



Violent Offender Database Reference Guide

R.C. 2903.41 – R.C. 2903.44, “Sierah’s Law”

The Violent Offender Database (VOD), known as “Sierah’s Law” went into effect on March 20, 2019. The law institutes a presumptive ten-year duty of enrollment for offenders convicted of specified violent offenses upon sentencing or release from confinement. The VOD is a law enforcement resource maintained by the Bureau of Criminal Investigation (BCI) and the information is only available to the public at their local sheriff’s office. Offender’s who fear for their safety may file a motion to make the database enrollment not a public record.

Qualifying offenders must provide information to the sheriff of county of residence at the time of enrollment, must re-enroll annually, and must notify the sheriff of any change of address within three days. Prosecutors may file to extend an offender’s enrollment duties beyond the 10-year period under certain circumstances specified in R.C. 2903.43(D)(2). If an offender recklessly fails to enroll, re-enroll or notify sheriff of change of address, then the offender may be charged with a felony of the fifth degree, R.C. 2903.43(I).

Offenders may overcome the presumption to enroll by filing a motion and proving they were not the principal offender (see page 4) by a preponderance of the evidence. If the court finds the offender met that burden, then the court considers a number of factors to determine if the offender should still be required to enroll.*

Who Qualifies?

- Qualifying Offenders – [R.C. 2903.41(A)(1-2)]
 - Individuals convicted of or pleading guilty to the listed offenses after March 20, 2019.
 - Offenders serving a term of imprisonment or other confinement for one of the listed offenses on March 20, 2019.
 - Individuals with out-of-state convictions for same or substantially similar violations who are aware of the existence of the database.
- Qualifying Offenses – [R.C. 2903.41 (A)(1)(a-b)]:
 - Aggravated murder (R.C. 2903.01); murder (R.C. 2903.02); voluntary manslaughter (R.C. 2903.03); kidnapping (R.C. 2905.01); and abduction (as a second degree felony) (R.C. 2905.02).
 - Any attempt, conspiracy, or complicity conviction for any of the above offenses.

Enrollment Duties

- Enroll in person at the sheriff’s office in the offender’s county of residence within 10 days of sentencing or release from incarceration.
- Re-enroll annually.
- Provide notice of any change of address within three days.
- Duties last for 10 years from enrollment and may be extended by prosecutor motion if defendant violates a condition of supervision, commits a new felony, or any misdemeanor offense of violence.
- Violation of VOD duties are fifth degree felonies. [R. C. 2903.43(I)]

Notice Requirements - see chart on page 2

- Court/Official in Charge of Confinement **shall** require violent offender to read and sign [form](#).
- Provide copy to offender.
- Provide copy to sheriff where offender resides and BCI.



Offender Type	Timing of Enrollment Duties	When a Motion to Rebut Must be Filed	Where a Motion to Rebut Must be Filed	Notice Requirements
Qualifying Offenders Awaiting Sentencing	Must enroll within 10 days of sentencing if the offender is not sentenced to incarceration, or within 10 days of release from incarceration.	Before or at the time of sentencing.	The sentencing court.	Must be notified of “the presumption [of duty to enroll], of the offender’s right to file a motion to rebut the presumption, of the procedure and criteria for rebutting the presumption, and of the effect of a rebuttal and the post-rebuttal hearing process and possible outcomes” by the sentencing court.
Qualifying Offenders Serving a Term of Confinement	Must enroll within 10 days of release from incarceration.	Prior to release.	The court in which they were sentenced for the qualifying offense.	Must be notified of “the presumption [of duty to enroll], of the offender’s right to file a motion to rebut the presumption, of the procedure and criteria for rebutting the presumption, and of the effect of a rebuttal and the post-rebuttal hearing process and possible outcomes” by the Department of Rehabilitations and Corrections.
Qualifying Offenders with Out-of-State Convictions	Must enroll within 10 days after the offender residing or occupying a dwelling in Ohio for more than three consecutive days: OR residing or occupying a dwelling in Ohio for more than 14 days in a calendar year. These deadlines only apply after the offender becomes aware of the database.	Any time before the offender’s initial enrollment in the database.	The court of common pleas in the county in which the offender resides or occupies a dwelling.	None prior to filing motion to rebut. If court denies the motion and out of state offender has to enroll, then the notice requirements are the same as for other violent offenders.



Rebuttal of Presumption of Duty to Enroll

- The motion for relief from VOD duties must assert:
 1. That the offender was not the principal offender* (*see page 4*) in the commission of the offense; and
 2. A request that the court not require the offender to enroll.
 - Offender has the burden to prove the offender is not the principal offender.
 - Burden of proof is preponderance of the evidence.
 - If court finds the offender has met the burden of proving the offender is not the principal offender:
 - The court shall continue the hearing to consider if the offender should still enroll.
 - The court shall consider the following factors in determining whether the offender should still enroll [R.C. 2903.42(A)(4)(a)(i-iv)]:
 - Whether the offender has committed any prior offenses of violence and whether those priors indicate a propensity for violence.
 - The results of a risk assessment tool as per R.C. 5120.114.
 - The offender's degree of culpability or involvement in the underlying offense.
 - The public interest and safety.

Prosecutor Motion to Extend Enrollment Beyond 10 Years

- Pursuant to R.C. 2903.43(D)(2) the prosecutor may file a motion, **in the county in which the defendant resides**, to extend the enrollment period from 10 years to indefinite, if the offender does **any** of the following:
 1. Violates a condition of supervision;
 2. Commits a new felony; or
 3. Commits any misdemeanor offense of violence.
- If the court extends the enrollment period, then the offender may file a motion once every five years for termination of enrollment duties. [R.C. 2903.44]
 1. The motion must include:
 - A certified copy of the judgment entry and any other documentation of the sentence for which enrollment was made necessary.
 - Documentation of discharge from supervision or release.
 - Statement asserting that the offender has not been convicted or pled guilty to any other felony or misdemeanor offense of violence during the enrollment period.
 - Evidence the offender paid all financial sanctions.
 2. Court shall set tentative hearing within 90 days unless there is good cause for a later date.



3. Prosecutor may file an objection seven days before the hearing.
 - If object, burden to prove convicted of another felony or misdemeanor of violence.
 - If the state meets its burden, then court shall *deny* motion.
4. The court may:
 - **Deny** the motion without holding a hearing after considering the accompanying evidence and a written report from probation; [R.C. 2903.44(E)]
 - **Grant** the motion without a hearing if no prosecutor objection; or
 - **Hold** a hearing in which the Rules of Civil Procedure apply.
 - Defendant has burden of proof, preponderance of the evidence, that extended time should be terminated.
 - If the offender meets burden, then **grant** motion and terminate duties.
 - If the offender does not meet burden, **deny** motion and enrollment duties continue.

What Happens if an Offender Fails to Comply With Enrollment Duties?

- If the offender **recklessly** fails to enroll, re-enroll or notify sheriff of change of address, then the offender is violating R.C. 2903.43(l)(1) a felony of the fifth degree.
 - Additionally, if the offender is on supervision (**Community control sanction, parole, post-release control, or any other type of supervised release**), then a violation of R.C. 2903.43(l)(2) is a violation of conditions of supervision.

Supreme Court Decisions Regarding Retroactivity

State v. Jarvis, 167 Ohio St.3d 118, 2021-Ohio-3712 and *State v. Hubbard*, 167 Ohio St.3d 77, 2021-Ohio-3710. The application of Sierah's Law, R.C. 2903.42 et. seq. creating a violent offender database, to conduct that occurred prior to its effective date did not violate the Retroactivity Clause of Ohio Const. Art. II sec. 28, because Sierah's Law did not retroactively increase the punishment for a criminal offense.

Questions? Concerns?

Contact the Ohio Criminal Sentencing Commission at ocsc@sc.ohio.gov.

* **Principal Offender** – The term is not defined in the statutes. The following definition is taken from Ohio Jury Instruction CR 503.01 regarding Aggravated Murder: *(N) Principal Offender. In order to find that the defendant was the principal offender in the aggravated murder, you must find that he/she (was the actual killer)(personally performed every act constituting the offense charged).*