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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 102
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 102's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. Klopfenstein and Williams

Local Impact Statement Procedure Required: No

Jessica Murphy, Senior Budget Analyst

Highlights

- The bill restricts sex offenders from residing and loitering near their victims' home. The residential restriction may increase the notification and enforcement work for some sheriffs' offices. It may also necessitate updating the Electronic Sex Offender Registration and Notification System.
- The bill expands the grounds for forcible entry and detainer actions (evictions) and grants landlords the right to terminate rental agreements if a tenant or occupant violates the bill's new residency restriction described above. Costs to the municipal and county courts will vary based on the number of additional eviction cases they experience, however, they are unlikely to be significant.

Detailed Analysis

Restrictions under Ohio's SORN Laws

The bill establishes two new restrictions under Ohio sex offender registration and notification laws (SORN) to prohibit sex offenders and child-victim offenders from knowingly (1) establishing a residence or occupying any residential premises within 2,000 feet of the residential premises occupied by their victim, and (2) loitering within 1,000 feet of the victim's residential premises. The bill explicitly states that nothing in the bill requires a person to sell or dispose of any residential premises acquired or owned prior to their conviction as a sex offender or child-victim offender. Additionally, the restrictions do not apply if the victim later establishes a residence or occupies a premises within 2,000 feet of the offender's residential premises.

For a violation of either the residency or loitering prohibition, the bill authorizes a cause of action for injunctive relief. This legal action can be initiated by an owner or lessee of real property located within the relevant restricted zone (2,000 feet for residency, 1,000 feet for

loitering), or a prosecuting attorney or other specified legal officer with jurisdiction over the location of the violation. The plaintiff is not required to prove irreparable harm to obtain this relief. There is no criminal penalty for violations. This mirrors the enforcement mechanism of existing restrictions around certain premises such as schools and daycares. For background, as of July 2024, Ohio had 20,738 registered, nonincarcerated sex offenders.¹

Fiscal effect

Current law requires sex and child-victim offenders to routinely provide certain information when registering a residential address, filing an intent to reside, or changing a residential address under the SORN Law. The bill's new restrictions could necessitate additional time and resources for law enforcement agencies that monitor sex offenders in order to notify any offenders of the restrictions and verify their residence is in compliance. Conversations with the Buckeye Sheriffs' Association indicate the Electronic Sex Offender Registration and Notification System will potentially need updated to include additional parameters which may pose administrative costs.

To the extent violations occur, new cause of actions may be filed in courts with jurisdiction over civil cases. Any corresponding increase in caseloads and annual operating costs for courts, prosecutor's offices, or other offices that may file an injunction is likely to be minimal and absorbable. The number of new civil actions that may be filed as a result of the bill is uncertain but is projected to be minimal annually for any single jurisdiction. Anecdotal information suggests that few actions filed related to loitering would likely occur due to ambiguity surrounding what may constitute loitering and evidence therein.

Evictions

The bill expands the grounds for forcible entry and detainer actions (evictions) and grants landlords the right to terminate rental agreements if a tenant or occupant violates the bill's new residency restriction described above. Under current law, a landlord may pursue eviction proceedings if a tenant or occupant of the property is a registered sex offender or child-victim offender and resides within 1,000 feet of school premises, preschools, child care centers, children's crisis care facilities, or residential infant care centers. The bill expands to include whether the tenant or occupant resides within 2,000 feet of the victim's residence. A landlord may also terminate a rental agreement if a tenant allows a person subject to the same proximity restrictions to occupy the premises. Unchanged by the bill, if a landlord is authorized to terminate a rental agreement due to the presence of a registered sex offender but chooses not to, the landlord is not liable in a tort or other civil action for damages resulting from that decision.

Fiscal effect

Eviction cases are handled by municipal and county courts. Municipal and county courts with subject matter jurisdiction over evictions will experience an increase in workload and related expenses related to eviction actions and a corresponding increase in revenues in the form of court costs and fees. Costs to the court will vary based on the number of additional eviction cases, however, they are unlikely to be significant.

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¹ The date for which data is most recently available.