

ORIGINAL

In the
Supreme Court of Ohio

IN RE: DARIAN J. SMITH,

A Delinquent Child.

: Case No. 2008-1624
:
:
: On Appeal from the
: Allen County
: Court of Appeals,
: Third Appellate District
:
:
: Court of Appeals Case
: No. 1-07-58

**BRIEF OF AMICUS CURIAE OHIO ATTORNEY GENERAL RICHARD CORDRAY
IN SUPPORT OF NEITHER PARTY**

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INTRODUCTION

In this appeal, Darian J. Smith, a delinquent child, claims that Ohio's newly-enacted sex offender registration statute, Senate Bill 10 (S.B. 10), cannot be retroactively applied to him under the Ex Post Facto Clause and Eighth Amendment of the United States Constitution and under the Retroactivity Clause of the Ohio Constitution. At the outset of his brief, Smith notes that his claims rest on the assumption that S.B. 10 mandates the automatic classification of juvenile offenders into tiers based solely on the nature of their offense. (Smith Br. at 13.) He concedes, however, that if the classification scheme is discretionary rather than mandatory—that is, if the “juvenile courts retain discretion in determining tier levels” of juvenile offenders under the statute—his constitutional arguments “will fail.” (*Id.* at 13-14.)

The Attorney General believes that a plain reading of S.B. 10 demonstrates that the juvenile classification scheme is discretionary, and that therefore, there is no premise for Mr. Smith's constitutional claims. As four appellate courts have held, “a trial court is given discretion to determine whether to classify a juvenile offender as a Tier I, II, or III sex offender” under the law. *In re Adrian R.*, 5th Dist. No. 08-CA-17, 2008-Ohio-6581, at ¶ 17; accord *In re P.M.*, 8th Dist. No. 91922, 2009-Ohio-1694, at ¶ 5; *In re A.R.*, 12th Dist. No. 2008-03-036, 2008-Ohio-6566, at ¶ 36; *In re G.E.S.*, 9th Dist. No. 20479, 2008-Ohio-4076, at ¶ 37. By Smith's own admission, S.B. 10 is constitutional under this interpretation.

The Attorney General does not endorse the opinion of the Third District in this case, which failed to distinguish between the adult and juvenile provisions of S.B. 10. The court wrongly assumed that S.B. 10 “requires trial courts to merely place the offender”—juvenile and adult alike—“into a category based on their offense.” *In re Smith*, 3d Dist. No. 1-07-58, 2008-Ohio-3234, at ¶ 31.

Put simply, there is no need for this Court to dive into the constitutional thicket with this case. That undertaking will occur soon enough with respect to S.B. 10 as it is applied to adult sex offenders. See *State v. Bodyke*, 6th Dist. Nos. H-07-040, H-07-041, H-07-042, 2008-Ohio-6387, *appeal accepted*, 2009-Ohio-1638. Rather, this Court should undertake a plain reading of S.B. 10's juvenile provisions, confirm that juvenile courts have discretion under the statute when fixing a tier classification for juvenile offenders like Mr. Smith, and remand this case to the juvenile court for additional proceedings.

STATEMENT OF AMICUS INTEREST

The Ohio Attorney General is the chief law enforcement officer for the state. R.C. 109.02. He has a duty to defend the legislative actions of the General Assembly against constitutional attack. Furthermore, the Attorney General has a strong interest in ensuring rigorous and consistent enforcement of Ohio's civil and criminal laws, including those involving juveniles. Finally, the Attorney General has a significant role in the administration of Ohio's sex offender registration statutes. See, e.g., R.C. 2950.031; R.C. 2950.032; R.C. 2950.13.

THE HISTORY OF JUVENILE OFFENDER REGISTRATION LAWS IN OHIO

I. The Previous Juvenile Sex Offender Registration Law

Ohio first extended its sex offender registration laws to juveniles in 2002. That framework used a two-step process. First, the juvenile court had to determine whether the delinquent child was a "juvenile offender registrant" (JOR). To qualify as a JOR, the child must have committed an eligible "sexually oriented" or "child victim" offense. Former R.C. 2152.82(A)(1); former R.C. 2152.83(A)(1)(a); former R.C. 2152.83(B)(1)(a).¹ If the juvenile was 14 or 15 at the time of the offense, the JOR designation was discretionary with the juvenile court. Former R.C.

¹ All relevant statutes are included in the Appendix. The relevant sections of the previous juvenile sex offender registration statutes are set forth in Tab A, and the relevant sections of the current juvenile statutes are set forth in Tab B.

2152.83(B)(1). The court would conduct a hearing “to determine whether the child should be classified a juvenile offender registrant,” former R.C. 2152.83(B)(2), and consider a number of statutory factors: “[t]he nature of the sexually oriented offense,” “[w]hether the child has shown any genuine remorse or compunction,” “[t]he public interest and safety,” “[t]he results of any treatment,” and the like. Former R.C. 2152.83(E). If the child was 16 or 17 at the time of the offense, or if he was a repeat offender, the JOR designation was mandatory. Former R.C. 2152.82(A); former 2152.83(A)(1).

If a delinquent child received a JOR designation, the law required him to register with his county sheriff every year for a period of ten years. Former R.C. 2950.07(B)(3).

In a second step, the juvenile court determined whether to classify the child as a “sexual predator” or “habitual sexual offender.” Former R.C. 2152.82(B); former R.C. 2152.83(A)(2); former R.C. 2152.83(B)(2). This inquiry required the court to consider a number of factors. Former R.C. 2152.83(E)(1)-(6). If the child received one of these classifications, his registration obligations would increase in frequency and in scope beyond the baseline JOR obligations. Former R.C. 2950.07(B)(1)-(2).

Finally, under the previous juvenile classification system, the juvenile court had discretion to revisit its sex offender classifications. The statute required the court to conduct a hearing “upon completion of the disposition” of the child from the juvenile court system “to determine whether the prior classification of the child . . . should be continued, modified, or terminated.” Former R.C. 2152.84(A)(1). Moreover, the statute allowed the child to petition the court for reclassification or declassification at certain intervals. Former R.C. 2152.85.

II. The New Juvenile Classification System under S.B. 10

On July 27, 2006, the U.S. Congress passed the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, § 203, 120 Stat. 587, 613. This federal law established a

comprehensive national system for the registration of sex offenders in order “to protect the public from sex offenders and offenders against children, and in response to the vicious attacks by violent predators.” 42 U.S.C. § 16901. On June 30, 2007, the Ohio General Assembly passed S.B. 10 in order to align Ohio’s existing sex offender registration laws with the “recently enacted requirements of federal law contained in the Adam Walsh Child Protection and Safety Act.” S.B. 10, 127th Gen. Assem. (2007). S.B. 10’s classification system became effective on January 1, 2008.

S.B. 10 replaced the old classification regime—as to both adults and juveniles—with a new, three-tier system. The registration and notification obligations vary by tier. R.C. 2950.07(B). The new law fixes an adult offender’s tier automatically, by looking to his offense of conviction—and nothing else. R.C. 2950.01. The constitutionality of this adult classification scheme, and its retroactive application to previously-registered adult offenders, will be reviewed by this Court in *Bodyke*.

Juvenile offenders, however, are treated much differently from adults under S.B. 10. Like the old sex offender registration law, S.B. 10 uses a two-step process. First, the juvenile court must decide whether the delinquent child is a “juvenile offender registrant” (JOR).² If the child was 14 or 15 at the time of his offense, the court has discretion on whether even to impose the JOR designation. R.C. 2152.83(B). In making this initial determination, the court must hold a hearing and weigh, among other factors, “the nature of the sexually oriented offense,” “[w]hether the child has shown any genuine remorse or compunction,” “[t]he public interest and safety,” and

² There is a separate category of juvenile offenders known as “public registry-qualified juvenile offender registrants,” or “PRQJOR.” See R.C. 2152.86. These are juveniles who have received a “Serious Youth Offender” sentence, which is a blended juvenile-adult sentence. See generally *State v. D.H.*, 120 Ohio St. 3d 540, 2009-Ohio-9, 901 N.E.2d 209, at ¶ 18. S.B. 10 adopted a different set of registration obligations and procedures for these offenders. Because Smith is not a PRQJOR, the constitutionality of this code section is not at issue.

“[t]he results of any treatment provided to the child.” R.C. 2152.83(D). If the child was 16 or 17 at the time of his offense, or if the child is a repeat offender, the juvenile court must impose the JOR designation. R.C. 2152.82(A), R.C. 2152.83(A).

If a delinquent child receives the JOR designation, S.B. 10 directs the juvenile court to then classify the child into an offender “tier.” A tier I juvenile offender must register annually for a period of ten years, a tier II offender must register every 180 days for 20 years, and a tier III offender must register every 90 days for life. R.C. 2950.07(B). As part of this process, “the judge shall conduct a hearing under [R.C. 2152.831] to determine whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child victim offender.” R.C. 2152.82(B), R.C. 2152.83(A)(2), R.C. 2152.83(C)(1); see also R.C. 2152.831(A) (same).

Like the old law, S.B. 10 further instructs the juvenile court to conduct a reclassification hearing “upon completion of the disposition of that child” from the juvenile system. R.C. 2152.84(A)(1). During this hearing, the court must “determine whether the prior classification of the child as a juvenile offender registrant should be continued or terminated,” and “determine whether its prior determination . . . as to whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child victim offender should be continued or modified.” *Id.* The law explicitly states that the juvenile court may terminate all registration requirements for the individual, R.C. 2152.84(A)(2)(b), or reclassify him to a lower tier, R.C. 2152.84(B)(2). The court may not, however, impose a greater tier. R.C. 2152.84(B)(2).

Finally, like the old law, S.B. 10 allows the individual to petition the juvenile court for reclassification or declassification at regular intervals following his disposition. R.C. 2152.85.

STATEMENT OF THE CASE AND FACTS

On January 18, 2006, the Juvenile Division of the Allen County Court of Common Pleas adjudicated Darian Smith a delinquent based on three counts of rape. *Smith*, 2008-Ohio-3234, ¶ 2. According to the record, Smith, then age 14, pressured three younger girls to perform oral sex on him. The juvenile court sentenced him to a term of incarceration in the Department of Youth Services (DYS) and further ordered him to complete a residential treatment program. *Id.* ¶ 3. Smith was released from the treatment program on December 21, 2006. *Id.* ¶ 4. The juvenile court then ordered him to appear for a sex offender classification hearing. *Id.*

The juvenile court conducted the hearing on June 20, 2007 and July 12, 2007, receiving witness testimony and taking evidence. *Id.* ¶ 5. On July 26, 2007—operating under Ohio’s previous juvenile sex offender scheme, since S.B. 10 had not yet gone into effect—the court issued an order with a series of factual findings about the nature of the offense and Smith’s success (or lack thereof) in treatment, and it further held “that the defendant should be classified as a Juvenile Sex Offender Registrant.” See Order (July 26, 2007), *In re Smith*, No. 2005-JG-22185, p. 4. The court also declined to assign the “sexual predator” classification to Mr. Smith. In order words, the court designated Smith a JOR, but imposed no additional classifications on him. *Id.*

At an August 1, 2007, hearing, the juvenile court instructed Smith that, under the existing sex offender statute, as a JOR, he had to register with the county sheriff once per year for a period of ten years. See Transcript (Aug. 1, 2007), *In re Smith*, No. 2005-JG-22185, p. 4. But the court then told Smith that, as a result of S.B. 10, he would have a new classification and a new set of statutory responsibilities beginning on January 1, 2008: “[S]ince the offenses are all rape offenses, you will be classified as a Tier III Sex Offender.” *Id.* at p. 5. The court further

noted that Smith was not a “public registry-qualified juvenile offender registrant” (PRQJOR). *Id.* at p. 6.

The juvenile court then told Smith that, as a Tier III offender under S.B. 10, he would have to register as a sex offender every 90 days for the duration of his life. *Id.* at p. 7.

Smith appealed the Tier III classification to the Third District, claiming that it involved the retroactive application of S.B. 10, and therefore violated the constitutional prohibitions on ex post facto laws, retroactive laws, and cruel and unusual punishment. The Third District disagreed, upholding the constitutionality of Smith’s Tier III classification. See *Smith*, 2008-Ohio-3234, ¶¶ 24-40.

ARGUMENT

Amicus Curiae Ohio Attorney General’s Proposition of Law:

Juvenile courts have discretion under S.B. 10 to assign a juvenile offender registrant to a particular tier; therefore, by appellant’s own concession, the law is constitutional.

Smith’s constitutional claims are premised entirely on the assumption that “juvenile courts are without discretion in determining tier levels for juvenile sex offender registrants” under S.B. 10. (Smith Br. at 13.) He states that if the “juvenile courts retain discretion in determining tier levels,” then his arguments “will fail.” (*Id.* at 13-14.) As discussed above, four appellate districts have recognized that S.B. 10 affords such discretion to the juvenile courts in assigning tier classifications. See *In re P.M.*, 8th Dist. No. 91922, 2009-Ohio-1694, at ¶ 5; *In re Adrian R.*, 5th Dist. No. 08-CA-17, 2008-Ohio-6581, at ¶ 17; *In re A.R.*, 12th Dist. No. 2008-03-036, 2008-Ohio-6566, at ¶ 36; *In re G.E.S.*, 9th Dist. No. 24079, 2008-Ohio-4076, at ¶ 37.³ The Third

³ Smith mistakenly suggests that the court in *Adrian* found no discretion in the juvenile classification regime. (Smith Br. at 12.) The Fifth District stated, in no uncertain terms, that “a trial court is given discretion to determine whether to classify a juvenile offender as a Tier I, II, or III sex offender.” 2008-Ohio-6581, at ¶ 17; see also *id.* at ¶ 18 (“[T]he court was aware that his [tier] determination was discretionary.”).

District in this case assumed, without discussion, that juvenile sex offenders were like adult offenders under the statute—that is, that their tier classifications were mandatory. See *Smith*, 2008-Ohio-3234, ¶ 31.

The Attorney General believes that a plain reading of S.B. 10’s text supports the majority view of appellate districts—that the assignment of tier classifications for juvenile offenders under R.C. 2152.82 and R.C. 2152.83 is discretionary. Therefore, by Smith’s own concession, there is no need to reach the constitutional issues presented in his appeal.

A. A plain reading of S.B. 10 demonstrates that the juvenile court has discretion to determine a juvenile offender’s tier classification.

The language of S.B. 10 evidences a clear intent to grant discretion to juvenile courts when selecting the tier classification for juvenile sex offenders. First, the procedures governing juvenile sex offenders like Mr. Smith—14 or 15 years old at the time of the offense and not eligible for a PRQJOR designation—reveal this intent. Under R.C. 2152.83(B)(1), the juvenile court is authorized to conduct the classification hearing “at the time of the child’s release from the secure facility.” During the hearing, the juvenile court must “review the effectiveness of the disposition made of the child and of any treatment provided for the child placed in a secure setting” and “determine whether the child should be classified a juvenile offender registrant.”

R.C. 2152.83(B)(2). S.B. 10 then instructs the following:

[T]he judge, *in the judge’s discretion* and after consideration of the factors listed in division (E) of this section, shall do either of the following: (a) Decline to issue an order that classifies the child a juvenile offender registrant . . . ; [or] (b) Issue an order that classifies the child a juvenile offender registrant . . . and that states the determination that the judge makes at the hearing held pursuant to [R.C.2152.831] as to whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child victim offender.

Id. (emphasis added).

The phrase “in the judge’s discretion” modifies both subparts (a) and (b). That is, the juvenile court has discretion first as to whether the child is a JOR, and then as to whether the child is a Tier I, II, or III offender. It would also be illogical to read the statute in any other way. If the court has discretion as to the broader question (whether the child should be classified as a sex offender at all), then it also has discretion as to the narrower question (into which tier the child should be classified).

Second, the description of the juvenile classification hearing in S.B. 10 confirms that the juvenile court retains discretion as to tier classification. The purpose of the “hearing” is for the court “to determine whether to classify the child a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child victim offender.” R.C. 2152.831(A). If the tier assignment is automatic for juveniles (as the Third District apparently believed), there would be no need for this separate classification hearing or a judicial determination, as this provision mandates. The juvenile court could simply impose a tier classification after the child is adjudicated delinquent of a particular offense. But S.B. 10 affords juveniles a “hearing,” which is a meaningful proceeding designed to draw out information and evidence that is relevant to an ultimate judicial decision. In short, the only way to give effect to Section 2152.831 is by recognizing that S.B. 10 presents a decision—that is, discretion—to juvenile courts when fixing a delinquent child’s tier classification. See *State ex rel. Robinson v. Allman* (1938), 134 Ohio St. 502, 504 (“The presumption is that every word in the statute is designed to have some effect.”).

Third, the descriptions of the new tier levels created by S.B. 10 verify that the tiers are discretionary as to juveniles. The statutory definition of the tiers is set out in a single code section, R.C. 2950.01. For adult sex offenders, the classification scheme is rigid. The tier levels

are defined “solely by offense, such that the commission of one of the listed offenses results in a mandatory imposition of the applicable Tier level for that offense.” *G.E.S.*, 2008-Ohio-4076,

¶ 37. For instance, a Tier III offender is described as “[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”:

- (a) A violation of [R.C. 2907.02 or R.C. 2907.03];
- (b) A violation of [R.C. 2907.05(B)];
- (c) A violation of [R.C. 2903.01, R.C. 2903.02, or R.C. 2903.11] when the violation was committed with a sexual motivation;
- (d) A violation of [R.C. 2903.04(A)] when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation;
- (e) A violation of [R.C. 2905.01(A)(4)] when the victim of the offense is under eighteen years of age;
- (f) A violation of [R.C. 2905.01(B)] 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;
- (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 (G)(1)(a), (b), (c), (d), (e), or (f) of this section;
- (h) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (G)(1)(a), (b), (c), (d), (e), (f), or (g) of this section;
- (i) Any sexually oriented offense that is committed after the sex 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 II sex offender/child-victim offender or a tier III sex offender/child-victim offender.

R.C. 2950.01(G)(1). A similar, automatic cataloging technique is used for the Tier I and Tier II definitions. See R.C. 2950.01(E)-(F). But the General Assembly did not intend to apply these provisions to the juvenile classification system because it did not use the well-established nomenclature of the juvenile justice system. In Ohio, “children are not found guilty” of a crime; rather, “they are ‘adjudicated delinquent.’” *State v. Hanning* (2000), 89 Ohio St. 3d 86, 89. The General Assembly’s deliberate use of phrases like “convicted of” and “pleads guilty to” in R.C.

2950.01 shows its intent to confine the automatic matching of specific offenses to a particular tier to *adult* sex offenders. See *In re C.S.*, 9th Dist. No. 08-CA-0050, 2009-Ohio-1298, at ¶ 7.

Moreover, the same code section, R.C. 2950.01, uses completely different language with respect to juvenile sex offenders when defining the three tier levels. For instance, the Tier III definition includes the following language:

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 [R.C. 2152.82, R.C. 2152.83, R.C. 2152.84, and R.C. 2152.85], classifies a tier III sex offender/child-victim offender relative to the offense.

R.C. 2950.01(G)(3); see also R.C. 2950.01(E)(3), 2950.01(F)(3) (same for Tier I and Tier II). This language, although somewhat circular, is clear—a Tier III juvenile offender is defined as any delinquent child that has been so classified by the juvenile court. As the Ninth District noted, this specialized language demonstrates the General Assembly’s “inten[t] to give juvenile courts the discretion to determine which Tier level to assign to a delinquent child.” *G.E.S.*, 2008-Ohio-4076, ¶ 37.

Some confusion about the meaning of S.B. 10’s juvenile provisions can be attributed to the Attorney General’s Office. In June 2008, after the passage of S.B. 10, the Attorney General’s Office released a document titled, “Guide to Ohio’s Sex Offender Registration and Notification Laws ‘SORN’ 2008 Update Following Passage of the Adam Walsh Act.” The document was not intended as an authoritative interpretation of S.B. 10, but rather an overview of the amendments and revisions to Ohio’s existing sex offender laws. In its description of S.B. 10’s juvenile offender provisions, the document stated that “[t]he [juvenile] court does not have discretion on which tier classification to impose” in a hearing under R.C. 2152.831.

After reviewing the text of S.B. 10 and the recent decisions from the courts of appeals that have provided further deliberation and guidance on the issue, the Attorney General’s Office has

now determined that that interpretation was incorrect. As discussed above, the relevant code provisions unmistakably afford discretion to the juvenile courts when fixing tier classifications for juvenile offenders. Furthermore, a discretionary construction is consistent with the overall structure and purpose of the juvenile justice system. This Court has consistently recognized “the special nature of the juvenile process,” and the need for “flexibility” in these proceedings. *State v. D.H.*, 120 Ohio St. 3d 540, 2009-Ohio-9, at ¶ 49-50. The State has the unique role as “*parens patriae*,” *id.* at ¶ 40 (citation omitted), with a clear eye for “rehabilitation of the juvenile offender,” *id.* at ¶ 49. As shown by its decision to use vastly different definitions and procedures for juvenile and adult sex offenders, the General Assembly was unquestionably aware of these principles when it drafted S.B. 10.

For these reasons, the Attorney General urges the Court to confirm that the juvenile courts have discretion under R.C. 2152.82 and R.C. 2152.83 when fixing tier classifications for juvenile offenders.

B. If the Court finds that S.B. 10’s juvenile classification scheme is mandatory, it should hold this case for *State v. Bodyke*.

To be clear, the Attorney General does *not* contend that a sex offender classification system must be discretionary in order to pass constitutional muster. This Court recognized the validity of a mandatory regime in *State v. Ferguson*, 120 Ohio St. 3d 7, 2008-Ohio-4824, ¶ 35. The Attorney General’s position in this case is guided solely by his view that juvenile courts are vested by statute with the discretion to fix the tier classifications for juvenile offenders like Mr. Smith. By Smith’s own admission, this interpretation moots his constitutional claims.

However, if the Court finds that the juvenile classification scheme in S.B. 10 is in fact mandatory, it should hold this case for a decision in *Bodyke*. *Bodyke* is a broad constitutional attack on S.B. 10, and specifically challenges the mandatory nature of the adult scheme. The

Court's decision in that case will unquestionably inform (and perhaps even resolve) the constitutional disputes here.

CONCLUSION

For these reasons, the Court should vacate the judgment below and remand this matter to the juvenile court for further proceedings.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Brief of *Amicus Curiae* Ohio Attorney General Richard Cordray in Support of Neither Party was served by regular mail on this 22nd day of April, 2009, upon the following counsel:

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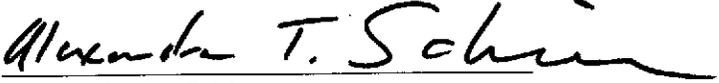

Alexandra T. Schimmer

EXHIBIT A

TITLE 21. COURTS -- PROBATE -- JUVENILE
CHAPTER 2152. DELINQUENT CHILDREN; JUVENILE TRAFFIC OFFENDERS
JUVENILE SEX OFFENDER REGISTRATION AND NOTIFICATION LAW

ORC Ann. 2152.82 (2006)

§ 2152.82. Order at time of dispositional order classifying child as juvenile sex offender registrant

(A) The court that adjudicates a child a delinquent child shall issue as part of the dispositional order an order that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code if all of the following apply:

(1) The act for which the child is adjudicated a delinquent child is a sexually oriented offense that is not a registration-exempt sexually oriented offense or is a child-victim oriented offense that the child committed on or after January 1, 2002.

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

(3) The court has determined that the child previously was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense, regardless of when the prior offense was committed and regardless of the child's age at the time of committing the offense.

(B) An order required under division (A) of this section shall be issued at the time the judge makes the orders of disposition for the delinquent child. Prior to issuing the order required by division (A) of this section, the judge shall conduct the hearing and make the determinations required by division (B) of section 2950.09 of the Revised Code regarding a sexually oriented offense that is not a registration-exempt sexually oriented offense or division (B) of section 2950.091 [2950.09.1] of the Revised Code regarding a child-victim oriented offense to determine if the child is to be classified a sexual predator or a child-victim predator, shall make the determinations required by division (E) of section 2950.09 of the Revised Code regarding a sexually oriented offense that is not a registration-exempt sexually oriented offense or division (E) of section 2950.091 [2950.09.1] of the Revised Code regarding a child-victim oriented offense to determine if the child is to be classified a habitual sex offender or a habitual child-victim offender, and shall otherwise comply with those divisions. When a judge issues an order under division (A) of this section, all of the following apply:

(1) The judge shall include in the order any determination that the delinquent child is, or is not, a sexual predator or child-victim predator or is, or is not, a habitual sex offender or habitual child-victim offender that the judge makes pursuant to division (B) or (E) of section 2950.09 or 2950.091 [2950.09.1] of the Revised Code and any related

information required or authorized under the division under which the determination is made, including, but not limited to, any requirement imposed by the court subjecting a child who is a habitual sex offender or habitual child-victim offender to community notification provisions as described in division (E) of section 2950.09 or 2950.091 [2950.09.1] of the Revised Code.

(2) The judge shall include in the order a statement that, upon completion of the disposition of the delinquent child that was made for the sexually oriented offense or child-victim oriented offense upon which the order is based, a hearing will be conducted, and the order and any determinations included in the order are subject to modification or termination pursuant to sections 2152.84 and 2152.85 of the Revised Code.

(3) The judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian the notice required under divisions (A) and (B) of section 2950.03 of the Revised Code and shall provide as part of that notice a copy of the order.

(4) The judge shall include the order in the delinquent child's dispositional order and shall specify in the dispositional order that the order issued under division (A) of this section was made pursuant to this section.

(C) An order issued under division (A) of this section and any determinations included in the order shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a modification or termination of the order under section 2152.84 or 2152.85 of the Revised Code, and section 2152.851 [2152.85.1] of the Revised Code applies regarding the order and the determinations. If an order is issued under division (A) of this section, the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

(D) A court that adjudicates a child a delinquent child for a sexually oriented offense that is a registration-exempt sexually oriented offense shall not issue based on that adjudication an order under this section that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code.

TITLE 21. COURTS -- PROBATE -- JUVENILE
CHAPTER 2152. DELINQUENT CHILDREN; JUVENILE TRAFFIC OFFENDERS
JUVENILE SEX OFFENDER REGISTRATION AND NOTIFICATION LAW

ORC Ann. 2152.83 (2006)

§ 2152.83. Subsequent orders classifying child as juvenile sex offender registrant

(A) (1) The court that adjudicates a child a delinquent child shall issue as part of the dispositional order or, if the court commits the child for the delinquent act to the custody of a secure facility, shall issue at the time of the child's release from the secure facility, an order that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code if all of the following apply:

(a) The act for which the child is or was adjudicated a delinquent child is a sexually oriented offense that is not a registration-exempt sexually oriented offense or is a child-victim oriented offense that the child committed on or after January 1, 2002.

(b) The child was sixteen or seventeen years of age at the time of committing the offense.

(c) The court was not required to classify the child a juvenile offender registrant under section 2152.82 of the Revised Code.

(2) Prior to issuing the order required by division (A)(2) of this section, the judge shall conduct the hearing and make the determinations required by division (B) of section 2950.09 of the Revised Code regarding a sexually oriented offense that is not a registration-exempt sexually oriented offense or division (B) of section 2950.091 [2950.09.1] of the Revised Code regarding a child-victim oriented offense to determine if the child is to be classified a sexual predator or a child-victim predator, shall make the determinations required by division (E) of section 2950.09 of the Revised Code regarding a sexually oriented offense that is not a registration-exempt sexually oriented offense or division (E) of section 2950.091 [2950.09.1] of the Revised Code regarding a child-victim oriented offense to determine if the child is to be classified a habitual sex offender or a habitual child-victim offender, and shall otherwise comply with those divisions. When a judge issues an order under division (A)(1) of this section, the judge shall include in the order all of the determinations and information identified in division (B)(1) of section 2152.82 of the Revised Code that are relevant.

(B) (1) The court that adjudicates a child a delinquent child, on the judge's own motion, may conduct at the time of disposition of the child or, if the court commits the child for the delinquent act to the custody of a secure facility, may conduct at the time of the

child's release from the secure facility, a hearing for the purposes described in division (B)(2) of this section if all of the following apply:

(a) The act for which the child is adjudicated a delinquent child is a sexually oriented offense that is not a registration-exempt sexually oriented offense or is a child-victim oriented offense that the child committed on or after January 1, 2002.

(b) The child was fourteen or fifteen years of age at the time of committing the offense.

(c) The court was not required to classify the child a juvenile offender registrant under section 2152.82 of the Revised Code.

(2) A judge shall conduct a hearing under division (B)(1) of this section to review the effectiveness of the disposition made of the child and of any treatment provided for the child placed in a secure setting and to determine whether the child should be classified a juvenile offender registrant. The judge may conduct the hearing on the judge's own initiative or based upon a recommendation of an officer or employee of the department of youth services, a probation officer, an employee of the court, or a prosecutor or law enforcement officer. If the judge conducts the hearing, upon completion of the hearing, the judge, in the judge's discretion and after consideration of the factors listed in division (E) of this section, shall do either of the following:

(a) Decline to issue an order that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code;

(b) Issue an order that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code and, if the judge conducts a hearing as described in division (C) of this section to determine whether the child is a sexual predator or child-victim predator or a habitual sex offender or habitual child-victim offender, include in the order a statement that the judge has determined that the child is, or is not, a sexual predator, child-victim predator, habitual sex offender, or habitual child-victim offender, whichever is applicable.

(C) A judge may issue an order under division (B) of this section that contains a determination that a delinquent child is a sexual predator or child-victim predator only if the judge, in accordance with the procedures specified in division (B) of section 2950.09 of the Revised Code regarding sexual predators or division (B) of section 2950.091 [2950.09.1] of the Revised Code regarding child-victim predators, determines at the hearing by clear and convincing evidence that the child is a sexual predator or a child-victim predator. A judge may issue an order under division (B) of this section that contains a determination that a delinquent child is a habitual sex offender or a habitual child-victim offender only if the judge at the hearing determines as described in division (E) of section 2950.09 of the Revised Code regarding habitual sex offenders or division

(E) of section 2950.091 [2950.09.1] of the Revised Code regarding habitual child-victim offenders that the child is a habitual sex offender or a habitual child-victim offender. If the judge issues an order under division (B) of this section that contains a determination that a delinquent child is a habitual sex offender or a habitual child-victim offender, the judge may impose a requirement subjecting the child to community notification provisions as described in division (E) of section 2950.09 or 2950.091 [2950.09.1] of the Revised Code, whichever is applicable. If the court conducts a hearing as described in this division to determine whether the child is a sexual predator or child-victim predator or a habitual sex offender or habitual child-victim offender, the judge shall comply with division (B) or (E) of section 2950.09 or 2950.091 [2950.09.1] of the Revised Code, whichever is applicable, in all regards.

(D) If a judge issues an order under division (A) or (B) of this section, the judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian a copy of the order and a notice containing the information described in divisions (A) and (B) of section 2950.03 of the Revised Code. The judge shall provide the notice at the time of the issuance of the order and shall comply with divisions (B) and (C) of that section regarding that notice and the provision of it.

The judge also shall include in the order a statement that, upon completion of the disposition of the delinquent child that was made for the sexually oriented offense or child-victim oriented offense upon which the order is based, a hearing will be conducted and the order is subject to modification or termination pursuant to section 2152.84 of the Revised Code.

(E) In making a decision under division (B) of this section as to whether a delinquent child should be classified a juvenile offender registrant and, if so, whether the child also is a sexual predator or child-victim predator or a habitual sex offender or habitual child-victim offender, a judge shall consider all relevant factors, including, but not limited to, all of the following:

- (1) The nature of the sexually oriented offense that is not a registration-exempt sexually oriented offense or the child-victim oriented offense committed by the child;
- (2) Whether the child has shown any genuine remorse or compunction for the offense;
- (3) The public interest and safety;
- (4) The factors set forth in division (B)(3) of section 2950.09 or 2950.091 [2950.09.1] of the Revised Code, whichever is applicable;
- (5) The factors set forth in divisions (B) and (C) of section 2929.12 of the Revised Code as those factors apply regarding the delinquent child, the offense, and the victim;
- (6) The results of any treatment provided to the child and of any follow-up professional assessment of the child.

(F) An order issued under division (A) or (B) of this section and any determinations included in the order shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a modification or termination of the order under section 2152.84 of the Revised Code, and section 2152.851 [2152.85.1] of the Revised Code applies regarding the order and the determinations. The child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

(G) A court that adjudicates a child a delinquent child for a sexually oriented offense that is a registration-exempt sexually oriented offense shall not issue based on that adjudication an order under this section that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code.

(H) As used in the section, "secure facility" has the same meaning as in section 2950.01 of the Revised Code.

TITLE 21. COURTS -- PROBATE -- JUVENILE
CHAPTER 2152. DELINQUENT CHILDREN; JUVENILE TRAFFIC OFFENDERS
JUVENILE SEX OFFENDER REGISTRATION AND NOTIFICATION LAW

ORC Ann. 2152.84 (2006)

§ 2152.84. Hearing upon completion of disposition on whether to continue classification or determination

(A) (1) When a juvenile court judge issues an order under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code that classifies a delinquent child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code, upon completion of the disposition of that child made for the sexually oriented offense that is not a registration-exempt sexually oriented offense or the child-victim oriented offense on which the juvenile offender registrant order was based, the judge or the judge's successor in office shall conduct a hearing to review the effectiveness of the disposition and of any treatment provided for the child, to determine the risks that the child might re-offend, and to determine whether the prior classification of the child as a juvenile offender registrant and, if applicable, as a sexual predator or child-victim predator or as a habitual sex offender or habitual child-victim offender should be continued, modified, or terminated as provided under division (A)(2) of this section.

(2) Upon completion of a hearing under division (A)(1) of this section, the judge, in the judge's discretion and after consideration of the factors listed in division (E) of section 2152.83 of the Revised Code, shall do one of the following, as applicable:

(a) Enter an order that continues the classification of the delinquent child made in the prior order issued under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code, and any sexual predator, child-victim predator, habitual sex offender, or habitual child-victim offender determination included in the order;

(b) If the prior order was issued under section 2152.82 or division (A) of section 2152.83 of the Revised Code and includes a determination by the judge that the delinquent child is a sexual predator or child-victim predator, enter, as applicable, an order that contains a determination that the child no longer is a sexual predator, the reason or reasons for that determination, and either a determination that the child is a habitual sex offender or a determination that the child remains a juvenile offender registrant but is not a sexual predator or habitual sex offender, or an order that contains a determination that the child no longer is a child-victim predator, the reason or reasons for that determination, and either a determination that the child is a habitual child-victim offender or a determination that the child remains a juvenile offender registrant but is not a child-victim predator or habitual child-victim offender;

(c) If the prior order was issued under section 2152.82 or division (A) of section 2152.83 of the Revised Code and does not include a sexual predator or child-victim predator determination as described in division (A)(2)(b) of this section but includes a determination by the judge that the delinquent child is a habitual sex offender or a habitual child-victim offender, enter, as applicable, an order that contains a determination that the child no longer is a habitual sex offender and a determination that the child remains a juvenile sex offender registrant but is not a habitual offender, or an order that contains a determination that the child no longer is a habitual child-victim offender and a determination that the child remains a juvenile offender registrant but is not a habitual child-victim offender;

(d) If the prior order was issued under division (B) of section 2152.83 of the Revised Code and includes a determination by the judge that the delinquent child is a sexual predator or child-victim predator, enter, as applicable, an order that contains a determination that the child no longer is a sexual predator, the reason or reasons for that determination, and either a determination that the child is a habitual sex offender, a determination that the child remains a juvenile offender registrant but is not a sexual predator or habitual sex offender, or a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code, or an order that contains a determination that the child no longer is a child-victim predator, the reason or reasons for that determination, and either a determination that the child is a habitual child-victim offender, a determination that the child remains a juvenile offender registrant but is not a child-victim predator or habitual child-victim offender, or a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code;

(e) If the prior order was issued under division (B) of section 2152.83 of the Revised Code and does not include a sexual predator or child-victim predator determination as described in division (A)(2)(d) of this section but includes a determination by the judge that the delinquent child is a habitual sex offender or habitual child-victim offender, enter, as applicable, an order that contains a determination that the child no longer is a habitual sex offender and either a determination that the child remains a juvenile offender registrant but is not a sexual predator or habitual sex offender or a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code, or an order that contains a determination that the child no longer is a habitual child-victim offender and either a determination that the child remains a juvenile offender registrant but is not a child-victim predator or habitual child-victim offender or a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code;

(f) If the prior order was issued under division (B) of section 2152.83 of the Revised Code and does not include a sexual predator or child-victim predator determination or a habitual sex offender or habitual child-victim offender determination as described in divisions (A)(2)(d) and (e) of this section, enter, as applicable, an order that contains a

determination that the delinquent child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code, or an order that contains a determination that the delinquent child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code.

(B) If a judge issues an order under division (A)(2)(a) of this section that continues the prior classification of the delinquent child as a juvenile offender registrant and any sexual predator or habitual sex offender determination included in the order, or that continues the prior classification of the delinquent child as a juvenile offender registrant and any child-victim predator or habitual child-victim offender determination included in the order, the prior classification and the prior determination, if applicable, shall remain in effect.

A judge may issue an order under division (A)(2) of this section that contains a determination that a child no longer is a sexual predator or no longer is a child-victim predator only if the judge, in accordance with the procedures specified in division (D)(1) of section 2950.09 of the Revised Code regarding a sexual predator, determines at the hearing by clear and convincing evidence that the delinquent child is unlikely to commit a sexually oriented offense in the future, or the judge, in accordance with the procedures specified in division (D)(1) of section 2950.091 [2950.09.1] of the Revised Code regarding a child-victim predator, determines at the hearing by clear and convincing evidence that the delinquent child is unlikely to commit a child-victim oriented offense in the future. If the judge issues an order of that type, the judge shall provide the notifications described in division (D)(1) of section 2950.09 or 2950.091 [2950.09.1] of the Revised Code, whichever is applicable, and the recipient of the notification shall comply with the provisions of that division.

If a judge issues an order under division (A)(2) of this section that otherwise reclassifies the delinquent child, the judge shall provide a copy of the order to the bureau of criminal identification and investigation, and the bureau, upon receipt of the copy of the order, promptly shall notify the sheriff with whom the child most recently registered under section 2950.04 or 2950.041 [2950.04.1] of the Revised Code of the reclassification.

(C) If a judge issues an order under any provision of division (A)(2) of this section, the judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian a copy of the order and a notice containing the information described in divisions (A) and (B) of section 2950.03 of the Revised Code. The judge shall provide the notice at the time of the issuance of the order and shall comply with divisions (B) and (C) of that section regarding that notice and the provision of it.

(D) In making a decision under division (A) of this section, a judge shall consider all relevant factors, including, but not limited to, the factors listed in division (E) of section 2152.83 of the Revised Code.

(E) An order issued under division (A)(2) of this section and any determinations included in the order shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a modification or termination of the order under section 2152.85 of the Revised Code, and section 2152.851 [2152.85.1] of the Revised Code applies regarding the order and the determinations. If an order is issued under division (A)(2) of this section, the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

TITLE 21. COURTS -- PROBATE -- JUVENILE
CHAPTER 2152. DELINQUENT CHILDREN; JUVENILE TRAFFIC OFFENDERS
JUVENILE SEX OFFENDER REGISTRATION AND NOTIFICATION LAW

ORC Ann. 2152.85 (2006)

§ 2152.85. Petition requesting reclassification or declassification

(A) Upon the expiration of the applicable period of time specified in division (B)(1) or (2) of this section, a delinquent child who has been classified pursuant to this section or section 2152.82 or 2152.83 of the Revised Code a juvenile offender registrant may petition the judge who made the classification, or that judge's successor in office, to do one of the following:

(1) If the order containing the juvenile offender registrant classification also includes a determination by the juvenile court judge that the delinquent child is a sexual predator or child-victim predator in the manner described in section 2152.82 or 2152.83 of the Revised Code and that determination remains in effect, to enter, as applicable, an order that contains a determination that the child no longer is a sexual predator, the reason or reasons for that determination, and either a determination that the child is a habitual sex offender or a determination that the child remains a juvenile offender registrant but is not a sexual predator or habitual sex offender, or an order that contains a determination that the child no longer is a child-victim predator, the reason or reasons for that determination, and either a determination that the child is a habitual child-victim offender or a determination that the child remains a juvenile offender registrant but is not a child-victim predator or habitual child-victim offender;

(2) If the order containing the juvenile offender registrant classification under section 2152.82 or 2152.83 of the Revised Code or under division (C)(2) of this section pursuant to a petition filed under division (A) of this section does not include a sexual predator or child-victim predator determination as described in division (A)(1) of this section but includes a determination by the juvenile court judge that the delinquent child is a habitual sex offender or a habitual child-victim offender in the manner described in section 2152.82 or 2152.83 of the Revised Code, or in this section, and that determination remains in effect, to enter, as applicable, an order that contains a determination that the child no longer is a habitual sex offender and either a determination that the child remains a juvenile offender registrant or a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code, or an order that contains a determination that the child no longer is a habitual child-victim offender and either a determination that the child remains a juvenile offender registrant or a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04 [2950.04.1], 2950.05, and 2950.06 of the Revised Code;

(3) If the order containing the juvenile offender registrant classification under section 2152.82 or 2152.83 of the Revised Code or under division (C)(2) of this section pursuant to a petition filed under division (A) of this section does not include a sexual predator or child-victim predator determination or a habitual sex offender or habitual child-victim offender determination as described in division (A)(1) or (2) of this section, to enter, as applicable, an order that contains a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code, or an order that contains a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code.

(B) A delinquent child who has been adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense that is not a registration-exempt sexually oriented offense and who has been classified a juvenile offender registrant relative to that offense or who has been adjudicated a delinquent child for committing on or after that date a child-victim oriented offense and who has been classified a juvenile offender registrant relative to that offense may file a petition under division (A) of this section requesting reclassification or declassification as described in that division after the expiration of one of the following periods of time:

(1) The delinquent child initially may file a petition not earlier than three years after the entry of the juvenile court judge's order after the mandatory hearing conducted under section 2152.84 of the Revised Code.

(2) After the delinquent child's initial filing of a petition under division (B)(1) of this section, the child may file a second petition not earlier than three years after the judge has entered an order deciding the petition under division (B)(1) of this section.

(3) After the delinquent child's filing of a petition under division (B)(2) of this section, thereafter, the delinquent child may file a petition under this division upon the expiration of five years after the judge has entered an order deciding the petition under division (B)(2) of this section or the most recent petition the delinquent child has filed under this division.

(C) Upon the filing of a petition under divisions (A) and (B) of this section, the judge may review the prior classification or determination in question and, upon consideration of all relevant factors and information, including, but not limited to the factors listed in division (E) of section 2152.83 of the Revised Code, the judge, in the judge's discretion, shall do one of the following:

(1) Enter an order denying the petition;

(2) Issue an order that reclassifies or declassifies the delinquent child, in the requested manner specified in division (A)(1), (2), or (3) of this section.

(D) If a judge issues an order under division (C) of this section that denies a petition, the prior classification of the delinquent child as a juvenile offender registrant, and the prior determination that the child is a sexual predator, child-victim predator, habitual sex offender, or habitual child-victim offender, if applicable, shall remain in effect.

A judge may issue an order under division (C) of this section that contains a determination that a child no longer is a sexual predator or no longer is a child-victim predator only if the judge conducts a hearing and, in accordance with the procedures specified in division (D)(1) of section 2950.09 of the Revised Code regarding a sexual predator, determines at the hearing by clear and convincing evidence that the delinquent child is unlikely to commit a sexually oriented offense in the future, or, in accordance with the procedures specified in division (D)(1) of section 2950.091 [2950.09.1] of the Revised Code regarding a child-victim predator, determines at the hearing by clear and convincing evidence that the delinquent child is unlikely to commit a child-victim oriented offense in the future. If the judge issues an order of that type, the judge shall provide the notifications described in division (D)(1) of section 2950.09 or 2950.091 [2950.09.1] of the Revised Code, whichever is applicable, and the recipient of the notification shall comply with the provisions of that division.

A judge may issue an order under division (C) of this section that contains a determination that a delinquent child is a habitual sex offender or a habitual child-victim offender only if the judge conducts a hearing and determines at the hearing as described in division (E) of section 2950.09 of the Revised Code regarding habitual sex offenders or division (E) of section 2950.091 [2950.09.1] of the Revised Code regarding habitual child-victim offenders that the child is a habitual sex offender or a habitual child-victim offender. If the judge issues an order that contains a determination that a delinquent child is a habitual sex offender or a habitual child-victim offender, the judge may impose a requirement subjecting the child to community notification provisions as described in that division.

(E) If a judge issues an order under division (C) of this section, the judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian a copy of the order and a notice containing the information described in divisions (A) and (B) of section 2950.03 of the Revised Code. The judge shall provide the notice at the time of the issuance of the order and shall comply with divisions (B) and (C) of that section regarding that notice and the provision of it.

(F) An order issued under division (C) of this section shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a further modification or a termination of the order under this section, and section 2152.851 [2152.85.1] of the Revised Code applies regarding the order and the determinations. If an order is issued under division (C) of this section, the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

TITLE 29. CRIMES -- PROCEDURE
CHAPTER 2950. SEXUAL PREDATORS, HABITUAL SEX OFFENDERS,
SEXUALLY ORIENTED OFFENDERS

ORC Ann. 2950.07 (2006).

§ 2950.07. Commencement of duty to register; duration

(A) The duty of an offender who is convicted of or pleads guilty to, or has been convicted of or pleaded guilty to, either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and the duty of a delinquent child who is adjudicated a delinquent child for committing either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or who is an out-of-state juvenile offender registrant to comply with sections 2950.04, 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code commences on whichever of the following dates is applicable:

(1) If the offender's duty to register is imposed pursuant to division (A)(1)(a) of section 2950.04 or division (A)(1)(a) of section 2950.041 [2950.04.1] of the Revised Code, the offender's duty to comply with those sections commences regarding residence addresses on the date of the offender's release from a prison term, a term of imprisonment, or any other type of confinement or on July 1, 1997, for a duty under section 2950.04 or the effective date of this amendment for a duty under section 2950.041 [2950.04.1] of the Revised Code, whichever is later, and commences regarding addresses of schools, institutions of higher education, and places of employment on the date of the offender's release from a prison term, term of imprisonment, or any other type of confinement or on the effective date of this amendment, whichever is later.

(2) If the offender's duty to register is imposed pursuant to division (A)(1)(b) of section 2950.04 or division (A)(1)(b) of section 2950.041 [2950.04.1] of the Revised Code, the offender's duty to comply with those sections commences regarding residence addresses on the date of entry of the judgment of conviction of the sexually oriented offense or child-victim oriented offense or on July 1, 1997, for a duty under section 2950.04 or the effective date of this amendment for a duty under section 2950.041 [2950.04.1] of the Revised Code, whichever is later, and commences regarding addresses of schools, institutions of higher education, and places of employment on the date of entry of the judgment of conviction of the sexually oriented offense or child-victim oriented offense or on the effective date of this amendment, whichever is later.

(3) If the offender's duty to register is imposed pursuant to division (A)(1)(c) of section 2950.04 of the Revised Code, the offender's duty to comply with those sections commences regarding residence addresses fourteen days after July 1, 1997, and commences regarding addresses of schools, institutions of higher education, and places of employment fourteen days after the effective date of this amendment.

(4) If the offender's or delinquent child's duty to register is imposed pursuant to division (A)(3)(a) or (b) of section 2950.04 or division (A)(3)(a) or (b) of section 2950.041 [2950.04.1] of the Revised Code, the offender's duty to comply with those sections commences regarding residence addresses on the date that the offender begins to reside or becomes temporarily domiciled in this state or on March 30, 1999, for a duty under section 2950.04 of the Revised Code or the effective date of this amendment for a duty under section 2950.041 of the Revised Code, whichever is later, the offender's duty regarding addresses of schools, institutions of higher education, and places of employment commences on the effective date of this amendment or on the date the offender begins attending any school or institution of higher education in this state on a full-time or part-time basis or becomes employed in this state, whichever is later, and the delinquent child's duty commences on the date the delinquent child begins to reside or becomes temporarily domiciled in this state or on January 1, 2002, for a duty under section 2950.04 of the Revised Code or the effective date of this amendment for a duty under section 2950.041 [2950.04.1] of the Revised Code, whichever is later.

(5) If the delinquent child's duty to register is imposed pursuant to division (A)(2) of section 2950.04 or division (A)(2)(a) of section 2950.041 [2950.04.1] of the Revised Code, if the delinquent child's classification as a juvenile offender registrant is made at the time of the child's disposition for that sexually oriented offense or child-victim oriented offense, whichever is applicable, and if the delinquent child is committed for the sexually oriented offense or child-victim oriented offense to the department of youth services or to a secure facility that is not operated by the department, the delinquent child's duty to comply with those sections commences on the date of the delinquent child's discharge or release from custody in the department of youth services secure facility or from the secure facility not operated by the department as described in that division.

(6) If the delinquent child's duty to register is imposed pursuant to division (A)(2) of section 2950.04 or division (A)(2)(a) of section 2950.041 [2950.04.1] of the Revised Code and if either the delinquent child's classification as a juvenile offender registrant is made at the time of the child's disposition for that sexually oriented offense or child-victim oriented offense, whichever is applicable, and the delinquent child is not committed for the sexually oriented offense or child-victim oriented offense to the department of youth services or to a secure facility that is not operated by the department or the child's classification as a juvenile offender registrant is made pursuant to sections 2152.83 of the Revised Code, the delinquent child's duty to comply with those sections commences on the date of entry of the court's order that classifies the delinquent child a juvenile offender registrant.

(7) If the offender's duty to register is imposed pursuant to division (A)(1)(c) of section 2950.041 [2950.04.1] of the Revised Code, the offender's duty to comply with those sections regarding residence addresses is a continuation of the offender's former duty to register regarding residence addresses imposed prior to the effective date of this amendment under section 2950.04 of the Revised Code and shall be considered for all purposes as having commenced on the date that the offender's former duty under that

section commenced. The offender's duty to comply with those sections commences regarding addresses of schools, institutions of higher education, and places of employment on the effective date of this amendment.

(8) If the delinquent child's duty to register is imposed pursuant to division (A)(2)(b) of section 2950.041 [2950.04.1] of the Revised Code, the delinquent child's duty to comply with those sections is a continuation of the delinquent child's former duty to register imposed prior to the effective date of this amendment under section 2950.04 of the Revised Code and shall be considered for all purposes as having commenced on the date that the delinquent child's former duty under that section commenced or commences.

(B) The duty of an offender who is convicted of or pleads guilty to, or has been convicted of or pleaded guilty to, either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and the duty of a delinquent child who is adjudicated a delinquent child for committing either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or who is an out-of-state juvenile offender registrant to comply with sections 2950.04, 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code continues, after the date of commencement, for whichever of the following periods is applicable:

(1) Except as otherwise provided in this division, if the offense is a sexually oriented offense that is not a registration-exempt sexually oriented offense and the offender or delinquent child has been adjudicated a sexual predator relative to the sexually oriented offense, if the offense is a sexually oriented offense and the offender has the duty to register as a result of an aggravated sexually oriented offense, or if the offense is a child-victim oriented offense and the offender or delinquent child has been adjudicated a child-victim predator relative to the child-victim oriented offense, the offender's or delinquent child's duty to comply with those sections continues until the offender's or delinquent child's death. Regarding a delinquent child who has been adjudicated a sexual predator relative to the sexually oriented offense or who has been adjudicated a child-victim predator relative to the child-victim oriented offense, if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is a sexual predator or child-victim predator, the delinquent child's duty to comply with those sections continues for the period of time that otherwise would have been applicable to the delinquent child under division (B)(2) or (3) of this section. In no case shall the lifetime duty to comply that is imposed under this division on an offender who is adjudicated a sexual predator or is adjudicated a child-victim predator or is imposed under this division for an aggravated sexually oriented offense, or the adjudication, classification, or conviction that subjects the offender to this division, be removed or terminated.

(2) If the judge who sentenced the offender or made the disposition for the delinquent child for committing the sexually oriented offense that is not a registration-exempt sexually oriented offense or the child-victim oriented offense, or the successor in office

of the juvenile court judge who made the delinquent child disposition, determined pursuant to division (E) of section 2950.09 or 2950.091 [2950.09.1] or pursuant to division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code that the offender or delinquent child is a habitual sex offender or a habitual child-victim offender, or if the offender or delinquent child is automatically classified a habitual child-victim offender pursuant to division (E) of section 2950.091 [2950.09.1] of the Revised Code, the offender's duty to comply with those sections continues either until the offender's death or for twenty years, determined as provided in this division, and the delinquent child's duty to comply with those sections continues for twenty years. If a delinquent child is so determined or classified to be a habitual sex offender or a habitual child-victim offender and if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is a habitual sex offender or habitual child-victim offender but remains a juvenile offender registrant, the delinquent child's duty to comply with those sections continues for the period of time that otherwise would have been applicable to the delinquent child under division (B)(3) of this section. Except as otherwise provided in this division, the offender's duty to comply with those sections continues until the offender's death. If a lifetime duty to comply is imposed under this division on an offender, in no case shall that lifetime duty, or the determination that subjects the offender to this division, be removed or terminated. The offender's duty to comply with those sections continues for twenty years if the offender is a habitual sex offender and both of the following apply:

(a) At least one of the sexually oriented offenses of which the offender has been convicted or to which the offender has pleaded guilty and that are included in the habitual sex offender determination is a violation of division (A)(1) or (5) of section 2907.06 of the Revised Code involving a victim who is eighteen years of age or older, a violation of division (A), (B), or (E) of section 2907.08 of the Revised Code involving a victim who is eighteen years of age or older, or a violation of section 2903.211 [2903.21.1] of the Revised Code that is a misdemeanor;

(b) The total of all the sexually oriented offenses of which the offender has been convicted or to which the offender has pleaded guilty and that are included in the habitual sex offender determination does not include at least two sexually oriented offenses that are not described in division (B)(2)(a) of this section.

(3) If neither division (B)(1) nor (B)(2) of this section applies, the offender's or delinquent child's duty to comply with those sections continues for ten years. If a delinquent child is classified pursuant to section 2152.82 or 2152.83 of the Revised Code a juvenile offender registrant and if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is to be classified a juvenile offender registrant, the delinquent child's duty to comply with those sections terminates upon the court's entry of the determination.

(C) (1) If an offender has been convicted of or pleaded guilty to a sexually oriented offense that is not a registration-exempt sexually oriented offense and the offender subsequently is convicted of or pleads guilty to another sexually oriented offense or a child-victim oriented offense, if an offender has been convicted of or pleaded guilty to a child-victim oriented offense and the offender subsequently is convicted of or pleads guilty to another child-victim oriented offense or a sexually oriented offense, if a delinquent child has been adjudicated a delinquent child for committing a sexually oriented offense that is not a registration-exempt sexually oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant and the child subsequently is adjudicated a delinquent child for committing another sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant relative to that offense or subsequently is convicted of or pleads guilty to another sexually oriented offense or a child-victim oriented offense, or if a delinquent child has been adjudicated a delinquent child for committing a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant and the child subsequently is adjudicated a delinquent child for committing another child-victim oriented offense or a sexually oriented offense and is classified a juvenile offender registrant relative to that offense or subsequently is convicted of or pleads guilty to another child-victim oriented offense or a sexually oriented offense, the period of time for which the offender or delinquent child must comply with the sections specified in division (A) of this section shall be separately calculated pursuant to divisions (A)(1) to (8) and (B)(1) to (3) of this section for each of the sexually oriented offenses and child-victim oriented offenses, and the separately calculated periods of time shall be complied with independently.

If a delinquent child has been adjudicated a delinquent child for committing either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense, is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant relative to the offense, and, after attaining eighteen years of age, subsequently is convicted of or pleads guilty to another sexually oriented offense or child-victim oriented offense, the subsequent conviction or guilty plea does not limit, affect, or supersede the duties imposed upon the delinquent child under this chapter relative to the delinquent child's classification as a juvenile offender registrant or as an out-of-state juvenile offender registrant, and the delinquent child shall comply with both those duties and the duties imposed under this chapter relative to the subsequent conviction or guilty plea.

(2) If a delinquent child has been adjudicated a delinquent child for committing on or after January 1, 2002, either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant relative to the offense, if the order containing the classification also contains a determination by the juvenile judge that the child is a sexual predator or a habitual sex offender or that the child is a child-victim predator or a habitual child-victim offender, and if the juvenile judge or the judge's successor in office subsequently determines pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is a sexual predator or habitual sex offender or no longer is a

child-victim predator or habitual child-victim offender, whichever is applicable, the judge's subsequent determination does not affect the date of commencement of the delinquent child's duty to comply with sections 2950.04, 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code as determined under division (A) of this section.

(D) The duty of an offender or delinquent child to register under this chapter is tolled for any period during which the offender or delinquent child is returned to confinement in a secure facility for any reason or imprisoned for an offense when the confinement in a secure facility or imprisonment occurs subsequent to the date determined pursuant to division (A) of this section. The offender's or delinquent child's duty to register under this chapter resumes upon the offender's or delinquent child's release from confinement in a secure facility or imprisonment.

(E) An offender or delinquent child who has been convicted or pleaded guilty, or has been or is adjudicated a delinquent child, in a court in another state, in a federal court, military court, or Indian tribal court, or in a court of any nation other than the United States for committing either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense may apply to the sheriff of the county in which the offender or delinquent child resides or temporarily is domiciled, or in which the offender attends a school or institution of higher education or is employed, for credit against the duty to register for the time that the offender or delinquent child has complied with the sex offender or child-victim offender registration requirements of another jurisdiction. The sheriff shall grant the offender or delinquent child credit against the duty to register for time for which the offender or delinquent child provides adequate proof that the offender or delinquent child has complied with the sex offender or child-victim offender registration requirements of another jurisdiction. If the offender or delinquent child disagrees with the determination of the sheriff, the offender or delinquent child may appeal the determination to the court of common pleas of the county in which the offender or delinquent child resides or is temporarily domiciled, or in which the offender attends a school or institution of higher education or is employed.

EXHIBIT B

2152.82 Juvenile sex offender registration as part of dispositional order.

(A) The court that adjudicates a child a delinquent child shall issue as part of the dispositional order an order that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code if all of the following apply:

(1) The act for which the child is adjudicated a delinquent child is a sexually oriented offense or a child-victim oriented offense that the child committed on or after January 1, 2002.

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

(3) The court has determined that the child previously was adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense, regardless of when the prior offense was committed and regardless of the child's age at the time of committing the offense.

(4) The court is not required to classify the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant under section 2152.86 of the Revised Code.

(B) An order required under division (A) of this section shall be issued at the time the judge makes the order of disposition for the delinquent child. Prior to issuing the order required by division (A) of this section, the judge shall conduct a hearing under section 2152.831 of the Revised Code to determine whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender. If the court determines that the delinquent child to whom the order applies is a tier III sex offender/child-victim offender and the child is not a public registry-qualified juvenile offender registrant, the judge may impose a requirement subjecting the child to the victim and community notification provisions of sections 2950.10 and 2950.11 of the Revised Code. When a judge issues an order under division (A) of this section, all of the following apply:

(1) The judge shall include in the order a statement that, upon completion of the disposition of the delinquent child that was made for the sexually oriented offense or child-victim oriented offense upon which the order is based, a hearing will be conducted, and the order and any determinations included in the order are subject to modification or termination pursuant to sections 2152.84 and 2152.85 of the Revised Code.

(2) The judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian the notice required under divisions (A) and (B) of section 2950.03 of the Revised Code and shall provide as part of that notice a copy of the order.

(3) The judge shall include the order in the delinquent child's dispositional order and shall specify in the dispositional order that the order issued under division (A) of this section was made pursuant to this section.

(4) If the court determines that the delinquent child to whom the order applies is a tier III sex offender/child-victim offender, if the child is not a public registry-qualified juvenile offender registrant, and if the judge imposes a requirement subjecting the child to the victim and community notification provisions of sections 2950.10 and 2950.11 of the Revised Code, the judge shall include the requirement in the order.

(5) The court shall include in the order its determination made at the hearing held under section 2151.831 of the Revised Code as to whether the delinquent child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender.

(C) Except as provided in division (D) of this section, an order issued under division (A) of this section and any determinations included in the order shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a modification or termination of the order under section 2152.84 or 2152.85 of the Revised Code, and section 2152.851 of the Revised Code applies regarding the order and the determinations. If an order is issued under division (A) of this section, the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

(D) If a court issues an order under division (A) of this section before January 1, 2008, not later than February 1, 2008, the court shall terminate the order and issue a new order that reclassifies the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to section 2152.86 of the Revised Code if the court imposed on the child a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code and if the act that was the basis of the classification of the delinquent child as a juvenile offender registrant and is the basis of the serious youthful offender dispositional sentence is any of the following:

(1) Committing, attempting to commit, conspiring to commit, or complicity in committing 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;

(2) Committing, attempting to commit, conspiring to commit, or complicity in committing 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.

Effective Date: 07-31-2003; 2007 SB10 01-01-2008

2152.83 Juvenile sex offender registration at time of release from secure facility.

(A)(1) The court that adjudicates a child a delinquent child shall issue as part of the dispositional order or, if the court commits the child for the delinquent act to the custody of a secure facility, shall issue at the time of the child's release from the secure facility an order that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code if all of the following apply:

(a) The act for which the child is or was adjudicated a delinquent child is a sexually oriented offense or a child-victim oriented offense that the child committed on or after January 1, 2002.

(b) The child was sixteen or seventeen years of age at the time of committing the offense.

(c) The court was not required to classify the child a juvenile offender registrant under section 2152.82 of the Revised Code or as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant under section 2152.86 of the Revised Code.

(2) Prior to issuing the order required by division (A)(2) of this section, the judge shall conduct a hearing under section 2152.831 of the Revised Code, except as otherwise provided in that section, to determine whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender. When a judge issues an order under division (A)(1) of this section, the judge shall include in the order the determinations identified in division (B)(5) of section 2152.82 of the Revised Code.

(B)(1) The court that adjudicates a child a delinquent child, on the judge's own motion, may conduct at the time of disposition of the child or, if the court commits the child for the delinquent act to the custody of a secure facility, may conduct at the time of the child's release from the secure facility a hearing for the purposes described in division (B)(2) of this section if all of the following apply:

(a) The act for which the child is adjudicated a delinquent child is a sexually oriented offense or a child-victim oriented offense that the child committed on or after January 1, 2002.

(b) The child was fourteen or fifteen years of age at the time of committing the offense.

(c) The court was not required to classify the child a juvenile offender registrant under section 2152.82 of the Revised Code or as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant under section 2152.86 of the Revised Code.

(2) A judge shall conduct a hearing under division (B)(1) of this section to review the effectiveness of the disposition made of the child and of any treatment provided for the child placed in a secure setting and to determine whether the child should be classified a

juvenile offender registrant. The judge may conduct the hearing on the judge's own initiative or based upon a recommendation of an officer or employee of the department of youth services, a probation officer, an employee of the court, or a prosecutor or law enforcement officer. If the judge conducts the hearing, upon completion of the hearing, the judge, in the judge's discretion and after consideration of the factors listed in division (E) of this section, shall do either of the following:

(a) Decline to issue an order that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code;

(b) Issue an order that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and that states the determination that the judge makes at the hearing held pursuant to section 2152.831 of the Revised Code as to whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender.

(C) (1) Prior to issuing an order under division (B)(2)(b) of this section, the judge shall conduct a hearing under section 2152.831 of the Revised Code to determine whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender. The judge may hold the hearing at the same time as the hearing under division (B) of this section.

(2) If a judge issues an order under division (A) or (B) of this section and the court determines that the delinquent child to whom the order applies is a tier III sex offender/child-victim offender and the child is not a public registry-qualified juvenile offender registrant, the judge may impose a requirement subjecting the child to the victim and community notification provisions of sections 2950.10 and 2950.11 of the Revised Code. If the judge imposes a requirement subjecting the child to the victim and community notification provisions of sections 2950.10 and 2950.11 of the Revised Code, the judge shall include the requirement in the order.

(3) If a judge issues an order under division (A) or (B) of this section, the judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian a copy of the order and a notice containing the information described in divisions (A) and (B) of section 2950.03 of the Revised Code. The judge shall provide the notice at the time of the issuance of the order and shall comply with divisions (B) and (C) of that section regarding that notice and the provision of it.

The judge also shall include in the order a statement that, upon completion of the disposition of the delinquent child that was made for the sexually oriented offense or child-victim oriented offense upon which the order is based, a hearing will be conducted and the order is subject to modification or termination pursuant to section 2152.84 of the Revised Code.

(D) In making a decision under division (B) of this section as to whether a delinquent child should be classified a juvenile offender registrant, a judge shall consider all relevant factors, including, but not limited to, all of the following:

(1) The nature of the sexually oriented offense or the child-victim oriented offense committed by the child;

(2) Whether the child has shown any genuine remorse or compunction for the offense;

(3) The public interest and safety;

(4) The factors set forth in division (K) of section 2950.11 of the Revised Code, provided that references in the factors as set forth in that division to "the offender" shall be construed for purposes of this division to be references to "the delinquent child;"

(5) The factors set forth in divisions (B) and (C) of section 2929.12 of the Revised Code as those factors apply regarding the delinquent child, the offense, and the victim;

(6) The results of any treatment provided to the child and of any follow-up professional assessment of the child.

(E) An order issued under division (A) or (B) of this section and any determinations included in the order shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a modification or termination of the order under section 2152.84 of the Revised Code, and section 2152.851 of the Revised Code applies regarding the order and the determinations. The child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

(F) If a court issues an order under division (A) or (B) of this section before January 1, 2008, not later than February 1, 2008, the court shall terminate the order and issue a new order that reclassifies the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to section 2152.86 of the Revised Code if the court imposed on the child a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code and if the act that was the basis of the classification of the delinquent child as a juvenile offender registrant and is the basis of the serious youthful offender dispositional sentence is any of the following:

(1) Committing, attempting to commit, conspiring to commit, or complicity in committing 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;

(2) Committing, attempting to commit, conspiring to commit, or complicity in committing 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.

(G) As used in this section, "secure facility" has the same meaning as in section 2950.01 of the Revised Code.

Effective Date: 07-31-2004; 2007 SB10 01-01-2008

2152.831 Juvenile sex offenders -- tier classification hearing.

(A) If, on or after January 1, 2008, a juvenile court adjudicates a child a delinquent child and classifies the child a juvenile offender registrant pursuant to section 2152.82 or 2152.83 of the Revised Code, before issuing the order that classifies the child a juvenile offender registrant the court shall conduct a hearing to determine whether to classify the child a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/ child-victim offender.

(B) When a judge issues an order under section 2152.82 or 2152.83 of the Revised Code that classifies a delinquent child a juvenile offender registrant, in addition to the other statements and information required by the section under which the order is issued, the judge shall include in the order its determination made under division (A) of this section as to whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender. When a judge issues an order under section 2152.84 or 2152.85 of the Revised Code that reclassifies a delinquent child from one tier of sex offender/child-victim offender to a different tier of sex offender/child-victim offender, in addition to the other statements and information required by the section under which the order is issued, the judge shall include in the order its determination as to the reclassification of the child and the tier to which the child is reclassified.

(C) The provisions of this section do not apply to a delinquent child if the court is required to classify the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to section 2152.86 of the Revised Code.

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2152.84 Hearing to review effectiveness of disposition and of any treatment.

(A)(1) When a juvenile court judge issues an order under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code that classifies a delinquent child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, upon completion of the disposition of that child made for the sexually oriented offense or the child-victim oriented offense on which the juvenile offender registrant order was based, the judge or the judge's successor in office shall conduct a hearing to review the effectiveness of the disposition and of any treatment provided for the child, to determine the risks that the child might re-offend, to determine whether the prior classification of the child as a juvenile offender registrant should be continued or terminated as provided under division (A)(2) of this section, and to determine whether its prior determination made at the hearing held pursuant to section 2152.831 of the Revised Code as to whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender should be continued or modified as provided under division (A)(2) of this section.

(2) Upon completion of a hearing under division (A)(1) of this section, the judge, in the judge's discretion and after consideration of all relevant factors, including but not limited to, the factors listed in division (D) of section 2152.83 of the Revised Code, shall do one of the following as applicable:

(a) Enter an order that continues the classification of the delinquent child as a juvenile offender registrant made in the prior order issued under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code and the prior determination included in the order that the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable;

(b) If the prior order was issued under division (B) of section 2152.83 of the Revised Code, enter an order that contains a determination that the delinquent child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. An order issued under division (A)(2)(b) of this section also terminates all prior determinations that the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable. Division (A)(2)(b) of this section does not apply to a prior order issued under section 2152.82 or division (A) of section 2152.83 of the Revised Code.

(c) If the prior order was issued under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code, enter an order that continues the classification of the delinquent child as a juvenile offender registrant made in the prior order issued under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code, and that modifies the prior determination made at the hearing held pursuant to section 2152.831 of the Revised Code that the child is a tier I sex offender/child-victim offender, a tier II sex

offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable. An order issued under division (A)(2)(c) of this section shall not include a determination that increases to a higher tier the tier classification of the delinquent child. An order issued under division (A)(2)(c) of this section shall specify the new determination made by the court at a hearing held pursuant to division (A)(1) of this section as to whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable.

(B)(1) If a judge issues an order under division (A)(2)(a) of this section that continues the prior classification of the delinquent child as a juvenile offender registrant and the prior determination included in the order that the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable, the prior classification and the prior determination shall remain in effect.

(2) A judge may issue an order under division (A)(2)(c) of this section that contains a determination that reclassifies a child from a tier III sex offender/child-victim offender classification to a tier II sex offender/child-victim offender classification or to a tier I sex offender/child-victim offender classification.

A judge may issue an order under division (A)(2)(c) of this section that contains a determination that reclassifies a child from a tier II sex offender/child-victim offender classification. A judge may not issue an order under that division that contains a determination that reclassifies a child from a tier II sex offender/child-victim offender classification to a tier III sex offender/child-victim offender classification.

A judge may not issue an order under division (A)(2)(c) of this section that contains a determination that reclassifies a child from a tier I sex offender/child-victim offender classification to a tier II sex offender/child-victim offender classification or to a tier III sex offender/child-victim offender classification.

If a judge issues an order under this division that contains a determination that reclassifies a child, the judge shall provide a copy of the order to the delinquent child and the bureau of criminal identification and investigation, and the bureau, upon receipt of the copy of the order, promptly shall notify the sheriff with whom the child most recently registered under section 2950.04 or 2950.041 of the Revised Code of the determination and reclassification.

(3) If a judge issues an order under division (A)(2)(b) of this section that declassifies the delinquent child as a juvenile offender registrant, the judge shall provide a copy of the order to the bureau of criminal identification and investigation, and the bureau, upon receipt of the copy of the order, promptly shall notify the sheriff with whom the child most recently registered under section 2950.04 or 2950.041 of the Revised Code of the declassification.

(C) If a judge issues an order under division (A)(2)(a), (b), or (c) of this section, the judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian a copy of the order and, if applicable, a notice containing the information described in divisions (A) and (B) of section 2950.03 of the Revised Code. The judge shall provide the notice at the time of the issuance of the order and shall comply with divisions (B) and (C) of that section regarding that notice and the provision of it.

(D) An order issued under division (A)(2)(a) or (c) of this section and any determinations included in the order shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a modification or termination of the order under section 2152.85 of the Revised Code, and section 2152.851 of the Revised Code applies regarding the order and the determinations. If an order is issued under division (A)(2)(a) or (c) of this section, the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

(E) The provisions of this section do not apply to a delinquent child who is classified as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to section 2152.86 of the Revised Code.

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2152.85 Petition for reclassification or declassification.

(A) Regardless of when the delinquent child was classified a juvenile offender registrant, upon the expiration of the applicable period of time specified in division (B)(1), (2), or (3) of this section, a delinquent child who has been classified pursuant to this section or section 2152.82 or 2152.83 of the Revised Code a juvenile offender registrant may petition the judge who made the classification, or that judge's successor in office, to do one of the following:

(1) If the order containing the juvenile offender registrant classification also includes a determination by the juvenile court judge that the delinquent child is a tier III sex offender/child-victim offender, to enter, as applicable, an order that contains a determination that reclassifies the child as either a tier II sex offender/child-victim offender or a tier I sex offender/child-victim offender, the reason or reasons for that reclassification, and a determination that the child remains a juvenile offender registrant, or an order that contains a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code;

(2) If the order containing the juvenile offender registrant classification also includes a determination by the juvenile court judge that the delinquent child is a tier II sex offender/child-victim offender, to enter, as applicable, an order that contains a determination that reclassifies the child as a tier I sex offender/child-victim offender, the reason or reasons for that reclassification, and a determination that the child remains a juvenile offender registrant, or an order that contains a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code;

(3) If the order containing the juvenile offender registrant classification also includes a determination by the juvenile court judge that the delinquent child is a tier I sex offender/child-victim offender, to enter an order that contains a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(B) A delinquent child who has been adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense or a child-victim oriented offense and who has been classified a juvenile offender registrant relative to that offense may file a petition under division (A) of this section requesting reclassification or declassification as described in that division after the expiration of one of the following periods of time:

(1) The delinquent child initially may file a petition not earlier than three years after the entry of the juvenile court judge's order after the mandatory hearing conducted under section 2152.84 of the Revised Code.

(2) After the delinquent child's initial filing of a petition under division (B)(1) of this section, the child may file a second petition not earlier than three years after the judge has entered an order deciding the petition under division (B)(1) of this section.

(3) After the delinquent child's filing of a petition under division (B)(2) of this section, thereafter, the delinquent child may file a petition under this division upon the expiration of five years after the judge has entered an order deciding the petition under division (B)(2) of this section or the most recent petition the delinquent child has filed under this division.

(C) Upon the filing of a petition under division (A) of this section, the judge may review the prior classification or determination in question and, upon consideration of all relevant factors and information, including, but not limited to the factors listed in division (D) of section 2152.83 of the Revised Code, the judge, in the judge's discretion, shall do one of the following:

(1) Enter an order denying the petition;

(2) Issue an order that reclassifies or declassifies the delinquent child in the requested manner.

(D) If a judge issues an order under division (C)(1) of this section that denies a petition, the prior classification of the delinquent child as a juvenile offender registrant, and the prior determination that the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable, shall remain in effect.

A judge may issue an order under division (C)(2) of this section that contains a determination that reclassifies a child from a tier III sex offender/child-victim offender classification to a tier II sex offender/child-victim offender classification or to a tier I sex offender/child-victim offender classification.

A judge may issue an order under division (C)(2) of this section that contains a determination that reclassifies a child from a tier II sex offender/child-victim offender classification to a tier I sex offender/child-victim offender classification.

If a judge issues an order under this division that contains a determination that reclassifies a child, the judge shall provide a copy of the order to the delinquent child and the bureau of criminal identification and investigation, and the bureau, upon receipt of the copy of the order, promptly shall notify the sheriff with whom the child most recently registered under section 2950.04 or 2950.041 of the Revised Code of the determination and reclassification.

If a judge issues an order under division (C)(2) of this section that declassifies the delinquent child, the order also terminates all prior determinations that the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier

III sex offender/child-victim offender, whichever is applicable. If a judge issues an order under division (C)(2) of this section that declassifies the delinquent child, the judge shall provide a copy of the order to the bureau of criminal identification and investigation, and the bureau, upon receipt of a copy of the order, promptly shall notify the sheriff with whom the child most recently registered under section 2950.04 or 2950.041 of the Revised Code of the declassification.

(E) If a judge issues an order under division (C)(1) or (2) of this section, the judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian a copy of the order and, if applicable, a notice containing the information described in divisions (A) and (B) of section 2950.03 of the Revised Code. The judge shall provide the notice at the time of the issuance of the order and shall comply with divisions (B) and (C) of that section regarding that notice and the provision of it.

(F) An order issued under division (C) of this section shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a further modification or future termination of the order under this section. If an order is issued under division (C) of this section, the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

(G) The provisions of this section do not apply to a delinquent child who is classified as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to section 2152.86 of the Revised Code.

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2152.86 Juvenile offender registrants -- dispositional orders.

(A)(1) The court that, on or after January 1, 2008, adjudicates a child a delinquent child for committing an act shall issue as part of the dispositional order an order that classifies the child a juvenile offender registrant, specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and additionally classifies the child a public registry-qualified juvenile offender registrant if the child was fourteen, fifteen, sixteen, or seventeen years of age at the time of committing the act, the court imposed on the child a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code, and the child is adjudicated a delinquent child for committing, attempting to commit, conspiring to commit, or complicity in committing any 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) Upon a child's release, on or after January 1, 2008, from the department of youth services, the court shall issue an order that classifies the child a juvenile offender registrant, specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and additionally classifies the child a public registry-qualified juvenile offender registrant if all of the following apply:

(a) The child was adjudicated a delinquent child, and a juvenile court imposed on the child a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code for committing one of the acts described in division (A)(1)(a) or (b) of this section.

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

(c) The court did not issue an order classifying the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to division (A)(1) of this section.

(3) If a court issued an order classifying a child a juvenile offender registrant pursuant to section 2152.82 or 2152.83 of the Revised Code prior to January 1, 2008, not later than February 1, 2008, the court shall issue a new order that reclassifies the child as a juvenile offender registrant, specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and additionally classifies the child a public registry-qualified juvenile offender registrant if all of the following apply:

(a) The sexually oriented offense that was the basis of the previous order that classified the child a juvenile offender registrant was an act described in division (A)(1)(a) or (b) of this section.

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

(c) The court imposed on the child a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code for the act described in division (A)(1)(a) or (b) of this section.

(B)(1) If an order is issued under division (A)(1), (2), or (3) of this section, the classification of tier III sex offender/child-victim offender automatically applies to the delinquent child based on the sexually oriented offense the child committed, subject to a possible reclassification pursuant to division (D) of this section for a child whose delinquent act was committed prior to January 1, 2008. If an order is issued under division (A)(2) of this section regarding a child whose delinquent act described in division (A)(1)(a) or (b) of this section was committed prior to January 1, 2008, or if an order is issued under division (A)(3) of this section regarding a delinquent child, the order shall inform the child and the child's parent, guardian, or custodian, that the child has a right to a hearing as described in division (D) of this section and inform the child and the child's parent, guardian, or custodian of the procedures for requesting the hearing and the period of time within which the request for the hearing must be made. Section 2152.831 of the Revised Code does not apply regarding an order issued under division (A)(1), (2), or (3) of this section.

(2) The judge that issues an order under division (A)(1), (2), or (3) of this section shall provide to the delinquent child who is the subject of the order and to the delinquent child's parent, guardian, or custodian the notice required under divisions (A) and (B) of section 2950.03 of the Revised Code and shall provide as part of that notice a copy of the order required under division (A)(1), (2), or (3) of this section. The judge shall include the order in the delinquent child's dispositional order and shall specify in the dispositional order that the order issued under division (A)(1), (2), or (3) of this section was made pursuant to this section.

(C) An order issued under division (A)(1), (2), or (3) of this section shall remain in effect for the period of time specified in section 2950.07 of the Revised Code as it exists on and after January 1, 2008, subject to a judicial termination of that period of time as provided in section 2950.15 of the Revised Code, subject to a possible reclassification of the child pursuant to division (D) of this section if the child's delinquent act was committed prior to January 1, 2008. If an order is issued under division (A)(1), (2), or (3) of this section, the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division. If an order is issued under division (A)(3) of this section, the duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code based upon that order shall be considered, for purposes of section 2950.07 of the Revised Code and for all

other purposes, to be a continuation of the duty to comply with those sections imposed upon the child prior to January 1, 2008, under the order issued under section 2152.82, 2152.83, 2152.84, or 2152.85 and Chapter 2950. of the Revised Code.

(D)(1) If an order is issued under division (A)(2) of this section regarding a delinquent child whose delinquent act described in division (A)(1)(a) or (b) of this section was committed prior to January 1, 2008, or if an order is issued under division (A)(3) of this section regarding a delinquent child, except as otherwise provided in this division, the child may request as a matter of right a court hearing to contest the court's classification in the order of the child as a public registry-qualified juvenile offender registrant. To request the hearing, not later than the date that is sixty days after the delinquent child is provided with the copy of the order, the delinquent child shall file a petition with the juvenile court that issued the order.

If the delinquent child requests a hearing by timely filing a petition with the juvenile court, the delinquent child shall serve a copy of the petition on the prosecutor who handled the case in which the delinquent child was adjudicated a delinquent child for committing the sexually oriented offense or child-victim oriented offense that resulted in the delinquent child's registration duty under section 2950.04 or 2950.041 of the Revised Code. The prosecutor shall represent the interest of the state in the hearing. In any hearing under this division, the Rules of Juvenile Procedure apply except to the extent that those Rules would by their nature be clearly inapplicable. The court shall schedule a hearing and shall provide notice to the delinquent child and the delinquent child's parent, guardian, or custodian and to the prosecutor of the date, time, and place of the hearing.

If the delinquent child requests a hearing in accordance with this division, until the court issues its decision at or subsequent to the hearing, the delinquent child shall comply with Chapter 2950. of the Revised Code as it exists on and after January 1, 2008. If a delinquent child requests a hearing in accordance with this division, at the hearing, all parties are entitled to be heard, and the court shall consider all relevant information and testimony presented relative to the issue of whether the child should be classified a public registry-qualified juvenile offender registrant. Notwithstanding the court's classification of the delinquent child as a public registry-qualified juvenile offender registrant, the court may terminate that classification if it determines by clear and convincing evidence that the classification is in error.

If the court decides to terminate the court's classification of the delinquent child as a public registry-qualified juvenile offender registrant, the court shall issue an order that specifies that it has determined that the child is not a public registry-qualified juvenile offender registrant and that it has terminated the court's classification of the delinquent child as a public registry-qualified juvenile offender registrant. The court promptly shall serve a copy of the order upon the sheriff with whom the delinquent child most recently registered under section 2950.04 or 2950.041 of the Revised Code and upon the bureau of criminal identification and investigation. The delinquent child and the prosecutor have the right to appeal the decision of the court issued under this division.

If the delinquent child fails to request a hearing in accordance with this division within the applicable sixty-day period specified in this division, the failure constitutes a waiver by the delinquent child of the delinquent child's right to a hearing under this division, and the delinquent child is bound by the court's classification of the delinquent child as a public registry-qualified juvenile offender registrant.

(2) An order issued under division (D)(1) of this section is independent of any order of a type described in division (F) of section 2950.031 of the Revised Code or division (E) of section 2950.032 of the Revised Code, and the court may issue an order under both division (D)(1) of this section and an order of a type described in division (F) of section 2950.031 of the Revised Code or division (E) of section 2950.032 of the Revised Code. A court that conducts a hearing under division (D)(1) of this section may consolidate that hearing with a hearing conducted for the same delinquent child under division (F) of section 2950.031 of the Revised Code or division (E) of section 2950.032 of the Revised Code.

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2950.01 Sexual predator, habitual sex offender, sexually oriented offender definitions.

As used in this chapter, unless the context clearly requires otherwise:

(A) “Sexually oriented offense” means any of the following violations or offenses committed by a person, regardless of the person’s age:

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

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

(3) 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 a violation of former section 2907.12 of the Revised Code;

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

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

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

(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 to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing a sexually oriented offense if the offense involves consensual sexual conduct or consensual sexual contact and either of the following applies:

(a) The victim of the sexually oriented offense was eighteen years of age or older and at the time of the sexually oriented offense was not under the custodial authority of the 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 the sexually oriented offense.

(b) The victim of the offense was thirteen years of age or older, and the 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 the sexually oriented offense is not more than four years older than the victim.

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

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

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

(3) 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 (C)(1) or (2) of this section;

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

(D) "Child-victim offender" means 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 child-victim oriented offense.

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

(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:

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

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

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

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

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

(f) 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 (E)(1)(a), (b), (c), (d), or (e) of this section;

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

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

(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 I sex offender/child-victim offender relative to the offense.

(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 who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex offender/child-victim offender relative to the offense.

(F) "Tier II sex offender/child-victim offender" means any of the following:

(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:

(a) A violation of section 2907.21, 2907.321, or 2907.322 of the Revised Code;

(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;

(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;

(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;

(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;

(f) A violation of division (B) of section 2905.02 or of division (B)(5) of section 2919.22 of the Revised Code;

(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 (F)(1)(a), (b), (c), (d), (e), or (f) of this section;

(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;

(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.

(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.

(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.

(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.

(5) A sex offender or child-victim offender who is not in any category of tier II sex offender/child-victim offender set forth in division (F)(1), (2), (3), or (4) of this section, who prior to January 1, 2008, was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense, and who prior to that date was determined to be a habitual sex offender or determined to be a habitual child-victim offender, unless either of the following applies:

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

(b) A juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the child a tier I sex offender/child-victim offender or a tier III sex offender/child-victim offender relative to the offense.

(G) "Tier III sex offender/child-victim offender" means any of the following:

(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:

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

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

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

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

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

(f) 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;

(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 (G)(1)(a), (b), (c), (d), (e), or (f) of this section;

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

(i) Any sexually oriented offense that is committed after the sex 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 II sex offender/child-victim offender or a tier III sex offender/child-victim offender.

(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 II sex offender/child-victim offender or a tier III sex offender/child-victim offender.

(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 III sex offender/child-victim offender relative to the offense.

(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 III sex offender/child-victim offender relative to the current offense.

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

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

(b) The sex offender or child-victim offender is a delinquent child, and a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the child a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender relative to the offense.

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

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

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

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

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

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

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

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

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

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

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

(M) "Juvenile offender registrant" means a person who is adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense or a child-victim oriented offense, who is fourteen years of age or older at the time of committing the offense, and who a juvenile court judge, pursuant to an order issued under section 2152.82, 2152.83, 2152.84, 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 juvenile offender registrant, and the classification of the person as a public registry-qualified juvenile offender registrant has not been terminated pursuant to division (D) of section 2152.86 of the Revised Code.

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

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

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

(R) "Adjudicated a delinquent child for committing a sexually oriented offense" includes a child who receives a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code for committing a sexually oriented offense.

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

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

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

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

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

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

Effective Date: 12-23-2003; 04-29-2005; 01-02-2007; 2007 SB10 01-01-2008

2950.07 Commencement date for duty to register.

(A) The duty of an offender who 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 and the duty of a delinquent child who 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 who is an out-of-state juvenile offender registrant to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code commences on whichever of the following dates is applicable:

(1) If the offender's duty to register is imposed pursuant to division (A)(1)(a) of section 2950.04 or division (A)(1)(a) of section 2950.041 of the Revised Code, the offender's duty to comply with those sections commences immediately after the entry of the judgment of conviction.

(2) If the delinquent child's duty to register is imposed pursuant to division (A)(1)(b) of section 2950.04 or division (A)(1)(b) of section 2950.041 of the Revised Code, the delinquent child's duty to comply with those sections commences immediately after the order of disposition.

(3) If the offender's duty to register is imposed pursuant to division (A)(2) of section 2950.04 or division (A)(2) of section 2950.041 of the Revised Code, subject to division (A)(7) of this section, the offender's duty to comply with those sections commences on the date of the offender's release from a prison term, a term of imprisonment, or any other type of confinement, or if the offender is not sentenced to a prison term, a term of imprisonment, or any other type of confinement, on the date of the entry of the judgment of conviction of the sexually oriented offense or child-victim oriented offense.

(4) If the offender's or delinquent child's duty to register is imposed pursuant to division (A)(4) of section 2950.04 or division (A)(4) of section 2950.041 of the Revised Code, the offender's duty to comply with those sections commences regarding residence addresses on the date that the offender begins to reside or becomes temporarily domiciled in this state, the offender's duty regarding addresses of schools, institutions of higher education, and places of employment commences on the date the offender begins attending any school or institution of higher education in this state on a full-time or part-time basis or becomes employed in this state, and the delinquent child's duty commences on the date the delinquent child begins to reside or becomes temporarily domiciled in this state.

(5) If the delinquent child's duty to register is imposed pursuant to division (A)(3) of section 2950.04 or division (A)(3) of section 2950.041 of the Revised Code, if the delinquent child's classification as a juvenile offender registrant is made at the time of the child's disposition for that sexually oriented offense or child-victim oriented offense, whichever is applicable, and if the delinquent child is committed for the sexually oriented offense or child-victim oriented offense to the department of youth services or to a secure facility that is not operated by the department, the delinquent child's duty to comply with those sections commences on the date of the delinquent child's discharge or release from

custody in the department of youth services secure facility or from the secure facility not operated by the department as described in that division.

(6) If the delinquent child's duty to register is imposed pursuant to division (A)(3) of section 2950.04 or division (A)(3) of section 2950.041 of the Revised Code and if either the delinquent child's classification as a juvenile offender registrant is made at the time of the child's disposition for that sexually oriented offense or child-victim oriented offense, whichever is applicable, and the delinquent child is not committed for the sexually oriented offense or child-victim oriented offense to the department of youth services or to a secure facility that is not operated by the department or the child's classification as a juvenile offender registrant is made pursuant to section 2152.83 or division (A)(2) of section 2152.86 of the Revised Code, subject to divisions (A)(7) of this section, the delinquent child's duty to comply with those sections commences on the date of entry of the court's order that classifies the delinquent child a juvenile offender registrant.

(7) If the offender's or delinquent child's duty to register is imposed pursuant to division (A)(2), (3), or (4) of section 2950.04 or section 2950.041 of the Revised Code and if the offender or delinquent child prior to January 1, 2008, has registered a residence, school, institution of higher education, or place of employment address pursuant to section 2950.04, 2950.041, or 2950.05 of the Revised Code as they existed prior to that date, the offender or delinquent child initially shall register in accordance with section 2950.04 or 2950.041 of the Revised Code, whichever is applicable, as it exists on and after January 1, 2008, not later than the earlier of the dates specified in divisions (A)(7)(a) and (b) of this section. The offender's or delinquent child's duty to comply thereafter with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as they exist on and after January 1, 2008, commences on the date of that initial registration. The offender or delinquent child initially shall register under section 2950.04 or 2950.041 of the Revised Code as it exists on and after January 1, 2008, not later than the earlier of the following:

(a) The date that is six months after the date on which the offender or delinquent child received a registered letter from the attorney general under division (A)(2) or (B) of section 2950.031 of the Revised Code;

(b) The earlier of the date on which the offender or delinquent child would be required to verify a previously registered address under section 2950.06 of the Revised Code as it exists on and after January 1, 2008, or, if the offender or delinquent child has changed a previously registered address, the date on which the offender or delinquent child would be required to register a new residence, school, institution of higher education, or place of employment address under section 2950.05 of the Revised Code as it exists on and after January 1, 2008.

(8) If the offender's or delinquent child's duty to register was imposed pursuant to section 2950.04 or 2950.041 of the Revised Code as they existed prior to January 1, 2008, the offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as they exist on and after January 1, 2008, is a continuation of the offender's or delinquent child's former duty to register imposed prior

to January 1, 2008, under section 2950.04 or 2950.041 of the Revised Code and shall be considered for all purposes as having commenced on the date that the offender's duty under that section commenced.

(B) The duty of an offender who 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 and the duty of a delinquent child who 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 who is an out-of-state juvenile offender registrant to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code continues, after the date of commencement, for whichever of the following periods is applicable:

(1) Except as otherwise provided in this division, if the person is an offender who is a tier III sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, if the person is a delinquent child who is a tier III sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, or if the person is a delinquent child who is a public registry-qualified juvenile offender registrant relative to the sexually oriented offense, the offender's or delinquent child's duty to comply with those sections continues until the offender's or delinquent child's death. Regarding a delinquent child who is a tier III sex offender/child-victim offender relative to the offense but is not a public registry-qualified juvenile offender registrant relative to the offense, if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is a tier III sex offender/child-victim offender, the delinquent child's duty to comply with those sections continues for the period of time that is applicable to the delinquent child under division (B)(2) or (3) of this section, based on the reclassification of the child pursuant to section 2152.84 or 2152.85 of the Revised Code as a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender. In no case shall the lifetime duty to comply that is imposed under this division on an offender who is a tier III sex offender/child-victim offender be removed or terminated. A delinquent child who is a public registry-qualified juvenile offender registrant may have the lifetime duty to register terminated only pursuant to section 2950.15 of the Revised Code.

(2) If the person is an offender who is a tier II sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, the offender's duty to comply with those sections continues for twenty-five years. Except as otherwise provided in this division, if the person is a delinquent child who is a tier II sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, the delinquent child's duty to comply with those sections continues for twenty years. Regarding a delinquent child who is a tier II sex offender/child-victim offender relative to the offense but is not a public registry-qualified juvenile offender registrant relative to the offense, if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is a tier II sex

offender/child-victim offender but remains a juvenile offender registrant, the delinquent child's duty to comply with those sections continues for the period of time that is applicable to the delinquent child under division (B)(3) of this section, based on the reclassification of the child pursuant to section 2152.84 or 2152.85 of the Revised Code as a tier I sex offender/child-victim offender.

(3) Except as otherwise provided in this division, if the person is an offender who is a tier I sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, the offender's duty to comply with those sections continues for fifteen years. Except as otherwise provided in this division, if the person is a delinquent child who is a tier I sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, the delinquent child's duty to comply with those sections continues for ten years. Regarding a delinquent child who is a juvenile offender registrant and a tier I sex offender/child-victim offender but is not a public registry-qualified juvenile offender registrant, if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is to be classified a juvenile offender registrant, the delinquent child's duty to comply with those sections terminates upon the court's entry of the determination. A person who is an offender who is a tier I sex offender/child-victim offender may have the fifteen-year duty to register terminated only pursuant to section 2950.15 of the Revised Code.

(C)(1) If an offender has been convicted of or pleaded guilty to a sexually oriented offense and the offender subsequently is convicted of or pleads guilty to another sexually oriented offense or a child-victim oriented offense, if an offender has been convicted of or pleaded guilty to a child-victim oriented offense and the offender subsequently is convicted of or pleads guilty to another child-victim oriented offense or a sexually oriented offense, if a delinquent child has been adjudicated a delinquent child for committing a sexually oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant and the child subsequently is adjudicated a delinquent child for committing another sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant relative to that offense or subsequently is convicted of or pleads guilty to another sexually oriented offense or a child-victim oriented offense, or if a delinquent child has been adjudicated a delinquent child for committing a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant and the child subsequently is adjudicated a delinquent child for committing another child-victim oriented offense or a sexually oriented offense and is classified a juvenile offender registrant relative to that offense or subsequently is convicted of or pleads guilty to another child-victim oriented offense or a sexually oriented offense, the period of time for which the offender or delinquent child must comply with the sections specified in division (A) of this section shall be separately calculated pursuant to divisions (A)(1) to (8) and (B)(1) to (3) of this section for each of the sexually oriented offenses and child-victim oriented offenses, and the offender or delinquent child shall comply with each separately calculated period of time independently.

If a delinquent child has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense, is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant relative to that offense, and, after attaining eighteen years of age, subsequently is convicted of or pleads guilty to another sexually oriented offense or child-victim oriented offense, the subsequent conviction or guilty plea does not limit, affect, or supersede the duties imposed upon the delinquent child under this chapter relative to the delinquent child's classification as a juvenile offender registrant or as an out-of-state juvenile offender registrant, and the delinquent child shall comply with both those duties and the duties imposed under this chapter relative to the subsequent conviction or guilty plea.

(2) If a delinquent child 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 relative to the offense and if the juvenile judge or the judge's successor in office subsequently reclassifies the offense tier in which the child is classified pursuant to section 2152.84 or 2152.85 of the Revised Code, the judge's subsequent determination to reclassify the child does not affect the date of commencement of the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as determined under division (A) of this section. The child's duty to comply with those sections after the reclassification is a continuation of the child's duty to comply with the sections that was in effect prior to the reclassification, and the duty shall continue for the period of time specified in division (B)(1), (2), or (3) of this section, whichever is applicable.

If, prior to January 1, 2008, an offender had a duty to comply with the sections specified in division (A) of this section as a result of a conviction of or plea of guilty to a sexually oriented offense or child-victim oriented offense as those terms were defined in section 2950.01 of the Revised Code prior to January 1, 2008, or a delinquent child had a duty to comply with those sections as a result of an adjudication as a delinquent child for committing one of those offenses as they were defined prior to January 1, 2008, the period of time specified in division (B)(1), (2), or (3) of this section on and after January 1, 2008, for which a person must comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code applies to the person, automatically replaces the period of time for which the person had to comply with those sections prior to January 1, 2008, and is a continuation of the person's duty to comply with the sections that was in effect prior to the reclassification. If, prior to January 1, 2008, an offender or a delinquent child had a duty to comply with the sections specified in division (A) of this section, the offender's or delinquent child's classification as a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender for purposes of that period of time shall be determined as specified in section 2950.031 or 2950.032 of the Revised Code, as applicable.

(D) The duty of an offender or delinquent child to register under this chapter is tolled for any period during which the offender or delinquent child is returned to confinement in a secure facility for any reason or imprisoned for an offense when the confinement in a secure facility or imprisonment occurs subsequent to the date determined pursuant to

division (A) of this section. The offender's or delinquent child's duty to register under this chapter resumes upon the offender's or delinquent child's release from confinement in a secure facility or imprisonment.

(E) An offender or delinquent child who has been or is convicted, has pleaded or pleads guilty, or has been or is adjudicated a delinquent child, in a court in another state, in a federal court, military court, or Indian tribal court, or in a court of any nation other than the United States for committing a sexually oriented offense or a child-victim oriented offense may apply to the sheriff of the county in which the offender or delinquent child resides or temporarily is domiciled, or in which the offender attends a school or institution of higher education or is employed, for credit against the duty to register for the time that the offender or delinquent child has complied with the sex offender or child-victim offender registration requirements of another jurisdiction. The sheriff shall grant the offender or delinquent child credit against the duty to register for time for which the offender or delinquent child provides adequate proof that the offender or delinquent child has complied with the sex offender or child-victim offender registration requirements of another jurisdiction. If the offender or delinquent child disagrees with the determination of the sheriff, the offender or delinquent child may appeal the determination to the court of common pleas of the county in which the offender or delinquent child resides or is temporarily domiciled, or in which the offender attends a school or institution of higher education or is employed.

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