 or older, or by a juvenile offender whose case has been transferred for criminal prosecution:
  - (a) regardless of the victim's age:
    - (i) rape;
    - (ii) sexual battery;
    - (iii) gross sexual imposition;
    - (iv) aggravated murder, if committed with the purpose of gratifying the sexual needs or desires of the offender;
    - (v) murder, if committed with the purpose of gratifying the sexual needs or desires of the offender;
    - (vi) felonious assault, if committed with the purpose of gratifying the sexual needs or desires of the offender;
    - (vii) kidnapping, if committed with the purpose of gratifying the sexual needs or desires of the offender; or
    - (viii) causing the death of another or the unlawful termination of another's pregnancy as a result of the offender's committing or attempting to commit a felony, if committed with the purpose of gratifying the sexual needs or desires of the offender;
  - (b) any of the following offenses when the victim is under 18:
    - (i) kidnapping;
    - (ii) abduction;

- (iii) unlawful restraint;
- (iv) criminal child enticement;
- (v) unlawful sexual conduct with a minor;
- (vi) child stealing; or
- (vii) compelling prostitution;
- (c) creating, reproducing, or publishing any obscene material that has a minor as one of its participants or portrayed observers;
- (d) creating, directing, or producing an obscene performance that has a minor as one of its participants;
- (e) pandering sexually oriented matter involving a minor;
- (f) photographing any minor who is not the offender's child or ward in a state of nudity;
- (g) creating, directing, producing, or transferring any material or performance that shows the minor in a state of nudity, unless certain exceptions apply;
- (h) consenting to the photographing of one's own child or ward, photographing one's own child or ward in a state of nudity, or consenting to the use of one's own child or ward in a state of nudity in any material or performance;
- (i) using or transferring any material or performance involving a minor photographed in a state of nudity;
- (j) enticing, coercing, permitting, encouraging, compelling, hiring, employing, using, or allowing a minor to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene or is sexually-oriented or nudity-oriented matter;
- (k) soliciting another by means of a telecommunications device to engage in sexual activity with the offender when the other person is 13 or older but under 16 and the offender knows the other person is 13 or older but under 16 or is reckless in that regard;
- (l) a sexually violent offense;
- (m) a violation of any former Ohio law, any existing or former municipal ordinance or law of another state or the United States, or any existing or former law applicable in a military court or an Indian tribal court that is or was substantially equivalent to an offense listed in (a) through (l) above; or
- (n) an attempt to commit, conspiracy to commit, or complicity in committing an offense listed in (a) through (m) above; or
- (2) one of the following offenses committed by a person under 18:
  - (a) regardless of the victim's age:
    - (i) rape;
    - (ii) sexual battery;
    - (iii) gross sexual imposition;
    - (iv) aggravated murder;
    - (v) murder;
    - (vi) felonious assault;
    - (vii) kidnapping;
    - (viii) murder, if committed with the purpose of gratifying the sexual needs or desires of the juvenile offender;
    - (ix) felonious assault, if committed with the purpose of gratifying the sexual needs or desires of the juvenile offender;
    - (x) kidnapping, if committed with the purpose of gratifying the sexual needs or desires of the juvenile offender;
    - (xi) abduction, if committed with the purpose of gratifying the sexual needs or desires of the juvenile offender; or

- (xii) causing the death of another or the unlawful termination of another's pregnancy as a result of the offender's committing or attempting to commit a felony, if committed with the purpose of gratifying the sexual needs or desires of the juvenile offender;
- (b) any of the following acts when the victim is under 18:
  - (i) kidnapping;
  - (ii) abduction;
  - (iii) child stealing; or
  - (iv) compelling prostitution;
- (c) enticing, coercing, permitting, encouraging, compelling, hiring, employing, using, or allowing a minor to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene or is sexually-oriented or nudity-oriented matter;
- (d) any sexually violent offense that, if committed by an adult, would be a felony of the first, second, third, or fourth degree;
- (e) creating, reproducing, or publishing any obscene material that has a minor as one of its participants or portrayed observers;
- (f) creating, directing, or producing an obscene performance that has a minor as one of its participants;
- (g) creating, directing, recording, producing, photographing, filming, developing, reproducing, or publishing any material that shows a minor participating or engaging in sexual activity, masturbation, or bestiality;
- (h) photographing any minor who is not the offender's child or ward in a state of nudity;
- (i) creating, directing, producing, or transferring any material or performance that shows the minor in a state of nudity, unless certain exceptions apply;
- (j) consenting to the photographing of one's own child or ward, photographing one's own child or ward in a state of nudity, or consenting to the use of one's own child or ward in a state of nudity in any material or performance;
- (k) using or transferring any material or performance involving a minor photographed in a state of nudity;
- (l) an attempt to violate (e) through (k) above, if the juvenile offender is four or more years older than the minor victim;
- (m) any violation of any former law of Ohio, any existing or former municipal ordinance or law of another state or the United States, or any existing or former law applicable in a military court or in an Indian tribal court that is or was substantially equivalent to an offense listed in (a) through (l) above and that, if committed by an adult, would be a felony in the first, second, third, or fourth degree; or
- (n) any attempt to commit, conspiracy to commit, or complicity in committing an offense listed in (a) through (m) above.

*(Ohio Rev. Code Ann. § 2950.01(D))*

### **3. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?**

A juvenile who is adjudicated delinquent for committing, on or after January 1, 2002, a sexually oriented offense, who is 14 or older at the time of committing the offense, and who a juvenile-court judge classifies as a juvenile, sex-offender registrant is required to register. This classification includes a juvenile who receives a serious youthful offender dispositional sentence for committing a sexually oriented offense.

*(Ohio Rev. Code Ann. §§ 2950.01(J), (N))*

A juvenile who is adjudicated delinquent for committing a sexually oriented offense is not required to register unless he or she is specifically classified as a juvenile, sex-offender registrant by a juvenile-court judge.

*(Ohio Rev. Code Ann. § 2950.04(5))*

**4. WHEN AND WHERE DOES AN OFFENDER REGISTER?**

An offender who is required to register or a juvenile who is adjudicated delinquent for committing a sexually oriented offense and who is classified a juvenile, sex-offender registrant based on the adjudication must register in person with the sheriff of the county where he or she resides or intends to reside for more than seven days within seven days of coming into the county.

*(Ohio Rev. Code Ann. §§ 2950.04(A)(1), (A)(2))*

**5. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?**

The registration form contains:

- (1) the current residence address of the offender or juvenile delinquent;
- (2) the name and address of the offender's or juvenile delinquent's employer;
- (3) any other information required by the Bureau of Criminal Identification and Investigation;
- (4) the offender's or juvenile delinquent's photograph;
- (5) whether or not the offender or juvenile delinquent has been adjudicated a sexual predator; and
- (6) if the offender or juvenile delinquent has been adjudicated a sexual predator, the identification license-plate number of each motor vehicle owned and registered in his or her name.

*(Ohio Rev. Code Ann. § 2950.04(C))*

**6. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?**

At least 20 days prior to changing addresses, an offender or juvenile delinquent who is required to register must provide notice of the change to the sheriff with whom he or she last registered and to the sheriff of the county in which his or her new address is located.

*(Ohio Rev. Code Ann. §§ 2950.05(A), (B))*

**7. WHAT HAPPENS IF AN OFFENDER MOVES FROM OHIO TO ANOTHER STATE?**

At least 20 days prior to changing addresses, an offender or juvenile delinquent who is required to register must provide notice of the change to the sheriff with whom he or she last registered and to the appropriate law-enforcement agency of the state in which his or her new address is located seven days prior to changing his or her residence.

*(Ohio Rev. Code Ann. § 2950.05(C))*

The sheriff with whom the offender or juvenile delinquent registered in Ohio must forward the address to the Bureau of Criminal Identification and Investigation. The Bureau must then forward notice of the offender's or juvenile delinquent's new address to the appropriate law-enforcement agency in the other state.

*(Ohio Rev. Code Ann. § 2950.05(D)(1))*

**8. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO OHIO REQUIRED TO REGISTER?**

An offender who is convicted of, pleads guilty to, or is adjudicated a juvenile delinquent for committing a sexually oriented offense in another state or in a federal, military, or Indian tribal court must register with the county sheriff within seven days of entering the county if, on or after July 1, 1997, for offenders, or January 1, 2002, for juvenile delinquents, the offender or juvenile delinquent moves to Ohio or is temporarily domiciled in Ohio for more than seven days.

*(Ohio Rev. Code Ann. § 2950.04(A)(3))*

**9. IS REGISTRATION A LIFETIME REQUIREMENT?**

For most offenders and juvenile delinquents, the duty to register lasts for 10 years.

*(Ohio Rev. Code Ann. § 2950.07(B)(3))*

Offenders and juvenile delinquents who have been found to be habitual sex offenders must register for 20 years.

*(Ohio Rev. Code Ann. § 2950.07(B)(2))*

Offenders or juvenile delinquents who have been adjudicated sexual predators and offenders who are required to register for having committed an aggravated sexually oriented offense must register for life.

*(Ohio Rev. Code Ann. § 2950.07(B)(1))*

**10. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?**

An offender who violates the registration requirements is guilty of a felony of the fifth degree if the most serious sexually oriented offense that was the basis of the registration is a felony if committed by an adult.

*(Ohio Rev. Code Ann. § 2950.99(A))*

An offender who violates the registration requirements is guilty of a misdemeanor of the first degree if the most serious sexually oriented offense that was the basis of the registration is a misdemeanor if committed by an adult.

*(Ohio Rev. Code Ann. § 2950.99(A))*

In addition to any penalty or sanction imposed for the violation, if the offender or juvenile delinquent is on probation or parole, is subject to one or more postrelease control sanctions, or is subject to any other type of supervised release at the time of the violation, the violation will constitute a violation of the terms and conditions of the probation, parole, postrelease control sanction, or other type of supervised release.

*(Ohio Rev. Code Ann. § 2950.99(A))*

A delinquent juvenile's failure to comply with registration requirements while he or she is under 18, unless he or she is emancipated, may subject the delinquent juvenile and his or her parent, guardian, or custodian to prosecution.

*(Ohio Rev. Code Ann. § 2950.03(B)(1)(f))*

**11. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?**

Any statements, information, photographs, or fingerprints that are provided in conjunction with registration and that are in the possession of a county sheriff are public records open for public inspection.

*(Ohio Rev. Code Ann. § 2950.08.1(A))*

All information that a sheriff possess regarding a sexual predator or a habitual sex offender is public record that is open to inspection.

*(Ohio Rev. Code Ann. § 2950.11(E))*

Written notification provisions apply to:

- (1) an offender or juvenile delinquent who has been adjudicated a sexual predator;
- (2) an offender or juvenile delinquent who is found to be a habitual sex offender; and
- (3) an offender who is required to register for having committed an aggravated sexually oriented offense.

*(Ohio Rev. Code Ann. § 2950.11(F)(1))*

A sheriff will provide written notice of the eligible offender's or juvenile delinquent's presence in the county to:

- (1) all occupants of residences within 1,000 feet of the offender's or juvenile delinquent's place of residence that are within the county served by the sheriff;
- (2) the Executive Director of the Public Children Services Agency that has jurisdiction within the specified geographical area and that is located within the county served by the sheriff;
- (3) the superintendent of each Board of Education of a school district that has schools within the specified geographical area and that is located within the county served by the sheriff;
- (4) the principal of the school that the juvenile delinquent attends;
- (5) if a juvenile delinquent attends a school outside of the specified geographical notification area or outside of the school district where he or she resides, the superintendent of the Board of Education of a school district that governs the school that the juvenile delinquent attends and the principal of the school that he or she attends;
- (6) 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 that is not operated by a Board of Education;
- (7) regardless of the location of the school, the appointing or hiring officer of a chartered nonpublic school that the juvenile delinquent attends;
- (8) the director, head teacher, elementary principal, or site administrator of each preschool program that is located within the specified geographical notification area and within the county served by the sheriff;
- (9) the administrator or provider of each child daycare center or family daycare home that is located within the specified geographical notification area and within the county served by the sheriff;
- (10) the president or other chief administrative officer of each institution of higher education that is located within the specified geographical notification area and within the county served by the sheriff, and the chief law-enforcement officer of that state university law-enforcement agency or campus-police department, if any, that serves that institution;
- (11) the sheriff of each county that includes any portion of the specified geographical notification area; and
- (12) if the offender or juvenile delinquent 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 juvenile delinquent resides or, if the offender or juvenile delinquent 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 juvenile delinquent resides.

*(Ohio Rev. Code Ann. § 2950.11(A))*

Written notice includes:

- (1) the offender's or juvenile delinquent's name;
- (2) the address(es) at which the offender or the juvenile delinquent resides;
- (3) the sexually oriented offense for which the offender was convicted, to which the offender pled guilty, or for which the juvenile was adjudicated delinquent; and
- (4) a statement that the offender or juvenile delinquent has been adjudicated a sexual predator.

*(Ohio Rev. Code Ann. § 2950.11(B))*

## **12. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?**

The Ohio Department of Rehabilitation and Correction maintains an "offender search" web site, available at <http://www.drc.state.oh.us/search2.htm>.

The web site can be searched by first name, last name, and offender number.

Information available on the web site includes the offender's:

- (1) name;
- (2) photograph, if available;
- (3) offense for which registration is required;
- (4) the committing county and the date of the offender's admission into a correctional facility;
- (5) status;
- (6) parole or release details; and
- (7) sentencing information including:
  - (a) stated prison term;
  - (b) whether a definite or indefinite sentence has been imposed; and
  - (c) the next parole date hearing.

Except when a juvenile's classification as a juvenile sex offender is do to aggravated murder, murder, felonious assault, rape, or attempted rape, a sheriff may not cause to be publicly disseminated by means of the Internet any statements, information, photographs, or fingerprints that are provided by the registered juvenile sex offender, even if the juvenile has been classified a sexual predator or habitual sex offender.

*(Ohio Rev. Code Ann. § 2950.08.1(B); § 2950.11(E))*