

PROTECTING ★ THE ★ UNPROTECTED

# Ohio Attorney General's Guide to Ohio's SORN Laws

Sex Offender Registration and Notification

Updated 2024



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## Table of Contents

Purpose and History .....	1
Pre-Adam Walsh Act Offenders .....	3
Offender Classifications .....	4
Tier Classifications .....	5
A. Tier III Offender .....	5
B. Tier II Offender .....	7
C. Tier I Offender .....	8
Registration Duties.....	9
Responsibilities of the Sentencing Court.....	11
Responsibilities of the Department of Rehabilitation and Correction (ODRC) and the Department of Youth Services (ODYS) .....	12
Responsibilities of the Sheriff .....	13
Responsibilities of the Bureau of Criminal Investigation.....	13
When the Offender Fails to Comply .....	14
Reclassification .....	15
Juvenile Offender Registrants (JOR).....	17
Victim Notification .....	22
Community Notification.....	24
Public Records and OffenderWatch .....	27
Frequently Asked Questions.....	28

# Purpose and History

Ohio has required sex offenders to register since 1963, but the modern era of sex-offender registration and notification (SORN) laws began in the 1990s.

In 1994, as part of broader federal crime legislation, Congress enacted the Wetterling Act, named for 11-year-old Jacob Wetterling, who was abducted at gunpoint in 1989 as he rode his bike home from a convenience store in St. Joseph, Minnesota.<sup>1</sup> The Wetterling Act established minimum standards for states' registration programs for sex offenders and child-victim offenders. The basic requirements included registering offenders for at least 10 years, informing them of their obligation to register upon release, and requiring periodic verification of their addresses.

Also in 1994, 7-year-old Megan Kanka was abducted, raped, and killed by a neighbor, a convicted sex offender. The New Jersey community where she lived was unaware of the neighbor's criminal past. To remedy that, state lawmakers passed Megan's Law, which requires sex offenders to register with local officials, who then notify the community of the sex offender's presence. The New Jersey law became a model for a federal law of the same name passed in 1996.<sup>2</sup> The federal registration and notification laws are meant to protect children and communities by keeping track of offenders and by informing the public so they can protect themselves.

Today, all 50 states have laws requiring sex-offender registration. The majority — including Ohio — also require some form of community and victim notification.

Ohio adopted its version of Megan's Law in 1996 to protect Ohioans and to comply with the federal legislation.<sup>3</sup> Ohio's SORN law is designed to provide the public with adequate notice and information about convicted sex offenders and child-victim-oriented offenders in the community.<sup>4</sup>

SORN has been amended several times since its original enactment in 1996. One of the first significant changes was part of Senate Bill 3, which extended SORN registration requirements to juveniles who were 14 to 17 years old when they committed an offense on or after Jan. 1, 2002.<sup>5</sup>

SORN was substantially modified again in legislation that took effect on July 31, 2003. These changes added a new category of offenses — child-victim-oriented offenses — created a class of offenses that are presumed not to require registration, prohibited registered offenders from living within 1,000 feet of a school, and increased the penalties for registration violations.<sup>6</sup> The legislature also directed the Ohio Attorney General's Office to establish and maintain an online public database that contains information on registered offenders.<sup>7</sup> Known as OffenderWatch, the online database can be searched by name, county, ZIP

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<sup>1</sup> For an overview of the history of the Wetterling Act and Megan's Law, see *State v. Bodyke*, 126 Ohio St.3d 266, 2010-Ohio-2424, 933 N.E.2d 753, ¶¶ 3–7. Jacob Wetterling's disappearance went unsolved for decades, until investigators linked his disappearance and other attacks to an offender who confessed and is now in prison.

<sup>2</sup> See 42 U.S.C. 14071 (repealed July 27, 2006 with Adam Walsh Act).

<sup>3</sup> 1995–1996 Ohio Laws, Part II, 2560, 2601 (Am. Sub. H.B. No. 180, eff. Oct. 16, 1996).

<sup>4</sup> See ORC 2950.02, which sets forth the legislative determinations and intent to provide information to protect public safety.

<sup>5</sup> Laws pertaining specifically to juvenile offenders can be found at ORC 2152.82–.86; additional duties are set forth in the adult provisions, ORC 2950.01 et seq.

<sup>6</sup> Ohio's SORN laws for adult offenders can be found at ORC 2950.01 et seq.

<sup>7</sup> ORC 2950.13(A)(11); OffenderWatch can be accessed through the Attorney General's website at <http://icrimewatch.net/ohio.php>.

code, or school district. Additional changes were made in April 2005 to address the registration duties of homeless offenders, authorize local prosecutors to evict offenders who are violating residency restrictions, and clarify the sentencing law on sexually violent predators.<sup>8</sup>

The most substantial changes to Ohio's SORN laws came in 2007, when the General Assembly passed Senate Bill 10, which implemented the federal Adam Walsh Child Protection and Safety Act of 2006. The federal law required the classification of sex offenders into three tiers based on the offense of conviction. The offenders are categorized based on the severity of the offense as designated by the Ohio Adam Walsh Act, which repealed the previous seven-category classification that Ohio had used. Risk assessment was removed as a method to categorize offenders, although repeat-offender status might influence the tier to which a sex offender is assigned.

The Ohio Adam Walsh Act also broadened the category of crimes that qualify as sex offenses. Child enticement, unlawful restraint, menacing by stalking, and abduction offenses have been amended to include a sexual motivation element that would require offenders to register. As of Jan. 1, 2008, possession of child pornography qualifies as a registration offense. Finally, the Ohio Adam Walsh Act changed the registration and notification process by requiring that additional information be gathered from the registrants; it also modified the frequency and duration of registration.

In 2016, Congress enacted the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders.<sup>9</sup> Under this law, covered sex offenders must provide international travel information to the appropriate official for inclusion in the sex-offender registry. Such travel information includes the sex offender's anticipated dates and places of departure, arrival, or return; carrier and flight numbers for air travel; destination country and address; and contact information. The law also requires sex offenders to receive a unique identifier to be placed on their passports, indicating that they are sex offenders.

Ohio's SORN statutes are supplemented by administrative rules that set forth certain procedures and responsibilities of law enforcement, school administrators, and agencies charged with carrying out the SORN laws.<sup>10</sup>

Notably, because Ohio's SORN laws have evolved through the years, many laws apply disparately to offenders based on when they were classified and what law was in effect at that time. To start, Ohio's modern 1996 SORN law applies only to adult offenders in Ohio who were incarcerated, under supervision, or convicted of an offense on or after July 1, 1997. Adult offenders who completed their sentences before that date are not subject to SORN requirements. For juveniles, the system started in 2002 – that is, SORN applies only to those who committed an offense on or after Jan. 1, 2002, and were at least 14 years old at the time of the offense. Further, pre-Adam Walsh Act offenders (offenders who committed their offense before Jan. 1, 2008) retain the same classification and associated registration and notification requirements that were in effect at the time at which they committed their offense.<sup>11</sup> Other timing-based details are listed in this manual: For example, the restrictions on living near schools apply only to offenders committed after

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<sup>8</sup> See 2003–2004 Ohio Laws, Part IV, 5707 (Am. Sub. H.B. No. 473, eff. Apr. 29, 2005).

<sup>9</sup> Pub. L. 114-119 (Feb. 8, 2016), codified at 42 U.S.C. 16901 et seq, transferred to 34 U.S.C. 20901 et seq.

<sup>10</sup> See Ohio Administrative Code (OAC) Section 109:5-2-02 through 109:5-2-06.

<sup>11</sup> See *In re Von*, 146 Ohio St.3d 448, 2016-Ohio-3020, 57 N.E.3d 1158; see also *In re Bruce S.*, 134 Ohio St.3d 477, 2012-Ohio-5696, 983 N.E.2d 350; *State v. Raber*, 134 Ohio St.3d 350, 2012-Ohio-5636, 982 N.E.2d 684; *State v. Williams*, 129 Ohio St.3d 344, 2011-Ohio-3374, 952 N.E.2d 1108; *State v. Bodyke*, 126 Ohio St.3d 266, 2010-Ohio-2424, 933 N.E.2d 753.

July 1, 2003; the restrictions on living near preschools and child-care centers apply only to those committed after July 1, 2007; and the restriction on living near family preservation centers, children’s crisis-care facilities and residential infant-care centers apply only to those committed after June 13, 2022. Some of those date-based differences were established by statute; others resulted from court decisions.

Likewise, some SORN provisions, whether date-based or otherwise, are still being litigated, and courts might interpret particular statutes differently. When a provision’s meaning or court application is unclear, any decision to prosecute an alleged offender under a particular statute rests with a county’s prosecuting attorney.

The Ohio Attorney General’s Office can also help — by issuing, upon request, a formal opinion on a specific issue regarding the interpretation of a statute’s meaning or intent.<sup>12</sup> This manual is intended to provide an overview of the SORN laws and rules as they apply to juvenile and adult offenders, and to provide guidance to law enforcement to ensure compliance with SORN.<sup>13</sup>

## Pre-Adam Walsh Act Offenders

Pre-Adam Walsh Act Offenders are those who committed their offenses before Jan. 1, 2008. The offender retains both the classification and the registration requirements that existed at the time of the offense.

Sexual predator is a sex offender who is classified as a sexual predator or child-victim predator who has not been reclassified. A sexual predator has a life time duty to register.

Habitual Sex Offender/Child-Victim Offender is a sex offender who is classified as habitual who has not been reclassified. A habitual sex offender has a 20 year duty to register.

Sexually Oriented offender is a sex offender who has not been classified as a predator or habitual. A sexually oriented offender has a 10 year duty to register.

A court sentencing an offender for a conviction or guilty plea on or after Jan. 11, 2024, for offenses committed before Jan. 1, 2008, shall hold pre-2008 classification hearing pursuant to ORC 2950.021(B)(3).

### Reclassification

Pre-Adam Walsh Act Offenders may be eligible for reclassification<sup>14</sup>

1. An offender must file a petition seeking a wrongly classified remedy. The petition must be filed on or before Jan. 11, 2025. The remedy is to return to pre-2008 classification requirements with credit for time served under the wrong classification.
2. The offender may acquiesce to tier classification and requirements.

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<sup>12</sup> Formal opinions of the Attorney General may be issued to the following: state officers, boards, and commissions; the warden of a state correctional institution; the superintendent, trustees, or directors of a benevolent institution of the state; the trustees of The Ohio State University; the General Assembly; county prosecuting attorneys; and law directors of home-rule townships. See ORC 109.12–.14.

<sup>13</sup> Pertinent legislation can be found on the Ohio General Assembly’s website at [www.legislature.ohio.gov](http://www.legislature.ohio.gov).

<sup>14</sup> ORC 2950.021

# Offender Classifications

There are two types of offenders who must comply with SORN:

1. A sex offender is a person who has been convicted of, pleaded guilty to, or adjudicated delinquent by reason of committing an offense that is either inherently sexual or that involved a sexual motivation.

Rape, sexual battery, gross sexual imposition, importuning, and other offenses committed with a sexual motivation, such as kidnapping, are sexually oriented offenses. Further, “equivalent offenses” from other jurisdictions outside of Ohio as well as attempt, conspiracy, or complicity to commit one of these offenses are sexually oriented offenses.<sup>15</sup> An offender is automatically classified as a sex offender upon being convicted of a qualifying offense.

2. A child-victim offender is a person who has been convicted of, pleaded guilty to, or adjudicated as delinquent by reason of committing a “child-victim-oriented offense.” Child-victim-oriented offenses are specified offenses committed against children younger than 18 with no sexual motivation, specifically kidnapping, abduction, and unlawful restraint. This classification also includes attempt, conspiracy, and complicity to commit one of these offenses, and equivalent offenses from other jurisdictions.<sup>16</sup> It does not, however, apply to a parent who commits an offense against his or her own child.<sup>17</sup> As with the classification for sex offenders, classification as a child-victim-oriented offender is by operation of law once an offender is convicted of a qualifying offense.<sup>18</sup>

The offender is then classified into one of the three tiers described in the Adam Walsh Act. The offender’s tier classification is determined by his or her convicted offense. Each tier has different registration requirements.

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<sup>15</sup> ORC 2950.01(A).

<sup>16</sup> ORC 2950.01(C).

<sup>17</sup> According to the definition under ORC 2950.01(C), the victim must not be the “child of the person who commits the violation.”

<sup>18</sup> See State v. Alexander, 5th Dist. Stark No. 2004CA00206, 2005-Ohio-635.

# Tier Classifications

## A. Tier III Offender

A Tier III sex offender is a person who has been convicted of or pleaded guilty to a certain offense, as outlined below.

A juvenile adjudicated as delinquent for committing any sexually oriented offense or child-victim-oriented offense can be classified as a Tier III sex offender after a hearing in juvenile court.<sup>19</sup>

A Tier III offender is subject to strict address verification. The community and victim(s) receive notification whenever such an offender relocates to a new address.

### **Tier III sexually oriented offenses**

1. 2907.02 Rape
2. 2907.03 Sexual battery
3. 2903.01 Aggravated murder with sexual motivation
4. 2903.02 Murder with sexual motivation
5. 2903.04(A) Unlawful death or termination of pregnancy as a result of committing or attempting to commit a felony with sexual motivation.
6. 2905.01(A)(4) Kidnapping of a minor to engage in sexual activity
7. 2905.01(B) Kidnapping of a minor, not by parent
8. 2907.05(B) Gross sexual imposition, victim younger than 12
9. 2903.11 Felonious assault with sexual motivation
10. 2903.03(B) Voluntary manslaughter with sexual motivation
11. Attempt, complicity, or conspiracy to commit any of the above offenses
12. Any sexually oriented offense that occurs after the offender has been classified as a Tier II or III

### **Tier III child-victim-oriented offenses**

1. Any child-victim-oriented offense that occurs after the offender is classified as a Tier II or III child-victim-oriented offender
2. Attempt, complicity, or conspiracy to commit any of these offenses.

### **Automatic classification as Tier III**

1. Certain offenses with sexually violent predator specification<sup>20</sup>
2. Certain offenders sentenced for a violation of ORC 2907.02(A)(1)(b)<sup>21</sup>
3. Attempted rape with offender age, victim age, or previous conviction or serious physical harm specification(s)<sup>22</sup>

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<sup>19</sup> ORC 2950.01(G)(3)

<sup>20</sup> ORC 2971.03(F)(1)

<sup>21</sup> ORC 2971.03(F)(2)

<sup>22</sup> ORC 2971.03(F)(3)

4. Certain offenses with sexual motivation specification when victim is younger than 13 years old<sup>23</sup>

Tier III sex offenders and child-victim-oriented offenders are subject to registration and verification requirements every 90 days for life.<sup>24</sup>

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<sup>23</sup> ORC 2971.03(F)(4)

<sup>24</sup> ORC 2950.07(B)

## B. Tier II Offender

A Tier II sex offender is a person who has been convicted of or pleaded guilty to a certain offense, as outlined below.

A juvenile adjudicated as delinquent for committing any sexually oriented offense or child-victim-oriented offense can be classified as a Tier II sex offender after a hearing in juvenile court.<sup>25</sup>

### Tier II sexually oriented offenses

1. 2907.21: Compelling prostitution
2. 2907.321: Pandering obscenity involving a minor
3. 2907.322: Pandering sexually oriented material involving a minor
4. 2907.323(A)(1), (2): Illegal use of a minor in nudity-oriented material or performance
5. 2907.04: When offender is at least four years older than the victim; or when the offender is less than four years older and has a prior conviction of rape, sexual battery, unlawful sexual conduct, or felonious sexual penetration (former law)
6. 2907.05(A)(4): Gross sexual imposition victim younger than 13
7. 2919.22(B)(5): Child endangering
8. 2905.01(A)(1)-(3), (5): Kidnapping with sexual motivation
9. 2905.01(A)(4): Kidnapping a victim older than 18 to engage in sexual activity with the victim against the victim's will
10. 2905.02(B): Abduction with sexual motivation
11. 2905.32: Trafficking in persons
12. Attempt, complicity, or conspiracy to commit any of the above offenses
13. Any sexually oriented offense that occurs after the offender has been classified as a Tier I offender

**NOTE:** ORC 2907.24(A)(3) was not a Tier II registerable offense prior to June 20, 2014, and was removed from Tier II effective April 12, 2021, through House Bill 431. Effective April 12, 2021, engaging in prostitution under ORC 2907.231 does not have SORN duties.

### Tier II child-victim-oriented offenses

1. Any child-victim-oriented offense that occurs after the offender has been classified as a Tier I child-victim-oriented offender
2. Attempt, complicity or conspiracy to commit any of these offenses.

Tier II sex offenders and child-victim-oriented offenders are subject to registration and verification requirements every 180 days for 25 years; Tier II juveniles register for 20 years, unless modified by the juvenile court.<sup>26</sup>

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<sup>25</sup> ORC 2950.01(F)(3)

<sup>26</sup> ORC 2950.06(B); ORC 2950.07(B)

### C. Tier I Offender

A Tier I sex offender is a person who has been convicted of or pleaded guilty to a certain offense that is not a Tier II or Tier III offense, as outlined below.

A juvenile adjudicated delinquent for committing any sexual oriented offense can be classified as a Tier I sex offender after a hearing in juvenile court.<sup>27</sup>

#### **Tier I sexually oriented offenses**

1. 2907.07: Importuning
2. 2907.04: Unlawful sexual conduct with a minor, nonconsensual, and when the offender is less than four years older than victim and has not been previously convicted of Ohio Revised Code (ORC) Section 2907.02, 2907.03, 2907.04, or former 2907.12.
3. 2907.08: Voyeurism
4. 2907.06: Sexual imposition
5. 2907.05(A)(1)-(3),(5): Gross sexual imposition
6. 2907.323(A)(3): Illegal use of a minor in nudity-oriented material or performance (possession of material)
7. 2905.05(B): Child enticement with sexual motivation
8. 2907.32: Pandering obscenity
9. 2903.211(A)(3): Menacing by stalking with sexual motivation
10. 2905.03(B): Unlawful restraint with sexual motivation
11. 2907.22: Promoting prostitution<sup>28</sup>
12. 2907.09(B)(4): Public indecency, if the court classifies the offender as a Tier I offender under (D) of that section<sup>29</sup>
13. Attempt, complicity, or conspiracy to commit any of these offenses

#### **Tier I child-victim-oriented offenses<sup>30</sup>**

1. 2905.01 (A)(1), (2), (3) or (5): Kidnapping (no sexual motivation)
2. 2905.02 (A): Abduction (no sexual motivation)
3. 2905.03(A): Unlawful restraint (no sexual motivation)
4. ~~2905.05 (A): Child enticement (no sexual motivation)~~<sup>31</sup>
5. Attempt, complicity, or conspiracy to commit any of these offenses

Tier I sex offenders and child-victim-oriented offenders are subject to registration and verification requirements once every 12 months for 15 years; Tier I juveniles register for 10 years, unless modified by the juvenile court.<sup>32</sup>

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<sup>27</sup> ORC 2950.01(E)(3)

<sup>28</sup> This offense was not registerable prior to June 27, 2012.

<sup>29</sup> This offense was not registerable prior to March 20, 2019.

<sup>30</sup> 2950.01(C)

<sup>31</sup> ORC 2905.05(A) declared unconstitutional by State v. Ramage, 138 Ohio St.3d 390, 2014-Ohio-783.

<sup>32</sup> ORC 2950.06(B); ORC 2950.07(B)

# Registration Duties

## “Notice of Registration Duties” form

All adult sex offenders and all adult child-victim-oriented offenders must register their home, school, and work addresses; report changes in addresses; and periodically verify addresses with the sheriff in each respective county.<sup>33</sup> Before their release into the community, offenders subject to registration will be provided with a “Notice of Registration Duties” form outlining these responsibilities (a separate notice form is used for juveniles). Registration duties vary based on an offender’s classification.

Typically, the sentencing judge or an Ohio Department of Rehabilitation and Correction official will provide this notice to the offender. Once the notice form is completed and signed by the offender, copies must be sent within three days to the Ohio Attorney General’s Bureau of Criminal Investigation (BCI) and to the county where the offender expects to reside.<sup>34</sup> Failure to comply with registration duties is a criminal offense.

## Initial registration

All sex offenders and child-victim-oriented offenders must register with the sheriff within three days of arrival in the county in which he or she plans to live, temporarily stay,<sup>35</sup> work, or attend school for three or more consecutive days or 14 aggregate days in a calendar year. Adult offenders and certain juvenile offender registrants attending school or working out of state must register with the sheriff (or any other appropriate person) upon entering that state, regardless of whether the offender or juvenile resides or has a temporary home in this state or another state. A sex offender must comply with the following:

1. A sex offender or child-victim-oriented offender is required to register in person with the sheriff of each county in which he or she establishes a residence, establishes employment, or attends school.
2. A sex offender or child-victim-oriented offender is also required to register with the sheriff after:
  - Being released from a jail, workhouse, state correctional institution, or any other institution in which the offender was confined.
  - Being sentenced by a court when the court's sentence does not include prison or other confinement.
  - Relocating to Ohio from another state.
  - Entering Ohio to attend school or to work.

Registration information shall include but is not limited to the registrant's residential address; school and work address, if applicable; and photograph.

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<sup>33</sup> ORC 2950.03(B)(3) and (C).

<sup>34</sup> ORC 2950.03(B)(3) and (C).

<sup>35</sup> The county where an offender is “domiciled” is the county in which the offender has a fixed dwelling with the intention of remaining there and making it his/her permanent home.

## Change of address

Once an offender has registered in Ohio, he or she must notify the appropriate sheriff's departments whenever he or she moves, changes schools, or takes new employment. Failure to communicate with those departments before relocating is a criminal offense. When changing addresses, schools, or employment, a sex offender and certain juvenile offender registrants must comply with the following:<sup>36</sup>

1. At least 20 days before moving, he or she must give written notice of this change to the sheriff with whom the offender has most recently registered and to the sheriff in the county where the offender intends to reside.
2. At least 20 days before changing schools, he or she must give a written notice to the sheriff with whom the offender most recently registered and the sheriff in the county where the school is located.
3. No later than three days after changing employment, he or she must give written notice of this change to the sheriff with whom the offender has most recently registered and to the sheriff in the county where the offender is working.

After receiving notifications, a sheriff must:

1. Promptly forward the new address to BCI if the offender is moving out of state. If the offender is moving within Ohio, the sheriff must promptly notify the sheriff in the new county where the offender is expected to reside.
2. Enter the change of address information electronically on the OffenderWatch database, which updates the state registry maintained by BCI.<sup>37</sup>

Note: The duty to notify of change of address applies even when the offender will be living, working, or attending school at a new location in the same county. It is a criminal offense to fail to send proper written notice of a change of address or to fail to register a new address.

## Homeless/Transient offenders

Homeless offenders as well as juvenile offenders have often challenged the constitutionality of the registration laws as applied to them, arguing that their inability to secure stable housing makes it impossible for them to comply with the law.<sup>38</sup> Transient offenders or juveniles that move to a location other than a fixed address must provide the sheriff with a detailed description of the place or places they intend to stay, which shall be considered the offender's address(es) until more permanent housing can be found.<sup>39</sup> These individuals must provide written notice to the sheriff "not later than the end of the first business day immediately following the day on which the person obtains a fixed-residence address."<sup>40</sup> The law also provides that an offender can raise the affirmative defense to a charge of failing to report a change of address if he or she did not know of the new address or did not have the opportunity to report the change – for instance, due to eviction.<sup>41</sup> Sudden changes in address must be immediately reported to the sheriff in order for the offender to raise this defense.

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<sup>36</sup> See ORC 2950.05

<sup>37</sup> See OAC 109:5-2-02.

<sup>38</sup> For instance, see *State v. Parrish*, 5th Dist. Licking No. 00-CA-0070, 2000 Ohio App. LEXIS 5995 (Dec. 18, 2000); *State v. Beasley*, 8th Dist. Cuyahoga No. 77761, 2001 Ohio App. LEXIS 4353 (Sept. 27, 2001).

<sup>39</sup> ORC 2950.05(A).

<sup>40</sup> ORC 2950.05(A).

<sup>41</sup> ORC 2950.05(G).

## Periodic address verification

1. A Tier III offender must verify a current residence, school, and/or work address every 90 days from the first registration date by personally reporting to the appropriate sheriff's office.
  - A Tier III offender must provide accurate information to the sheriff for the completion of the sex offender's registration requirements.
  - A Tier III offender must continue to verify registration information every 90 days for life.
2. A Tier II offender must verify registration information every 180 days after the initial registration date.
  - A Tier II offender must report in person to the sheriff of the county where the offender's residence is located.
  - A Tier II offender must provide accurate information to the sheriff for the completion of the registration.
  - A Tier II adult offender must continue to verify registration information every 180 days for 25 years; a Tier II juvenile offender must verify every 180 days for 20 years.
3. A Tier I offender must verify registration information once every year after the initial registration date.
  - A Tier I offender must report in person to the sheriff of the county in which the offender resides.
  - A Tier I offender must provide accurate information to the sheriff for the completion of the registration.
  - A Tier I adult offender must continue to verify registration information once every year for 15 years; Tier I juvenile offenders must verify once a year for 10 years.

## Responsibilities of the Sentencing Court

Pursuant to ORC 2950.03(A)(2), the sentencing court must:

1. Provide the Notice of Duty to Register form to the offender at the time of sentencing.
2. Ensure that the offender reads, understands, and signs the form.
3. If the offender is a juvenile, ensure that the juvenile and the juvenile's parents read, understand, and sign the form.
4. If the offender or juvenile is unable to read, inform the offender or juvenile and the juvenile's parents of the form and certify that the offender or juvenile and juvenile's parents indicated their understanding.

The sentencing court must then complete the Notice of Duty to Register form and:

1. Give a copy to the offender.
2. Send a copy to the sheriff of the county in which the offender expects to reside upon release.
3. Send a copy to the sheriff of the county in which the offender was convicted or the case adjudicated.
4. Send a copy to BCI within three days.
5. Retain the original.

If the offender or juvenile is being incarcerated, a law enforcement officer must be present to escort him or her to the sheriff's office for preregistration.

If the offender or juvenile is not being incarcerated, the sentencing court must advise the offender or juvenile to report in person and register with the sheriff of the county in which he or she:

1. Expects to reside (within three days of residency).
2. Is employed (within three days of employment).
3. Attends school, including institutions of higher education (immediately).

## **Responsibilities of the Department of Rehabilitation and Correction (ODRC) and the Department of Youth Services (ODYS)**

At the time of release of an offender or juvenile with a duty to register, ODRC or ODYS must:<sup>42</sup>

1. Complete the Explanation of Duty to Register form 10 days before his or her release and:
  - Ensure that the offender reads, understands, and signs the form.
  - Give a copy to the offender.
  - Send a copy to the sheriff of the county in which the offender expects to reside upon release.
  - Send a copy to the sheriff of the county in which the offender was convicted or the case adjudicated.
  - Send a copy to BCI within three days.
  - Retain the original.
2. Advise the offender or juvenile to report in person and register with the sheriff of the county in which he or she:
  - Expects to reside (within three days of residency).
  - Is employed (within three days of employment).
  - Attends school, including institutions of higher education (immediately)
3. Complete a red Sex Offender Fingerprint Card and:
  - Provide all requested information and obtain the offender's or juvenile's fingerprints.
  - Attach the Sex Offender Fingerprint Card and the offender's or juvenile's photograph to the copy of the Explanation of Duties to Register form being sent to BCI.
  - Attach another fingerprint card and photograph to the copy of the form being sent to the sheriff of the county in which the offender or juvenile expects to reside.
4. Have a parole officer verify within three days of release that the offender or juvenile is registered pursuant to ORC 2950.04 or 2950.041.<sup>43</sup>

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<sup>42</sup> This applies only to juveniles for whom the sentencing court has required a duty to register. See the section on juveniles for a more detailed explanation.

<sup>43</sup> See ORC 2950.042.

# Responsibilities of the Sheriff

Upon initial registration, the sheriff must:

1. Complete a criminal-history check to ensure that the offender is required to register.
2. Complete the red Sex Offender Fingerprint Card.
3. Ensure that the offender reads, understands, and signs the fingerprint card.
4. Ensure that the fingerprint card has both a BCI and FBI number.
5. If the offender does not have an FBI number, complete the FBI Fingerprint Card and forward it to BCI.
6. Submit the fingerprints and photograph to BCI electronically through OffenderWatch.
7. Complete the Explanation of Duties to Register form, unless the offender and sheriff have both received a copy from either ODRC or the sentencing court.

At the time of an offender's periodic verification of address, the sheriff must:

1. Obtain a new photograph (a new fingerprint card is not needed).
2. Forward the offender's photograph and updated information electronically to BCI through OffenderWatch.

Additionally, the sheriff may periodically verify that the offender's address exists or that the offender resides at that address.

If an offender fails to register pursuant to ORC 2950.06, the sheriff must:

1. Send a warning letter to the offender at the last reported address of the offender by non-forwardable mail. The letter must:
  - Notify the offender of his or her duty to register a new address or verify a current address.
  - Advise the offender that failure to register or to verify the offender's address with the sheriff within seven days of the date of the letter will result in the offender's arrest for failing to register, failing to provide a change of address, or failing to periodically verify current address.

If an offender fails to register within seven days of the date of the warning letter, the sheriff must:

1. Seek a warrant for the offender's arrest.
2. Forward a copy of the warning letter and the warrant to BCI.

# Responsibilities of the Bureau of Criminal Investigation

The Bureau of Criminal Investigation must:

1. Operate the state's website of registered offenders and law enforcement database of registration data on offenders, OffenderWatch.
2. Distribute the Notice of Duty to Register forms.
3. Serve as the state's contact for the National Sex Offender Registry.
4. Enter sex offender information into the state's searchable electronic fingerprint database, the Automated Fingerprint Identification System (AFIS).
5. Deactivate names from the state and federal registry after the registration requirement ends.
6. Notify another state when an offender indicates his or her intent to move to that state.
7. Notify the sheriff when an offender indicates that he or she is moving into that sheriff's county.

# When the Offender Fails to Comply

## Failure to register – ORC 2950.04(E)

The defendant, John Doe, being a person required to register with the \_\_\_\_\_ County Sheriff's Office in \_\_\_\_\_ County, Ohio, within three days of coming into this county in which he resides or is temporarily domiciled for more than three days, pursuant to ORC 2950.04, did fail to so register between the dates of \_\_\_\_\_ and \_\_\_\_\_.

## Failure to provide change of address – ORC 2950.05(F)(1)

The defendant, John Doe, being a person required to register with the \_\_\_\_\_ County Sheriff's Office in \_\_\_\_\_ County, Ohio pursuant to ORC 2950.04, did fail to provide written notice of a residence address change to the sheriff's office in \_\_\_\_\_ County, Ohio, the office with whom he had most recently registered, at least twenty days before changing his/her address, between the dates of \_\_\_\_\_ and \_\_\_\_\_.

## Failure to provide change of address – ORC 2950.05(F)(2)

The defendant, John Doe, being a person required to provide a notice of a new residence address pursuant to ORC 2950.05(B) did fail to provide written notice of a residence address change to the County Sheriff's Office in \_\_\_\_\_ County, Ohio, the county in which the offender's new residence address is located, at least twenty days before changing his residence address, between the dates of \_\_\_\_\_ and \_\_\_\_\_.

## Failure to verify – ORC 2950.06(F)

The defendant, John Doe, being a person required to verify a current residence with the County Sheriff's Office of \_\_\_\_\_, Ohio in \_\_\_\_\_ County, Ohio address pursuant to ORC 2950.06 by \_\_\_\_\_, the date required for verification, did fail to so verify on that date, and did continue to fail to verify after the sheriff sent a written seven day warning to the defendant at his last known address pursuant to ORC 2950.06(G).

## Penalties Pursuant to ORC 2950.99

A violation of any of the above duties is assessed based on the degree of the most serious original registration offense committed by the offender – that is, the offense that triggered the registration duty. If the most serious original crime was a felony of the first, second, third, or fourth degree, a violation of the above duties is a felony of the same degree as the original crime. If the most serious original registration offense was a felony of the fifth degree or a misdemeanor, a violation of the above duties is a felony of the fourth degree.

For a subsequent conviction, if the most serious original crime was a felony of the first, second, or third degree, a violation of the above duties is a felony of the same degree as the original crime. If the most serious original registration offense was a felony of the fourth or fifth degree, a violation of the above duties is a felony of the third degree. Further, if the most serious original crime was a felony, a mandatory minimum three-year prison sentence is to be imposed.<sup>44</sup> If the most serious original registration offense was a misdemeanor, a violation of the above duties is a felony of the fourth degree.

A prior juvenile adjudication for failure to register can be considered for this enhanced penalty.

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<sup>44</sup> See also State v. Ashcraft, 171 Ohio St.3d 1747, 2022-Ohio-4611.

## Providing False Information

If an offender registers, notifies of a change of address, or verifies his or her address but provides false information, law enforcement should consult with the local county prosecutor about possible charges of falsification<sup>45</sup> or obstructing official business<sup>46</sup> in addition to failure to register<sup>47</sup> and/or failure to provide change of address.<sup>48</sup>

## Reclassification

Reclassification is permitted for a person convicted of unlawful sexual conduct with a minor (R.C.2907.04) or an equivalent law.<sup>49</sup>

Eligibility is determined under R.C.2950.151(A). The criteria for eligibility:

1. The offender has been convicted or pleaded guilty to a violation of R.C.2907.04 or an equivalent law.
2. Community control/non-prison sanctions were imposed, and every condition was fulfilled.
3. At the time of the offense, the offender was younger than 21 years.
4. The offender has no other convictions under R.C.2907.04, any sexually oriented offense, or child-victim-oriented offense or equivalent laws.
5. The minor victim was at least 14 years old and consented to the conduct, with no evidence of coercion, force, or threat of force.
6. The offender was not in a position of authority over the minor victim.
7. The sentencing court found the offender to be at low risk of reoffending.

## Reclassification hearing on first petition

The offender may file a petition with the court.<sup>50</sup> If a petition is filed, the court shall schedule a hearing.<sup>51</sup> Notice of the hearing shall be given to the offender and the prosecutor, who shall notify the victim. After the hearing, the court must order one of the following:

1. Termination of the offender's duty to comply with SORN registration duties under R.C.2950.04, 2950.05, and 2950.06 [Note: Declassification is not specified as disposition that may be ordered in R.C.2950.151]
2. Reclassification from Tier II to Tier I [Note: No increase of duration of SORN compliance permitted per R.C.2950.151(H)(1)]
3. Continuation of the classification [Note: No increase of duration of SORN compliance permitted per R.C.2950.151(H)(1)]

The court must provide a copy of the order to BCI, which will promptly notify the sheriff in the county with

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<sup>45</sup> ORC 2921.13.

<sup>46</sup> ORC 2921.31.

<sup>47</sup> ORC 2950.04(E).

<sup>48</sup> ORC 2950.05(F)(1), (2).

<sup>49</sup> ORC 2950.151.

<sup>50</sup> ORC 2950.151(B), (C), (D), and (E).

<sup>51</sup> ORC 2950.151(F).

whom the offender most recently registered.<sup>52</sup>

## Reclassification hearing on subsequent petition(s)<sup>53</sup>

Petition(s) for rehearing may be filed at the following intervals:

1. Not earlier than three years after the court entered the first order either continuing the offender's classification or reclassifying the offender.
2. Thereafter, the offender may file a subsequent petition five years after the most recent order either continuing the offender's classification or reclassifying the offender.

After hearing on subsequent petition(s), the court must order one of the following:

1. Denial of the petition
2. If the previous order continued Tier II classification:
  - a. Reclassify the offender to Tier 1.
  - b. Or terminate the offender's duty to comply with SORN registration duties under R.C.2950.04, 2950.05, and 2950.06 [Note: Declassification is not specified as disposition that may be ordered in R.C.2950.151]
3. If the previous order continued Tier I or classified to Tier 1:
  - a. Terminate the offender's duty to comply with SORN registration duties under R.C.2950.04, 2950.05, and 2950.06 [Note: Declassification is not specified as disposition that may be ordered in R.C.2950.151]

The court may provide a copy of the order to BCI, which will promptly notify the sheriff in the county with whom the offender most recently registered.

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<sup>52</sup> ORC 2950.151(G).

<sup>53</sup> ORC 2950.151(H).

# Juvenile Offender Registrants (JOR)

The laws pertaining to juvenile sex offenders and child-victim-oriented offenders can be found in ORC 2152.82 et seq. and overlap with the adult provisions under 2950.01 et seq.<sup>54</sup> Juveniles adjudicated as delinquent are subject to registration and notification requirements similar to those of adult offenders. However, different rules apply to juveniles, to afford juveniles certain rights and protections not available to adults, in keeping with the purpose of juvenile dispositions.<sup>55</sup> These differences, covered in more detail below, include:

- The length of registration for a Tier I and Tier II juvenile offender is shorter.
- A juvenile younger than 14 is not subject to SORN registration.
- The juvenile court has discretion, in certain circumstances, to require registration for a juvenile offender ages 14 or 15.
- When a juvenile is given a duty to register, the juvenile court has discretion to classify the juvenile as Tier I, Tier II, or Tier III.
- If a juvenile is classified as Tier III, the juvenile court has discretion regarding whether to require victim and community notification.
- A juvenile has more opportunities to petition the court to modify or terminate his or her duty to register.

## Length of registration for juvenile offenders

A juvenile adjudicated as a Tier I offender must register for 10 years, whereas a Tier I adult offender must register for 15 years.<sup>56</sup> A juvenile adjudicated as Tier II must register for 20 years, whereas a Tier II adult offender must register for 25 years.<sup>57</sup> A juvenile adjudicated as Tier III must register for life.<sup>58</sup>

## Juveniles subject to SORN registration duties

A juvenile will be subject to SORN registration duties only if:

1. The juvenile has been adjudicated as delinquent of a qualifying offense (Qualifying offenses for juveniles are the same as those for adults).<sup>59</sup>
2. The juvenile was at least 14 years of age at the time of the offense.
3. The offense was committed on or after Jan. 1, 2002.
4. The juvenile court has imposed registration duties.<sup>60</sup>

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<sup>54</sup> Although ORC 2152.86 can still be found in the Revised Code, it was ruled unconstitutional in *In re C.P.*, 2012-Ohio-1446, 131 Ohio St.3d 513. Specifically, the Ohio Supreme Court held that “to the extent that it imposes [mandatory, lifetime sex-offender registration and notification] requirements on juvenile offenders tried within the juvenile system, ORC 2152.86 violates the constitutional prohibition against cruel and unusual punishment contained in the Eighth Amendment to the United States Constitution and the Ohio Constitution, Article I, Section 9, and the Due Process Clause of the Fourteenth Amendment to the United States Constitution and the Ohio Constitution, Article I, Section 16.” *Id.* at ¶ 1.

<sup>55</sup> ORC 2152.01.

<sup>56</sup> ORC 2950.07(B)(3).

<sup>57</sup> ORC 2950.07(B)(2).

<sup>58</sup> ORC 2950.07(B)(1).

<sup>59</sup> R.C 2950.01(A), (C).

<sup>60</sup> ORC 2950.01(M).

## Discretionary vs. mandatory classification

Some juveniles are subject to mandatory registration duties, as opposed to leaving it to the juvenile court's discretion. Whether a juvenile must register depends on the age of the juvenile<sup>61</sup> and whether the juvenile has previously committed a sexually oriented or child-victim-oriented offense, as detailed below.<sup>62</sup>

## Notification

If classified as a juvenile offender registrant (JOR), the court must provide written notice of the juvenile's registration duties to the juvenile and the juvenile's parents, guardian, or custodian.<sup>63</sup> A parent, guardian, or custodian may be prosecuted for the offense of contributing to the delinquency of a minor if the juvenile fails to comply with SORN.<sup>64</sup>

## Initial Classification

### Discretionary classification: youthful first offenders

The juvenile court judge has discretion to impose registration duties on a juvenile adjudicated as delinquent of a qualifying offense if:

1. The act for which the child is adjudicated as a delinquent child is a sexually oriented offense or a child-victim-oriented offense that the child committed on or after Jan. 1, 2002.
2. The child was 14 or 15 years of age at the time of the offense.
3. The court was not required to classify the child as a JOR.<sup>65</sup>

A hearing to determine whether to classify a juvenile will be held at the time of disposition, or upon the juvenile's release from a secure facility. Factors for the court to consider in making the determination include:

1. The nature of the offense.
2. Whether the child has shown genuine remorse or compunction for the offense.
3. The public interest and safety.
4. The factors set forth in ORC 2950.11(K); "offender" shall be construed as a "delinquent child" for purposes of this section. (These are the factors the court considers for removing the community-notification requirements.)
5. The factors set forth in ORC 2929.12(B) and (C); felony sentencing factors.
6. The results of any treatment provided to the child and of any follow-up professional assessment of the child.<sup>66</sup>

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<sup>61</sup> ORC 2152.83(A), (B).

<sup>62</sup> See *In re I.A.*, 140 Ohio St.3d 203, 2014-Ohio-3155.

<sup>63</sup> ORC 2152.83(C)(3).

<sup>64</sup> ORC 2950.03(B)(2)(c)(ii).

<sup>65</sup> ORC 2152.83(B).

<sup>66</sup> ORC 2152.83(D).

At this hearing, the juvenile court can either decline to classify the juvenile as a JOR or issue an order that classifies the juvenile as a JOR.<sup>67</sup>

This hearing is separate from the hearing held under 2152.831 to determine the juvenile's tier classification. A tier classification hearing will be held only if the juvenile court issues an order classifying the juvenile as a JOR.

### **Mandatory classification: older first offenders and repeat offenders**

Mandatory classification of a juvenile adjudicated as delinquent for a qualifying offense applies when:

1. The act for which the child was adjudicated a delinquent child is a sexually oriented offense or a child-victim-oriented offense that the child committed on or after Jan. 1, 2002.
2. The child was 16 or 17 years old at the time of the offense.

Or:

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 Jan. 1, 2002.
2. The child was 14, 15, 16, or 17 years old at the time of the offense.
3. The court has determined that the juvenile was previously 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 the offense.

An order classifying a juvenile as a JOR under these circumstances shall be issued at the time of disposition if the juvenile is a repeat offender.<sup>68</sup> If the juvenile is a first-time offender and age 16 or 17, the JOR classification can be made at disposition or if committed, upon release from the Ohio Department of Youth Services.<sup>69</sup> The court shall conduct a hearing under ORC 2152.831 to determine what tier classification will be imposed.

### **Tier classification hearing under ORC 2152.831**

If the juvenile is classified as a JOR, the court shall conduct a hearing to determine which tier classification will be imposed. A juvenile court has discretion regarding the tier. The Ohio Revised Code does not address factors that juvenile courts should consider for determining such a tier classification; it appears that juvenile courts may place the juvenile offender in any tier, regardless of the offense. Courts may wish to consider the factors listed in ORC 2152.83(D), but they are not required to do so.

The definitions for a Tier I, Tier II, and Tier III sex offender/child-victim offender are offered in ORC 2950. If a juvenile is classified as a Tier III JOR, the court may choose to impose victim and community notification.<sup>70</sup>

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<sup>67</sup> ORC 2152.83(B)(2).

<sup>68</sup> ORC 2152.82(B).

<sup>69</sup> ORC 2152.83(A).

<sup>70</sup> ORC 2152.83(C)(2).

# Reclassification

## Mandatory hearing

After the initial classification hearing, the juvenile court must hold a reclassification hearing at the end of disposition.

At the hearing the court must:

1. Review the effectiveness of disposition and of any treatment provided for the juvenile.
2. Determine the risks that the juvenile might re-offend.
3. Determine whether to continue, modify, or terminate the juvenile's classification.<sup>71</sup>

Under ORC 2152.84(A)(2), when that hearing ends, the court, in its discretion and after consideration of all relevant factors – including but not limited to the factors listed in ORC 2152.83(D) – shall do one of the following:

1. Continue the original classification order.
2. Terminate classification and duty to register.
3. Modify the Tier classification to a lower tier level.

If the court modifies the original order, the court must provide BCI with a copy of the order detailing the child's classification level and corresponding duties; BCI will then promptly notify the sheriff in the county where the juvenile most recently registered.<sup>72</sup>

If a juvenile's classification is removed, SORN registration duties terminate upon the court's entry of the determination. The juvenile and the juvenile's parents, guardian, or custodian shall also receive notice of any change in classification and associated change in registration duties.<sup>73</sup>

## Reclassification hearing on petition

After the mandatory reclassification hearing, the juvenile may ask the court for further reclassification or to have the classification removed. Petitions for a reclassification hearing may be filed at the following intervals:

1. Not earlier than three years after the mandatory reclassification hearing after disposition.<sup>74</sup>
2. Not earlier than three years after the court has ruled on the first petition.<sup>75</sup>
3. Thereafter, the juvenile may file a later petition every five years after the judge has ruled on the subsequent petition(s).<sup>76</sup>

At each later hearing, the court may review the prior classification or determination in question, and may consider all relevant factors and information – including the ORC 2152.83(D) factors – in determining

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<sup>71</sup> ORC 2152.84(A)(1).

<sup>72</sup> ORC 2152.84(B)(2).

<sup>73</sup> ORC 2152.84(C).

<sup>74</sup> ORC 2152.85(B)(1).

<sup>75</sup> ORC 2152.85(B)(2).

<sup>76</sup> ORC 2152.85(B)(3).

whether to deny or grant a petition.<sup>77</sup> The juvenile offender registrant may be reclassified or have the classification removed.

The court must provide BCI with a copy of the order modifying and further detailing the child's classification level and corresponding duties; BCI will then promptly notify the sheriff in the county where the juvenile most recently registered.<sup>78</sup>

If no change is made in classification, the juvenile must continue registration for the designated period. Registration duties are not affected by the juvenile turning age 18 or 21.<sup>79</sup>

### **OffenderWatch**

Juvenile offender registrants will not be posted on OffenderWatch, a public-notification website administered by BCI.

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<sup>77</sup> ORC 2152.85(C).

<sup>78</sup> ORC 2152.55(D).

<sup>79</sup> ORC 2152.85(F).

# Victim Notification

Crime victims of offenders who are subject to community notification by the sentencing court are entitled to receive notice of the offender's address. Offenders who are subject to community notification include:<sup>80</sup>

1. Tier III adult sex offenders/child-victim offenders.
2. Tier III delinquent child juvenile offenders for whom the sentencing court has imposed a community notification requirement.

Note: The Ohio Constitution Article I, Section 10(a) and Marsy's Law should be considered when interacting with victims.

## Responsibilities of a Victim Who Wishes to Receive Notifications (in Cases Involving Adult Offenders)<sup>81</sup>

1. **Incarcerated offenders:** If the offender who is subject to community notification is serving a prison term in a state correctional institution, the victim must send a letter to the Department of Rehabilitation and Correction requesting notice of the offender's anticipated county of residence upon release. The request must include the offender's name and the county where the conviction occurred.
2. **Nonincarcerated offenders:** If the offender who is subject to community notification is not sentenced to a prison term in a state correctional institution, the victim must send a letter to the sentencing court requesting notice of the offender's county of residence. The letter must include the offender's name and the case docket number, and it must be sent to the sentencing court within seven days of sentencing.
3. **Request to county sheriff:** Upon receiving notice of the offender's county of residence from the Department of Rehabilitation and Correction or from the sentencing court, the victim must send a written request for the offender's address to the sheriff of the county where the offender must register his or her residence address.
4. **Change in address:** The victim is responsible for notifying the Department of Rehabilitation and Correction, sentencing court, or the sheriff of any change in the victim's address.

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<sup>80</sup> ORC 2950.11(F)(1); *In Re C.P.*, 131 Ohio St.3d 513, 2012-Ohio-1446.

<sup>81</sup> OAC 109:5-2-05.

## Responsibilities of a Victim Who Wishes to Receive Notifications (in Cases Involving Juvenile Offenders)<sup>82</sup>

1. **Incarcerated juvenile offenders:** If the juvenile offender who is subject to community notification is serving a term of incarceration at the Department of Youth Services, the victim must send a letter to the Department of Youth Services requesting notice of the juvenile offender's anticipated county of residence upon release. The request must include the juvenile offender's name and the county where the adjudication occurred.
2. **Nonincarcerated juvenile offenders:** If the juvenile offender who is subject to community notification is not serving a term of imprisonment in the Department of Youth Services, the victim must send a letter to the juvenile judge requesting notice of the juvenile offender's county of residence. The letter must include the juvenile offender's name and the case docket number, and it must be sent to the sentencing court within seven days of sentencing.
3. **Request to county sheriff:** Upon receiving notice of the juvenile offender's county of residence from DYS or from the juvenile court, the victim must send a written request for the offender's address to the sheriff of the county where the offender must register his or her residence address.
4. **Change in address:** The victim is responsible for notifying DYS, juvenile court or the sheriff of any change in the victim's address.

## Responsibilities of the Department of Rehabilitation and Correction and the Department of Youth Services<sup>83</sup>

1. If ODRC or ODYS has received a letter from the victim requesting notice, the department must notify the victim, in writing, of the offender's anticipated county of residence upon release.
2. The notice must be sent before the offender's release but after the offender completes the Notice of Registration Duties form.
3. The notice to the victim must contain:
  - The name of the county where the offender will live upon release.
  - The name and address of the sheriff of the county where the offender will live upon release.
  - The date by which the offender must register with the sheriff.

## Responsibilities of the Sentencing Judge/Juvenile Court<sup>84</sup>

1. If the sentencing or juvenile court has received a letter from the victim requesting notice, the sentencing or juvenile court must notify the victim by regular mail of the offender's county of residence within the following time frames:
  - If the offender is confined or incarcerated in a local facility, the sentencing or juvenile court must notify the victim within five days of the date that the offender completes the Notice of Registration Duties form and before the offender's release from the local facility.
  - If the offender is not confined or incarcerated in a local facility, the sentencing or juvenile judge must notify the victim within five days of receiving the victim's request.

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<sup>82</sup> OAC 109-5-2-05.

<sup>83</sup> OAC 109-5-2-05(A)(3).

<sup>84</sup> OAC 109-5-2-05(B)(2) and (3).

2. The notice to the victim must contain:
  - The name of the county where the offender will live upon release.
  - The name and address of the sheriff of the county where the offender will live upon release.
  - The date by which the offender must register with the sheriff.

## Responsibilities of the Sheriff<sup>85</sup>

1. Upon receiving a victim's written request for notice of the address of a person who is subject to community notification, the sheriff of the county where the person has registered must notify the victim, in writing, that the offender or delinquent child has registered. The sheriff shall include in the notice:
  - The offender's name and photograph.
  - The address or addresses of the offender's residence, school, institution of higher education, or place of employment, as applicable.
  - The delinquent child's name, photograph, and residence address or addresses.
  - The sexually oriented offense or child-victim-oriented offense of which the offender was convicted, pleaded guilty, or adjudicated.
  - A statement that identifies the offender's tier classification.
2. The sheriff must notify the victim of any new residence address when the person files a Change of Residence form. This must be done in writing, within five days after the offender files the change.
3. If any notice that is mailed to the victim's most recent address is returned to the sheriff as undeliverable, the sheriff has no further responsibility to notify the victim of any new residence address of the offender.

## Community Notification

Only Tier III offenders and certain juvenile offenders are subject to community-notification provisions. Tier III offenders may be exempt from this requirement upon court approval.<sup>86</sup> Habitual offenders, sexual predators, and aggravated sexually oriented offenders are also subject to the community notification provisions.<sup>87</sup>

### Notice

The sheriff shall provide notice to:<sup>88</sup>

1. Neighbors or managers of residential facilities within 1,000 feet of the offender's or delinquent child's residential premises.
  - If the offender or delinquent child resides in a multi-unit building, any occupant of each residential unit that shares a common hallway with the offender or delinquent child must be notified.
  - A sheriff may notify a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry

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<sup>85</sup> OAC 109-5-2-05(D); ORC 2950.11(B).

<sup>86</sup> ORC 2950.11(F)(2).

<sup>87</sup> See ORC 2950.11 (2006).

<sup>88</sup> ORC 2950.11(A).

door to a residential unit. One written notice per unit is deemed as providing notice to all occupants of that unit.<sup>89</sup>

2. The executive director of the public children services agency that has jurisdiction within the specified geographical notification area.
3. The following school officials:
  - The superintendent of each board of education of a school district that has schools within the specified notification area.
  - The principal of the school that the delinquent child attends within the specified notification area.
    - If the delinquent child attends a school outside of the specified notification area or outside of the school district where the delinquent child resides, notification must be made to the superintendent of the board of education of the school district that governs the school that the delinquent child attends and the principal of the school that the delinquent child attends.
  - The appointing or hiring officer of each chartered nonpublic school located within the notification area.
  - The appointing or hiring officer of a chartered nonpublic school that the delinquent child attends, regardless of the location of the school.
  - The director, head teacher, principal, or site administrator of each preschool program governed by ORC 3301 that is located within the notification area.
  - The administrator of each child-care center or Type A family-care home that is located within the notification area, and each holder of a license to operate a Type B family-care home that is located within the notification area.
  - The president or other chief administrative officer of each institution of higher education, as defined in ORC 2907.03, that is located within the notification area, and the chief law enforcement officer of the state university law enforcement agency or campus police department that serves that institution.
4. The sheriff of each county that includes any portion of the specified notification area.
5. The chief of police, marshal, or other chief law enforcement officer of the municipal corporation in which the offender or delinquent child resides.
6. The constable or chief of the police department or district police force of the township in which the offender or delinquent child resides, if the offender or delinquent child resides in an unincorporated area.
7. Volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, company, or individual who requests notification by electronic mail or through the sheriff's website.
8. Under ORC 2950.11(D)(1), sheriffs must notify neighbors described in ORC 2950.11(A)(1) and law enforcement personnel described in (A)(8) and (9) as soon as practicable, but no later than five days after the offender sends the notice of intent to reside, and again no later than five days after the offender registers with the sheriff.<sup>90</sup> For all persons who are required to be provided notice, sheriffs must provide notice as soon as practicable but not later than seven days after the offender or delinquent child registers with the sheriff.<sup>91</sup>

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<sup>89</sup> OAC 109-5-2-05(D)(3).

<sup>90</sup> ORC 2950.11(D)(1).

<sup>91</sup> ORC 2950.11(D)(1).

The notice must contain the following:<sup>92</sup>

1. The offender or delinquent child's name.
2. The address or addresses of the offender's residence, school, institution of higher education, place of employment, or the residence address or addresses of a delinquent child.
3. The sexually oriented offense or child-victim-oriented offense of which the offender was convicted, pleaded guilty, or adjudicated.
4. A statement that identifies the offender's tier classification.
5. A photograph of the offender.

Timing of the notice:<sup>93</sup>

1. The sheriff must provide this notice as soon as practicable, but in the cases of the residential neighbors described in item one on Page 24, and the law enforcement personnel described in items four through six on Page 25, such notice must be provided no later than five days after the offender sends the notice of intent to reside to the sheriff.
2. In all other cases previously described, the sheriff must provide notice no later than seven days after the offender sends the notice of intent to reside to the sheriff.

## **Assistance of the Department of Job and Family Services, Department of Education, and Department of Higher Education<sup>94</sup>**

1. A sheriff may request that the Department of Job and Family Services, Department of Education, or chancellor of Higher Education provide the sheriff or his designee with the names, addresses, and telephone numbers of the persons entitled to notice.
2. When the department or board receives a request, it shall provide the requesting sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom those notices are to be provided.
3. Confirming compliance at the offender's residence:<sup>95</sup>
  - The sheriff may contact the person who owns, leases, or has custody, control, or supervision of the premises at the address provided by the offender or delinquent child to confirm whether the offender or delinquent child resides at the address. The sheriff is not limited in the number of times he or she may inquire.

This section applies to public and private residences, including a private residence, a multi-unit residential facility, a halfway house, a homeless shelter, or any other type of residential premises. It does not apply to the offender's place of work or education.

- The person who owns, leases, or otherwise controls the premises, or his agent, must comply with the request and inform the sheriff whether the offender resides on the premises.

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<sup>92</sup> ORC 2950.11(B).

<sup>93</sup> ORC 2950.11(D).

<sup>94</sup> ORC 2950.11(G).

<sup>95</sup> ORC 2950.111.

# Public Records and OffenderWatch

Any statements, information, photographs, fingerprints, or other materials provided by an offender or delinquent child in accordance with his or her duties to register that are in a county sheriff's possession are public records, meaning they are open to public inspection and shall be included in the internet database of sex offenders and child-victim offenders.<sup>96</sup> However, the sheriff shall not disseminate by the internet any of that information regarding juvenile offenders.

The information contained in the BCI records regarding the offender are not public records and are not open to the public.<sup>97</sup> Under ORC 2950.08, this includes the statements, information, photographs, fingerprints, and material required under Ohio law in compliance with the offender's duty to register.

However, the following people are allowed to inspect such records:

1. A regularly employed peace officer or other law enforcement officer.
2. An authorized employee of BCI.
3. An employee of the Bureau of Motor Vehicles for the purpose of verifying and updating any of the information provided, upon the request of BCI.
4. An employee of the Department of Job and Family Services to comply with ORC 5104.013(D) as part of a criminal-records check authorized by said Section.

Furthermore, these restrictions do not apply to any information currently contained on the [OffenderWatch database](#) on the Attorney General's website.

The easiest way for the public to obtain information about sex offenders in their area is by accessing the OffenderWatch website. The database includes the offender's name; addresses of school, work, and residence; the crime for which the offender was convicted; and the offender's classification. The database is searchable by name, county, and ZIP code and can provide a map showing all offenders living within a quarter-mile to 5 miles of a specified address. Members of the public may also sign up to receive an email whenever a registered offender moves within 1 mile of a specified address.

The bureau shall not include on the public database the offender's Social Security number, the name of any school or institution of higher education attended by any offender or public registry-qualified juvenile offender registrant, the name of the place of employment of any offender or public registry-qualified juvenile offender registrant, any tracking or identification number used by BCI or the FBI, or the offender's driver's license/CDL number.

Law enforcement personnel may access a special version of OffenderWatch, not accessible to the public, through the Ohio Law Enforcement Gateway (OHLEG). This site, for law enforcement only, is mandated by ORC 2950.13 (A)(13), which states: "The database is not a public record open for inspection under section 149.43 of the Revised Code and shall be available only to law enforcement representatives as described in this division. Information obtained by local law enforcement representatives through use of this database is not open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code."

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<sup>96</sup> ORC 2950.081.

<sup>97</sup> ORC 2950.08.

# Frequently Asked Questions

## Registration

**Question 1:** Who is required to register under SORN?

**Answer:** In addition to sex offenders, offenders who commit certain nonsexual offenses against children, such as kidnapping, are also required to register. This type of offender is labeled a “child-victim-oriented offender” and is subject to the same registration and restrictions as a sexually oriented offender. Ohio also has an Arson Registry, for which those convicted of arson offenses must register.

**Question 2:** If an offender is reincarcerated during the registration period, how does that affect the offender’s registration duties?

**Answer:** Under ORC 2950.07(D), the duty to register is tolled during the time the offender or juvenile is returned to confinement and resumes upon the offender’s release into the community.

**Question 3:** What are the reasons that a sex offender may not appear on the public website?

**Answer:** The offender’s duty to register may have expired or been removed by a court, he or she may have moved out of state or could currently be incarcerated, or the offender may have been a juvenile at the time the offense was committed.

**Question 4:** Is a sex offender automatically removed from the registry when his or her duty to register expires?

**Answer:** Yes. Once an offender reaches the end of his or her duty to register, the local sheriff’s office will change the status of the record to reflect that the duty to register has expired. The sheriff’s office may also give the offender a letter confirming that the registration period has expired.

**Question 5:** Are all sex offenders required to register for life? What are the different classifications/lengths to register in Ohio?

**Answer:** Not all sex offenders are required to register for life. Tier I sex offenders and child-victim offenders must register annually for 15 years. A Tier I delinquent child offender must register for 10 years under ORC 2950.07(B)(3).

Under ORC 2950.15(C)(1), Tier I sex offenders and child-victim offenders may move a court of common pleas to terminate the offender’s duty to register 10 years after the offender’s duty to register begins.

Tier II sex offenders and child-victim offenders must register every 180 days for 25 years. A Tier II delinquent child offender must register for 20 years under ORC 2950.07(B)(2).

Tier III sex offenders and child-victim offenders, including a Tier III delinquent child, must register every 90 days for life. The lifetime registration requirement cannot be removed or terminated for Tier III offenders under ORC 2950.07(B)(1).

Sexual predators and aggravated sexually oriented offenders under Megan’s Law (pre-Adam Walsh Act) must register for life.

## Juvenile Registrants

**Question 6:** Can information on juvenile offender registrants be posted on the internet database once the juvenile turns age 18?

**Answer:** No. Even if the juvenile is still required to register upon turning 18, he or she is still considered to be a “juvenile offender registrant,” not an adult offender.

**Question 7:** How can I view juvenile sex offender information?

**Answer:** Juvenile sex offender information is not publicly available on the Attorney General’s OffenderWatch online database or on the county sheriff’s online public registry database. But you can visit your local sheriff’s office to obtain information on juvenile offenders in your county.

## Registration of Out-of-State Residents

**Question 8:** If an offender visits Ohio or moves to Ohio, what is his or her duty to report or register?

**Answer:** Under ORC 2950.04(A)(4), an offender or juvenile adjudicated as delinquent in another state must register in Ohio if he or she moves to, resides in, or is temporarily domiciled in Ohio for more than three days; enters the state to attend a school or institution of higher education; or is employed in Ohio.

**Question 9:** When an offender visits or moves to Ohio, how soon does he or she have to register?

**Answer:** An offender who committed his or her offense before Jan. 1, 2008, must register within five days of coming into a county where he or she is staying for five or more days. If this type of offender has worked in a county for 14 consecutive days or 30 days in a calendar year, he or she must register with the sheriff.

An offender who committed his or her offenses after Jan. 1, 2008, must register within three days of being in a county for three or more days, or for work purposes, if he or she has been in the county for 14 or more total (not necessarily consecutive) days in a calendar year.

An offender in either category (that is, regardless of date of offense) must register with the local sheriff immediately upon entering a county in which he or she attends school or an institution of higher education.

**Question 10:** Do all offenders from other states have a duty to register in Ohio?

**Answer:** No. Depending on their offense and duty to register in their original jurisdiction, some offenders might not have a duty to register while in Ohio.

## Proximity to Children

**Question 11:** Can a sex offender attend events or places at which children are present, such as youth sports games, recreation centers, school programs, carnivals, libraries, public pools, playgrounds, and more?

**Answer:** No state law prevents this, but local ordinances may be stricter than state law.

Additionally, an individual offender may have more restrictions placed on him or her through community-control provisions, parole conditions, or a plea agreement in court.

**Question 12:** Can a sex offender reside with young children?

**Answer:** Yes, unless the offender is subject to community control and the conditions prohibit it.

**Question 13:** Can a sex offender live near a school or child-care center?

**Answer:** Under 2950.034(A), an offender who committed the offense on or after June 13, 2022, is not permitted to reside within 1,000 feet of any school, preschool, child-care center, children's crisis-care facility, or residential infant-care center. An offender who committed the offense between July 1, 2007, and June 13, 2022, is not permitted to reside within 1,000 feet of any school, preschool, or child day-care center. An offender who committed the offense between July 31, 2003, and July 1, 2007, cannot reside within 1,000 feet of any school premises. An offender who committed the offense before July 31, 2003, is not restricted from living near a school or day care.

**Question 14:** What happens if an offender is living within 1,000 feet of a school or child-care center?

**Answer:** No criminal penalty applies for violating the 1,000-foot rule. The remedy for this violation is a civil injunction, which can be sought by a county or city prosecuting attorney or law director.

**Question 15:** Can a sex offender volunteer in a position allowing extensive contact with children?

**Answer:** It depends. Under ORC 2950.035 and 2950.01(Y), certain offenders are prohibited from volunteering.

**Question 16:** What happens if the offender is volunteering?

**Answer:** The remedy for this violation is a civil injunction, which can be sought by a county or city prosecuting attorney or law director. If already enjoined, the offender may face criminal liability.

## Community Notification

**Question 17:** Does community notification apply to all registering sex offenders?

**Answer:** Only Tier III offenders and certain juvenile offenders are subject to the community-notification provisions. Tier III offenders may be exempt from this requirement upon court approval.<sup>98</sup> Habitual offenders, sexual predators, and aggravated sexually oriented offenders as defined under Megan’s Law are also subject to the community-notification provisions.<sup>99</sup>

**Question 18:** How can I search for offenders residing or working in my neighborhood?

**Answer:** All adult registered sex offenders are listed in the [OffenderWatch database](#), found on the Attorney General’s website.

County sheriffs’ offices also maintain online Sex Offender Registry databases. A complete list of county sheriffs and their contact information is available at the following website: [www.communitynotification.com/oh\\_sheriffs\\_info.php](http://www.communitynotification.com/oh_sheriffs_info.php).

**Question 19:** Can I sign up for any kind of offender notification?

**Answer:** Members of the public may sign up for email alerts on the OffenderWatch website. Email alerts will be sent whenever an offender registers an address within a 1-mile radius of your address.

**Question 20:** Who do I call if I want to report a nonreporting sex offender or submit a tip?

**Answer:** Members of the public may submit tips or report inaccurate information to their county sheriff’s office.

**Question 21:** Who is responsible for the sex offender information on the Attorney General’s public sex offender website? What if other websites have different information?

**Answer:** The information on the Attorney General’s website comes directly from law enforcement and is updated daily. Other websites might not be as current as the Attorney General’s website.

## Employment

**Question 22:** Can a sex offender work around children?

**Answer:** It depends. Certain professions prohibit sex offenders from working with children. Also see Question 15.

**Question 23:** What type of employment is prohibited for sex offenders?

**Answer:** See above.

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<sup>98</sup> ORC 2950.11(F)(2).

<sup>99</sup> See ORC 2950.11 (2006).

## Miscellaneous

**Question 24:** Is it possible to remove a sex offender from my neighborhood?

**Answer:** If you believe that an offender is living too close to a school or child-care center, you should first contact your local sheriff's office for more information.

If a registered sex offender is violating the rule against living within 1,000 feet of a school, preschool, or child-care center, an owner or lessee of real property located within 1,000 feet of those premises may sue to ask a court to order the offender to move. The municipality where the offender lives can also sue the offender.



**DAVE YOST**

OHIO ATTORNEY GENERAL

## Ohio Attorney General's Guide to Ohio's SORN Laws

Sex Offender Registration and Notification

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