

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 13

Representatives Garrison, Harris

**Cosponsors: Representatives Yuko, Newcomb, Hagan, Murray, Phillips,
Williams, B., DeBose, Bolon, Okey, Luckie, Fende, Lundy, Williams, S.,
Heard, Chandler**

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A BILL

To amend section 2950.99 and to enact section 1
2950.035 of the Revised Code to prohibit Tier III 2
sex offender/child victim offenders who have 3
committed specified offenses against a victim 4
under 16 years of age from knowingly being present 5
on school premises or preschool or child day-care 6
center premises. 7

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

Section 1. That section 2950.99 be amended and section 8
2950.035 of the Revised Code be enacted to read as follows: 9

Sec. 2950.035. (A) No person who is eighteen years of age or 10
older, who is convicted of, pleads guilty to, has been convicted 11
of, or has pleaded guilty to any sexually oriented offense listed 12
in division (G)(1)(a), (c), (d), or (e) of section 2950.01 of the 13
Revised Code, whose victim was under sixteen years of age at the 14
time of the commission of that offense, and who is classified a 15
tier III sex offender/child-victim offender relative to that 16
offense shall knowingly be present on school premises or preschool 17

or child day-care center premises. 18

(B) No person who is eighteen years of age or older, who is 19
convicted of, pleads guilty to, has been convicted of, or has 20
pleaded guilty to a violation of division (B) of section 2907.05 21
of the Revised Code, and who is classified a tier III sex 22
offender/child-victim offender relative to that offense, shall 23
knowingly be present on school premises or preschool or child 24
day-care center premises. 25

(C) As used in this section, "preschool or child day-care 26
center premises" has the same meaning as in section 2950.034 of 27
the Revised Code. 28

Sec. 2950.99. (A)(1)(a) Except as otherwise provided in 29
division (A)(1)(b) of this section, whoever violates a prohibition 30
in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 31
Code shall be punished as follows: 32

(i) If the most serious sexually oriented offense that was 33
the basis of the registration, notice of intent to reside, change 34
of address notification, or address verification requirement that 35
was violated under the prohibition is aggravated murder or murder 36
if committed by an adult or a comparable category of offense 37
committed in another jurisdiction, the offender is guilty of a 38
felony of the first degree. 39

(ii) If the most serious sexually oriented offense or 40
child-victim oriented offense that was the basis of the 41
registration, notice of intent to reside, change of address 42
notification, or address verification requirement that was 43
violated under the prohibition is a felony of the first, second, 44
third, or fourth degree if committed by an adult or a comparable 45
category of offense committed in another jurisdiction, the 46
offender is guilty of a felony of the same degree as the most 47
serious sexually oriented offense or child-victim oriented offense 48

that was the basis of the registration, notice of intent to 49
reside, change of address, or address verification requirement 50
that was violated under the prohibition, or, if the most serious 51
sexually oriented offense or child-victim oriented offense that 52
was the basis of the registration, notice of intent to reside, 53
change of address, or address verification requirement that was 54
violated under the prohibition is a comparable category of offense 55
committed in another jurisdiction, the offender is guilty of a 56
felony of the same degree as that offense committed in the other 57
jurisdiction would constitute if committed in this state. 58

(iii) If the most serious sexually oriented offense or 59
child-victim oriented offense that was the basis of the 60
registration, notice of intent to reside, change of address 61
notification, or address verification requirement that was 62
violated under the prohibition is a felony of the fifth degree or 63
a misdemeanor if committed by an adult or a comparable category of 64
offense committed in another jurisdiction, the offender is guilty 65
of a felony of the fourth degree. 66

(b) If the offender previously has been convicted of or 67
pleaded guilty to, or previously has been adjudicated a delinquent 68
child for committing, a violation of a prohibition in section 69
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 70
whoever violates a prohibition in section 2950.04, 2950.041, 71
2950.05, or 2950.06 of the Revised Code shall be punished as 72
follows: 73

(i) If the most serious sexually oriented offense that was 74
the basis of the registration, notice of intent to reside, change 75
of address notification, or address verification requirement that 76
was violated under the prohibition is aggravated murder or murder 77
if committed by an adult or a comparable category of offense 78
committed in another jurisdiction, the offender is guilty of a 79
felony of the first degree. 80

(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 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 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 is a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the same degree as that offense committed in the other jurisdiction would constitute if committed in this state.

(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 felony of the fourth or 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 third degree.

(iv) 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 113
jurisdiction, the offender is guilty of a felony of the fourth 114
degree. 115

(2)(a) In addition to any penalty or sanction imposed under 116
division (A)(1) of this section or any other provision of law for 117
a violation of a prohibition in section 2950.04, 2950.041, 118
2950.05, or 2950.06 of the Revised Code, if the offender or 119
delinquent child is subject to a community control sanction, is on 120
parole, is subject to one or more post-release control sanctions, 121
or is subject to any other type of supervised release at the time 122
of the violation, the violation shall constitute a violation of 123
the terms and conditions of the community control sanction, 124
parole, post-release control sanction, or other type of supervised 125
release. 126

(b) In addition to any penalty or sanction imposed under 127
division (A)(1)(b)(i), (ii), or (iii) of this section or any other 128
provision of law for a violation of a prohibition in section 129
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the 130
offender previously has been convicted of or pleaded guilty to, or 131
previously has been adjudicated a delinquent child for committing, 132
a violation of a prohibition in section 2950.04, 2950.041, 133
2950.05, or 2950.06 of the Revised Code when the most serious 134
sexually oriented offense or child-victim oriented offense that 135
was the basis of the requirement that was violated under the 136
prohibition is a felony if committed by an adult or a comparable 137
category of offense committed in another jurisdiction, the court 138
imposing a sentence upon the offender shall impose a definite 139
prison term of no less than three years. The definite prison term 140
imposed under this section is not restricted by division (B) of 141
section 2929.14 of the Revised Code and shall not be reduced to 142
less than three years pursuant to Chapter 2967. or any other 143
provision of the Revised Code. 144

(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 or murder for purposes of division (A)(1)(a)(i) of this section, a felony of the first, second, third, or fourth degree for purposes of division (A)(1)(a)(ii) of this section, a felony of the fifth degree or a misdemeanor for purposes of division (A)(1)(a)(iii) of this section, aggravated murder or murder for purposes of division (A)(1)(b)(i) of this section, a felony of the first, second, or third degree for purposes of division (A)(1)(b)(ii) of this section, a felony of the fourth or fifth degree for purposes of division (A)(1)(b)(iii) of this section, or a misdemeanor 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 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 177
prosecution based on the violation. 178

(C) Whoever violates division (C) of section 2950.13 of the 179
Revised Code is guilty of a misdemeanor of the first degree. 180

(D) Whoever violates section 2950.035 of the Revised Code is 181
guilty of a felony of the fifth degree. 182

Section 2. That existing section 2950.99 of the Revised Code 183
is hereby repealed. 184