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H.B. 289*
135th General Assembly

Bill Analysis

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Version: As Reported by House Criminal Justice

Primary Sponsors: Reps. Robb Blasdel and Swearingen

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SUMMARY

Registration of a residence address

- Requires that an offender or delinquent child include in their registration a current fixed address.
- Requires the offender or delinquent child, if the residence address is not to a fixed residence address, to include in the registration a detailed description of the place or places at which the offender or delinquent child intends to stay for the following 30 days.

Notice of intent to reside

- Requires that the offender or delinquent child include in their notice of intent to reside the fixed residence address at which the offender or delinquent child intends to reside.
- Requires the offender or delinquent child, if the residence address change is not to a fixed address, to include in the notice a detailed description of the place or places at which the offender or delinquent child intends to stay for the following 30 days.

Change of address notification

- Requires the offender or delinquent child to provide written notice of a change of address at least 20 days prior to changing the residence address.

* This analysis was prepared before the report of the House Criminal Justice Committee appeared in the House Journal. Note that the legislative history may be incomplete.

- Requires the offender or delinquent child, if the residence address is not to a fixed residence address, to include in that notice a detailed description of the place or places at which the offender or delinquent child intends to stay for the next 30 days.
- Provides that until the offender or delinquent child has a fixed residence address, every 30 days the offender or delinquent child must include in that notice a detailed description of the place or places at which the offender or delinquent child intends to stay for the following 30 days.

Registration of new address

- Requires the offender or delinquent child who is required to provide written notice of a change of address to also register the new address.
- Requires the offender or delinquent child, if the residence address change is not to a fixed residence address, to include in registration a detailed description of the place or places at which the offender or delinquent child intends to stay for the next 30 days.
- Provides that until the offender or delinquent child has a fixed residence address, every 30 days the offender or delinquent child must include in that notice a detailed description of the place or places at which the offender or delinquent child intends to stay for the following 30 days.

Penalty

- Applies current law penalties for failure to register to a residence address, failure to send notice of intent to residence, failure to notify a sheriff of a change of address, and failure to register a new residence address.

Tolling period of time offender has to comply with SORN Law

- Provides that if an offender or delinquent child is required to register as a Tier I or Tier II Sex Offender/Child-Victim Offender and the person fails to comply with the SORN Law, the period of time that the person has a duty to comply with the SORN Law is tolled for the amount of time the person is in violation of the SORN Law.
- Specifies that the period of time the offender or delinquent child has a duty to comply with the SORN law resumes once the person is no longer in violation of the SORN Law.

DETAILED ANALYSIS

Introduction to SORN Law

Ohio's Sex Offender Registration and Notification Law¹ (SORN Law) imposes certain duties and restrictions on offenders convicted of a "sexually oriented offense" or "child-victim

¹ R.C. Chapter 2950.

oriented offense”² and on children adjudicated delinquent for committing a comparable act who are age 14 to 17 years old and to whom the juvenile court judge applies the SORN Law.³ The SORN Law also provides for certain notifications regarding the offenders and databases containing certain information about the offenders and delinquent children.

Each offender is automatically classified a Tier I, Tier II, or Tier III Sex Offender/Child-Victim Offender, depending on the offense and the offender’s criminal history.⁴ Each sexually oriented offense or child-victim oriented offense is within one of the Tiers. Delinquent children are not automatically classified into any of the Tiers; rather the juvenile court judge who applies the SORN Law to the child determines the Tier into which the child is classified.⁵ The Tier III classification applies to persons convicted of what are considered to be the “most serious” sexually oriented offenses or child-victim offenses, the Tier I classification applies to offenders convicted of what are considered to be the “least serious” such offenses, and the Tier II classification applies to offenders convicted of such offenses considered to be in between the most serious and least serious such offenses. Each Tier has somewhat different responsibilities under the SORN Law and a different duration of being subject to the SORN Law.

Registration of a residence address

Under current law, an offender or delinquent child who is convicted of or pleads guilty to a sexually oriented offense or a child-victim oriented offense must personally register with the sheriff, or the sheriff’s designee, of the county in which the offender was convicted of or pleaded guilty to the sexually oriented offense or child-victim oriented offense or the county in which the delinquent child was classified a juvenile offender registrant.⁶ An offender or delinquent child who is required to register under the SORN Law must obtain from the sheriff or the sheriff’s designee a registration form. The offender or delinquent child must complete and sign the form and return it to the sheriff, or the sheriff’s designee with the following: (1) the offender’s or delinquent child’s photograph, (2) the offender’s or delinquent child’s travel and immigration documents, and (3) any other required materials. The sheriff, or the sheriff’s designee must sign the form and indicate on the form the date on which the form was returned. Registration is complete when the offender or delinquent child returns the completed form and other materials to the sheriff or the sheriff’s designee.⁷

The bill requires that the registration form include the current fixed address of the offender or delinquent child. If the residence address is not to a fixed address, the offender or delinquent child must include in the registration a detailed description of the place or places at

² R.C. 2950.01(A) and (C).

³ R.C. 2152.82 and 2152.83 regarding delinquent children, not in the bill.

⁴ R.C. 2950.01(E), (F), and (G).

⁵ R.C. 2152.82, 2152.83, and 2152.831, not in the bill.

⁶ R.C. 2950.04(A)(1)(a) and (b) and 2950.041(A)(1)(a) and (b), not in the bill.

⁷ R.C. 2950.04(B) and 2950.041(B), not in the bill.

which the offender or delinquent child intends to stay for the following 30 days. Until the offender or the delinquent child has a fixed residence address, the offender or delinquent child is subject to the change of address requirements under the SORN Law.⁸ Under current law, the registration form must include the current residence address of the offender or delinquent child.⁹

Notice of intent to reside

Under current law, if an offender or delinquent child is required to register as a Tier III Sex Offender/Child-Victim Offender, the offender or delinquent child must also send to the sheriff, or the sheriff's designee, of the county in which the offender or delinquent child intends to reside, written notice of the offender's or delinquent child's intent to reside in the county. The offender or delinquent child must send the notice of the intent to reside at least 20 days prior to the date the offender or delinquent child begins to reside in the county.¹⁰

The bill requires that the notice of intent to reside include the fixed residence address or fixed residence addresses at which the offender or delinquent child intends to reside. If a residence address change is not to a fixed residence address, the offender or delinquent child must include in the notice a detailed description of the place or places at which the offender or delinquent child intends to stay for the following 30 days. Until the offender or delinquent child has a fixed residence address, the offender or delinquent child is subject to the change of address requirements under the SORN Law. Under current law, the notice of intent to reside must include the address or addresses at which the offender or delinquent child intends to reside.¹¹

Change of address notification

Under current law, if an offender or delinquent child is required to register under the SORN Law, the offender or delinquent child must provide written notice of any change of residence address to the sheriff with whom the offender or delinquent child most recently registered under the SORN Law. The offender or delinquent child must provide the written notice at least 20 days prior to changing the residence address.¹²

The bill provides that if the residence address is not to a fixed residence address, the offender or delinquent child must include in that notice a detailed description of the place or places at which the offender or delinquent child intends to stay for the next 30 days. Until the offender or delinquent child has a fixed residence address, every 30 days the offender or delinquent child must include in that notice a detailed description of the place or places at

⁸ R.C. 2950.04(C)(4)(a), 2950.041(C)(4), not in the bill, and 2950.05.

⁹ R.C. 2950.04(C)(4) and 2950.041(B), not in the bill.

¹⁰ R.C. 2950.04(G) and 2950.041(G), not in the bill.

¹¹ R.C. 2950.04(G)(2), 2950.041(G)(1), not in the bill, and 2950.05.

¹² R.C. 2950.05(A).

which the offender or delinquent child intends to stay for the following 30 days. Under current law, if a residence address change is not to a fixed address, the offender or delinquent child must include in that notice a detailed description of the place or places at which the offender or delinquent child intends to stay.¹³

Affirmative defense

Under continuing law, not later than the end of the first business day immediately following the day on which the person obtains a fixed residence address, the offender or delinquent child must provide the sheriff with written notice of that fixed residence address. If the person whose residence address change is not to a fixed address describes in a notice the place or places at which the person intends to stay, the place or places so described in the notice will be considered the person's residence address and registered residence address until the person provides the written notice of a fixed residence address.¹⁴

Under continuing law, it is an affirmative defense that was impossible for a person to provide the written notice to the sheriff because of a lack of knowledge, on the date specified for the provision of the written notice, of a residence address change, and that the person provided notice of the residence address change to the sheriff as soon as possible, but not later than the end of the first business day, after learning of the address change by doing either of the following:¹⁵

- The person provided notice of the address change to the sheriff by telephone immediately upon learning of the address change or, if the person did not have reasonable access to a telephone at that time, as soon as possible, but not later than the end of the first business day, after learning of the address change and having reasonable access to a telephone, and the person, as soon as possible, but not later than the end of the first business day, after providing notice of the address change to the sheriff by telephone, provided written notice of the address change to the sheriff.
- The person, as soon as possible, but not later than the end of the first business day, after learning of the address change, provided written notice of that address change to the sheriff.

Registration of a new residence address

Under current law, an offender or delinquent child who is required to provide notice of a change of address must also register the new address as required under "**Registration of a residence address.**"¹⁶

¹³ R.C. 2950.05(A).

¹⁴ R.C. 2950.05(A).

¹⁵ R.C. 2950.05(G)(1).

¹⁶ R.C. 2950.05(B).

The bill provides that if a residence address change is not to a fixed residence address, the offender or delinquent child must include in the registration a detailed description of the place or places at which the offender or delinquent child intends to stay for the next 30 days. Until the offender or delinquent child has a fixed residence address, every 30 days the offender or delinquent child must include in that written notice a detailed description of the place or places at which the offender or delinquent child intends to stay for the following 30 days. Under current law, if a residence address change is not to a fixed address, the offender or delinquent child must include in that notice a detailed description of the place or places at which the offender or delinquent child intends to stay.¹⁷

Under continuing law, not later than the end of the first business day immediately following the day on which the person obtains a fixed residence address, the offender or delinquent child must register with the sheriff that fixed residence address. If the person whose residence address change is not to a fixed address describes in a notice under this division the place or places at which the person intends to stay, the place or places so described in the notice are considered the person's residence address and registered residence address until the person provides the written notice of a fixed residence address.¹⁸

Affirmative defense

Under continuing law, it is an affirmative defense that it was impossible for the person to register the new address with the sheriff because of a lack of knowledge on the date specified for the registration of the new residence address, and that the person registered the new residence address with the sheriff as soon as possible, but not later than the end of the first business day, after learning of the address change by doing either of the following:¹⁹

- The person provided notice of the new address to the sheriff or official by telephone immediately upon learning of the new address or, if the person did not have reasonable access to a telephone at that time, as soon as possible, but not later than the end of the first business day, after learning of the new address and having reasonable access to a telephone, and the person, as soon as possible, but not later than the end of the first business day, after providing notice of the new address to the sheriff by telephone, registered the new address with that sheriff.
- The person, as soon as possible, but not later than the end of the first business day, after learning of the new address, registered the new address with the sheriff.

¹⁷ R.C. 2950.05(B).

¹⁸ R.C. 2950.05(B).

¹⁹ R.C. 2950.05(G)(2).

Penalty

Under the bill and current law, a person is prohibited from failing to register a residence address, failing to send notice of intent to reside,²⁰ failing to notify a sheriff of a change of address, and failing to register a new residence address.²¹

Under continuing law, the penalty for a violation of these offenses is as follows:²²

- A first degree felony if the most serious sexually oriented offense that was the basis of the registration, notice of intent to reside, or change of address notification that was violated under the prohibition is aggravated murder or murder if committed by an adult or a comparable category of offense committed in another jurisdiction;
- If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, or change of address notification that was violated under the prohibition is a first, second, third, or fourth degree felony committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the same degree as the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, or change of address notification that was violated under the prohibition, or if the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, or change of address notification that was violated under the prohibition is a comparable category of offense committed in another jurisdiction, the offender is guilty of felony of the same degree as that offense committed in the other jurisdiction would constitute if committed in Ohio;
- A third degree felony if the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, or change of address notification that was violated under the prohibition is a fifth degree felony or a misdemeanor if committed by an adult or comparable category of offense committed in another jurisdiction.

In addition to any other penalty of sanction imposed, if the offender or delinquent child is subject to a community control sanction, is on parole, is subject to one or more post-release control sanctions, or is subject to any other type of supervised release at the time of the violation, the violation constitutes a violation of the terms and conditions of the community control sanction, parole, post-release control sanction, or other type of supervised release.²³

²⁰ R.C. 2950.04(E).

²¹ R.C. 2950.05(F)(1) and (2).

²² R.C. 2950.99(A)(1)(a), not in the bill.

²³ R.C. 2950.99(A)(2)(a), not in the bill.

In addition to any other penalty of sanction imposed, if the offender previously has been convicted of or pleaded guilty to, or previously has been adjudicated a delinquent child for committing a violation of the prohibition when the most serious sexually oriented offense or child-victim oriented offense that was the basis for the requirement that was violated under the prohibition is a felony if committed by an adult or a comparable category of offense committed in another jurisdiction, the court imposing a sentence upon the offender must impose a definite prison term of no less than three years.²⁴

Tolling period of time offender has to comply with SORN Law

The bill provides that if an offender or delinquent child is required to register as a Tier I or Tier II Sex Offender/Child-Victim Offender and if the offender or delinquent child violates the duty to comply with the SORN Law, the period of time that the offender or delinquent child has a duty to comply with the SORN Law is tolled for the amount of the time the offender or delinquent child is in violation of the SORN Law. The period of time the offender or delinquent child has a duty to comply with the SORN Law resumes once the offender or delinquent child is no longer in violation of the SORN Law.²⁵

Under current law, an offender or delinquent child has a duty to comply with the SORN law, after the date of commencement, for whichever of the following period is applicable:²⁶

1. Except as otherwise described in this paragraph, a Tier III Sex Offender/Child-Victim Offender's duty to comply continues until death. If the Tier III classification is based on a delinquent child adjudication, a juvenile court judge may enter a determination that the child no longer is a Tier III Sex Offender/Child-Victim Offender and reclassify the child into a different Tier, and the delinquent child's duty to comply then continues for the period of time based on the reclassification.
2. Except as otherwise described in this paragraph, a Tier II Sex Offender/Child-Victim Offender's duty to comply continues for 25 years if the duty is based on a criminal conviction and for 20 years if based on a delinquent child adjudication. If the Tier II classification is based on a delinquent child adjudication, a juvenile court judge may enter a determination that the child no longer is a Tier II Sex Offender/Child-Victim Offender but remains a registrant and reclassify the child into Tier I, and the child's duty to comply then continues for the period of time based on the reclassification.
3. Except as otherwise described in this paragraph, a Tier I Sex Offender/Child-Victim Offender's duty to comply continues for 15 years if the duty is based on a criminal conviction and for ten years if based on a delinquent child adjudication. If the Tier I classification is based on a delinquent child adjudication, a juvenile court judge may enter a determination that the child no longer is subject to the SORN Law, and the

²⁴ R.C. 2950.99(A)(2)(b), not in the bill.

²⁵ R.C. 2950.07(B)(2) and (3).

²⁶ R.C. 2950.07(B)(1) to (3).

child's duty to comply is terminated. If the Tier I classification is based on a criminal conviction, the offender may have the 15-year duty to comply terminated by a court pursuant to a separate specified procedure; the offender may apply to a court for termination under the procedure upon the expiration of ten years after the commencement of the duty to comply.²⁷

Definitions

The bill defines the following for purposes of the SORN Law:

- “Fixed residence address” means a permanent residence address. “Fixed residence address” does not include a temporary address, including a place or places that a homeless person stays or intends to stay.²⁸
- “Homeless” means any of the following:²⁹
 - An individual or family who lacks a fixed, regular, and adequate nighttime residence;
 - An individual or family with a primary nighttime residence that is a public or private place not designed or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements, including hotels and motels paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing;
 - An individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;
 - An individual or family who meets one of the following criteria:
 - ❖ Will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by federal, state, or local government programs for low-income individuals or by charitable organizations as evidenced by the following:
 - A court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;
 - The individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days;

²⁷ R.C. 2950.15, not in the bill.

²⁸ R.C. 2950.01(AA).

²⁹ R.C. 2950.01(BB), and 42 United States Code 11302, not in the bill.

- Credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible must be considered credible evidence.
- ❖ Has no subsequent residence identified;
- ❖ Lacks the resources or support networks needed to obtain other permanent housing.
- Unaccompanied youth and homeless families with children and youth defined as homeless under other federal statutes who are all of the following:
 - ❖ Have experienced a longer term period without living independently in permanent housing;
 - ❖ Have experienced persistent instability as measured by frequent moves over such period;
 - ❖ Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

HISTORY

Action	Date
Introduced	10-02-23
Reported, H. Criminal Justice	---
