

**As Introduced**

**126th General Assembly  
Regular Session  
2005-2006**

**H. B. No. 217**

**Representative DeBose**

—

**A BILL**

To amend section 2950.99 and to enact sections 1  
2950.15 and 4503.237 of the Revised Code to create 2  
a sex offender license plate and to establish the 3  
conditions for its use. 4

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

**Section 1.** That section 2950.99 be amended and sections 5  
2950.15 and 4503.237 of the Revised Code be enacted to read as 6  
follows: 7

**Sec. 2950.15.** (A)(1) In any case in which an offender who is 8  
sentenced on or after the effective date of this section is 9  
required to register a residence address pursuant to section 10  
2950.04 or 2950.041 of the Revised Code, the court shall issue an 11  
order prohibiting the offender from operating a motor vehicle upon 12  
the public roads and highways or upon any public or private 13  
property used by the public for purposes of vehicular travel or 14  
parking unless the vehicle the offender is operating displays the 15  
sex offender license plates described in section 4503.237 of the 16  
Revised Code. The court shall give a copy of the order to the 17  
offender. Except as provided in division (B) of this section, the 18  
order shall remain in effect for the same period of time 19  
prescribed by section 2950.07 of the Revised Code that the 20

offender is required to register a residence address.

21

(2) If an offender is convicted of or pleads guilty to any presumptive registration-exempt sexually oriented offense, the court that is imposing sentence on the offender may issue the order described in division (A)(1) of this section and shall include in the order the duration of the order.

22

23

24

25

26

(B) Not sooner than five years after the imposition of an order under division (A) of this section, an offender who is subject to such an order may file a petition in the municipal or county court in whose jurisdiction the offender resides requesting the termination of the order. The court may deny the petition without a hearing but may conduct a hearing on the matter. In making a determination to terminate the order, the court shall consider all relevant factors, including public safety, the interests of justice, and the determinations, findings, and declarations of the general assembly regarding sex offenders and child-victim offenders that are set forth in section 2950.02 of the Revised Code. No court shall terminate the order if the person, within the duration of the order, has been convicted of or pleaded guilty to any sexually oriented offense or presumptive registration-exempt sexually oriented offense.

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

**Sec. 2950.99.** (A)(1)(a) Except as otherwise provided in division (A)(1)(b) of this section, whoever violates a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code shall be punished as follows:

42

43

44

45

(i) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is aggravated murder, murder, or a

46

47

48

49

50

felony of the first, second, or third degree if committed by an  
adult or a comparable category of offense committed in another  
jurisdiction, the offender is guilty of a felony of the third  
degree.

51  
52  
53  
54

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

55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81

(b) If the offender previously has been convicted of or

82

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

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

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

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

(iv) If the most serious sexually oriented offense or 114  
child-victim oriented offense that was the basis of the 115  
registration, notice of intent to reside, change of address 116  
notification, or address verification requirement that was 117  
violated under the prohibition is a misdemeanor other than a 118  
misdemeanor of the first degree if committed by an adult or a 119  
comparable category of offense committed in another jurisdiction, 120  
the offender is guilty of a misdemeanor that is one degree higher 121  
than the most serious sexually oriented offense or child-victim 122  
oriented offense that was the basis of the registration, change of 123  
address, or address verification requirement that was violated 124  
under the prohibition or, if the most serious sexually oriented 125  
offense or child-victim oriented offense that was the basis of the 126  
registration, notice of intent to reside, change of address, or 127  
address verification requirement that was violated under the 128  
prohibition was a comparable category of offense committed in 129  
another jurisdiction, the offender is guilty of a misdemeanor that 130  
is one degree higher than the most serious sexually oriented 131  
offense or child-victim oriented offense committed in the other 132  
jurisdiction would constitute or would have constituted if it had 133  
been committed in this state. 134

(2) In addition to any penalty or sanction imposed under 135  
division (A)(1) of this section or any other provision of law for 136  
a violation of a prohibition in section 2950.04, 2950.041, 137  
2950.05, or 2950.06 of the Revised Code, if the offender or 138  
delinquent child is subject to a community control sanction, is on 139  
parole, is subject to one or more post-release control sanctions, 140  
or is subject to any other type of supervised release at the time 141  
of the violation, the violation shall constitute a violation of 142  
the terms and conditions of the community control sanction, 143  
parole, post-release control sanction, or other type of supervised 144  
release. 145

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

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

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

(2) If the violation occurs while the person is eighteen

years of age or older, the person is subject to criminal  
prosecution based on the violation.

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

(D) Whoever violates an order issued under section 2950.15 of  
the Revised Code is guilty of a misdemeanor of the first degree.

Sec. 4503.237. (A) Upon presentation of an order issued under  
section 2950.15 of the Revised Code and compliance with all  
applicable laws relating to the registration of motor vehicles,  
the registrar shall issue to the applicant sex offender license  
plates. Sex offender license plates may be issued for any vehicle  
registered in the name of the person named in the order or for any  
vehicle the person named in the order intends to operate.

Sex offender license plates shall have a distinctive pink  
background color and carry a special serial number that is readily  
identified by law enforcement officers. The registrar of motor  
vehicles shall designate the distinctive pink color and serial  
number to be used on sex offender license plates, which shall  
remain the same from year to year and shall not be displayed on  
any other motor vehicles.

The bureau of motor vehicles shall adopt rules providing for  
the decentralization of the issuance of restricted license plates  
under this section. The rules shall provide for the issuance of  
the restricted license plates by at least one agency in each  
county.

(B) No person operating a motor vehicle displaying sex  
offender license plates as described in this division shall  
knowingly disguise or obscure the color of the restricted plate.

(C) Whoever violates division (B) of this section is guilty  
of a minor misdemeanor.

**Section 2.** That existing section 2950.99 of the Revised Code 208  
is hereby repealed. 209