

As Introduced

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

S. B. No. 130

Senator Cafaro

**Cosponsors: Senators Morano, Miller, R., Kearney, Fedor, Miller, D., Sawyer,
Schiavoni, Smith, Strahorn, Turner, Wilson**

—

A BILL

To amend sections 2950.01, 2950.11, 2950.13, 3721.99, 1
3722.06, 3722.08, 3722.99, 5119.22, 5119.99, 2
5123.19, and 5123.99 and to enact sections 3
2950.112, 3721.052, 3721.053, 3722.042, 3722.043, 4
5119.222, 5119.223, 5123.199, and 5123.1910 of the 5
Revised Code to require a long-term care facility 6
to notify its residents when a sex offender or 7
person who was imprisoned out-of-state for a 8
felony offense is admitted to the facility and to 9
establish immunity for employees of such 10
facilities who report the facility's failure to 11
comply with the notification requirements. 12

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

Section 1. That sections 2950.01, 2950.11, 2950.13, 3721.99, 13
3722.06, 3722.08, 3722.99, 5119.22, 5119.99, 5123.19, and 5123.99 14
be amended and sections 2950.112, 3721.052, 3721.053, 3722.042, 15
3722.043, 5119.222, 5119.223, 5123.199, and 5123.1910 of the 16
Revised Code be enacted to read as follows: 17

Sec. 2950.01. As used in this chapter, unless the context 18

clearly requires otherwise: 19

(A) "Sexually oriented offense" means any of the following 20
violations or offenses committed by a person, regardless of the 21
person's age: 22

(1) A violation of section 2907.02, 2907.03, 2907.05, 23
2907.06, 2907.07, 2907.08, 2907.21, 2907.32, 2907.321, 2907.322, 24
or 2907.323 of the Revised Code; 25

(2) A violation of section 2907.04 of the Revised Code when 26
the offender is less than four years older than the other person 27
with whom the offender engaged in sexual conduct, the other person 28
did not consent to the sexual conduct, and the offender previously 29
has not been convicted of or pleaded guilty to a violation of 30
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 31
violation of former section 2907.12 of the Revised Code; 32

(3) A violation of section 2907.04 of the Revised Code when 33
the offender is at least four years older than the other person 34
with whom the offender engaged in sexual conduct or when the 35
offender is less than four years older than the other person with 36
whom the offender engaged in sexual conduct and the offender 37
previously has been convicted of or pleaded guilty to a violation 38
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 39
violation of former section 2907.12 of the Revised Code; 40

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 41
the Revised Code when the violation was committed with a sexual 42
motivation; 43

(5) A violation of division (A) of section 2903.04 of the 44
Revised Code when the offender committed or attempted to commit 45
the felony that is the basis of the violation with a sexual 46
motivation; 47

(6) A violation of division (A)(3) of section 2903.211 of the 48
Revised Code; 49

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

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

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

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

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

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

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

(2) "Sex offender" does not include a person who is convicted

of, pleads guilty to, has been convicted of, has pleaded guilty 81
to, is adjudicated a delinquent child for committing, or has been 82
adjudicated a delinquent child for committing a sexually oriented 83
offense if the offense involves consensual sexual conduct or 84
consensual sexual contact and either of the following applies: 85

(a) The victim of the sexually oriented offense was eighteen 86
years of age or older and at the time of the sexually oriented 87
offense was not under the custodial authority of the person who is 88
convicted of, pleads guilty to, has been convicted of, has pleaded 89
guilty to, is adjudicated a delinquent child for committing, or 90
has been adjudicated a delinquent child for committing the 91
sexually oriented offense. 92

(b) The victim of the offense was thirteen years of age or 93
older, and the person who is convicted of, pleads guilty to, has 94
been convicted of, has pleaded guilty to, is adjudicated a 95
delinquent child for committing, or has been adjudicated a 96
delinquent child for committing the sexually oriented offense is 97
not more than four years older than the victim. 98

(C) "Child-victim oriented offense" means any of the 99
following violations or offenses committed by a person, regardless 100
of the person's age, when the victim is under eighteen years of 101
age and is not a child of the person who commits the violation: 102

(1) A violation of division (A)(1), (2), (3), or (5) of 103
section 2905.01 of the Revised Code when the violation is not 104
included in division (A)(7) of this section; 105

(2) A violation of division (A) of section 2905.02, division 106
(A) of section 2905.03, or division (A) of section 2905.05 of the 107
Revised Code; 108

(3) A violation of any former law of this state, any existing 109
or former municipal ordinance or law of another state or the 110
United States, any existing or former law applicable in a military 111

court or in an Indian tribal court, or any existing or former law 112
of any nation other than the United States that is or was 113
substantially equivalent to any offense listed in division (C)(1) 114
or (2) of this section; 115

(4) Any attempt to commit, conspiracy to commit, or 116
complicity in committing any offense listed in division (C)(1), 117
(2), or (3) of this section. 118

(D) "Child-victim offender" means a person who is convicted 119
of, pleads guilty to, has been convicted of, has pleaded guilty 120
to, is adjudicated a delinquent child for committing, or has been 121
adjudicated a delinquent child for committing any child-victim 122
oriented offense. 123

(E) "Tier I sex offender/child-victim offender" means any of 124
the following: 125

(1) A sex offender who is convicted of, pleads guilty to, has 126
been convicted of, or has pleaded guilty to any of the following 127
sexually oriented offenses: 128

(a) A violation of section 2907.06, 2907.07, 2907.08, or 129
2907.32 of the Revised Code; 130

(b) A violation of section 2907.04 of the Revised Code when 131
the offender is less than four years older than the other person 132
with whom the offender engaged in sexual conduct, the other person 133
did not consent to the sexual conduct, and the offender previously 134
has not been convicted of or pleaded guilty to a violation of 135
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 136
violation of former section 2907.12 of the Revised Code; 137

(c) A violation of division (A)(1), (2), (3), or (5) of 138
section 2907.05 of the Revised Code; 139

(d) A violation of division (A)(3) of section 2907.323 of the 140
Revised Code; 141

(e) A violation of division (A)(3) of section 2903.211, of 142
division (B) of section 2905.03, or of division (B) of section 143
2905.05 of the Revised Code; 144

(f) A violation of any former law of this state, any existing 145
or former municipal ordinance or law of another state or the 146
United States, any existing or former law applicable in a military 147
court or in an Indian tribal court, or any existing or former law 148
of any nation other than the United States, that is or was 149
substantially equivalent to any offense listed in division 150
(E)(1)(a), (b), (c), (d), or (e) of this section; 151

(g) Any attempt to commit, conspiracy to commit, or 152
complicity in committing any offense listed in division (E)(1)(a), 153
(b), (c), (d), (e), or (f) of this section. 154

(2) A child-victim offender who is convicted of, pleads 155
guilty to, has been convicted of, or has pleaded guilty to a 156
child-victim oriented offense and who is not within either 157
category of child-victim offender described in division (F)(2) or 158
(G)(2) of this section. 159

(3) A sex offender who is adjudicated a delinquent child for 160
committing or has been adjudicated a delinquent child for 161
committing any sexually oriented offense and who a juvenile court, 162
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 163
Revised Code, classifies a tier I sex offender/child-victim 164
offender relative to the offense. 165

(4) A child-victim offender who is adjudicated a delinquent 166
child for committing or has been adjudicated a delinquent child 167
for committing any child-victim oriented offense and who a 168
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 169
2152.85 of the Revised Code, classifies a tier I sex 170
offender/child-victim offender relative to the offense. 171

(F) "Tier II sex offender/child-victim offender" means any of 172

the following:	173
(1) A sex offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any of the following sexually oriented offenses:	174
(a) A violation of section 2907.21, 2907.321, or 2907.322 of the Revised Code;	175
(b) A violation of section 2907.04 of the Revised Code when the offender is at least four years older than the other person with whom the offender engaged in sexual conduct, or when the offender is less than four years older than the other person with whom the offender engaged in sexual conduct and the offender previously has been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or former section 2907.12 of the Revised Code;	176
(c) A violation of division (A)(4) of section 2907.05 or of division (A)(1) or (2) of section 2907.323 of the Revised Code;	177
(d) A violation of division (A)(1), (2), (3), or (5) of section 2905.01 of the Revised Code when the offense is committed with a sexual motivation;	178
(e) A violation of division (A)(4) of section 2905.01 of the Revised Code when the victim of the offense is eighteen years of age or older;	179
(f) A violation of division (B) of section 2905.02 or of division (B)(5) of section 2919.22 of the Revised Code;	180
(g) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division	181
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(F)(1)(a), (b), (c), (d), (e), or (f) of this section;	203
(h) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (F)(1)(a), (b), (c), (d), (e), (f), or (g) of this section;	204 205 206
(i) Any sexually oriented offense that is committed after the sex offender previously has been convicted of, pleaded guilty to, or has been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier I sex offender/child-victim offender.	207 208 209 210 211 212
(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any child-victim oriented offense when the child-victim oriented offense is committed after the child-victim offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier I sex offender/child-victim offender.	213 214 215 216 217 218 219 220
(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier II sex offender/child-victim offender relative to the offense.	221 222 223 224 225 226
(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim oriented offense and whom a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier II sex offender/child-victim offender relative to the current offense.	227 228 229 230 231 232
(5) A sex offender or child-victim offender who is not in any	233

category of tier II sex offender/child-victim offender set forth 234
in division (F)(1), (2), (3), or (4) of this section, who prior to 235
January 1, 2008, was adjudicated a delinquent child for committing 236
a sexually oriented offense or child-victim oriented offense, and 237
who prior to that date was determined to be a habitual sex 238
offender or determined to be a habitual child-victim offender, 239
unless either of the following applies: 240

(a) The sex offender or child-victim offender is reclassified 241
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 242
tier I sex offender/child-victim offender or a tier III sex 243
offender/child-victim offender relative to the offense. 244

(b) A juvenile court, pursuant to section 2152.82, 2152.83, 245
2152.84, or 2152.85 of the Revised Code, classifies the child a 246
tier I sex offender/child-victim offender or a tier III sex 247
offender/child-victim offender relative to the offense. 248
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(G) "Tier III sex offender/child-victim offender" means any 250
of the following: 251

(1) A sex offender who is convicted of, pleads guilty to, has 252
been convicted of, or has pleaded guilty to any of the following 253
sexually oriented offenses: 254

(a) A violation of section 2907.02 or 2907.03 of the Revised 255
Code; 256

(b) A violation of division (B) of section 2907.05 of the 257
Revised Code; 258

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 259
the Revised Code when the violation was committed with a sexual 260
motivation; 261

(d) A violation of division (A) of section 2903.04 of the 262
Revised Code when the offender committed or attempted to commit 263

the felony that is the basis of the violation with a sexual 264
motivation; 265

(e) A violation of division (A)(4) of section 2905.01 of the 266
Revised Code when the victim of the offense is under eighteen 267
years of age; 268

(f) A violation of division (B) of section 2905.01 of the 269
Revised Code when the victim of the offense is under eighteen 270
years of age and the offender is not a parent of the victim of the 271
offense; 272

(g) A violation of any former law of this state, any existing 273
or former municipal ordinance or law of another state or the 274
United States, any existing or former law applicable in a military 275
court or in an Indian tribal court, or any existing or former law 276
of any nation other than the United States that is or was 277
substantially equivalent to any offense listed in division 278
(G)(1)(a), (b), (c), (d), (e), or (f) of this section; 279

(h) Any attempt to commit, conspiracy to commit, or 280
complicity in committing any offense listed in division (G)(1)(a), 281
(b), (c), (d), (e), (f), or (g) of this section; 282

(i) Any sexually oriented offense that is committed after the 283
sex offender previously has been convicted of, pleaded guilty to, 284
or been adjudicated a delinquent child for committing any sexually 285
oriented offense or child-victim oriented offense for which the 286
offender was classified a tier II sex offender/child-victim 287
offender or a tier III sex offender/child-victim offender. 288

(2) A child-victim offender who is convicted of, pleads 289
guilty to, has been convicted of, or has pleaded guilty to any 290
child-victim oriented offense when the child-victim oriented 291
offense is committed after the child-victim offender previously 292
has been convicted of, pleaded guilty to, or been adjudicated a 293
delinquent child for committing any sexually oriented offense or 294

child-victim oriented offense for which the offender was 295
classified a tier II sex offender/child-victim offender or a tier 296
III sex offender/child-victim offender. 297

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

(4) A child-victim offender who is adjudicated a delinquent 304
child for committing or has been adjudicated a delinquent child 305
for committing any child-victim oriented offense and whom a 306
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 307
2152.85 of the Revised Code, classifies a tier III sex 308
offender/child-victim offender relative to the current offense. 309

(5) A sex offender or child-victim offender who is not in any 310
category of tier III sex offender/child-victim offender set forth 311
in division (G)(1), (2), (3), or (4) of this section, who prior to 312
January 1, 2008, was convicted of or pleaded guilty to a sexually 313
oriented offense or child-victim oriented offense or was 314
adjudicated a delinquent child for committing a sexually oriented 315
offense or child-victim oriented offense and classified a juvenile 316
offender registrant, and who prior to that date was adjudicated a 317
sexual predator or adjudicated a child-victim predator, unless 318
either of the following applies: 319

(a) The sex offender or child-victim offender is reclassified 320
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 321
tier I sex offender/child-victim offender or a tier II sex 322
offender/child-victim offender relative to the offense. 323

(b) The sex offender or child-victim offender is a delinquent 324
child, and a juvenile court, pursuant to section 2152.82, 2152.83, 325

2152.84, or 2152.85 of the Revised Code, classifies the child a 326
tier I sex offender/child-victim offender or a tier II sex 327
offender/child-victim offender relative to the offense. 328

(6) A sex offender who is convicted of, pleads guilty to, was 329
convicted of, or pleaded guilty to a sexually oriented offense, if 330
the sexually oriented offense and the circumstances in which it 331
was committed are such that division (F) of section 2971.03 of the 332
Revised Code automatically classifies the offender as a tier III 333
sex offender/child-victim offender; 334

(7) A sex offender or child-victim offender who is convicted 335
of, pleads guilty to, was convicted of, pleaded guilty to, is 336
adjudicated a delinquent child for committing, or was adjudicated 337
a delinquent child for committing a sexually oriented offense or 338
child-victim offense in another state, in a federal court, 339
military court, or Indian tribal court, or in a court in any 340
nation other than the United States if both of the following 341
apply: 342

(a) Under the law of the jurisdiction in which the offender 343
was convicted or pleaded guilty or the delinquent child was 344
adjudicated, the offender or delinquent child is in a category 345
substantially equivalent to a category of tier III sex 346
offender/child-victim offender described in division (G)(1), (2), 347
(3), (4), (5), or (6) of this section. 348

(b) Subsequent to the conviction, plea of guilty, or 349
adjudication in the other jurisdiction, the offender or delinquent 350
child resides, has temporary domicile, attends school or an 351
institution of higher education, is employed, or intends to reside 352
in this state in any manner and for any period of time that 353
subjects the offender or delinquent child to a duty to register or 354
provide notice of intent to reside under section 2950.04 or 355
2950.041 of the Revised Code. 356

(H) "Confinement" includes, but is not limited to, a 357
community residential sanction imposed pursuant to section 2929.16 358
or 2929.26 of the Revised Code. 359

(I) "Prosecutor" has the same meaning as in section 2935.01 360
of the Revised Code. 361

(J) "Supervised release" means a release of an offender from 362
a prison term, a term of imprisonment, or another type of 363
confinement that satisfies either of the following conditions: 364

(1) The release is on parole, a conditional pardon, under a 365
community control sanction, under transitional control, or under a 366
post-release control sanction, and it requires the person to 367
report to or be supervised by a parole officer, probation officer, 368
field officer, or another type of supervising officer. 369

(2) The release is any type of release that is not described 370
in division (J)(1) of this section and that requires the person to 371
report to or be supervised by a probation officer, a parole 372
officer, a field officer, or another type of supervising officer. 373

(K) "Sexually violent predator specification," "sexually 374
violent predator," "sexually violent offense," "sexual motivation 375
specification," "designated homicide, assault, or kidnapping 376
offense," and "violent sex offense" have the same meanings as in 377
section 2971.01 of the Revised Code. 378

(L) "Post-release control sanction" and "transitional 379
control" have the same meanings as in section 2967.01 of the 380
Revised Code. 381

(M) "Juvenile offender registrant" means a person who is 382
adjudicated a delinquent child for committing on or after January 383
1, 2002, a sexually oriented offense or a child-victim oriented 384
offense, who is fourteen years of age or older at the time of 385
committing the offense, and who a juvenile court judge, pursuant 386
to an order issued under section 2152.82, 2152.83, 2152.84, 387

2152.85, or 2152.86 of the Revised Code, classifies a juvenile offender registrant and specifies has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. "Juvenile offender registrant" includes a person who prior to January 1, 2008, was a "juvenile offender registrant" under the definition of the term in existence prior to January 1, 2008, and a person who prior to July 31, 2003, was a "juvenile sex offender registrant" under the former definition of that former term.

(N) "Public registry-qualified juvenile offender registrant" means a person who is adjudicated a delinquent child and on whom a juvenile court has imposed a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code before, on, or after January 1, 2008, and to whom all of the following apply:

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

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

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

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

(3) A juvenile court judge, pursuant to an order issued under section 2152.86 of the Revised Code, classifies the person a juvenile offender registrant, specifies the person has a duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised

Code, and classifies the person a public registry-qualified 419
juvenile offender registrant, and the classification of the person 420
as a public registry-qualified juvenile offender registrant has 421
not been terminated pursuant to division (D) of section 2152.86 of 422
the Revised Code. 423

(O) "Secure facility" means any facility that is designed and 424
operated to ensure that all of its entrances and exits are locked 425
and under the exclusive control of its staff and to ensure that, 426
because of that exclusive control, no person who is 427
institutionalized or confined in the facility may leave the 428
facility without permission or supervision. 429

(P) "Out-of-state juvenile offender registrant" means a 430
person who is adjudicated a delinquent child in a court in another 431
state, in a federal court, military court, or Indian tribal court, 432
or in a court in any nation other than the United States for 433
committing a sexually oriented offense or a child-victim oriented 434
offense, who on or after January 1, 2002, moves to and resides in 435
this state or temporarily is domiciled in this state for more than 436
five days, and who has a duty under section 2950.04 or 2950.041 of 437
the Revised Code to register in this state and the duty to 438
otherwise comply with that applicable section and sections 2950.05 439
and 2950.06 of the Revised Code. "Out-of-state juvenile offender 440
registrant" includes a person who prior to January 1, 2008, was an 441
"out-of-state juvenile offender registrant" under the definition 442
of the term in existence prior to January 1, 2008, and a person 443
who prior to July 31, 2003, was an "out-of-state juvenile sex 444
offender registrant" under the former definition of that former 445
term. 446

(Q) "Juvenile court judge" includes a magistrate to whom the 447
juvenile court judge confers duties pursuant to division (A)(15) 448
of section 2151.23 of the Revised Code. 449

(R) "Adjudicated a delinquent child for committing a sexually 450

oriented offense" includes a child who receives a serious youthful 451
offender dispositional sentence under section 2152.13 of the 452
Revised Code for committing a sexually oriented offense. 453

(S) "School" and "school premises" have the same meanings as 454
in section 2925.01 of the Revised Code. 455

(T) "Residential premises" means the building in which a 456
residential unit is located and the grounds upon which that 457
building stands, extending to the perimeter of the property. 458
"Residential premises" includes any type of structure in which a 459
residential unit is located, including, but not limited to, 460
multi-unit buildings and mobile and manufactured homes. 461

(U) "Residential unit" means a dwelling unit for residential 462
use and occupancy, and includes the structure or part of a 463
structure that is used as a home, residence, or sleeping place by 464
one person who maintains a household or two or more persons who 465
maintain a common household. "Residential unit" does not include a 466
halfway house or a community-based correctional facility. 467

(V) "Multi-unit building" means a building in which is 468
located more than twelve residential units that have entry doors 469
that open directly into the unit from a hallway that is shared 470
with one or more other units. A residential unit is not considered 471
located in a multi-unit building if the unit does not have an 472
entry door that opens directly into the unit from a hallway that 473
is shared with one or more other units or if the unit is in a 474
building that is not a multi-unit building as described in this 475
division. 476

(W) "Community control sanction" has the same meaning as in 477
section 2929.01 of the Revised Code. 478

(X) "Halfway house" and "community-based correctional 479
facility" have the same meanings as in section 2929.01 of the 480
Revised Code. 481

<u>(Y) "Long-term care facility" means all of the following:</u>	482
<u>(1) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;</u>	483 484 485
<u>(2) A residential care facility licensed under Chapter 3721. of the Revised Code;</u>	486 487
<u>(3) An adult care facility licensed under Chapter 3722. of the Revised Code;</u>	488 489
<u>(4) A residential facility licensed by the department of mental health under section 5119.22 of the Revised Code;</u>	490 491
<u>(5) A residential facility licensed by the director of mental retardation and developmental disabilities under section 5123.19 of the Revised Code.</u>	492 493 494
<u>(Z) "Sponsor" means an adult relative, friend, or guardian who has responsibility for the welfare of a resident of a long-term care facility.</u>	495 496 497
Sec. 2950.11. (A) Regardless of when the sexually oriented offense or child-victim oriented offense was committed, if a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most	498 499 500 501 502 503 504 505 506 507 508 509 510 511

recently sent a notice of intent to reside under section 2950.04 512
or 2950.041 of the Revised Code, within the period of time 513
specified in division (C) of this section, shall provide a written 514
notice containing the information set forth in division (B) of 515
this section to all of the persons described in divisions (A)(1) 516
to ~~(10)~~(11) of this section. If the sheriff has sent a notice to 517
the persons described in those divisions as a result of receiving 518
a notice of intent to reside and if the offender or delinquent 519
child registers a residence address that is the same residence 520
address described in the notice of intent to reside, the sheriff 521
is not required to send an additional notice when the offender or 522
delinquent child registers. The sheriff shall provide the notice 523
to all of the following persons: 524

(1)(a) Any occupant of each residential unit that is located 525
within one thousand feet of the offender's or delinquent child's 526
residential premises, that is located within the county served by 527
the sheriff, and that is not located in a multi-unit building. 528
Division (D)(3) of this section applies regarding notices required 529
under this division. 530

(b) If the offender or delinquent child resides in a 531
multi-unit building, any occupant of each residential unit that is 532
located in that multi-unit building and that shares a common 533
hallway with the offender or delinquent child. For purposes of 534
this division, an occupant's unit shares a common hallway with the 535
offender or delinquent child if the entrance door into the 536
occupant's unit is located on the same floor and opens into the 537
same hallway as the entrance door to the unit the offender or 538
delinquent child occupies. Division (D)(3) of this section applies 539
regarding notices required under this division. 540

(c) The building manager, or the person the building owner or 541
condominium unit owners association authorizes to exercise 542
management and control, of each multi-unit building that is 543

located within one thousand feet of the offender's or delinquent 544
child's residential premises, including a multi-unit building in 545
which the offender or delinquent child resides, and that is 546
located within the county served by the sheriff. In addition to 547
notifying the building manager or the person authorized to 548
exercise management and control in the multi-unit building under 549
this division, the sheriff shall post a copy of the notice 550
prominently in each common entryway in the building and any other 551
location in the building the sheriff determines appropriate. The 552
manager or person exercising management and control of the 553
building shall permit the sheriff to post copies of the notice 554
under this division as the sheriff determines appropriate. In lieu 555
of posting copies of the notice as described in this division, a 556
sheriff may provide notice to all occupants of the multi-unit 557
building by mail or personal contact; if the sheriff so notifies 558
all the occupants, the sheriff is not required to post copies of 559
the notice in the common entryways to the building. Division 560
(D)(3) of this section applies regarding notices required under 561
this division. 562

(d) All additional persons who are within any category of 563
neighbors of the offender or delinquent child that the attorney 564
general by rule adopted under section 2950.13 of the Revised Code 565
requires to be provided the notice and who reside within the 566
county served by the sheriff; 567

(2) The executive director of the public children services 568
agency that has jurisdiction within the specified geographical 569
notification area and that is located within the county served by 570
the sheriff; 571

(3)(a) The superintendent of each board of education of a 572
school district that has schools within the specified geographical 573
notification area and that is located within the county served by 574
the sheriff; 575

(b) The principal of the school within the specified 576
geographical notification area and within the county served by the 577
sheriff that the delinquent child attends; 578

(c) If the delinquent child attends a school outside of the 579
specified geographical notification area or outside of the school 580
district where the delinquent child resides, the superintendent of 581
the board of education of a school district that governs the 582
school that the delinquent child attends and the principal of the 583
school that the delinquent child attends. 584

(4)(a) The appointing or hiring officer of each chartered 585
nonpublic school located within the specified geographical 586
notification area and within the county served by the sheriff or 587
of each other school located within the specified geographical 588
notification area and within the county served by the sheriff and 589
that is not operated by a board of education described in division 590
(A)(3) of this section; 591

(b) Regardless of the location of the school, the appointing 592
or hiring officer of a chartered nonpublic school that the 593
delinquent child attends. 594

(5) The director, head teacher, elementary principal, or site 595
administrator of each preschool program governed by Chapter 3301. 596
of the Revised Code that is located within the specified 597
geographical notification area and within the county served by the 598
sheriff; 599

(6) The administrator of each child day-care center or type A 600
family day-care home that is located within the specified 601
geographical notification area and within the county served by the 602
sheriff, and the provider of each certified type B family day-care 603
home that is located within the specified geographical 604
notification area and within the county served by the sheriff. As 605
used in this division, "child day-care center," "type A family 606

day-care home," and "certified type B family day-care home" have 607
the same meanings as in section 5104.01 of the Revised Code. 608

(7) The president or other chief administrative officer of 609
each institution of higher education, as defined in section 610
2907.03 of the Revised Code, that is located within the specified 611
geographical notification area and within the county served by the 612
sheriff, and the chief law enforcement officer of the state 613
university law enforcement agency or campus police department 614
established under section 3345.04 or 1713.50 of the Revised Code, 615
if any, that serves that institution; 616

(8) The sheriff of each county that includes any portion of 617
the specified geographical notification area; 618

(9) If the offender or delinquent child resides within the 619
county served by the sheriff, the chief of police, marshal, or 620
other chief law enforcement officer of the municipal corporation 621
in which the offender or delinquent child resides or, if the 622
offender or delinquent child resides in an unincorporated area, 623
the constable or chief of the police department or police district 624
police force of the township in which the offender or delinquent 625
child resides; 626

(10) Volunteer organizations in which contact with minors or 627
other vulnerable individuals might occur or any organization, 628
company, or individual who requests notification as provided in 629
division (J) of this section; 630

(11) The chief administrative officer of a long-term care 631
facility in which the offender or delinquent child will reside or 632
that is located within the specified geographical notification 633
area and within the county served by the sheriff. 634

(B) The notice required under division (A) of this section 635
shall include all of the following information regarding the 636
subject offender or delinquent child: 637

- (1) The offender's or delinquent child's name; 638
- (2) The address or addresses of the offender's or public 639
registry-qualified juvenile offender registrant's residence, 640
school, institution of higher education, or place of employment, 641
as applicable, or the residence address or addresses of a 642
delinquent child who is not a public registry-qualified juvenile 643
offender registrant; 644
- (3) The sexually oriented offense or child-victim oriented 645
offense of which the offender was convicted, to which the offender 646
pleaded guilty, or for which the child was adjudicated a 647
delinquent child; 648
- (4) A statement that identifies the category specified in 649
division (F)(1)(a), (b), or (c) of this section that includes the 650
offender or delinquent child and that subjects the offender or 651
delinquent child to this section; 652
- (5) The offender's or delinquent child's photograph. 653
- (C) If a sheriff with whom an offender or delinquent child 654
registers under section 2950.04, 2950.041, or 2950.05 of the 655
Revised Code or to whom the offender or delinquent child most 656
recently sent a notice of intent to reside under section 2950.04 657
or 2950.041 of the Revised Code is required by division (A) of 658
this section to provide notices regarding an offender or 659
delinquent child and if, pursuant to that requirement, the sheriff 660
provides a notice to a sheriff of one or more other counties in 661
accordance with division (A)(8) of this section, the sheriff of 662
each of the other counties who is provided notice under division 663
(A)(8) of this section shall provide the notices described in 664
divisions (A)(1) to (7) and (A)(9) ~~and (10)~~ to (11) of this 665
section to each person or entity identified within those divisions 666
that is located within the specified geographical notification 667
area and within the county served by the sheriff in question. 668

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(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

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A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) ~~and~~, (A)(10), and (A)(11) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

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(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to ~~(10)~~(11) of this section. If a sheriff provides a notice pursuant to this division

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to the sheriff of one or more other counties in accordance with 701
division (A)(8) of this section, the sheriff of each of the other 702
counties who is provided the notice under division (A)(8) of this 703
section may provide, but is not required to provide, a written 704
notice containing the information set forth in division (B) of 705
this section to the persons identified in divisions (A)(1) to (7) 706
and (A)(9) ~~and (10)~~ to (11) of this section. 707

(3) A sheriff may provide notice under division (A)(1)(a) or 708
(b) of this section, and may provide notice under division 709
(A)(1)(c) of this section to a building manager or person 710
authorized to exercise management and control of a building, by 711
mail, by personal contact, or by leaving the notice at or under 712
the entry door to a residential unit. For purposes of divisions 713
(A)(1)(a) and (b) of this section, and the portion of division 714
(A)(1)(c) of this section relating to the provision of notice to 715
occupants of a multi-unit building by mail or personal contact, 716
the provision of one written notice per unit is deemed as 717
providing notice to all occupants of that unit. 718

(E) All information that a sheriff possesses regarding an 719
offender or delinquent child who is in a category specified in 720
division (F)(1)(a), (b), or (c) of this section that is described 721
in division (B) of this section and that must be provided in a 722
notice required under division (A) or (C) of this section or that 723
may be provided in a notice authorized under division (D)(2) of 724
this section is a public record that is open to inspection under 725
section 149.43 of the Revised Code. 726

The sheriff shall not cause to be publicly disseminated by 727
means of the internet any of the information described in this 728
division that is provided by a delinquent child unless that child 729
is in a category specified in division (F)(1)(a), (b), or (c) of 730
this section. 731

(F)(1) Except as provided in division (F)(2) of this section, 732

the duties to provide the notices described in divisions (A) and 733
(C) of this section apply regarding any offender or delinquent 734
child who is in any of the following categories: 735

(a) The offender is a tier III sex offender/child-victim 736
offender, or the delinquent child is a public registry-qualified 737
juvenile offender registrant, and a juvenile court has not removed 738
pursuant to section 2950.15 of the Revised Code the delinquent 739
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 740
and 2950.06 of the Revised Code. 741

(b) The delinquent child is a tier III sex 742
offender/child-victim offender who is not a ~~public registry~~ 743
~~qualified~~ public registry-qualified juvenile offender registrant, 744
the delinquent child was subjected to this section prior to ~~the~~ 745
~~effective date of this amendment~~ January 1, 2008, as a sexual 746
predator, habitual sex offender, child-victim predator, or 747
habitual child-victim offender, as those terms were defined in 748
section 2950.01 of the Revised Code as it existed prior to ~~the~~ 749
~~effective date of this amendment~~ January 1, 2008, and a juvenile 750
court has not removed pursuant to section 2152.84 or 2152.85 of 751
the Revised Code the delinquent child's duty to comply with 752
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 753
Code. 754

(c) The delinquent child is a tier III sex 755
offender/child-victim offender who is not a public 756
registry-qualified juvenile offender registrant, the delinquent 757
child was classified a juvenile offender registrant on or after 758
~~the effective date of this amendment~~ January 1, 2008, the court 759
has imposed a requirement under section 2152.82, 2152.83, or 760
2152.84 of the Revised Code subjecting the delinquent child to 761
this section, and a juvenile court has not removed pursuant to 762
section 2152.84 or 2152.85 of the Revised Code the delinquent 763
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 764

and 2950.06 of the Revised Code. 765

(2) The notification provisions of this section do not apply 766
to a person described in division (F)(1)(a), (b), or (c) of this 767
section if a court finds at a hearing after considering the 768
factors described in this division that the person would not be 769
subject to the notification provisions of this section that were 770
in the version of this section that existed immediately prior to 771
~~the effective date of this amendment~~ January 1, 2008. In making 772
the determination of whether a person would have been subject to 773
the notification provisions under prior law as described in this 774
division, the court shall consider the following factors: 775

(a) The offender's or delinquent child's age; 776

(b) The offender's or delinquent child's prior criminal or 777
delinquency record regarding all offenses, including, but not 778
limited to, all sexual offenses; 779

(c) The age of the victim of the sexually oriented offense 780
for which sentence is to be imposed or the order of disposition is 781
to be made; 782

(d) Whether the sexually oriented offense for which sentence 783
is to be imposed or the order of disposition is to be made 784
involved multiple victims; 785

(e) Whether the offender or delinquent child used drugs or 786
alcohol to impair the victim of the sexually oriented offense or 787
to prevent the victim from resisting; 788

(f) If the offender or delinquent child previously has been 789
convicted of or pleaded guilty to, or been adjudicated a 790
delinquent child for committing an act that if committed by an 791
adult would be, a criminal offense, whether the offender or 792
delinquent child completed any sentence or dispositional order 793
imposed for the prior offense or act and, if the prior offense or 794
act was a sex offense or a sexually oriented offense, whether the 795

offender or delinquent child participated in available programs	796
for sexual offenders;	797
(g) Any mental illness or mental disability of the offender	798
or delinquent child;	799
(h) The nature of the offender's or delinquent child's sexual	800
conduct, sexual contact, or interaction in a sexual context with	801
the victim of the sexually oriented offense and whether the sexual	802
conduct, sexual contact, or interaction in a sexual context was	803
part of a demonstrated pattern of abuse;	804
(i) Whether the offender or delinquent child, during the	805
commission of the sexually oriented offense for which sentence is	806
to be imposed or the order of disposition is to be made, displayed	807
cruelty or made one or more threats of cruelty;	808
(j) Whether the offender or delinquent child would have been	809
a habitual sex offender or a habitual child victim offender under	810
the definitions of those terms set forth in section 2950.01 of the	811
Revised Code as that section existed prior to the effective date	812
of this amendment <u>January 1, 2008</u> ;	813
(k) Any additional behavioral characteristics that contribute	814
to the offender's or delinquent child's conduct.	815
(G)(1) The department of job and family services shall	816
compile, maintain, and update in January and July of each year, a	817
list of all agencies, centers, or homes of a type described in	818
division (A)(2) or (6) of this section that contains the name of	819
each agency, center, or home of that type, the county in which it	820
is located, its address and telephone number, and the name of an	821
administrative officer or employee of the agency, center, or home.	822
(2) The department of education shall compile, maintain, and	823
update in January and July of each year, a list of all boards of	824
education, schools, or programs of a type described in division	825
(A)(3), (4), or (5) of this section that contains the name of each	826

board of education, school, or program of that type, the county in 827
which it is located, its address and telephone number, the name of 828
the superintendent of the board or of an administrative officer or 829
employee of the school or program, and, in relation to a board of 830
education, the county or counties in which each of its schools is 831
located and the address of each such school. 832

(3) The Ohio board of regents shall compile, maintain, and 833
update in January and July of each year, a list of all 834
institutions of a type described in division (A)(7) of this 835
section that contains the name of each such institution, the 836
county in which it is located, its address and telephone number, 837
and the name of its president or other chief administrative 838
officer. 839

(4) A sheriff required by division (A) or (C) of this 840
section, or authorized by division (D)(2) of this section, to 841
provide notices regarding an offender or delinquent child, or a 842
designee of a sheriff of that type, may request the department of 843
job and family services, department of education, or Ohio board of 844
regents, by telephone, in person, or by mail, to provide the 845
sheriff or designee with the names, addresses, and telephone 846
numbers of the appropriate persons and entities to whom the 847
notices described in divisions (A)(2) to (7) and (A)(11) of this 848
section are to be provided. Upon receipt of a request, the 849
department or board shall provide the requesting sheriff or 850
designee with the names, addresses, and telephone numbers of the 851
appropriate persons and entities to whom those notices are to be 852
provided. 853

(H)(1) Upon the motion of the offender or the prosecuting 854
attorney of the county in which the offender was convicted of or 855
pleaded guilty to the sexually oriented offense or child-victim 856
oriented offense for which the offender is subject to community 857
notification under this section, or upon the motion of the 858

sentencing judge or that judge's successor in office, the judge 859
may schedule a hearing to determine whether the interests of 860
justice would be served by suspending the community notification 861
requirement under this section in relation to the offender. The 862
judge may dismiss the motion without a hearing but may not issue 863
an order suspending the community notification requirement without 864
a hearing. At the hearing, all parties are entitled to be heard, 865
and the judge shall consider all of the factors set forth in 866
division (K) of this section. If, at the conclusion of the 867
hearing, the judge finds that the offender has proven by clear and 868
convincing evidence that the offender is unlikely to commit in the 869
future a sexually oriented offense or a child-victim oriented 870
offense and if the judge finds that suspending the community 871
notification requirement is in the interests of justice, the judge 872
may suspend the application of this section in relation to the 873
offender. The order shall contain both of these findings. 874

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The judge promptly shall serve a copy of the order upon the 876
sheriff with whom the offender most recently registered under 877
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 878
the bureau of criminal identification and investigation. 879

An order suspending the community notification requirement 880
does not suspend or otherwise alter an offender's duties to comply 881
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 882
Revised Code and does not suspend the victim notification 883
requirement under section 2950.10 of the Revised Code. 884

(2) A prosecuting attorney, a sentencing judge or that 885
judge's successor in office, and an offender who is subject to the 886
community notification requirement under this section may 887
initially make a motion under division (H)(1) of this section upon 888
the expiration of twenty years after the offender's duty to comply 889
with division (A)(2), (3), or (4) of section 2950.04, division 890

(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

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(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

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(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

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(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a sexually violent predator;

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(b) A person who is convicted of or pleads guilty to a sexually oriented offense that is a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code;

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(c) A person who is convicted of or pleads guilty to a sexually oriented offense that is attempted rape committed on or after January 2, 2007, and who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code;

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(d) A person who is convicted of or pleads guilty to an

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offense described in division (B)(3)(a), (b), (c), or (d) of 922
section 2971.03 of the Revised Code and who is sentenced for that 923
offense pursuant to that division; 924

(e) An offender who is in a category specified in division 925
(F)(1)(a), (b), or (c) of this section and who, subsequent to 926
being subjected to community notification, has pleaded guilty to 927
or been convicted of a sexually oriented offense or child-victim 928
oriented offense. 929

(I) If a person is convicted of, pleads guilty to, has been 930
convicted of, or has pleaded guilty to a sexually oriented offense 931
or a child-victim oriented offense or a person is or has been 932
adjudicated a delinquent child for committing a sexually oriented 933
offense or a child-victim oriented offense and is classified a 934
juvenile offender registrant or is an out-of-state juvenile 935
offender registrant based on that adjudication, and if the 936
offender or delinquent child is not in any category specified in 937
division (F)(1)(a), (b), or (c) of this section, the sheriff with 938
whom the offender or delinquent child has most recently registered 939
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 940
and the sheriff to whom the offender or delinquent child most 941
recently sent a notice of intent to reside under section 2950.04 942
or 2950.041 of the Revised Code, within the period of time 943
specified in division (D) of this section, shall provide a written 944
notice containing the information set forth in division (B) of 945
this section to the executive director of the public children 946
services agency that has jurisdiction within the specified 947
geographical notification area and that is located within the 948
county served by the sheriff. 949

(J) Each sheriff shall allow a volunteer organization or 950
other organization, company, or individual who wishes to receive 951
the notice described in division (A)(10) of this section regarding 952
a specific offender or delinquent child or notice regarding all 953

offenders and delinquent children who are located in the specified 954
geographical notification area to notify the sheriff by electronic 955
mail or through the sheriff's web site of this election. The 956
sheriff shall promptly inform the bureau of criminal 957
identification and investigation of these requests in accordance 958
with the forwarding procedures adopted by the attorney general 959
pursuant to section 2950.13 of the Revised Code. 960

(K) In making a determination under division (H)(1) of this 961
section as to whether to suspend the community notification 962
requirement under this section for an offender, the judge shall 963
consider all relevant factors, including, but not limited to, all 964
of the following: 965

(1) The offender's age; 966

(2) The offender's prior criminal or delinquency record 967
regarding all offenses, including, but not limited to, all 968
sexually oriented offenses or child-victim oriented offenses; 969

(3) The age of the victim of the sexually oriented offense or 970
child-victim oriented offense the offender committed; 971

(4) Whether the sexually oriented offense or child-victim 972
oriented offense the offender committed involved multiple victims; 973

(5) Whether the offender used drugs or alcohol to impair the 974
victim of the sexually oriented offense or child-victim oriented 975
offense the offender committed or to prevent the victim from 976
resisting; 977

(6) If the offender previously has been convicted of, pleaded 978
guilty to, or been adjudicated a delinquent child for committing 979
an act that if committed by an adult would be a criminal offense, 980
whether the offender completed any sentence or dispositional order 981
imposed for the prior offense or act and, if the prior offense or 982
act was a sexually oriented offense or a child-victim oriented 983
offense, whether the offender or delinquent child participated in 984

available programs for sex offenders or child-victim offenders;	985
(7) Any mental illness or mental disability of the offender;	986
(8) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense the offender committed or the nature of the offender's interaction in a sexual context with the victim of the child-victim oriented offense the offender committed, whichever is applicable, and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;	987 988 989 990 991 992 993 994
(9) Whether the offender, during the commission of the sexually oriented offense or child-victim oriented offense the offender committed, displayed cruelty or made one or more threats of cruelty;	995 996 997 998
(10) Any additional behavioral characteristics that contribute to the offender's conduct.	999 1000
(L) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general, by rule adopted under section 2950.13 of the Revised Code, requires the notice described in division (B) of this section to be given to the persons identified in divisions (A)(2) to (8) <u>and (A)(11)</u> of this section.	1001 1002 1003 1004 1005 1006
<u>Sec. 2950.112. (A) A person or government entity operating a long-term care facility shall do both of the following with respect to the notices received pursuant to division (A)(11) of section 2950.11 of the Revised Code:</u>	1007 1008 1009 1010
<u>(1) Maintain a file of the notices and make the file easily accessible to the long-term care facility's residents and their sponsors upon request;</u>	1011 1012 1013
<u>(2) Not later than thirty days after receiving a notice,</u>	1014

distribute copies of the notice to the long-term care facility's 1015
residents and their sponsors. 1016

(B) No person or government entity operating a long-term care 1017
facility shall discharge without just cause, refuse to hire, or 1018
otherwise discriminate against any employee of the long-term care 1019
facility with respect to hire, tenure, terms, conditions, or 1020
privileges of employment because that employee reports in good 1021
faith the long-term care facility's failure to comply with this 1022
section. 1023

(C) An employee of a long-term care facility is not liable in 1024
damages in a civil action for injury, death, or loss to person or 1025
property for reporting in good faith the long-term care facility's 1026
failure to comply with this section. 1027

Sec. 2950.13. (A) The attorney general shall do all of the 1028
following: 1029

(1) No later than July 1, 1997, establish and maintain a 1030
state registry of sex offenders and child-victim offenders that is 1031
housed at the bureau of criminal identification and investigation 1032
and that contains all of the registration, change of residence, 1033
school, institution of higher education, or place of employment 1034
address, and verification information the bureau receives pursuant 1035
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1036
Code regarding each person who is convicted of, pleads guilty to, 1037
has been convicted of, or has pleaded guilty to a sexually 1038
oriented offense or a child-victim oriented offense and each 1039
person who is or has been adjudicated a delinquent child for 1040
committing a sexually oriented offense or a child-victim oriented 1041
offense and is classified a juvenile offender registrant or is an 1042
out-of-state juvenile offender registrant based on that 1043
adjudication, all of the information the bureau receives pursuant 1044
to section 2950.14 of the Revised Code, and any notice of an order 1045

terminating or modifying an offender's or delinquent child's duty 1046
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 1047
the Revised Code the bureau receives pursuant to section 2152.84, 1048
2152.85, or 2950.15 of the Revised Code. For a person who was 1049
convicted of or pleaded guilty to the sexually oriented offense or 1050
child-victim related offense, the registry also shall indicate 1051
whether the person was convicted of or pleaded guilty to the 1052
offense in a criminal prosecution or in a serious youthful 1053
offender case. The registry shall not be open to inspection by the 1054
public or by any person other than a person identified in division 1055
(A) of section 2950.08 of the Revised Code. In addition to the 1056
information and material previously identified in this division, 1057
the registry shall include all of the following regarding each 1058
person who is listed in the registry: 1059

1060

(a) A citation for, and the name of, all sexually oriented 1061
offenses or child-victim oriented offenses of which the person was 1062
convicted, to which the person pleaded guilty, or for which the 1063
person was adjudicated a delinquent child and that resulted in a 1064
registration duty, and the date on which those offenses were 1065
committed; 1066

(b) The text of the sexually oriented offenses or 1067
child-victim oriented offenses identified in division (A)(1)(a) of 1068
this section as those offenses existed at the time the person was 1069
convicted of, pleaded guilty to, or was adjudicated a delinquent 1070
child for committing those offenses, or a link to a database that 1071
sets forth the text of those offenses; 1072

(c) A statement as to whether the person is a tier I sex 1073
offender/child-victim offender, a tier II sex 1074
offender/child-victim offender, or a tier III sex 1075
offender/child-victim offender for the sexually oriented offenses 1076
or child-victim oriented offenses identified in division (A)(1)(a) 1077

of this section;	1078
(d) The community supervision status of the person,	1079
including, but not limited to, whether the person is serving a	1080
community control sanction and the nature of any such sanction,	1081
whether the person is under supervised release and the nature of	1082
the release, or regarding a juvenile, whether the juvenile is	1083
under any type of release authorized under Chapter 2152. or 5139.	1084
of the Revised Code and the nature of any such release;	1085
(e) The offense and delinquency history of the person, as	1086
determined from information gathered or provided under sections	1087
109.57 and 2950.14 of the Revised Code;	1088
(f) The bureau of criminal identification and investigation	1089
tracking number assigned to the person if one has been so	1090
assigned, the federal bureau of investigation number assigned to	1091
the person if one has been assigned and the bureau of criminal	1092
identification and investigation is aware of the number, and any	1093
other state identification number assigned to the person of which	1094
the bureau is aware;	1095
(g) Fingerprints and palmprints of the person;	1096
(h) A DNA specimen, as defined in section 109.573 of the	1097
Revised Code, from the person;	1098
(i) Whether the person has any outstanding arrest warrants;	1099
(j) Whether the person is in compliance with the person's	1100
duties under this chapter.	1101
(2) In consultation with local law enforcement	1102
representatives and no later than July 1, 1997, adopt rules that	1103
contain guidelines necessary for the implementation of this	1104
chapter;	1105
(3) In consultation with local law enforcement	1106
representatives, adopt rules for the implementation and	1107

administration of the provisions contained in section 2950.11 of 1108
the Revised Code that pertain to the notification of neighbors of 1109
an offender or a delinquent child who has committed a sexually 1110
oriented offense or a child-victim oriented offense and ~~and~~ is in 1111
a category specified in division (F)(1) of that section and rules 1112
that prescribe a manner in which victims of a sexually oriented 1113
offense or a child-victim oriented offense committed by an 1114
offender or a delinquent child who is in a category specified in 1115
division (B)(1) of section 2950.10 of the Revised Code may make a 1116
request that specifies that the victim would like to be provided 1117
the notices described in divisions (A)(1) and (2) of section 1118
2950.10 of the Revised Code; 1119

(4) In consultation with local law enforcement 1120
representatives and through the bureau of criminal identification 1121
and investigation, prescribe the forms to be used by judges and 1122
officials pursuant to section 2950.03 or 2950.032 of the Revised 1123
Code to advise offenders and delinquent children of their duties 1124
of filing a notice of intent to reside, registration, notification 1125
of a change of residence, school, institution of higher education, 1126
or place of employment address and registration of the new, 1127
school, institution of higher education, or place of employment 1128
address, as applicable, and address verification under sections 1129
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 1130
prescribe the forms to be used by sheriffs relative to those 1131
duties of filing a notice of intent to reside, registration, 1132
change of residence, school, institution of higher education, or 1133
place of employment address notification, and address 1134
verification; 1135

(5) Make copies of the forms prescribed under division (A)(4) 1136
of this section available to judges, officials, and sheriffs; 1137

(6) Through the bureau of criminal identification and 1138
investigation, provide the notifications, the information and 1139

materials, and the documents that the bureau is required to 1140
provide to appropriate law enforcement officials and to the 1141
federal bureau of investigation pursuant to sections 2950.04, 1142
2950.041, 2950.05, and 2950.06 of the Revised Code; 1143

(7) Through the bureau of criminal identification and 1144
investigation, maintain the verification forms returned under the 1145
address verification mechanism set forth in section 2950.06 of the 1146
Revised Code; 1147

(8) In consultation with representatives of the officials, 1148
judges, and sheriffs, adopt procedures for officials, judges, and 1149
sheriffs to use to forward information, photographs, and 1150
fingerprints to the bureau of criminal identification and 1151
investigation pursuant to the requirements of sections 2950.03, 1152
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 1153
Code; 1154

(9) In consultation with the director of education, the 1155
director of job and family services, and the director of 1156
rehabilitation and correction, adopt rules that contain guidelines 1157
to be followed by boards of education of a school district, 1158
chartered nonpublic schools or other schools not operated by a 1159
board of education, preschool programs, child day-care centers, 1160
type A family day-care homes, certified type B family day-care 1161
homes, and institutions of higher education regarding the proper 1162
use and administration of information received pursuant to section 1163
2950.11 of the Revised Code relative to an offender or delinquent 1164
child who has committed a sexually oriented offense or a 1165
child-victim oriented offense and is in a category specified in 1166
division (F)(1) of that section; 1167

(10) In consultation with local law enforcement 1168
representatives and no later than July 1, 1997, adopt rules that 1169
designate a geographic area or areas within which the notice 1170
described in division (B) of section 2950.11 of the Revised Code 1171

must be given to the persons identified in divisions (A)(2) to (8) 1172
~~and~~, (A)(10), and (A)(11) of that section; 1173

(11) Through the bureau of criminal identification and 1174
investigation, not later than January 1, 2004, establish and 1175
operate on the internet a sex offender and child-victim offender 1176
database that contains information for every offender who has 1177
committed a sexually oriented offense or a child-victim oriented 1178
offense and registers in any county in this state pursuant to 1179
section 2950.04 or 2950.041 of the Revised Code and for every 1180
delinquent child who has committed a sexually oriented offense, is 1181
a public registry-qualified juvenile offender registrant, and 1182
registers in any county in this state pursuant to either such 1183
section. The bureau shall not include on the database the identity 1184
of any offender's or public registry-qualified juvenile offender 1185
registrant's victim, any offender's or public registry-qualified 1186
juvenile offender registrant's social security number, the name of 1187
any school or institution of higher education attended by any 1188
offender or public registry-qualified juvenile offender 1189
registrant, the name of the place of employment of any offender or 1190
public registry-qualified juvenile offender registrant, any 1191
tracking or identification number described in division (A)(1)(f) 1192
of this section, or any information described in division (C)(7) 1193
of section 2950.04 or 2950.041 of the Revised Code. The bureau 1194
shall provide on the database, for each offender and each public 1195
registry-qualified juvenile offender registrant, at least the 1196
information specified in divisions (A)(11)(a) to (h) of this 1197
section. Otherwise, the bureau shall determine the information to 1198
be provided on the database for each offender and public 1199
registry-qualified juvenile offender registrant and shall obtain 1200
that information from the information contained in the state 1201
registry of sex offenders and child-victim offenders described in 1202
division (A)(1) of this section, which information, while in the 1203
possession of the sheriff who provided it, is a public record open 1204

for inspection as described in section 2950.081 of the Revised Code. The database is a public record open for inspection under section 149.43 of the Revised Code, and it shall be searchable by offender or public registry-qualified juvenile offender registrant name, by county, by zip code, and by school district. The database shall provide a link to the web site of each sheriff who has established and operates on the internet a sex offender and child-victim offender database that contains information for offenders and public registry-qualified juvenile offender registrants who register in that county pursuant to section 2950.04 or 2950.041 of the Revised Code, with the link being a direct link to the sex offender and child-victim offender database for the sheriff. The bureau shall provide on the database, for each offender and public registry-qualified juvenile offender registrant, at least the following information:

(a) The information described in divisions (A)(1)(a), (b), (c), and (d) of this section relative to the offender or public registry-qualified juvenile offender registrant;

(b) The address of the offender's or public registry-qualified juvenile offender registrant's school, institution of higher education, or place of employment provided in a registration form;

(c) The information described in division (C)(6) of section 2950.04 or 2950.041 of the Revised Code;

(d) A chart describing which sexually oriented offenses and child-victim oriented offenses are included in the definitions of tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, and tier III sex offender/child-victim offender;

(e) Fingerprints and ~~palm-prints~~ palmprints of the offender

or public registry-qualified juvenile offender registrant and a DNA specimen from the offender or public registry-qualified juvenile offender registrant;

(f) The information set forth in division (B) of section 2950.11 of the Revised Code;

(g) Any outstanding arrest warrants for the offender or public registry-qualified juvenile offender registrant;

(h) The offender's or public registry-qualified juvenile offender registrant's compliance status with duties under this chapter.

(12) Develop software to be used by sheriffs in establishing on the internet a sex offender and child-victim offender database for the public dissemination of some or all of the information and materials described in division (A) of section 2950.081 of the Revised Code that are public records under that division, that are not prohibited from inclusion by division (B) of that section, and that pertain to offenders and public registry-qualified juvenile offender registrants who register in the sheriff's county pursuant to section 2950.04 or 2950.041 of the Revised Code and for the public dissemination of information the sheriff receives pursuant to section 2950.14 of the Revised Code and, upon the request of any sheriff, provide technical guidance to the requesting sheriff in establishing on the internet such a database;

(13) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a database that enables local law enforcement representatives to remotely search by electronic means the state registry of sex offenders and child-victim offenders described in division (A)(1) of this section and any information and materials the bureau receives pursuant to sections 2950.04,

2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 1267
database shall enable local law enforcement representatives to 1268
obtain detailed information regarding each offender and delinquent 1269
child who is included in the registry, including, but not limited 1270
to the offender's or delinquent child's name, aliases, residence 1271
address, name and address of any place of employment, school, 1272
institution of higher education, if applicable, license plate 1273
number of each vehicle identified in division (C)(5) of section 1274
2950.04 or 2950.041 of the Revised Code to the extent applicable, 1275
victim preference if available, date of most recent release from 1276
confinement if applicable, fingerprints, and palmprints, all of 1277
the information and material described in ~~division~~ divisions 1278
(A)(1)(a) to (h) of this section regarding the offender or 1279
delinquent child, and other identification parameters the bureau 1280
considers appropriate. The database is not a public record open 1281
for inspection under section 149.43 of the Revised Code and shall 1282
be available only to law enforcement representatives as described 1283
in this division. Information obtained by local law enforcement 1284
representatives through use of this database is not open to 1285
inspection by the public or by any person other than a person 1286
identified in division (A) of section 2950.08 of the Revised Code. 1287
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(14) Through the bureau of criminal identification and 1289
investigation, maintain a list of requests for notice about a 1290
specified offender or delinquent child or specified geographical 1291
notification area made pursuant to division (J) of section 2950.11 1292
of the Revised Code and, when an offender or delinquent child 1293
changes residence to another county, forward any requests for 1294
information about that specific offender or delinquent child to 1295
the appropriate sheriff; 1296

(15) Through the bureau of criminal identification and 1297
investigation, establish and operate a system for the immediate 1298

notification by electronic means of the appropriate officials in 1299
other states specified in this division each time an offender or 1300
delinquent child registers a residence, school, institution of 1301
higher education, or place of employment address under section 1302
2950.04 or 2950.041 of the ~~revised~~ Revised Code or provides a 1303
notice of a change of address or registers a new address under 1304
division (A) or (B) of section 2950.05 of the Revised Code. The 1305
immediate notification by electronic means shall be provided to 1306
the appropriate officials in each state in which the offender or 1307
delinquent child is required to register a residence, school, 1308
institution of higher education, or place of employment address. 1309
The notification shall contain the offender's or delinquent 1310
child's name and all of the information the bureau receives from 1311
the sheriff with whom the offender or delinquent child registered 1312
the address or provided the notice of change of address or 1313
registered the new address. 1314

(B) The attorney general in consultation with local law 1315
enforcement representatives, may adopt rules that establish one or 1316
more categories of neighbors of an offender or delinquent child 1317
who, in addition to the occupants of residential premises and 1318
other persons specified in division (A)(1) of section 2950.11 of 1319
the Revised Code, must be given the notice described in division 1320
(B) of that section. 1321

(C) No person, other than a local law enforcement 1322
representative, shall knowingly do any of the following: 1323

(1) Gain or attempt to gain access to the database 1324
established and operated by the attorney general, through the 1325
bureau of criminal identification and investigation, pursuant to 1326
division (A)(13) of this section. 1327

(2) Permit any person to inspect any information obtained 1328
through use of the database described in division (C)(1) of this 1329
section, other than as permitted under that division. 1330

(D) As used in this section, "local law enforcement
representatives" means representatives of the sheriffs of this
state, representatives of the municipal chiefs of police and
marshals of this state, and representatives of the township
constables and chiefs of police of the township police departments
or police district police forces of this state.

Sec. 3721.052. No person operating a home, and no county home
or district home licensed under section 3721.07 of the Revised
Code, shall fail to comply with the distribution requirement
established under division (B) of section 2950.112 of the Revised
Code with respect to a notice received pursuant to division
(A)(11) of section 2950.11 of the Revised Code.

Sec. 3721.053. (A) As used in this section, "sponsor" means
an adult relative, friend, or guardian who has responsibility for
the welfare of a resident of a home, county home, or district home
licensed under section 3721.07 of the Revised Code.

(B) Before admitting an individual from another state to a
home, county home, or district home licensed under section 3721.07
of the Revised Code, the person operating the home, county home,
or district home shall require the individual to certify on a
written form whether the individual was imprisoned for a felony
any time during the twelve-month period preceding the date the
individual's application for admission is submitted to the home,
county home, or district home. If the individual certifies that
the individual was imprisoned for a felony, the person operating
the home, county home, or district home shall distribute copies of
the written form to the residents of the home, county home, or
district home and the residents' sponsors. The distribution shall
be made not later than the date of the individual's admission to
the home, county home, or district home.

(C) No person operating a home, and no county home or district home licensed under section 3721.07 of the Revised Code, shall fail to comply with the distribution requirement established under division (B) of this section. 1361
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(D) No person operating a home, county home, or district home shall discharge without just cause, refuse to hire, or otherwise discriminate against any employee of the home, county home, or district home with respect to hire, tenure, terms, conditions, or privileges of employment because that employee reports in good faith the home's, county home's, or district home's failure to comply with this section. 1365
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(E) An employee of a home, county home, or district home is not liable in damages in a civil action for injury, death, or loss to person or property for reporting in good faith the home's, county home's, or district home's failure to comply with this section. 1372
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Sec. 3721.99. (A) Whoever violates section 3721.021, division (B), (D), or (E) of section 3721.05, division (A), (C), or (D) of section 3721.051, section 3721.06, division (A) of section 3721.22, division (A) or (B) of section 3721.24, or division (E) or (F) of section 3721.30 of the Revised Code shall be fined one hundred dollars for a first offense. For each subsequent offense, the violator shall be fined five hundred dollars. A violation of section 3721.052 or division (C) of section 3721.053 of the Revised Code shall not be considered a violation of any division of section 3721.05 or any division of section 3721.051 of the Revised Code for purposes of the fine imposed under this division. 1377
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(B) Whoever violates division (A) or (C) of section 3721.05 or division (B) of section 3721.051 of the Revised Code shall be fined five thousand dollars for a first offense. For each 1388
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subsequent offense, the violator shall be fined ten thousand 1392
dollars. 1393

(C) Whoever violates division (D) of section 3721.031 or 1394
division (E) of section 3721.22 of the Revised Code is guilty of 1395
registering a false complaint, a misdemeanor of the first degree. 1396

(D) Whoever violates section 3721.052 or division (C) of 1397
section 3721.053 of the Revised Code shall be fined one hundred 1398
dollars for each day of the violation. Each violation constitutes 1399
a separate offense. Fines imposed under this division shall be 1400
deposited to the credit of the general revenue fund and shall be 1401
used solely for purposes of the adult protective services provided 1402
under sections 5101.60 to 5101.71 of the Revised Code. 1403

Sec. 3722.042. No person operating an adult care facility 1404
shall fail to comply with the distribution requirement established 1405
under division (B) of section 2950.112 of the Revised Code with 1406
respect to a notice received pursuant to division (A)(11) of 1407
section 2950.11 of the Revised Code. 1408

Sec. 3722.043. (A) As used in this section, "sponsor" means 1409
an adult relative, friend, or guardian who has responsibility for 1410
the welfare of a resident of an adult care facility. 1411

(B) Before admitting an individual from another state to an 1412
adult care facility, the person operating the facility shall 1413
require the individual to certify on a written form whether the 1414
individual was imprisoned for a felony any time during the 1415
twelve-month period preceding the date the individual's 1416
application for admission is submitted to the adult care facility. 1417
If the individual certifies that the individual was imprisoned for 1418
a felony, the person operating the facility shall distribute 1419
copies of the written form to the facility's residents and their 1420
sponsors. The distribution shall be made not later than the date 1421

of the individual's admission to the facility. 1422

(C) No person operating an adult care facility shall fail to 1423
comply with the distribution requirement established under 1424
division (B) of this section. 1425

(D) No person operating an adult care facility shall 1426
discharge without just cause, refuse to hire, or otherwise 1427
discriminate against any employee of the adult care facility with 1428
respect to hire, tenure, terms, conditions, or privileges of 1429
employment because that employee reports in good faith the adult 1430
care facility's failure to comply with this section. 1431

(E) An employee of an adult care facility is not liable in 1432
damages in a civil action for injury, death, or loss to person or 1433
property for reporting in good faith the adult care facility's 1434
failure to comply with this section. 1435

Sec. 3722.06. Except as otherwise provided in sections 1436
3722.07 to 3722.09 of the Revised Code and except in cases of 1437
violations that jeopardize the health and safety of any of the 1438
residents, if the director determines that a licensed facility is 1439
in violation of this chapter or of rules adopted pursuant to this 1440
chapter, ~~he~~ the director shall give the facility an opportunity to 1441
correct the violation. The director shall notify the facility of 1442
the violation, prescribe the steps necessary to correct the 1443
condition, and specify a reasonable time for making the 1444
corrections. Notice of the violation and the prescribed 1445
corrections shall be in writing and shall include a citation to 1446
the statute or rule violated. The director shall state the action 1447
that ~~he~~ the director will take if the corrections are not made 1448
within the specified period of time. 1449

If the director subsequently determines that the license of 1450
the facility should be revoked or should not be renewed because 1451
the facility has failed to correct the violation within the time 1452

specified or because the violation jeopardizes the health or 1453
safety of any of the residents, the director shall revoke or 1454
refuse to renew the license in accordance with Chapter 119. of the 1455
Revised Code. 1456

The director shall not give a licensed facility an 1457
opportunity to correct a violation of section 3722.042 or division 1458
(C) of section 3722.043 of the Revised Code. 1459

Sec. 3722.08. (A) If the director of health determines that 1460
an adult care facility is in violation of this chapter or rules 1461
adopted under it, the director may impose a civil penalty, 1462
pursuant to rules adopted by the public health council under this 1463
chapter, on the owner of the facility. The director shall 1464
determine the classification and amount of the penalty by 1465
considering the following factors: 1466

(1) The gravity of the violation, the severity of the actual 1467
or potential harm, and the extent to which the provisions of this 1468
chapter or rules adopted under it were violated; 1469

(2) Actions taken by the owner or manager to correct the 1470
violation; 1471

(3) The number, if any, of previous violations by the adult 1472
care facility. 1473

(B) The director shall give written notice of the order 1474
imposing a civil penalty to the adult care facility by certified 1475
mail, return receipt requested, or shall provide for delivery of 1476
the notice in person. The notice shall specify the classification 1477
of the violation as determined by rules adopted by the public 1478
health council pursuant to this chapter, the amount of the penalty 1479
and the rate of interest, the action that is required to be taken 1480
to correct the violation, the time within which it is to be 1481
corrected as specified in division (C) of this section, and the 1482

procedures for the facility to follow to request a conference on 1483
the order imposing a civil penalty. If the facility requests a 1484
conference in a letter mailed or delivered not later than two 1485
working days after it has received the notice, the director shall 1486
hold a conference with representatives of the facility concerning 1487
the civil penalty. The conference shall be held not later than 1488
seven days after the director receives the request. The conference 1489
shall be conducted as prescribed in division (C) of section 1490
3722.07 of the Revised Code. If the director issues an order 1491
upholding the civil penalty, the facility may request an 1492
adjudication hearing pursuant to Chapter 119. of the Revised Code, 1493
but the order of the director shall be in effect during 1494
proceedings instituted pursuant to that chapter until a final 1495
adjudication is made. 1496

(C) The director shall order that the condition or practice 1497
constituting a class I violation be abated or eliminated within 1498
twenty-four hours or any longer period that the director considers 1499
reasonable. The notice for a class II or a class III violation 1500
shall specify a time within which the violation is required to be 1501
corrected. 1502

(D) If the facility does not request a conference or if, 1503
after a conference, it fails to take action to correct a 1504
violation, the director shall issue an order upholding the 1505
penalty, plus interest at the rate specified in section 1343.03 of 1506
the Revised Code for each day beyond the date set for payment of 1507
the penalty. The director may waive the interest payment for the 1508
period prior to the conference if the director concludes that the 1509
conference was necessitated by a legitimate dispute. 1510

(E) The director may cancel or reduce the penalty for a class 1511
I violation if the facility corrects the violation within the time 1512
specified in the notice unless a resident suffers physical harm 1513
because of the violation or unless the facility has been cited 1514

previously for the same violation, in which case the director 1515
shall impose the penalty even though the facility has corrected 1516
the violation. The director shall cancel the penalty for a class 1517
II or class III violation if the facility corrects the violation 1518
within the time specified in the notice unless the facility has 1519
been cited previously for the same violation. Each day of a 1520
violation of any class, after the date the director sets for 1521
abatement or elimination, constitutes a separate and additional 1522
violation. 1523

(F) If an adult care facility fails to pay a penalty imposed 1524
under this section, the director may commence a civil action to 1525
collect the penalty. The license of an adult care facility that 1526
has failed to pay a penalty imposed under this section shall not 1527
be renewed until the penalty has been paid. 1528

(G) If a penalty is imposed under this section, a fine shall 1529
not be imposed under section 3722.99 of the Revised Code for the 1530
same violation. 1531

(H) Notwithstanding any other division of this section, the 1532
director shall not impose a penalty for a class I violation if all 1533
of the following apply: 1534

(1) A resident has not suffered physical harm because of the 1535
violation; 1536

(2) The violation has been corrected and is no longer 1537
occurring; 1538

(3) The violation is discovered by an inspector authorized to 1539
inspect an adult care facility pursuant to this chapter by an 1540
examination of the records of the facility. 1541

(I) The director shall not impose a fine under this section 1542
for a violation of section 3722.042 or division (C) of section 1543
3722.043 of the Revised Code. 1544

Sec. 3722.99. (A) Whoever violates division (A) or (B) of section 3722.16 of the Revised Code shall be fined five hundred dollars for a first offense; for each subsequent offense, such person shall be fined one thousand dollars.

(B) Whoever violates division (C) of section 3722.12 or division (D) of section 3722.16 of the Revised Code shall be fined one hundred dollars for a first offense; for each subsequent offense, such person shall be fined five hundred dollars.

(C) Whoever violates section 3722.042 or division (C) of section 3721.043 of the Revised Code shall be fined one hundred dollars for each day of the violation. Each violation constitutes a separate offense. Fines imposed under this division shall be deposited to the credit of the general revenue fund and shall be used solely for purposes of the adult protective services provided under sections 5101.60 to 5101.71 of the Revised Code.

A violation of section 3722.042 or division (C) of section 3722.043 of the Revised Code shall not be considered a violation of any division of section 3722.16 of the Revised Code for purposes of the fine imposed under division (A) or (B) of this section.

Sec. 5119.22. (A)(1) As used in this section and sections 5119.222 and 5119.223 of the Revised Code:

(a) "Community mental health agency" means a community mental health agency as defined in division (H) of section 5122.01 of the Revised Code, or, until two years after ~~the effective date of this amendment~~ September 5, 2001, a community mental health facility certified by the department of mental health pursuant to division (H) of section 5119.01 of the Revised Code.

(b) "Community mental health services" means any of the services listed in section 340.09 of the Revised Code.

(c) "Personal care services" means services including, but not limited to, the following:	1575 1576
(i) Assisting residents with activities of daily living;	1577
(ii) Assisting residents with self-administration of medication in accordance with rules adopted under this section;	1578 1579
(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.	1580 1581 1582 1583
"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(1)(c) of this section to be considered to be providing personal care services.	1584 1585 1586 1587 1588
(d) "Residential facility" means a publicly or privately operated home or facility that provides one of the following:	1589 1590
(i) Room and board, personal care services, and community mental health services to one or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner;	1591 1592 1593 1594 1595
(ii) Room and board and personal care services to one or two persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner;	1596 1597 1598 1599 1600
(iii) Room and board to five or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner.	1601 1602 1603 1604

The following are not residential facilities: the residence of a relative or guardian of a mentally ill individual, a hospital subject to licensure under section 5119.20 of the Revised Code, a residential facility as defined in section 5123.19 of the Revised Code, a facility providing care for a child in the custody of a public children services agency or a private agency certified under section 5103.03 of the Revised Code, a foster care facility subject to section 5103.03 of the Revised Code, an adult care facility subject to licensure under Chapter 3722. of the Revised Code, and a nursing home, residential care facility, or home for the aging subject to licensure under section 3721.02 of the Revised Code.

(2) Nothing in division (A)(1)(d) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance.

(3) Except in the case of a residential facility described in division (A)(1)(d)(i) of this section, members of the staff of a residential facility shall not administer medication to residents, all medication taken by residents of a residential facility shall be self-administered, and no person shall be admitted to or retained by a residential facility unless the person is capable of taking the person's own medication and biologicals, as determined in writing by the person's personal physician. Members of the staff of a residential facility may do any of the following:

(a) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(b) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open

the container for the resident. 1637

(c) Assist a physically impaired but mentally alert resident, 1638
such as a resident with arthritis, cerebral palsy, or Parkinson's 1639
disease, in removing oral or topical medication from containers 1640
and in consuming or applying the medication, upon request by or 1641
with the consent of the resident. If a resident is physically 1642
unable to place a dose of medicine to the resident's mouth without 1643
spilling it, a staff member may place the dose in a container and 1644
place the container to the mouth of the resident. 1645

(B) Every person operating or desiring to operate a 1646
residential facility shall apply for licensure of the facility to 1647
the department of mental health and shall send a copy of the 1648
application to the board of alcohol, drug addiction, and mental 1649
health services whose service district includes the county in 1650
which the person operates or desires to operate a residential 1651
facility. The board shall review such applications and recommend 1652
approval or disapproval to the department. Each recommendation 1653
shall be consistent with the board's community mental health plan. 1654

(C) The department of mental health shall inspect and license 1655
the operation of residential facilities. The department shall 1656
consider the past record of the facility and the applicant or 1657
licensee in arriving at its licensure decision. The department may 1658
issue full, probationary, and interim licenses. A full license 1659
shall expire two years after the date of issuance, a probationary 1660
license shall expire in a shorter period of time as prescribed by 1661
rule adopted by the director of mental health pursuant to Chapter 1662
119. of the Revised Code, and an interim license shall expire 1663
ninety days after the date of issuance. The department may refuse 1664
to issue or renew and may revoke a license if it finds the 1665
facility is not in compliance with rules adopted by the department 1666
pursuant to division (G) of this section or if any facility 1667
operated by the applicant or licensee has had repeated violations 1668

of statutes or rules during the period of previous licenses. 1669
Proceedings initiated to deny applications for full or 1670
probationary licenses or to revoke such licenses are governed by 1671
Chapter 119. of the Revised Code. 1672

(D) The department may issue an interim license to operate a 1673
residential facility if both of the following conditions are met: 1674

(1) The department determines that the closing of or the need 1675
to remove residents from another residential facility has created 1676
an emergency situation requiring immediate removal of residents 1677
and an insufficient number of licensed beds are available. 1678

(2) The residential facility applying for an interim license 1679
meets standards established for interim licenses in rules adopted 1680
by the director under Chapter 119. of the Revised Code. 1681

An interim license shall be valid for ninety days and may be 1682
renewed by the director no more than twice. Proceedings initiated 1683
to deny applications for or to revoke interim licenses under this 1684
division are not subject to Chapter 119. of the Revised Code. 1685

(E) The department of mental health may conduct an inspection 1686
of a residential facility: 1687

(1) Prior to the issuance of a license to a prospective 1688
operator; 1689

(2) Prior to the renewal of any operator's license; 1690

(3) To determine whether a facility has completed a plan of 1691
correction required pursuant to this division and corrected 1692
deficiencies to the satisfaction of the department and in 1693
compliance with this section and rules adopted pursuant to it; 1694

(4) Upon complaint by any individual or agency; 1695

(5) At any time the director considers an inspection to be 1696
necessary in order to determine whether a residential facility is 1697
in compliance with this section and rules adopted pursuant to this 1698

section. 1699

In conducting inspections the department may conduct an 1700
on-site examination and evaluation of the residential facility, 1701
its personnel, activities, and services. The department shall have 1702
access to examine all records, accounts, and any other documents 1703
relating to the operation of the residential facility, and shall 1704
have access to the facility in order to conduct interviews with 1705
the operator, staff, and residents. Following each inspection and 1706
review, the department shall complete a report listing any 1707
deficiencies, and including, when appropriate, a time table within 1708
which the operator shall correct the deficiencies. The department 1709
may require the operator to submit a plan of correction describing 1710
how the deficiencies will be corrected. 1711

(F) No person shall do any of the following: 1712

(1) Operate a residential facility unless the facility holds 1713
a valid license; 1714

(2) Violate any of the conditions of licensure after having 1715
been granted a license; 1716

(3) Interfere with a state or local official's inspection or 1717
investigation of a residential facility; 1718

(4) Violate any of the provisions of this section or any 1719
rules adopted pursuant to this section. 1720

(G) The director shall adopt and may amend and rescind rules 1721
pursuant to Chapter 119. of the Revised Code, prescribing minimum 1722
standards for the health, safety, adequacy, and cultural 1723
specificity and sensitivity of treatment of and services for 1724
persons in residential facilities; establishing procedures for the 1725
issuance, renewal or revocation of the licenses of such 1726
facilities; establishing the maximum number of residents of a 1727
facility; establishing the rights of residents and procedures to 1728
protect such rights; and requiring an affiliation agreement 1729

approved by the board between a residential facility and a mental health agency. Such affiliation agreement must be consistent with the residential portion of the community mental health plan submitted pursuant to section 340.03 of the Revised Code.

(H) The department may investigate any facility that has been reported to the department or that the department has reasonable cause to believe is operating as a residential facility without a valid license.

(I) The department may withhold the source of any complaint reported as a violation of this act when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.

(J) The director of mental health may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a real and present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a real and present danger to the health or safety of any residents of the facility.

(K) Whoever violates division (F) of this section or any rule adopted under this section is liable for a civil penalty of one hundred dollars for the first offense; for each subsequent offense, such violator is liable for a civil penalty of five hundred dollars. A violation of section 5119.222 or division (C) of section 5119.223 of the Revised Code shall not be considered a

violation of division (F) of this section for purposes of the fine 1762
imposed under this division. If the violator does not pay, the 1763
attorney general, upon the request of the director of mental 1764
health, shall bring a civil action to collect the penalty. Fines 1765
collected pursuant to this section shall be deposited into the 1766
state treasury to the credit of the mental health sale of goods 1767
and services fund. 1768

Sec. 5119.222. No person operating a residential facility 1769
shall fail to comply with the distribution requirement established 1770
under division (B) of section 2950.112 of the Revised Code with 1771
respect to a notice received pursuant to division (A)(11) of 1772
section 2950.11 of the Revised Code. 1773

Sec. 5119.223. (A) As used in this section, "sponsor" means 1774
an adult relative, friend, or guardian who has responsibility for 1775
the welfare of a resident of an adult care facility. 1776

(B) Before admitting an individual from another state to a 1777
residential facility, the person operating the facility shall 1778
require the individual to certify on a written form whether the 1779
individual was imprisoned for a felony any time during the 1780
twelve-month period preceding the date the individual's 1781
application for admission is submitted to the residential 1782
facility. If the individual certifies that the individual was 1783
imprisoned for a felony, the person operating the facility shall 1784
distribute copies of the written form to the facility's residents 1785
and their sponsors. The distribution shall be made not later than 1786
the date of the individual's admission to the facility. 1787

(C) No person operating a residential facility shall fail to 1788
comply with the distribution requirement established under 1789
division (B) of this section. 1790

(D) No person operating a residential facility shall 1791

discharge without just cause, refuse to hire, or otherwise 1792
discriminate against any employee of the residential facility with 1793
respect to hire, tenure, terms, conditions, or privileges of 1794
employment because that employee reports in good faith the 1795
residential facility's failure to comply with this section. 1796

(E) An employee of a residential facility is not liable in 1797
damages in a civil action for injury, death, or loss to person or 1798
property for reporting in good faith the residential facility's 1799
failure to comply with this section. 1800

Sec. 5119.99. (A) Whoever violates section 5119.21 of the 1801
Revised Code is guilty of a misdemeanor of the first degree. 1802

(B) Whoever violates section 5119.222 or division (C) of 1803
section 5119.223 of the Revised Code shall be fined one hundred 1804
dollars for each day of the violation. Each violation constitutes 1805
a separate offense. Fines imposed under this division shall be 1806
deposited to the credit of the general revenue fund and shall be 1807
used solely for purposes of the adult protective services provided 1808
under sections 5101.60 to 5101.71 of the Revised Code. 1809

Sec. 5123.19. (A) As used in this section and in sections 1810
5123.191, 5123.194, 5123.196, 5123.198, 5123.199, 5123.1910, and 1811
5123.20 of the Revised Code: 1812

(1)(a) "Residential facility" means a home or facility in 1813
which a mentally retarded or developmentally disabled person 1814
resides, except the home of a relative or legal guardian in which 1815
a mentally retarded or developmentally disabled person resides, a 1816
respite care home certified under section 5126.05 of the Revised 1817
Code, a county home or district home operated pursuant to Chapter 1818
5155. of the Revised Code, or a dwelling in which the only 1819
mentally retarded or developmentally disabled residents are in an 1820
independent living arrangement or are being provided supported 1821

living.	1822
(b) "Intermediate care facility for the mentally retarded"	1823
means a residential facility that is considered an intermediate	1824
care facility for the mentally retarded for the purposes of	1825
Chapter 5111. of the Revised Code.	1826
(2) "Political subdivision" means a municipal corporation,	1827
county, or township.	1828
(3) "Independent living arrangement" means an arrangement in	1829
which a mentally retarded or developmentally disabled person	1830
resides in an individualized setting chosen by the person or the	1831
person's guardian, which is not dedicated principally to the	1832
provision of residential services for mentally retarded or	1833
developmentally disabled persons, and for which no financial	1834
support is received for rendering such service from any	1835
governmental agency by a provider of residential services.	1836
(4) "Licensee" means the person or government agency that has	1837
applied for a license to operate a residential facility and to	1838
which the license was issued under this section.	1839
(5) "Related party" has the same meaning as in section	1840
5123.16 of the Revised Code except that "provider" as used in the	1841
definition of "related party" means a person or government entity	1842
that held or applied for a license to operate a residential	1843
facility, rather than a person or government entity certified to	1844
provide supported living.	1845
(B) Every person or government agency desiring to operate a	1846
residential facility shall apply for licensure of the facility to	1847
the director of mental retardation and developmental disabilities	1848
unless the residential facility is subject to section 3721.02,	1849
3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding	1850
Chapter 3721. of the Revised Code, a nursing home that is	1851
certified as an intermediate care facility for the mentally	1852

retarded under Title XIX of the "Social Security Act," 79 Stat. 1853
286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 1854
licensure of the portion of the home that is certified as an 1855
intermediate care facility for the mentally retarded. 1856

(C) Subject to section 5123.196 of the Revised Code, the 1857
director of mental retardation and developmental disabilities 1858
shall license the operation of residential facilities. An initial 1859
license shall be issued for a period that does not exceed one 1860
year, unless the director denies the license under division (D) of 1861
this section. A license shall be renewed for a period that does 1862
not exceed three years, unless the director refuses to renew the 1863
license under division (D) of this section. The director, when 1864
issuing or renewing a license, shall specify the period for which 1865
the license is being issued or renewed. A license remains valid 1866
for the length of the licensing period specified by the director, 1867
unless the license is terminated, revoked, or voluntarily 1868
surrendered. 1869

(D) If it is determined that an applicant or licensee is not 1870
in compliance with a provision of this chapter that applies to 1871
residential facilities or the rules adopted under such a 1872
provision, the director may deny issuance of a license, refuse to 1873
renew a license, terminate a license, revoke a license, issue an 1874
order for the suspension of admissions to a facility, issue an 1875
order for the placement of a monitor at a facility, issue an order 1876
for the immediate removal of residents, or take any other action 1877
the director considers necessary consistent with the director's 1878
authority under this chapter regarding residential facilities. In 1879
the director's selection and administration of the sanction to be 1880
imposed, all of the following apply: 1881

(1) The director may deny, refuse to renew, or revoke a 1882
license, if the director determines that the applicant or licensee 1883
has demonstrated a pattern of serious noncompliance or that a 1884

violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (K) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division (H)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (H)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) If the director determines that two or more residential facilities owned or operated by the same person or government entity are not being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, and the director's findings are based on the same or a substantially similar action, practice, circumstance, or incident that creates a substantial risk to the health and safety of the residents, the director shall conduct a survey as soon as practicable at each residential facility owned or operated by that person or government entity. The director may

take any action authorized by this section with respect to any 1917
facility found to be operating in violation of a provision of this 1918
chapter that applies to residential facilities or the rules 1919
adopted under such a provision. 1920

(6) When the director initiates license revocation 1921
proceedings, no opportunity for submitting a plan of correction 1922
shall be given. The director shall notify the licensee by letter 1923
of the initiation of the proceedings. The letter shall list the 1924
deficiencies of the residential facility and inform the licensee 1925
that no plan of correction will be accepted. The director shall 1926
also send a copy of the letter to the county board of mental 1927
retardation and developmental disabilities. The county board shall 1928
send a copy of the letter to each of the following: 1929

(a) Each resident who receives services from the licensee; 1930

(b) The guardian of each resident who receives services from 1931
the licensee if the resident has a guardian; 1932

(c) The parent or guardian of each resident who receives 1933
services from the licensee if the resident is a minor. 1934

(7) Pursuant to rules which shall be adopted in accordance 1935
with Chapter 119. of the Revised Code, the director may order the 1936
immediate removal of residents from a residential facility 1937
whenever conditions at the facility present an immediate danger of 1938
physical or psychological harm to the residents. 1939

(8) In determining whether a residential facility is being 1940
operated in compliance with a provision of this chapter that 1941
applies to residential facilities or the rules adopted under such 1942
a provision, or whether conditions at a residential facility 1943
present an immediate danger of physical or psychological harm to 1944
the residents, the director may rely on information obtained by a 1945
county board of mental retardation and developmental disabilities 1946
or other governmental agencies. 1947

(9) In proceedings initiated to deny, refuse to renew, or 1948
revoke licenses, the director may deny, refuse to renew, or revoke 1949
a license regardless of whether some or all of the deficiencies 1950
that prompted the proceedings have been corrected at the time of 1951
the hearing. 1952

(E) The director shall establish a program under which public 1953
notification may be made when the director has initiated license 1954
revocation proceedings or has issued an order for the suspension 1955
of admissions, placement of a monitor, or removal of residents. 1956
The director shall adopt rules in accordance with Chapter 119. of 1957
the Revised Code to implement this division. The rules shall 1958
establish the procedures by which the public notification will be 1959
made and specify the circumstances for which the notification must 1960
be made. The rules shall require that public notification be made 1961
if the director has taken action against the facility in the 1962
eighteen-month period immediately preceding the director's latest 1963
action against the facility and the latest action is being taken 1964
for the same or a substantially similar violation of a provision 1965
of this chapter that applies to residential facilities or the 1966
rules adopted under such a provision. The rules shall specify a 1967
method for removing or amending the public notification if the 1968
director's action is found to have been unjustified or the 1969
violation at the residential facility has been corrected. 1970

(F)(1) Except as provided in division (F)(2) of this section, 1971
appeals from proceedings initiated to impose a sanction under 1972
division (D) of this section shall be conducted in accordance with 1973
Chapter 119. of the Revised Code. 1974

(2) Appeals from proceedings initiated to order the 1975
suspension of admissions to a facility shall be conducted in 1976
accordance with Chapter 119. of the Revised Code, unless the order 1977
was issued before providing an opportunity for an adjudication, in 1978
which case all of the following apply: 1979

- (a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code. 1980
1981
1982
- (b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request. 1983
1984
1985
- (c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director. 1986
1987
1988
1989
- (d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the last of the following: 1990
1991
1992
- (i) The close of the hearing; 1993
- (ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 1994
1995
- (iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 1996
1997
- (e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed. 1998
1999
2000
2001
- (f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations. 2002
2003
2004
- (g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations. 2005
2006
2007
2008
- (h) Notwithstanding the pendency of the hearing, the director 2009

shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(G) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities, including intermediate care facilities for the mentally retarded. The rules for intermediate care facilities for the mentally retarded may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Requirements for the training of residential facility

personnel;	2041
(6) Classifications for the various types of residential facilities;	2042 2043
(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;	2044 2045 2046 2047
(8) The maximum number of persons who may be served in a particular type of residential facility;	2048 2049
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	2050 2051
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	2052 2053
(11) Procedures for waiving any provision of any rule adopted under this section.	2054 2055
(I) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there.	2056 2057 2058 2059 2060 2061 2062 2063 2064
In conducting surveys, the director or the director's designee shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all	2065 2066 2067 2068 2069 2070

persons on behalf of, under the control of, or in connection with 2071
the licensee shall cooperate with the director or the director's 2072
designee in conducting the survey. 2073

Following each survey, unless the director initiates a 2074
license revocation proceeding, the director or the director's 2075
designee shall provide the licensee with a report listing any 2076
deficiencies, specifying a timetable within which the licensee 2077
shall submit a plan of correction describing how the deficiencies 2078
will be corrected, and, when appropriate, specifying a timetable 2079
within which the licensee must correct the deficiencies. After a 2080
plan of correction is submitted, the director or the director's 2081
designee shall approve or disapprove the plan. A copy of the 2082
report and any approved plan of correction shall be provided to 2083
any person who requests it. 2084

The director shall initiate disciplinary action against any 2085
department employee who notifies or causes the notification to any 2086
unauthorized person of an unannounced survey of a residential 2087
facility by an authorized representative of the department. 2088

(J) In addition to any other information which may be 2089
required of applicants for a license pursuant to this section, the 2090
director shall require each applicant to provide a copy of an 2091
approved plan for a proposed residential facility pursuant to 2092
section 5123.042 of the Revised Code. This division does not apply 2093
to renewal of a license. 2094

(K) A licensee shall notify the owner of the building in 2095
which the licensee's residential facility is located of any 2096
significant change in the identity of the licensee or management 2097
contractor before the effective date of the change if the licensee 2098
is not the owner of the building. 2099

Pursuant to rules which shall be adopted in accordance with 2100
Chapter 119. of the Revised Code, the director may require 2101

notification to the department of any significant change in the 2102
ownership of a residential facility or in the identity of the 2103
licensee or management contractor. If the director determines that 2104
a significant change of ownership is proposed, the director shall 2105
consider the proposed change to be an application for development 2106
by a new operator pursuant to section 5123.042 of the Revised Code 2107
and shall advise the applicant within sixty days of the 2108
notification that the current license shall continue in effect or 2109
a new license will be required pursuant to this section. If the 2110
director requires a new license, the director shall permit the 2111
facility to continue to operate under the current license until 2112
the new license is issued, unless the current license is revoked, 2113
refused to be renewed, or terminated in accordance with Chapter 2114
119. of the Revised Code. 2115

(L) A county board of mental retardation and developmental 2116
disabilities, the legal rights service, and any interested person 2117
may file complaints alleging violations of statute or department 2118
rule relating to residential facilities with the department. All 2119
complaints shall be in writing and shall state the facts 2120
constituting the basis of the allegation. The department shall not 2121
reveal the source of any complaint unless the complainant agrees 2122
in writing to waive the right to confidentiality or until so 2123
ordered by a court of competent jurisdiction. 2124

The department shall adopt rules in accordance with Chapter 2125
119. of the Revised Code establishing procedures for the receipt, 2126
referral, investigation, and disposition of complaints filed with 2127
the department under this division. 2128

(M) The department shall establish procedures for the 2129
notification of interested parties of the transfer or interim care 2130
of residents from residential facilities that are closing or are 2131
losing their license. 2132

(N) Before issuing a license under this section to a 2133

residential facility that will accommodate at any time more than 2134
one mentally retarded or developmentally disabled individual, the 2135
director shall, by first class mail, notify the following: 2136

(1) If the facility will be located in a municipal 2137
corporation, the clerk of the legislative authority of the 2138
municipal corporation; 2139

(2) If the facility will be located in unincorporated 2140
territory, the clerk of the appropriate board of county 2141
commissioners and the fiscal officer of the appropriate board of 2142
township trustees. 2143

The director shall not issue the license for ten days after 2144
mailing the notice, excluding Saturdays, Sundays, and legal 2145
holidays, in order to give the notified local officials time in 2146
which to comment on the proposed issuance. 2147

Any legislative authority of a municipal corporation, board 2148
of county commissioners, or board of township trustees that 2149
receives notice under this division of the proposed issuance of a 2150
license for a residential facility may comment on it in writing to 2151
the director within ten days after the director mailed the notice, 2152
excluding Saturdays, Sundays, and legal holidays. If the director 2153
receives written comments from any notified officials within the 2154
specified time, the director shall make written findings 2155
concerning the comments and the director's decision on the 2156
issuance of the license. If the director does not receive written 2157
comments from any notified local officials within the specified 2158
time, the director shall continue the process for issuance of the 2159
license. 2160

(O) Any person may operate a licensed residential facility 2161
that provides room and board, personal care, habilitation 2162
services, and supervision in a family setting for at least six but 2163
not more than eight persons with mental retardation or a 2164

developmental disability as a permitted use in any residential 2165
district or zone, including any single-family residential district 2166
or zone, of any political subdivision. These residential 2167
facilities may be required to comply with area, height, yard, and 2168
architectural compatibility requirements that are uniformly 2169
imposed upon all single-family residences within the district or 2170
zone. 2171

(P) Any person may operate a licensed residential facility 2172
that provides room and board, personal care, habilitation 2173
services, and supervision in a family setting for at least nine 2174
but not more than sixteen persons with mental retardation or a 2175
developmental disability as a permitted use in any multiple-family 2176
residential district or zone of any political subdivision, except 2177
that a political subdivision that has enacted a zoning ordinance 2178
or resolution establishing planned unit development districts may 2179
exclude these residential facilities from those districts, and a 2180
political subdivision that has enacted a zoning ordinance or 2181
resolution may regulate these residential facilities in 2182
multiple-family residential districts or zones as a conditionally 2183
permitted use or special exception, in either case, under 2184
reasonable and specific standards and conditions set out in the 2185
zoning ordinance or resolution to: 2186

(1) Require the architectural design and site layout of the 2187
residential facility and the location, nature, and height of any 2188
walls, screens, and fences to be compatible with adjoining land 2189
uses and the residential character of the neighborhood; 2190

(2) Require compliance with yard, parking, and sign 2191
regulation; 2192

(3) Limit excessive concentration of these residential 2193
facilities. 2194

(Q) This section does not prohibit a political subdivision 2195

from applying to residential facilities nondiscriminatory 2196
regulations requiring compliance with health, fire, and safety 2197
regulations and building standards and regulations. 2198

(R) Divisions (O) and (P) of this section are not applicable 2199
to municipal corporations that had in effect on June 15, 1977, an 2200
ordinance specifically permitting in residential zones licensed 2201
residential facilities by means of permitted uses, conditional 2202
uses, or special exception, so long as such ordinance remains in 2203
effect without any substantive modification. 2204

(S)(1) The director may issue an interim license to operate a 2205
residential facility to an applicant for a license under this 2206
section if either of the following is the case: 2207

(a) The director determines that an emergency exists 2208
requiring immediate placement of persons in a residential 2209
facility, that insufficient licensed beds are available, and that 2210
the residential facility is likely to receive a permanent license 2211
under this section within thirty days after issuance of the 2212
interim license. 2213

(b) The director determines that the issuance of an interim 2214
license is necessary to meet a temporary need for a residential 2215
facility. 2216

(2) To be eligible to receive an interim license, an 2217
applicant must meet the same criteria that must be met to receive 2218
a permanent license under this section, except for any differing 2219
procedures and time frames that may apply to issuance of a 2220
permanent license. 2221

(3) An interim license shall be valid for thirty days and may 2222
be renewed by the director for a period not to exceed one hundred 2223
fifty days. 2224

(4) The director shall adopt rules in accordance with Chapter 2225
119. of the Revised Code as the director considers necessary to 2226

administer the issuance of interim licenses. 2227

(T) Notwithstanding rules adopted pursuant to this section 2228
establishing the maximum number of persons who may be served in a 2229
particular type of residential facility, a residential facility 2230
shall be permitted to serve the same number of persons being 2231
served by the facility on the effective date of the rules or the 2232
number of persons for which the facility is authorized pursuant to 2233
a current application for a certificate of need with a letter of 2234
support from the department of mental retardation and 2235
developmental disabilities and which is in the review process 2236
prior to April 4, 1986. 2237

(U) The director or the director's designee may enter at any 2238
time, for purposes of investigation, any home, facility, or other 2239
structure that has been reported to the director or that the 2240
director has reasonable cause to believe is being operated as a 2241
residential facility without a license issued under this section. 2242

The director may petition the court of common pleas of the 2243
county in which an unlicensed residential facility is located for 2244
an order enjoining the person or governmental agency operating the 2245
facility from continuing to operate without a license. The court 2246
may grant the injunction on a showing that the person or 2247
governmental agency named in the petition is operating a 2248
residential facility without a license. The court may grant the 2249
injunction, regardless of whether the residential facility meets 2250
the requirements for receiving a license under this section. 2251

Sec. 5123.199. No person or government entity operating a 2252
residential facility shall fail to comply with the distribution 2253
requirement established under division (B) of section 2950.112 of 2254
the Revised Code with respect to a notice received pursuant to 2255
division (A)(11) of section 2950.11 of the Revised Code. 2256

Sec. 5123.1910. (A) As used in this section, "sponsor" means 2257
an adult relative, friend, or guardian who has responsibility for 2258
the welfare of a resident of an adult care facility. 2259

(B) Before admitting an individual from another state to a 2260
residential facility, the person or government entity operating 2261
the facility shall require the individual to certify on a written 2262
form whether the individual was imprisoned for a felony any time 2263
during the twelve-month period preceding the date the individual's 2264
application for admission is submitted to the residential 2265
facility. If the individual certifies that the individual was 2266
imprisoned for a felony, the person or government entity operating 2267
the facility shall distribute copies of the written form to the 2268
facility's residents and their sponsors. The distribution shall be 2269
made not later than the date of the individual's admission to the 2270
facility. 2271

(C) No person or government entity operating a residential 2272
facility shall fail to comply with the distribution requirement 2273
established under division (B) of this section. 2274

(D) No person or government entity operating a residential 2275
facility shall discharge without just cause, refuse to hire, or 2276
otherwise discriminate against any employee of the residential 2277
facility with respect to hire, tenure, terms, conditions, or 2278
privileges of employment because that employee reports in good 2279
faith the residential facility's failure to comply with this 2280
section. 2281

(E) An employee of a residential facility is not liable in 2282
damages in a civil action for injury, death, or loss to person or 2283
property for reporting in good faith the residential facility's 2284
failure to comply with this section. 2285

Sec. 5123.99. (A) Whoever violates section 5123.16 or 5123.20 2286

of the Revised Code is guilty of a misdemeanor of the first 2287
degree. 2288

(B) Whoever violates division (C), (E), or (G)(3) of section 2289
5123.61 of the Revised Code is guilty of a misdemeanor of the 2290
fourth degree or, if the abuse or neglect constitutes a felony, a 2291
misdemeanor of the second degree. In addition to any other 2292
sanction or penalty authorized or required by law, if a person who 2293
is convicted of or pleads guilty to a violation of division (C), 2294
(E), or (G)(3) of section 5123.61 of the Revised Code is an MR/DD 2295
employee, as defined in section 5123.50 of the Revised Code, the 2296
offender shall be eligible to be included in the registry 2297
regarding misappropriation, abuse, neglect, or other specified 2298
misconduct by MR/DD employees established under section 5123.52 of 2299
the Revised Code. 2300

(C) Whoever violates division (A) of section 5123.604 of the 2301
Revised Code is guilty of a misdemeanor of the second degree. 2302

(D) Whoever violates division (B) of section 5123.604 of the 2303
Revised Code shall be fined not more than one thousand dollars. 2304
Each violation constitutes a separate offense. 2305

(E) Whoever violates section 5123.199 or division (C) of 2306
section 5123.1910 of the Revised Code shall be subject to a fine 2307
of one hundred dollars for each day of violation. Each violation 2308
constitutes a separate offense. Fines imposed under this division 2309
shall be deposited to the credit of the general revenue fund and 2310
shall be used solely for purposes of the adult protective services 2311
provided under sections 5101.60 to 5101.71 of the Revised Code. 2312

Section 2. That existing sections 2950.01, 2950.11, 2950.13, 2313
3721.99, 3722.06, 3722.08, 3722.99, 5119.22, 5119.99, 5123.19, and 2314
5123.99 of the Revised Code are hereby repealed. 2315