

As Reported by the Senate Criminal Justice Committee

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Representative Fedor

Cosponsors: Representatives Antonio, Ashford, Barborak, Barnes, Bishoff, Boose, Boyce, Boyd, Brown, Buchy, Budish, Carney, Celebrezze, Cera, Clyde, Curtin, Derickson, Dovilla, Driehaus, Foley, Gerberry, Green, Hagan, R., Hall, Heard, Henne, Letson, Lundy, Maag, Mallory, Milkovich, O'Brien, Patmon, Patterson, Pelanda, Phillips, Pillich, Ramos, Redfern, Reece, Rogers, Schuring, Slesnick, Stautberg, Stebelton, Stinziano, Strahorn, Sykes, Szollosi, Terhar, Williams, Winburn, Butler, Amstutz, Anielski, Baker, Beck, Blair, Blessing, Brenner, Burkley, Conditt, Damschroder, DeVitis, Duffey, Grossman, Hackett, Hagan, C., Hayes, Hill, Hottinger, Huffman, Johnson, Landis, Lynch, McClain, McGregor, Roegner, Romanchuk, Ruhl, Scherer, Sears, Sheehy, Slaby, Sprague, Thompson

Speaker Batchelder

Senators Kearney, LaRose, Lehner, Obhof

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A B I L L

To amend sections 109.54, 2151.414, 2151.419, 1
2901.13, 2905.32, 2907.22, 2907.24, 2929.01, 2
2937.11, 2950.01, 2951.041, and 3319.073 and to 3
enact sections 149.435, 2907.19, and 2927.17 of 4
the Revised Code to authorize a judge or 5
magistrate to order the testimony of a minor 6
victim of trafficking in persons to be taken by 7
closed circuit television equipment under certain 8
circumstances; to generally prohibit the 9
disclosure of names or other information in a 10

routine police report that is highly likely to 11
identify an alleged delinquent child arrestee who 12
is abused and under 18; to specify that a public 13
children services agency or private child 14
placement agency is not required to make 15
reasonable efforts to prevent the removal of a 16
child from the child's home, eliminate the 17
continued removal of a child from the child's 18
home, or return a child to the child's home and 19
that a court find that a child cannot be placed 20
with either parent under specified circumstances; 21
to enact the offense of commercial sexual 22
exploitation of a minor; to remove the element of 23
"compulsion" from the offense of trafficking in 24
persons when a minor under 16 years of age or 25
developmentally disabled person or in certain 26
circumstances a minor who is 16 or 17 years of age 27
is recruited or otherwise obtained or held to 28
engage in certain specified sexual, nudity, or 29
obscenity related activities and to modify the 30
definition of human trafficking in a similar 31
manner; to increase the penalty for soliciting 32
when the person solicited is a minor or a 33
developmentally disabled person in specified 34
circumstances; to require offenders convicted of 35
solicitation when the person solicited is a minor 36
or a developmentally disabled person in specified 37
circumstances to register as sex offenders; to 38
allow a victim of trafficking in persons to be 39
eligible for intervention in lieu of conviction; 40
to confirm and continue the amendments to sections 41
2901.13, 2907.22, and 3319.073 of the Revised Code 42
regarding the period of limitations for 43

trafficking in persons prosecutions, elements of 44
the offense of promoting prostitution, and 45
inclusion of human trafficking content in school 46
safety and violence prevention training that were 47
made in Am. Sub. H.B. 59 of the 130th General 48
Assembly; to prohibit certain advertising related 49
to massage, massage techniques or methods, or 50
related services with the suggestion or promise of 51
sexual activity; and to declare an emergency. 52

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.54, 2151.414, 2151.419, 2901.13, 53
2905.32, 2907.22, 2907.24, 2929.01, 2937.11, 2950.01, 2951.041, 54
and 3319.073 be amended and sections 149.435, 2907.19, and 2927.17 55
of the Revised Code be enacted to read as follows: 56

Sec. 109.54. (A) The bureau of criminal identification and 57
investigation may investigate any criminal activity in this state 58
that is of statewide or intercounty concern when requested by 59
local authorities and may aid federal authorities, when requested, 60
in their investigation of any criminal activity in this state. The 61
bureau may investigate any criminal activity in this state related 62
to the conduct of elections when requested by the secretary of 63
state. The bureau may investigate any criminal activity in this 64
state involving drug abuse or illegal drug distribution prohibited 65
under Chapter 3719. or 4729. of the Revised Code or any violation 66
of section 2915.02 of the Revised Code. The superintendent and any 67
agent of the bureau may participate, as the director of an 68
organized crime task force established under section 177.02 of the 69
Revised Code or as a member of the investigatory staff of a task 70
force established under that section, in an investigation of 71
organized criminal activity anywhere within this state under 72

sections 177.01 to 177.03 of the Revised Code. 73

(B) The bureau may provide any trained investigative 74
personnel and specialized equipment that are requested by any 75
sheriff or chief of police, by the authorized designee of any 76
sheriff or chief of police, or by any other authorized law 77
enforcement officer to aid and assist the officer in the 78
investigation and solution of any crime or the control of any 79
criminal activity occurring within the officer's jurisdiction. 80
This assistance shall be furnished by the bureau without 81
disturbing or impairing any of the existing law enforcement 82
authority or the prerogatives of local law enforcement authorities 83
or officers. Investigators provided pursuant to this section, or 84
engaged in an investigation pursuant to section 109.83 of the 85
Revised Code, may go armed in the same manner as sheriffs and 86
regularly appointed police officers under section 2923.12 of the 87
Revised Code. 88

(C)(1) The bureau shall obtain recording equipment that can 89
be used to record depositions of the type described in division 90
(A) of section 2152.81 and division (A) of section 2945.481 of the 91
Revised Code, or testimony of the type described in division (D) 92
of section 2152.81 and division (D) of section 2945.481 or in 93
division (C) of section 2937.11 of the Revised Code, shall obtain 94
closed circuit equipment that can be used to televise testimony of 95
the type described in division (C) or (D) of section 2152.81 and 96
division (C) of section 2945.481 or in division (B) of section 97
2937.11 of the Revised Code, and shall provide the equipment, upon 98
request, to any court for use in recording any deposition or 99
testimony of one of those types or in televising the testimony in 100
accordance with the applicable division. 101

(2) The bureau shall obtain the names, addresses, and 102
telephone numbers of persons who are experienced in questioning 103

children in relation to an investigation of a violation of section 104
2905.03, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 105
2907.07, 2907.09, 2907.21, 2907.23, 2907.24, 2907.31, 2907.32, 106
2907.321, 2907.322, 2907.323, or 2919.22 of the Revised Code or an 107
offense of violence and shall maintain a list of those names, 108
addresses, and telephone numbers. The list shall include a 109
classification of the names, addresses, and telephone numbers by 110
appellate district. Upon request, the bureau shall provide any 111
county sheriff, chief of police, prosecuting attorney, village 112
solicitor, city director of law, or similar chief legal officer 113
with the name, address, and telephone number of any person 114
contained in the list. 115

Sec. 149.435. (A) As used in this section: 116

(1) "Abused child" has the same meaning as in section 117
2151.031 of the Revised Code. 118

(2) "Confidential law enforcement investigatory record" has 119
the same meaning as in section 149.43 of the Revised Code. 120

(3) "Law enforcement agency" means a municipal or township 121
police department, the office of a sheriff, the state highway 122
patrol, federal law enforcement, a county prosecuting attorney, 123
the office of the United States attorney, or a state or local 124
governmental body that enforces criminal laws and that has 125
employees who have a statutory power of arrest. 126

(4) "Prosecutor" has the same meaning as in section 2935.01 127
of the Revised Code. 128

(5) "Routine factual report" means a police blotter, arrest 129
log, incident report, or other record of events maintained in 130
paper, electronic, or other form by a law enforcement agency, 131
other than a confidential law enforcement investigatory record. 132

(B)(1) Except as provided in division (C) of this section, a 133

law enforcement agency or employee of a law enforcement agency 134
shall not disclose a name or other information contained in a 135
routine factual report that is highly likely to identify an 136
alleged delinquent child or arrestee who is also an abused child 137
and who is under eighteen years of age at the time the report is 138
created. If the agency or employee does not know whether the 139
alleged delinquent child or arrestee is an abused child, the 140
agency or employee shall attempt to determine whether or not the 141
alleged delinquent child or arrestee is an abused child and shall 142
not disclose the name or other information before making the 143
determination. 144

(2) No person to whom information described in division 145
(B)(1) of this section is disclosed, and no employer of that 146
person, shall further disclose that information except as provided 147
in division (C) of this section. 148

(C) This section does not prohibit the disclosure of 149
information described in division (B) of this section to any of 150
the following: 151

(1) An employee of a law enforcement agency or a prosecutor 152
for the purpose of investigating or prosecuting a crime or 153
delinquent act; 154

(2) An employee of the department of youth services, a 155
probation officer, a juvenile court judge, or an employee of a 156
public children services agency or a county department of job and 157
family services who is supervising the alleged delinquent child or 158
arrestee who is also an abused child and who is under eighteen 159
years of age; 160

(3) An employee of a law enforcement agency for use in the 161
employee's defense of a civil or administrative action arising out 162
of the employee's involvement in the case that gave rise to the 163
civil or administrative action; 164

(4) An employee of the attorney general's office responsible for administering awards of reparations under section 2743.191 of the Revised Code; 165
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(5) A parent, guardian, or custodian of the alleged delinquent child or arrestee who is also an abused child and who is under eighteen years of age or an attorney for such a parent, guardian, or custodian; 168
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(6) Any other person pursuant to a court order. 172

Sec. 2151.414. (A)(1) Upon the filing of a motion pursuant to 173
section 2151.413 of the Revised Code for permanent custody of a 174
child, the court shall schedule a hearing and give notice of the 175
filing of the motion and of the hearing, in accordance with 176
section 2151.29 of the Revised Code, to all parties to the action 177
and to the child's guardian ad litem. The notice also shall 178
contain a full explanation that the granting of permanent custody 179
permanently divests the parents of their parental rights, a full 180
explanation of their right to be represented by counsel and to 181
have counsel appointed pursuant to Chapter 120. of the Revised 182
Code if they are indigent, and the name and telephone number of 183
the court employee designated by the court pursuant to section 184
2151.314 of the Revised Code to arrange for the prompt appointment 185
of counsel for indigent persons. 186

The court shall conduct a hearing in accordance with section 187
2151.35 of the Revised Code to determine if it is in the best 188
interest of the child to permanently terminate parental rights and 189
grant permanent custody to the agency that filed the motion. The 190
adjudication that the child is an abused, neglected, or dependent 191
child and any dispositional order that has been issued in the case 192
under section 2151.353 of the Revised Code pursuant to the 193
adjudication shall not be readjudicated at the hearing and shall 194
not be affected by a denial of the motion for permanent custody. 195

(2) The court shall hold the hearing scheduled pursuant to 196
division (A)(1) of this section not later than one hundred twenty 197
days after the agency files the motion for permanent custody, 198
except that, for good cause shown, the court may continue the 199
hearing for a reasonable period of time beyond the 200
one-hundred-twenty-day deadline. The court shall issue an order 201
that grants, denies, or otherwise disposes of the motion for 202
permanent custody, and journalize the order, not later than two 203
hundred days after the agency files the motion. 204

If a motion is made under division (D)(2) of section 2151.413 205
of the Revised Code and no dispositional hearing has been held in 206
the case, the court may hear the motion in the dispositional 207
hearing required by division (B) of section 2151.35 of the Revised 208
Code. If the court issues an order pursuant to section 2151.353 of 209
the Revised Code granting permanent custody of the child to the 210
agency, the court shall immediately dismiss the motion made under 211
division (D)(2) of section 2151.413 of the Revised Code. 212

The failure of the court to comply with the time periods set 213
forth in division (A)(2) of this section does not affect the 214
authority of the court to issue any order under this chapter and 215
does not provide any basis for attacking the jurisdiction of the 216
court or the validity of any order of the court. 217

(B)(1) Except as provided in division (B)(2) of this section, 218
the court may grant permanent custody of a child to a movant if 219
the court determines at the hearing held pursuant to division (A) 220
of this section, by clear and convincing evidence, that it is in 221
the best interest of the child to grant permanent custody of the 222
child to the agency that filed the motion for permanent custody 223
and that any of the following apply: 224

(a) The child is not abandoned or orphaned, has not been in 225
the temporary custody of one or more public children services 226
agencies or private child placing agencies for twelve or more 227

months of a consecutive twenty-two-month period, or has not been 228
in the temporary custody of one or more public children services 229
agencies or private child placing agencies for twelve or more 230
months of a consecutive twenty-two-month period if, as described 231
in division (D)(1) of section 2151.413 of the Revised Code, the 232
child was previously in the temporary custody of an equivalent 233
agency in another state, and the child cannot be placed with 234
either of the child's parents within a reasonable time or should 235
not be placed with the child's parents. 236

(b) The child is abandoned. 237

(c) The child is orphaned, and there are no relatives of the 238
child who are able to take permanent custody. 239

(d) The child has been in the temporary custody of one or 240
more public children services agencies or private child placing 241
agencies for twelve or more months of a consecutive 242
twenty-two-month period, or the child has been in the temporary 243
custody of one or more public children services agencies or 244
private child placing agencies for twelve or more months of a 245
consecutive twenty-two-month period and, as described in division 246
(D)(1) of section 2151.413 of the Revised Code, the child was 247
previously in the temporary custody of an equivalent agency in 248
another state. 249

For the purposes of division (B)(1) of this section, a child 250
shall be considered to have entered the temporary custody of an 251
agency on the earlier of the date the child is adjudicated 252
pursuant to section 2151.28 of the Revised Code or the date that 253
is sixty days after the removal of the child from home. 254

(2) With respect to a motion made pursuant to division (D)(2) 255
of section 2151.413 of the Revised Code, the court shall grant 256
permanent custody of the child to the movant if the court 257
determines in accordance with division (E) of this section that 258

the child cannot be placed with one of the child's parents within 259
a reasonable time or should not be placed with either parent and 260
determines in accordance with division (D) of this section that 261
permanent custody is in the child's best interest. 262

(C) In making the determinations required by this section or 263
division (A)(4) of section 2151.353 of the Revised Code, a court 264
shall not consider the effect the granting of permanent custody to 265
the agency would have upon any parent of the child. A written 266
report of the guardian ad litem of the child shall be submitted to 267
the court prior to or at the time of the hearing held pursuant to 268
division (A) of this section or section 2151.35 of the Revised 269
Code but shall not be submitted under oath. 270

If the court grants permanent custody of a child to a movant 271
under this division, the court, upon the request of any party, 272
shall file a written opinion setting forth its findings of fact 273
and conclusions of law in relation to the proceeding. The court 274
shall not deny an agency's motion for permanent custody solely 275
because the agency failed to implement any particular aspect of 276
the child's case plan. 277

(D)(1) In determining the best interest of a child at a 278
hearing held pursuant to division (A) of this section or for the 279
purposes of division (A)(4) or (5) of section 2151.353 or division 280
(C) of section 2151.415 of the Revised Code, the court shall 281
consider all relevant factors, including, but not limited to, the 282
following: 283

(a) The interaction and interrelationship of the child with 284
the child's parents, siblings, relatives, foster caregivers and 285
out-of-home providers, and any other person who may significantly 286
affect the child; 287

(b) The wishes of the child, as expressed directly by the 288
child or through the child's guardian ad litem, with due regard 289

for the maturity of the child; 290

(c) The custodial history of the child, including whether the 291
child has been in the temporary custody of one or more public 292
children services agencies or private child placing agencies for 293
twelve or more months of a consecutive twenty-two-month period, or 294
the child has been in the temporary custody of one or more public 295
children services agencies or private child placing agencies for 296
twelve or more months of a consecutive twenty-two-month period 297
and, as described in division (D)(1) of section 2151.413 of the 298
Revised Code, the child was previously in the temporary custody of 299
an equivalent agency in another state; 300

(d) The child's need for a legally secure permanent placement 301
and whether that type of placement can be achieved without a grant 302
of permanent custody to the agency; 303

(e) Whether any of the factors in divisions (E)(7) to (11) of 304
this section apply in relation to the parents and child. 305

For the purposes of division (D)(1) of this section, a child 306
shall be considered to have entered the temporary custody of an 307
agency on the earlier of the date the child is adjudicated 308
pursuant to section 2151.28 of the Revised Code or the date that 309
is sixty days after the removal of the child from home. 310

(2) If all of the following apply, permanent custody is in 311
the best interest of the child, and the court shall commit the 312
child to the permanent custody of a public children services 313
agency or private child placing agency: 314

(a) The court determines by clear and convincing evidence 315
that one or more of the factors in division (E) of this section 316
exist and the child cannot be placed with one of the child's 317
parents within a reasonable time or should not be placed with 318
either parent. 319

(b) The child has been in an agency's custody for two years 320

or longer, and no longer qualifies for temporary custody pursuant 321
to division (D) of section 2151.415 of the Revised Code. 322

(c) The child does not meet the requirements for a planned 323
permanent living arrangement pursuant to division (A)(5) of 324
section 2151.353 of the Revised Code. 325

(d) Prior to the dispositional hearing, no relative or other 326
interested person has filed, or has been identified in, a motion 327
for legal custody of the child. 328

(E) In determining at a hearing held pursuant to division (A) 329
of this section or for the purposes of division (A)(4) of section 330
2151.353 of the Revised Code whether a child cannot be placed with 331
either parent within a reasonable period of time or should not be 332
placed with the parents, the court shall consider all relevant 333
evidence. If the court determines, by clear and convincing 334
evidence, at a hearing held pursuant to division (A) of this 335
section or for the purposes of division (A)(4) of section 2151.353 336
of the Revised Code that one or more of the following exist as to 337
each of the child's parents, the court shall enter a finding that 338
the child cannot be placed with either parent within a reasonable 339
time or should not be placed with either parent: 340

(1) Following the placement of the child outside the child's 341
home and notwithstanding reasonable case planning and diligent 342
efforts by the agency to assist the parents to remedy the problems 343
that initially caused the child to be placed outside the home, the 344
parent has failed continuously and repeatedly to substantially 345
remedy the conditions causing the child to be placed outside the 346
child's home. In determining whether the parents have 347
substantially remedied those conditions, the court shall consider 348
parental utilization of medical, psychiatric, psychological, and 349
other social and rehabilitative services and material resources 350
that were made available to the parents for the purpose of 351
changing parental conduct to allow them to resume and maintain 352

parental duties. 353

(2) Chronic mental illness, chronic emotional illness, mental 354
retardation, physical disability, or chemical dependency of the 355
parent that is so severe that it makes the parent unable to 356
provide an adequate permanent home for the child at the present 357
time and, as anticipated, within one year after the court holds 358
the hearing pursuant to division (A) of this section or for the 359
purposes of division (A)(4) of section 2151.353 of the Revised 360
Code; 361

(3) The parent committed any abuse as described in section 362
2151.031 of the Revised Code against the child, caused the child 363
to suffer any neglect as described in section 2151.03 of the 364
Revised Code, or allowed the child to suffer any neglect as 365
described in section 2151.03 of the Revised Code between the date 366
that the original complaint alleging abuse or neglect was filed 367
and the date of the filing of the motion for permanent custody; 368

(4) The parent has demonstrated a lack of commitment toward 369
the child by failing to regularly support, visit, or communicate 370
with the child when able to do so, or by other actions showing an 371
unwillingness to provide an adequate permanent home for the child; 372

(5) The parent is incarcerated for an offense committed 373
against the child or a sibling of the child; 374

(6) The parent has been convicted of or pleaded guilty to an 375
offense under division (A) or (C) of section 2919.22 or under 376
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 377
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, ~~2907.21,~~ 378
~~2907.22,~~ 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 379
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 380
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the 381
Revised Code, and the child or a sibling of the child was a victim 382
of the offense, or the parent has been convicted of or pleaded 383

guilty to an offense under section 2903.04 of the Revised Code, a 384
sibling of the child was the victim of the offense, and the parent 385
who committed the offense poses an ongoing danger to the child or 386
a sibling of the child. 387

(7) The parent has been convicted of or pleaded guilty to one 388
of the following: 389

(a) An offense under section 2903.01, 2903.02, or 2903.03 of 390
the Revised Code or under an existing or former law of this state, 391
any other state, or the United States that is substantially 392
equivalent to an offense described in those sections and the 393
victim of the offense was a sibling of the child or the victim was 394
another child who lived in the parent's household at the time of 395
the offense; 396

(b) An offense under section 2903.11, 2903.12, or 2903.13 of 397
the Revised Code or under an existing or former law of this state, 398
any other state, or the United States that is substantially 399
equivalent to an offense described in those sections and the 400
victim of the offense is the child, a sibling of the child, or 401
another child who lived in the parent's household at the time of 402
the offense; 403

(c) An offense under division (B)(2) of section 2919.22 of 404
the Revised Code or under an existing or former law of this state, 405
any other state, or the United States that is substantially 406
equivalent to the offense described in that section and the child, 407
a sibling of the child, or another child who lived in the parent's 408
household at the time of the offense is the victim of the offense; 409

(d) An offense under section 2907.02, 2907.03, 2907.04, 410
2907.05, or 2907.06 of the Revised Code or under an existing or 411
former law of this state, any other state, or the United States 412
that is substantially equivalent to an offense described in those 413
sections and the victim of the offense is the child, a sibling of 414

the child, or another child who lived in the parent's household at 415
the time of the offense; 416

(e) An offense under section 2905.32, 2907.21, or 2907.22 of 417
the Revised Code or under an existing or former law of this state, 418
any other state, or the United States that is substantially 419
equivalent to the offense described in that section and the victim 420
of the offense is the child, a sibling of the child, or another 421
child who lived in the parent's household at the time of the 422
offense; 423

(f) A conspiracy or attempt to commit, or complicity in 424
committing, an offense described in division (E)(7)(a) ~~or~~, (d), or 425
(e) of this section. 426

(8) The parent has repeatedly withheld medical treatment or 427
food from the child when the parent has the means to provide the 428
treatment or food, and, in the case of withheld medical treatment, 429
the parent withheld it for a purpose other than to treat the 430
physical or mental illness or defect of the child by spiritual 431
means through prayer alone in accordance with the tenets of a 432
recognized religious body. 433

(9) The parent has placed the child at substantial risk of 434
harm two or more times due to alcohol or drug abuse and has 435
rejected treatment two or more times or refused to participate in 436
further treatment two or more times after a case plan issued 437
pursuant to section 2151.412 of the Revised Code requiring 438
treatment of the parent was journalized as part of a dispositional 439
order issued with respect to the child or an order was issued by 440
any other court requiring treatment of the parent. 441

(10) The parent has abandoned the child. 442

(11) The parent has had parental rights involuntarily 443
terminated with respect to a sibling of the child pursuant to this 444
section or section 2151.353 or 2151.415 of the Revised Code, or 445

under an existing or former law of this state, any other state, or 446
the United States that is substantially equivalent to those 447
sections, and the parent has failed to provide clear and 448
convincing evidence to prove that, notwithstanding the prior 449
termination, the parent can provide a legally secure permanent 450
placement and adequate care for the health, welfare, and safety of 451
the child. 452

(12) The parent is incarcerated at the time of the filing of 453
the motion for permanent custody or the dispositional hearing of 454
the child and will not be available to care for the child for at 455
least eighteen months after the filing of the motion for permanent 456
custody or the dispositional hearing. 457

(13) The parent is repeatedly incarcerated, and the repeated 458
incarceration prevents the parent from providing care for the 459
child. 460

(14) The parent for any reason is unwilling to provide food, 461
clothing, shelter, and other basic necessities for the child or to 462
prevent the child from suffering physical, emotional, or sexual 463
abuse or physical, emotional, or mental neglect. 464

(15) The parent has committed abuse as described in section 465
2151.031 of the Revised Code against the child or caused or 466
allowed the child to suffer neglect as described in section 467
2151.03 of the Revised Code, and the court determines that the 468
seriousness, nature, or likelihood of recurrence of the abuse or 469
neglect makes the child's placement with the child's parent a 470
threat to the child's safety. 471

(16) Any other factor the court considers relevant. 472

(F) The parents of a child for whom the court has issued an 473
order granting permanent custody pursuant to this section, upon 474
the issuance of the order, cease to be parties to the action. This 475
division is not intended to eliminate or restrict any right of the 476

parents to appeal the granting of permanent custody of their child 477
to a movant pursuant to this section. 478

Sec. 2151.419. (A)(1) Except as provided in division (A)(2) 479
of this section, at any hearing held pursuant to section 2151.28, 480
division (E) of section 2151.31, or section 2151.314, 2151.33, or 481
2151.353 of the Revised Code at which the court removes a child 482
from the child's home or continues the removal of a child from the 483
child's home, the court shall determine whether the public 484
children services agency or private child placing agency that 485
filed the complaint in the case, removed the child from home, has 486
custody of the child, or will be given custody of the child has 487
made reasonable efforts to prevent the removal of the child from 488
the child's home, to eliminate the continued removal of the child 489
from the child's home, or to make it possible for the child to 490
return safely home. The agency shall have the burden of proving 491
that it has made those reasonable efforts. If the agency removed 492
the child from home during an emergency in which the child could 493
not safely remain at home and the agency did not have prior 494
contact with the child, the court is not prohibited, solely 495
because the agency did not make reasonable efforts during the 496
emergency to prevent the removal of the child, from determining 497
that the agency made those reasonable efforts. In determining 498
whether reasonable efforts were made, the child's health and 499
safety shall be paramount. 500

(2) If any of the following apply, the court shall make a 501
determination that the agency is not required to make reasonable 502
efforts to prevent the removal of the child from the child's home, 503
eliminate the continued removal of the child from the child's 504
home, and return the child to the child's home: 505

(a) The parent from whom the child was removed has been 506
convicted of or pleaded guilty to one of the following: 507

(i) An offense under section 2903.01, 2903.02, or 2903.03 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to an offense described in those sections and the victim of the offense was a sibling of the child or the victim was another child who lived in the parent's household at the time of the offense;

(ii) An offense under section 2903.11, 2903.12, or 2903.13 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to an offense described in those sections and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense;

(iii) An offense under division (B)(2) of section 2919.22 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to the offense described in that section and the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense is the victim of the offense;

(iv) An offense under section 2907.02, 2907.03, 2907.04, 2907.05, or 2907.06 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to an offense described in those sections and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense;

(v) An offense under section 2905.32, 2907.21, or 2907.22 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to the offense described in those sections and the victim of the offense is the child, a sibling of the child, or

another child who lived in the parent's household at the time of 540
the offense; 541

(vi) A conspiracy or attempt to commit, or complicity in 542
committing, an offense described in division (A)(2)(a)(i) ~~or~~ 543
(iv), or (v) of this section. 544

(b) The parent from whom the child was removed has repeatedly 545
withheld medical treatment or food from the child when the parent 546
has the means to provide the treatment or food. If the parent has 547
withheld medical treatment in order to treat the physical or 548
mental illness or defect of the child by spiritual means through 549
prayer alone, in accordance with the tenets of a recognized 550
religious body, the court or agency shall comply with the 551
requirements of division (A)(1) of this section. 552

(c) The parent from whom the child was removed has placed the 553
child at substantial risk of harm two or more times due to alcohol 554
or drug abuse and has rejected treatment two or more times or 555
refused to participate in further treatment two or more times 556
after a case plan issued pursuant to section 2151.412 of the 557
Revised Code requiring treatment of the parent was journalized as 558
part of a dispositional order issued with respect to the child or 559
an order was issued by any other court requiring such treatment of 560
the parent. 561

(d) The parent from whom the child was removed has abandoned 562
the child. 563

(e) The parent from whom the child was removed has had 564
parental rights involuntarily terminated with respect to a sibling 565
of the child pursuant to section 2151.353, 2151.414, or 2151.415 566
of the Revised Code or under an existing or former law of this 567
state, any other state, or the United States that is substantially 568
equivalent to those sections. 569

(3) At any hearing in which the court determines whether to 570

return a child to the child's home, the court may issue an order 571
that returns the child in situations in which the conditions 572
described in divisions (A)(2)(a) to (e) of this section are 573
present. 574

(B)(1) A court that is required to make a determination as 575
described in division (A)(1) or (2) of this section shall issue 576
written findings of fact setting forth the reasons supporting its 577
determination. If the court makes a written determination under 578
division (A)(1) of this section, it shall briefly describe in the 579
findings of fact the relevant services provided by the agency to 580
the family of the child and why those services did not prevent the 581
removal of the child from the child's home or enable the child to 582
return safely home. 583

(2) If a court issues an order that returns the child to the 584
child's home in situations in which division (A)(2)(a), (b), (c), 585
(d), or (e) of this section applies, the court shall issue written 586
findings of fact setting forth the reasons supporting its 587
determination. 588

(C) If the court makes a determination pursuant to division 589
(A)(2) of this section, the court shall conduct a review hearing 590
pursuant to section 2151.417 of the Revised Code to approve a 591
permanency plan with respect to the child, unless the court issues 592
an order returning the child home pursuant to division (A)(3) of 593
this section. The hearing to approve the permanency plan may be 594
held immediately following the court's determination pursuant to 595
division (A)(2) of this section and shall be held no later than 596
thirty days following that determination. 597

Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or 598
(3) of this section or as otherwise provided in this section, a 599
prosecution shall be barred unless it is commenced within the 600
following periods after an offense is committed: 601

(a) For a felony, six years; 602

(b) For a misdemeanor other than a minor misdemeanor, two 603
years; 604

(c) For a minor misdemeanor, six months. 605

(2) There is no period of limitation for the prosecution of a 606
violation of section 2903.01 or 2903.02 of the Revised Code. 607

(3) Except as otherwise provided in divisions (B) to (H) of 608
this section, a prosecution of any of the following offenses shall 609
be barred unless it is commenced within twenty years after the 610
offense is committed: 611

(a) A violation of section 2903.03, 2903.04, 2905.01, 612
~~2905.32~~, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 613
2909.02, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 614
2909.29, 2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the 615
Revised Code, a violation of section 2903.11 or 2903.12 of the 616
Revised Code if the victim is a peace officer, a violation of 617
section 2903.13 of the Revised Code that is a felony, or a 618
violation of former section 2907.12 of the Revised Code; 619

(b) A conspiracy to commit, attempt to commit, or complicity 620
in committing a violation set forth in division (A)(3)(a) of this 621
section. 622

(B)(1) Except as otherwise provided in division (B)(2) of 623
this section, if the period of limitation provided in division 624
(A)(1) or (3) of this section has expired, prosecution shall be 625
commenced for an offense of which an element is fraud or breach of 626
a fiduciary duty, within one year after discovery of the offense 627
either by an aggrieved person, or by the aggrieved person's legal 628
representative who is not a party to the offense. 629

(2) If the period of limitation provided in division (A)(1) 630
or (3) of this section has expired, prosecution for a violation of 631

section 2913.49 of the Revised Code shall be commenced within five 632
years after discovery of the offense either by an aggrieved person 633
or the aggrieved person's legal representative who is not a party 634
to the offense. 635

(C)(1) If the period of limitation provided in division 636
(A)(1) or (3) of this section has expired, prosecution shall be 637
commenced for the following offenses during the following 638
specified periods of time: 639

(a) For an offense involving misconduct in office by a public 640
servant, at any time while the accused remains a public servant, 641
or within two years thereafter; 642

(b) For an offense by a person who is not a public servant 643
but whose offense is directly related to the misconduct in office 644
of a public servant, at any time while that public servant remains 645
a public servant, or within two years thereafter. 646

(2) As used in this division: 647

(a) An "offense is directly related to the misconduct in 648
office of a public servant" includes, but is not limited to, a 649
violation of section 101.71, 101.91, 121.61 or 2921.13, division 650
(F) or (H) of section 102.03, division (A) of section 2921.02, 651
division (A) or (B) of section 2921.43, or division (F) or (G) of 652
section 3517.13 of the Revised Code, that is directly related to 653
an offense involving misconduct in office of a public servant. 654

(b) "Public servant" has the same meaning as in section 655
2921.01 of the Revised Code. 656

(D) An offense is committed when every element of the offense 657
occurs. In the case of an offense of which an element is a 658
continuing course of conduct, the period of limitation does not 659
begin to run until such course of conduct or the accused's 660
accountability for it terminates, whichever occurs first. 661

(E) A prosecution is commenced on the date an indictment is returned or an information filed, or on the date a lawful arrest without a warrant is made, or on the date a warrant, summons, citation, or other process is issued, whichever occurs first. A prosecution is not commenced by the return of an indictment or the filing of an information unless reasonable diligence is exercised to issue and execute process on the same. A prosecution is not commenced upon issuance of a warrant, summons, citation, or other process, unless reasonable diligence is exercised to execute the same.

(F) The period of limitation shall not run during any time when the corpus delicti remains undiscovered.

(G) The period of limitation shall not run during any time when the accused purposely avoids prosecution. Proof that the accused departed this state or concealed the accused's identity or whereabouts is prima-facie evidence of the accused's purpose to avoid prosecution.

(H) The period of limitation shall not run during any time a prosecution against the accused based on the same conduct is pending in this state, even though the indictment, information, or process that commenced the prosecution is quashed or the proceedings on the indictment, information, or process are set aside or reversed on appeal.

(I) The period of limitation for a violation of any provision of Title XXIX of the Revised Code that involves a physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of a child under eighteen years of age or of a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age shall not begin to run until either of the following occurs:

(1) The victim of the offense reaches the age of majority.

(2) A public children services agency, or a municipal or county peace officer that is not the parent or guardian of the child, in the county in which the child resides or in which the abuse or neglect is occurring or has occurred has been notified that abuse or neglect is known, suspected, or believed to have occurred.

(J) As used in this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code.

Sec. 2905.32. (A) No person shall knowingly recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, or knowingly attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person ~~knowing~~ if any of the following applies:

(1) The offender knows that the other person will be subjected to involuntary servitude or be compelled to engage in sexual activity for hire, engage in a performance that is obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented.

(2) The other person is less than sixteen years of age or is a developmentally disabled person whom the offender knows or has reasonable cause to believe is a developmentally disabled person, and either the offender knows that the other person will be subjected to involuntary servitude or the offender's knowing recruitment, luring, enticement, isolation, harboring, transportation, provision, obtaining, or maintenance of the other person or knowing attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain the other person is for any of the following purposes:

(a) To engage in sexual activity for hire;

(b) To engage in a performance for hire that is obscene, 723
sexually oriented, or nudity oriented; 724

(c) To be a model or participant for hire in the production 725
of material that is obscene, sexually oriented, or nudity 726
oriented. 727

(3) The other person is sixteen or seventeen years of age, 728
either the offender knows that the other person will be subjected 729
to involuntary servitude or the offender's knowing recruitment, 730
luring, enticement, isolation, harboring, transportation, 731
provision, obtaining, or maintenance of the other person or 732
knowing attempt to recruit, lure, entice, isolate, harbor, 733
transport, provide, obtain, or maintain the other person is for 734
any purpose described in divisions (A)(2)(a) to (c) of this 735
section, and the circumstances described in division (A)(5), (6), 736
(7), (8), (9), (10), (11), (12), or (13) of section 2907.03 of the 737
Revised Code apply with respect to the offender and the other 738
person. 739

(B) For a prosecution under division (A)(1) of this section, 740
the element "compelled" does not require that the compulsion be 741
openly displayed or physically exerted. The element "compelled" 742
has been established if the state proves that the victim's will 743
was overcome by force, fear, duress, ~~or~~ intimidation, or fraud. 744

(C) In a prosecution under this section, proof that the 745
defendant engaged in sexual activity with any person, or solicited 746
sexual activity with any person, whether or not for hire, without 747
more, does not constitute a violation of this section. 748

(D) A prosecution for a violation of this section does not 749
preclude a prosecution of a violation of any other section of the 750
Revised Code. One or more acts, a series of acts, or a course of 751
behavior that can be prosecuted under this section or any other 752
section of the Revised Code may be prosecuted under this section, 753

the other section of the Revised Code, or both sections. However, 754
if an offender is convicted of or pleads guilty to a violation of 755
this section and also is convicted of or pleads guilty to a 756
violation of section 2907.21 of the Revised Code based on the same 757
conduct involving the same victim that was the basis of the 758
violation of this section, or is convicted of or pleads guilty to 759
any other violation of Chapter 2907. of the Revised Code based on 760
the same conduct involving the same victim that was the basis of 761
the violation of this section, the two offenses are allied 762
offenses of similar import under section 2941.25 of the Revised 763
Code. 764

(E) Whoever violates this section is guilty of trafficking in 765
persons, a felony of the first degree. Notwithstanding division 766
(A)(1) of section 2929.14 of the Revised Code, the court shall 767
sentence the offender to a definite prison term of ten, eleven, 768
twelve, thirteen, fourteen, or fifteen years. 769

(F) As used in this section: 770

(1) "Developmentally disabled person" means a person whose 771
ability to resist or consent to an act is substantially impaired 772
because of a mental or physical condition or because of advanced 773
age. 774

(2) "Sexual activity for hire," "performance for hire," and 775
"model or participant for hire" mean an implicit or explicit 776
agreement to provide sexual activity, engage in an obscene, 777
sexually oriented, or nudity oriented performance, or be a model 778
or participant in the production of obscene, sexually oriented, or 779
nudity oriented material, whichever is applicable, in exchange for 780
anything of value. 781

(3) "Material that is obscene, sexually oriented, or nudity 782
oriented" and "performance that is obscene, sexually oriented, or 783
nudity oriented" have the same meanings as in section 2929.01 of 784

the Revised Code. 785

Sec. 2907.19. (A) As used in this section: 786

(1) "Advertisement for sexual activity for hire" or 787
"advertisement" means any advertisement or offer in electronic or 788
print media that includes an explicit or implicit offer for sexual 789
activity for hire to occur in this state. 790

(2) "Depiction" means any photograph, film, videotape, visual 791
material, or printed material. 792

(3) "Person" has the same meaning as in section 1.59 of the 793
Revised Code. 794

(B) No person shall knowingly purchase or otherwise obtain 795
advertising space for an advertisement for sexual activity for 796
hire that includes a depiction of a minor. 797

(C) Whoever violates this section is guilty of commercial 798
sexual exploitation of a minor, a felony of the third degree. 799

(D)(1) In any prosecution under this section, it is not a 800
defense that the offender did not know the age of the person 801
depicted in the advertisement, relied on an oral or written 802
representation of the age of the person depicted in the 803
advertisement, or relied on the apparent age of the person 804
depicted in the advertisement. 805

(2) In any prosecution under this section, it is an 806
affirmative defense that the offender, prior to purchasing 807
advertising space for the advertisement, made a reasonable bona 808
fide attempt to ascertain the true age of the person depicted in 809
the advertisement by requiring the person depicted in the 810
advertisement to produce a driver's license, marriage license, 811
birth certificate, or other government issued or school issued 812
document that identifies the age of the person, provided the 813
offender retains and produces a copy or other record of the 814

driver's license, marriage license, birth certificate, or other 815
document used to ascertain the age of the person depicted in the 816
advertisement. 817

Sec. 2907.22. (A) No person shall knowingly: 818

(1) Establish, maintain, operate, manage, supervise, control, 819
or have an interest in a brothel ~~or any other enterprise a purpose~~ 820
~~of which is to facilitate engagement in sexual activity for hire~~ 821
or any other enterprise a purpose of which is to facilitate 822
engagement in sexual activity for hire; 823

(2) Supervise, manage, or control the activities of a 824
prostitute in engaging in sexual activity for hire; 825

(3) Transport another, or cause another to be transported 826
~~across the boundary of this state or of any county in this state,~~ 827
in order to facilitate the other person's engaging in sexual 828
activity for hire; 829

(4) For the purpose of violating or facilitating a violation 830
of this section, induce or procure another to engage in sexual 831
activity for hire. 832

(B) Whoever violates this section is guilty of promoting 833
prostitution. Except as otherwise provided in this division, 834
promoting prostitution is a felony of the fourth degree. If any 835
prostitute in the brothel involved in the offense, or the 836
prostitute whose activities are supervised, managed, or controlled 837
by the offender, or the person transported, induced, or procured 838
by the offender to engage in sexual activity for hire, is a minor, 839
whether or not the offender knows the age of the minor, then 840
promoting prostitution is a felony of the third degree. If the 841
offender in any case also is convicted of or pleads guilty to a 842
specification as described in section 2941.1422 of the Revised 843
Code that was included in the indictment, count in the indictment, 844

or information charging the offense, the court shall sentence the 845
offender to a mandatory prison term as provided in division (B)(7) 846
of section 2929.14 of the Revised Code and shall order the 847
offender to make restitution as provided in division (B)(8) of 848
section 2929.18 of the Revised Code. 849

Sec. 2907.24. (A)(1) No person shall solicit another who is 850
eighteen years of age or older to engage with such other person in 851
sexual activity for hire. 852

(2) No person shall solicit another to engage with such other 853
person in sexual activity for hire if the other person is sixteen 854
or seventeen years of age and the offender knows that the other 855
person is sixteen or seventeen years of age or is reckless in that 856
regard. 857

(3) No person shall solicit another to engage with such other 858
person in sexual activity for hire if either of the following 859
applies: 860

(a) The other person is less than sixteen years of age, 861
whether or not the offender knows the age of the other person. 862

(b) The other person is a developmentally disabled person and 863
the offender knows or has reasonable cause to believe the other 864
person is a developmentally disabled person. 865

(B) No person, with knowledge that the person has tested 866
positive as a carrier of a virus that causes acquired 867
immunodeficiency syndrome, shall engage in conduct in violation of 868
division (A) of this section. 869

(C)(1) Whoever violates division (A) of this section is 870
guilty of soliciting⁷. A violation of division (A)(1) of this 871
section is a misdemeanor of the third degree. A violation of 872
division (A)(2) of this section is a felony of the fifth degree. A 873
violation of division (A)(3) of this section is a felony of the 874

third degree. 875

(2) Whoever violates division (B) of this section is guilty 876
of engaging in solicitation after a positive HIV test. If the 877
offender commits the violation prior to July 1, 1996, engaging in 878
solicitation after a positive HIV test is a felony of the second 879
degree. If the offender commits the violation on or after July 1, 880
1996, engaging in solicitation after a positive HIV test is a 881
felony of the third degree. 882

(D) If a person is convicted of or pleads guilty to a 883
violation of any provision of this section, an attempt to commit a 884
violation of any provision of this section, or a violation of or 885
an attempt to commit a violation of a municipal ordinance that is 886
substantially equivalent to any provision of this section and if 887
the person, in committing or attempting to commit the violation, 888
was in, was on, or used a motor vehicle, the court, in addition to 889
or independent of all other penalties imposed for the violation, 890
may impose upon the offender a class six suspension of the 891
person's driver's license, commercial driver's license, temporary 892
instruction permit, probationary license, or nonresident operating 893
privilege from the range specified in division (A)(6) of section 894
4510.02 of the Revised Code. In lieu of imposing upon the offender 895
the class six suspension, the court instead may require the 896
offender to perform community service for a number of hours 897
determined by the court. 898

(E) As used in this section: 899

(1) "Developmentally disabled person" has the same meaning as 900
in section 2905.32 of the Revised Code. 901

(2) "Sexual activity for hire" means an implicit or explicit 902
agreement to provide sexual activity in exchange for anything of 903
value. 904

Sec. 2927.17. (A) No person, by means of a statement, 905
solicitation, or offer in a print or electronic publication, sign, 906
placard, storefront display, or other medium, shall advertise 907
massage, relaxation massage, any other massage technique or 908
method, or any related service, with the suggestion or promise of 909
sexual activity. 910

(B) Whoever violates this section is guilty of unlawful 911
advertising of massage, a misdemeanor of the first degree. 912

(C) Nothing in this section prevents the legislative 913
authority of a municipal corporation or township from enacting any 914
regulation of the advertising of massage further than and in 915
addition to the provisions of divisions (A) and (B) of this 916
section. 917

(D) As used in this section, "sexual activity" has the same 918
meaning as in section 2907.01 of the Revised Code. 919

Sec. 2929.01. As used in this chapter: 920

(A)(1) "Alternative residential facility" means, subject to 921
division (A)(2) of this section, any facility other than an 922
offender's home or residence in which an offender is assigned to 923
live and that satisfies all of the following criteria: 924

(a) It provides programs through which the offender may seek 925
or maintain employment or may receive education, training, 926
treatment, or habilitation. 927

(b) It has received the appropriate license or certificate 928
for any specialized education, training, treatment, habilitation, 929
or other service that it provides from the government agency that 930
is responsible for licensing or certifying that type of education, 931
training, treatment, habilitation, or service. 932

(2) "Alternative residential facility" does not include a 933

community-based correctional facility, jail, halfway house, or 934
prison. 935

(B) "Basic probation supervision" means a requirement that 936
the offender maintain contact with a person appointed to supervise 937
the offender in accordance with sanctions imposed by the court or 938
imposed by the parole board pursuant to section 2967.28 of the 939
Revised Code. "Basic probation supervision" includes basic parole 940
supervision and basic post-release control supervision. 941

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have the 942
same meanings as in section 2925.01 of the Revised Code. 943

(D) "Community-based correctional facility" means a 944
community-based correctional facility and program or district 945
community-based correctional facility and program developed 946
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 947

(E) "Community control sanction" means a sanction that is not 948
a prison term and that is described in section 2929.15, 2929.16, 949
2929.17, or 2929.18 of the Revised Code or a sanction that is not 950
a jail term and that is described in section 2929.26, 2929.27, or 951
2929.28 of the Revised Code. "Community control sanction" includes 952
probation if the sentence involved was imposed for a felony that 953
was committed prior to July 1, 1996, or if the sentence involved 954
was imposed for a misdemeanor that was committed prior to January 955
1, 2004. 956

(F) "Controlled substance," "marihuana," "schedule I," and 957
"schedule II" have the same meanings as in section 3719.01 of the 958
Revised Code. 959

(G) "Curfew" means a requirement that an offender during a 960
specified period of time be at a designated place. 961

(H) "Day reporting" means a sanction pursuant to which an 962
offender is required each day to report to and leave a center or 963
other approved reporting location at specified times in order to 964

participate in work, education or training, treatment, and other 965
approved programs at the center or outside the center. 966

(I) "Deadly weapon" has the same meaning as in section 967
2923.11 of the Revised Code. 968

(J) "Drug and alcohol use monitoring" means a program under 969
which an offender agrees to submit to random chemical analysis of 970
the offender's blood, breath, or urine to determine whether the 971
offender has ingested any alcohol or other drugs. 972

(K) "Drug treatment program" means any program under which a 973
person undergoes assessment and treatment designed to reduce or 974
completely eliminate the person's physical or emotional reliance 975
upon alcohol, another drug, or alcohol and another drug and under 976
which the person may be required to receive assessment and 977
treatment on an outpatient basis or may be required to reside at a 978
facility other than the person's home or residence while 979
undergoing assessment and treatment. 980

(L) "Economic loss" means any economic detriment suffered by 981
a victim as a direct and proximate result of the commission of an 982
offense and includes any loss of income due to lost time at work 983
because of any injury caused to the victim, and any property loss, 984
medical cost, or funeral expense incurred as a result of the 985
commission of the offense. "Economic loss" does not include 986
non-economic loss or any punitive or exemplary damages. 987

(M) "Education or training" includes study at, or in 988
conjunction with a program offered by, a university, college, or 989
technical college or vocational study and also includes the 990
completion of primary school, secondary school, and literacy 991
curricula or their equivalent. 992

(N) "Firearm" has the same meaning as in section 2923.11 of 993
the Revised Code. 994

(O) "Halfway house" means a facility licensed by the division 995

of parole and community services of the department of 996
rehabilitation and correction pursuant to section 2967.14 of the 997
Revised Code as a suitable facility for the care and treatment of 998
adult offenders. 999

(P) "House arrest" means a period of confinement of an 1000
offender that is in the offender's home or in other premises 1001
specified by the sentencing court or by the parole board pursuant 1002
to section 2967.28 of the Revised Code and during which all of the 1003
following apply: 1004

(1) The offender is required to remain in the offender's home 1005
or other specified premises for the specified period of 1006
confinement, except for periods of time during which the offender 1007
is at the offender's place of employment or at other premises as 1008
authorized by the sentencing court or by the parole board. 1009

(2) The offender is required to report periodically to a 1010
person designated by the court or parole board. 1011

(3) The offender is subject to any other restrictions and 1012
requirements that may be imposed by the sentencing court or by the 1013
parole board. 1014

(Q) "Intensive probation supervision" means a requirement 1015
that an offender maintain frequent contact with a person appointed 1016
by the court, or by the parole board pursuant to section 2967.28 1017
of the Revised Code, to supervise the offender while the offender 1018
is seeking or maintaining necessary employment and participating 1019
in training, education, and treatment programs as required in the 1020
court's or parole board's order. "Intensive probation supervision" 1021
includes intensive parole supervision and intensive post-release 1022
control supervision. 1023

(R) "Jail" means a jail, workhouse, minimum security jail, or 1024
other residential facility used for the confinement of alleged or 1025
convicted offenders that is operated by a political subdivision or 1026

a combination of political subdivisions of this state. 1027

(S) "Jail term" means the term in a jail that a sentencing 1028
court imposes or is authorized to impose pursuant to section 1029
2929.24 or 2929.25 of the Revised Code or pursuant to any other 1030
provision of the Revised Code that authorizes a term in a jail for 1031
a misdemeanor conviction. 1032

(T) "Mandatory jail term" means the term in a jail that a 1033
sentencing court is required to impose pursuant to division (G) of 1034
section 1547.99 of the Revised Code, division (E) of section 1035
2903.06 or division (D) of section 2903.08 of the Revised Code, 1036
division (E) or (G) of section 2929.24 of the Revised Code, 1037
division (B) of section 4510.14 of the Revised Code, or division 1038
(G) of section 4511.19 of the Revised Code or pursuant to any 1039
other provision of the Revised Code that requires a term in a jail 1040
for a misdemeanor conviction. 1041

(U) "Delinquent child" has the same meaning as in section 1042
2152.02 of the Revised Code. 1043

(V) "License violation report" means a report that is made by 1044
a sentencing court, or by the parole board pursuant to section 1045
2967.28 of the Revised Code, to the regulatory or licensing board 1046
or agency that issued an offender a professional license or a 1047
license or permit to do business in this state and that specifies 1048
that the offender has been convicted of or pleaded guilty to an 1049
offense that may violate the conditions under which the offender's 1050
professional license or license or permit to do business in this 1051
state was granted or an offense for which the offender's 1052
professional license or license or permit to do business in this 1053
state may be revoked or suspended. 1054

(W) "Major drug offender" means an offender who is convicted 1055
of or pleads guilty to the possession of, sale of, or offer to 1056
sell any drug, compound, mixture, preparation, or substance that 1057

consists of or contains at least one thousand grams of hashish; at 1058
least one hundred grams of cocaine; at least two thousand five 1059
hundred unit doses or two hundred fifty grams of heroin; at least 1060
five thousand unit doses of L.S.D. or five hundred grams of L.S.D. 1061
in a liquid concentrate, liquid extract, or liquid distillate 1062
form; at least fifty grams of a controlled substance analog; or at 1063
least one hundred times the amount of any other schedule I or II 1064
controlled substance other than marihuana that is necessary to 1065
commit a felony of the third degree pursuant to section 2925.03, 1066
2925.04, 2925.05, or 2925.11 of the Revised Code that is based on 1067
the possession of, sale of, or offer to sell the controlled 1068
substance. 1069

(X) "Mandatory prison term" means any of the following: 1070

(1) Subject to division (X)(2) of this section, the term in 1071
prison that must be imposed for the offenses or circumstances set 1072
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 1073
2929.13 and division (B) of section 2929.14 of the Revised Code. 1074
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 1075
and 2925.11 of the Revised Code, unless the maximum or another 1076
specific term is required under section 2929.14 or 2929.142 of the 1077
Revised Code, a mandatory prison term described in this division 1078
may be any prison term authorized for the level of offense. 1079

(2) The term of sixty or one hundred twenty days in prison 1080
that a sentencing court is required to impose for a third or 1081
fourth degree felony OVI offense pursuant to division (G)(2) of 1082
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 1083
of the Revised Code or the term of one, two, three, four, or five 1084
years in prison that a sentencing court is required to impose 1085
pursuant to division (G)(2) of section 2929.13 of the Revised 1086
Code. 1087

(3) The term in prison imposed pursuant to division (A) of 1088
section 2971.03 of the Revised Code for the offenses and in the 1089

circumstances described in division (F)(11) of section 2929.13 of 1090
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 1091
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 1092
2971.03 of the Revised Code and that term as modified or 1093
terminated pursuant to section 2971.05 of the Revised Code. 1094

(Y) "Monitored time" means a period of time during which an 1095
offender continues to be under the control of the sentencing court 1096
or parole board, subject to no conditions other than leading a 1097
law-abiding life. 1098

(Z) "Offender" means a person who, in this state, is 1099
convicted of or pleads guilty to a felony or a misdemeanor. 1100

(AA) "Prison" means a residential facility used for the 1101
confinement of convicted felony offenders that is under the 1102
control of the department of rehabilitation and correction but 1103
does not include a violation sanction center operated under 1104
authority of section 2967.141 of the Revised Code. 1105

(BB) "Prison term" includes either of the following sanctions 1106
for an offender: 1107

(1) A stated prison term; 1108

(2) A term in a prison shortened by, or with the approval of, 1109
the sentencing court pursuant to section 2929.143, 2929.20, 1110
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 1111

(CC) "Repeat violent offender" means a person about whom both 1112
of the following apply: 1113

(1) The person is being sentenced for committing or for 1114
complicity in committing any of the following: 1115

(a) Aggravated murder, murder, any felony of the first or 1116
second degree that is an offense of violence, or an attempt to 1117
commit any of these offenses if the attempt is a felony of the 1118
first or second degree; 1119

(b) An offense under an existing or former law of this state, 1120
another state, or the United States that is or was substantially 1121
equivalent to an offense described in division (CC)(1)(a) of this 1122
section. 1123

(2) The person previously was convicted of or pleaded guilty 1124
to an offense described in division (CC)(1)(a) or (b) of this 1125
section. 1126

(DD) "Sanction" means any penalty imposed upon an offender 1127
who is convicted of or pleads guilty to an offense, as punishment 1128
for the offense. "Sanction" includes any sanction imposed pursuant 1129
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 1130
2929.28 of the Revised Code. 1131

(EE) "Sentence" means the sanction or combination of 1132
sanctions imposed by the sentencing court on an offender who is 1133
convicted of or pleads guilty to an offense. 1134

(FF) "Stated prison term" means the prison term, mandatory 1135
prison term, or combination of all prison terms and mandatory 1136
prison terms imposed by the sentencing court pursuant to section 1137
2929.14, 2929.142, or 2971.03 of the Revised Code or under section 1138
2919.25 of the Revised Code. "Stated prison term" includes any 1139
credit received by the offender for time spent in jail awaiting 1140
trial, sentencing, or transfer to prison for the offense and any 1141
time spent under house arrest or house arrest with electronic 1142
monitoring imposed after earning credits pursuant to section 1143
2967.193 of the Revised Code. If an offender is serving a prison 1144
term as a risk reduction sentence under sections 2929.143 and 1145
5120.036 of the Revised Code, "stated prison term" includes any 1146
period of time by which the prison term imposed upon the offender 1147
is shortened by the offender's successful completion of all 1148
assessment and treatment or programming pursuant to those 1149
sections. 1150

(GG) "Victim-offender mediation" means a reconciliation or mediation program that involves an offender and the victim of the offense committed by the offender and that includes a meeting in which the offender and the victim may discuss the offense, discuss restitution, and consider other sanctions for the offense.

(HH) "Fourth degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the fourth degree.

(II) "Mandatory term of local incarceration" means the term of sixty or one hundred twenty days in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility that a sentencing court may impose upon a person who is convicted of or pleads guilty to a fourth degree felony OVI offense pursuant to division (G)(1) of section 2929.13 of the Revised Code and division (G)(1)(d) or (e) of section 4511.19 of the Revised Code.

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

(KK) "Sexually oriented offense," "child-victim oriented offense," and "tier III sex offender/child-victim offender" have the same meanings as in section 2950.01 of the Revised Code.

(LL) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed within thirty feet of or within the same residential unit as the child and regardless of whether the child actually views the

commission of the offense.	1182
(MM) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.	1183 1184
(NN) "Motor vehicle" and "manufactured home" have the same meanings as in section 4501.01 of the Revised Code.	1185 1186
(OO) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code.	1187 1188
(PP) "Third degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the third degree.	1189 1190 1191
(QQ) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.	1192 1193
(RR) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code.	1194 1195
(SS) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code.	1196 1197
(TT) "Electronic monitoring" means monitoring through the use of an electronic monitoring device.	1198 1199
(UU) "Electronic monitoring device" means any of the following:	1200 1201
(1) Any device that can be operated by electrical or battery power and that conforms with all of the following:	1202 1203
(a) The device has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in division (UU)(1)(b) of this section if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control	1204 1205 1206 1207 1208 1209 1210 1211

or otherwise is tampered with, that can transmit continuously and 1212
periodically a signal to that receiver when the person is within a 1213
specified distance from the receiver, and that can transmit an 1214
appropriate signal to that receiver if the person to whom it is 1215
attached travels a specified distance from that receiver. 1216

(b) The device has a receiver that can receive continuously 1217
the signals transmitted by a transmitter of the type described in 1218
division (UU)(1)(a) of this section, can transmit continuously 1219
those signals by a wireless or landline telephone connection to a 1220
central monitoring computer of the type described in division 1221
(UU)(1)(c) of this section, and can transmit continuously an 1222
appropriate signal to that central monitoring computer if the 1223
device has been turned off or altered without prior court approval 1224
or otherwise tampered with. The device is designed specifically 1225
for use in electronic monitoring, is not a converted wireless 1226
phone or another tracking device that is clearly not designed for 1227
electronic monitoring, and provides a means of text-based or voice 1228
communication with the person. 1229

(c) The device has a central monitoring computer that can 1230
receive continuously the signals transmitted by a wireless or 1231
landline telephone connection by a receiver of the type described 1232
in division (UU)(1)(b) of this section and can monitor 1233
continuously the person to whom an electronic monitoring device of 1234
the type described in division (UU)(1)(a) of this section is 1235
attached. 1236

(2) Any device that is not a device of the type described in 1237
division (UU)(1) of this section and that conforms with all of the 1238
following: 1239

(a) The device includes a transmitter and receiver that can 1240
monitor and determine the location of a subject person at any 1241
time, or at a designated point in time, through the use of a 1242
central monitoring computer or through other electronic means. 1243

(b) The device includes a transmitter and receiver that can determine at any time, or at a designated point in time, through the use of a central monitoring computer or other electronic means the fact that the transmitter is turned off or altered in any manner without prior approval of the court in relation to the electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with.

(3) Any type of technology that can adequately track or determine the location of a subject person at any time and that is approved by the director of rehabilitation and correction, including, but not limited to, any satellite technology, voice tracking system, or retinal scanning system that is so approved.

(VV) "Non-economic loss" means nonpecuniary harm suffered by a victim of an offense as a result of or related to the commission of the offense, including, but not limited to, pain and suffering; loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education; mental anguish; and any other intangible loss.

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

(XX) "Continuous alcohol monitoring" means the ability to automatically test and periodically transmit alcohol consumption levels and tamper attempts at least every hour, regardless of the location of the person who is being monitored.

(YY) A person is "adjudicated a sexually violent predator" if the person is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the

indictment, count in the indictment, or information charging that 1275
violent sex offense or if the person is convicted of or pleads 1276
guilty to a designated homicide, assault, or kidnapping offense 1277
and also is convicted of or pleads guilty to both a sexual 1278
motivation specification and a sexually violent predator 1279
specification that were included in the indictment, count in the 1280
indictment, or information charging that designated homicide, 1281
assault, or kidnapping offense. 1282

(ZZ) An offense is "committed in proximity to a school" if 1283
the offender commits the offense in a school safety zone or within 1284
five hundred feet of any school building or the boundaries of any 1285
school premises, regardless of whether the offender knows the 1286
offense is being committed in a school safety zone or within five 1287
hundred feet of any school building or the boundaries of any 1288
school premises. 1289

(AAA) "Human trafficking" means a scheme or plan to which all 1290
of the following apply: 1291

(1) Its object is ~~to subject~~ one or more of the following: 1292

(a) To subject a victim or victims to involuntary servitude, 1293
as defined in section 2905.31 of the Revised Code, or to compel a 1294
victim or victims to engage in sexual activity for hire, to engage 1295
in a performance that is obscene, sexually oriented, or nudity 1296
oriented, or to be a model or participant in the production of 1297
material that is obscene, sexually oriented, or nudity oriented; 1298

(b) To facilitate, encourage, or recruit a victim who is less 1299
than sixteen years of age or is a developmentally disabled person, 1300
or victims who are less than sixteen years of age or are 1301
developmentally disabled persons, for any purpose listed in 1302
divisions (A)(2)(a) to (c) of section 2905.32 of the Revised Code; 1303

(c) To facilitate, encourage, or recruit a victim who is 1304
sixteen or seventeen years of age, or victims who are sixteen or 1305

seventeen years of age, for any purpose listed in divisions 1306
(A)(2)(a) to (c) of section 2905.32 of the Revised Code, if the 1307
circumstances described in division (A)(5), (6), (7), (8), (9), 1308
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 1309
apply with respect to the person engaging in the conduct and the 1310
victim or victims. 1311

(2) It involves at least two felony offenses, whether or not 1312
there has been a prior conviction for any of the felony offenses, 1313
to which all of the following apply: 1314

(a) Each of the felony offenses is a violation of section 1315
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 1316
(A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 1317
(4), or (5) of section 2919.22 of the Revised Code or is a 1318
violation of a law of any state other than this state that is 1319
substantially similar to any of the sections or divisions of the 1320
Revised Code identified in this division. 1321

(b) At least one of the felony offenses was committed in this 1322
state. 1323

(c) The felony offenses are related to the same scheme or 1324
plan and are not isolated instances. 1325

(BBB) "Material," "nudity," "obscene," "performance," and 1326
"sexual activity" have the same meanings as in section 2907.01 of 1327
the Revised Code. 1328

(CCC) "Material that is obscene, sexually oriented, or nudity 1329
oriented" means any material that is obscene, that shows a person 1330
participating or engaging in sexual activity, masturbation, or 1331
bestiality, or that shows a person in a state of nudity. 1332

(DDD) "Performance that is obscene, sexually oriented, or 1333
nudity oriented" means any performance that is obscene, that shows 1334
a person participating or engaging in sexual activity, 1335
masturbation, or bestiality, or that shows a person in a state of 1336

nudity. 1337

Sec. 2937.11. (A)(1) As used in divisions (B) and (C) of this 1338
section, "victim" includes any person who was a victim of a felony 1339
violation identified in division (B) of this section or a felony 1340
offense of violence or against whom was directed any conduct that 1341
constitutes, or that is an element of, a felony violation 1342
identified in division (B) of this section or a felony offense of 1343
violence. 1344

(2) As used in division (D) of this section, "victim" means 1345
any person who is less than sixteen years of age and who was a 1346
victim of a violation of section 2905.32 of the Revised Code or 1347
against whom was directed any conduct that constitutes, or is an 1348
element of, a violation of section 2905.32 of the Revised Code. 1349

(3) At the preliminary hearing set pursuant to section 1350
2937.10 of the Revised Code and the Criminal Rules, the prosecutor 1351
may state, but is not required to state, orally the case for the 1352
state and shall then proceed to examine witnesses and introduce 1353
exhibits for the state. The accused and the magistrate have full 1354
right of cross examination, and the accused has the right of 1355
inspection of exhibits prior to their introduction. The hearing 1356
shall be conducted under the rules of evidence prevailing in 1357
criminal trials generally. On motion of either the state or the 1358
accused, witnesses shall be separated and not permitted in the 1359
hearing room except when called to testify. 1360

(B) In a case involving an alleged felony violation of 1361
section 2905.05, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 1362
2907.21, 2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1363
or 2919.22 of the Revised Code or an alleged felony offense of 1364
violence and in which an alleged victim of the alleged violation 1365
or offense was less than thirteen years of age when the complaint 1366
or information was filed, whichever occurred earlier, upon motion 1367

of the prosecution, the testimony of the child victim at the 1368
preliminary hearing may be taken in a room other than the room in 1369
which the preliminary hearing is being conducted and be televised, 1370
by closed circuit equipment, into the room in which the 1371
preliminary hearing is being conducted, in accordance with 1372
division (C) of section 2945.481 of the Revised Code. 1373

(C) In a case involving an alleged felony violation listed in 1374
division (B) of this section or an alleged felony offense of 1375
violence and in which an alleged victim of the alleged violation 1376
or offense was less than thirteen years of age when the complaint 1377
or information was filed, whichever occurred earlier, the court, 1378
on written motion of the prosecutor in the case filed at least 1379
three days prior to the hearing, shall order that all testimony of 1380
the child victim be recorded and preserved on videotape, in 1381
addition to being recorded for purposes of the transcript of the 1382
proceeding. If such an order is issued, it shall specifically 1383
identify the child victim concerning whose testimony it pertains, 1384
apply only during the testimony of the child victim it 1385
specifically identifies, and apply to all testimony of the child 1386
victim presented at the hearing, regardless of whether the child 1387
victim is called as a witness by the prosecution or by the 1388
defense. 1389

(D)(1)(a) In a case involving an alleged violation of section 1390
2905.32 of the Revised Code, upon motion of the prosecution, the 1391
testimony of the victim at the preliminary hearing may be taken in 1392
a place or room other than the room in which the preliminary 1393
hearing is being conducted and be televised, by closed circuit 1394
equipment, into the room in which the preliminary hearing is being 1395
conducted, to be viewed by the accused and any other persons who 1396
are not permitted in the room in which the testimony is to be 1397
taken but who would have been present during the testimony of the 1398
victim had it been given in the room in which the preliminary 1399

hearing is being conducted. Except for good cause shown, the 1400
prosecution shall file a motion under this division at least seven 1401
days before the date of the preliminary hearing. 1402

(b) Upon the motion of the prosecution filed under division 1403
(D)(1)(a) of this section and if the judge or magistrate 1404
determines that the victim is unavailable to testify in the room 1405
in which the preliminary hearing is being conducted in the 1406
physical presence of the accused for one or more of the reasons 1407
set forth in division (D)(2) of this section, the judge or 1408
magistrate may issue an order for the testimony of the victim to 1409
be taken in a place or room other than the room in which the 1410
preliminary hearing is being conducted and televised, by closed 1411
circuit equipment, into the room in which the preliminary hearing 1412
is being conducted. If a judge or magistrate issues an order of 1413
that nature, the judge or magistrate shall exclude from the room 1414
in which the testimony of the victim is to be taken every person 1415
except the following: 1416

(i) The victim giving the testimony; 1417

(ii) The judge or magistrate; 1418

(iii) One or more interpreters if needed; 1419

(iv) The attorneys for the prosecution and the defense; 1420

(v) Any person needed to operate the equipment to be used; 1421

(vi) One person chosen by the victim giving the testimony; 1422

(vii) Any person whose presence the judge or magistrate 1423
determines would contribute to the welfare and well-being of the 1424
victim giving the testimony. 1425

(c) The person chosen by the victim under division 1426
(D)(1)(b)(vi) of this section shall not be a witness in the 1427
preliminary hearing and, both before and during the testimony, 1428
shall not discuss the testimony of the victim with any other 1429

witness in the preliminary hearing. 1430

(d) The judge or magistrate, at the judge's or magistrate's 1431
discretion, may preside during the giving of the testimony by 1432
electronic means from outside the room in which it is being given, 1433
subject to the limitations set forth in this division. If the 1434
judge or magistrate presides by electronic means, the judge or 1435
magistrate shall be provided with monitors on which the judge or 1436
magistrate can see each person in the room in which the testimony 1437
is to be taken and with an electronic means of communication with 1438
each person, and each person in the room shall be provided with a 1439
monitor on which that person can see the judge or magistrate and 1440
with an electronic means of communication with the judge or 1441
magistrate. To the extent feasible, any person operating the 1442
televising equipment shall be restricted to a room adjacent to the 1443
room in which the testimony is being taken, or to a location in 1444
the room in which the testimony is being taken that is behind a 1445
screen or mirror, so that the person operating the televising 1446
equipment can see and hear, but cannot be seen or heard by, the 1447
victim giving the testimony during the testimony. The accused 1448
shall be permitted to observe and hear the testimony of the victim 1449
giving the testimony on a monitor, shall be provided with an 1450
electronic means of immediate communication with the attorney of 1451
the accused during the testimony, and shall be restricted to a 1452
location from which the accused cannot be seen or heard by the 1453
victim giving the testimony, except on a monitor provided for that 1454
purpose. The accused and the judge or magistrate have full right 1455
of cross examination, and the accused has the right of inspection 1456
of exhibits prior to their introduction. The victim giving the 1457
testimony shall be provided with a monitor on which the victim can 1458
observe the accused during the testimony. 1459

(2) For purposes of division (D)(1) of this section, a judge 1460
or magistrate may order the testimony of a victim to be taken at a 1461

place or room outside the room in which the preliminary hearing is 1462
being conducted if the judge or magistrate determines that the 1463
victim is unavailable to testify in the room in the physical 1464
presence of the accused due to one or more of the following: 1465

(a) The inability of the victim to communicate about the 1466
alleged offense because of extreme fear, severe trauma, or another 1467
similar reason; 1468

(b) The substantial likelihood that the victim will suffer 1469
serious emotional trauma from so testifying; 1470

(c) The victim is at a hospital for care and treatment for 1471
any physical, mental, or emotional injury suffered by reason of 1472
the alleged offense. 1473

Sec. 2950.01. As used in this chapter, unless the context 1474
clearly requires otherwise: 1475

(A) "Sexually oriented offense" means any of the following 1476
violations or offenses committed by a person, regardless of the 1477
person's age: 1478

(1) A violation of section 2907.02, 2907.03, 2907.05, 1479
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 1480
2907.322, or 2907.323 of the Revised Code; 1481

(2) A violation of section 2907.04 of the Revised Code when 1482
the offender is less than four years older than the other person 1483
with whom the offender engaged in sexual conduct, the other person 1484
did not consent to the sexual conduct, and the offender previously 1485
has not been convicted of or pleaded guilty to a violation of 1486
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 1487
violation of former section 2907.12 of the Revised Code; 1488

(3) A violation of section 2907.04 of the Revised Code when 1489
the offender is at least four years older than the other person 1490
with whom the offender engaged in sexual conduct or when the 1491

offender is less than four years older than the other person with 1492
whom the offender engaged in sexual conduct and the offender 1493
previously has been convicted of or pleaded guilty to a violation 1494
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 1495
violation of former section 2907.12 of the Revised Code; 1496

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 1497
the Revised Code when the violation was committed with a sexual 1498
motivation; 1499

(5) A violation of division (A) of section 2903.04 of the 1500
Revised Code when the offender committed or attempted to commit 1501
the felony that is the basis of the violation with a sexual 1502
motivation; 1503

(6) A violation of division (A)(3) of section 2903.211 of the 1504
Revised Code; 1505

(7) A violation of division (A)(1), (2), (3), or (5) of 1506
section 2905.01 of the Revised Code when the offense is committed 1507
with a sexual motivation; 1508

(8) A violation of division (A)(4) of section 2905.01 of the 1509
Revised Code; 1510

(9) A violation of division (B) of section 2905.01 of the 1511
Revised Code when the victim of the offense is under eighteen 1512
years of age and the offender is not a parent of the victim of the 1513
offense; 1514

(10) A violation of division (B) of section 2903.03, of 1515
division (B) of section 2905.02, of division (B) of section 1516
2905.03, of division (B) of section 2905.05, or of division (B)(5) 1517
of section 2919.22 of the Revised Code; 1518

(11) A violation of section 2905.32 of the Revised Code when 1519
any of the following applies: 1520

(a) The violation is a violation of division (A)(1) of that 1521

section and the offender knowingly recruited, lured, enticed, 1522
isolated, harbored, transported, provided, obtained, or 1523
maintained, or knowingly attempted to recruit, lure, entice, 1524
isolate, harbor, transport, provide, obtain, or maintain, another 1525
person knowing that the person would be compelled to engage in 1526
sexual activity for hire, engage in a performance that was 1527
obscene, sexually oriented, or nudity oriented, or be a model or 1528
participant in the production of material that was obscene, 1529
sexually oriented, or nudity oriented. 1530

(b) The violation is a violation of division (A)(2) of that 1531
section and the offender knowingly recruited, lured, enticed, 1532
isolated, harbored, transported, provided, obtained, or 1533
maintained, or knowingly attempted to recruit, lure, entice, 1534
isolate, harbor, transport, provide, obtain, or maintain a person 1535
who is less than sixteen years of age or is a developmentally 1536
disabled person whom the offender knows or has reasonable cause to 1537
believe is a developmentally disabled person for any purpose 1538
listed in divisions (A)(2)(a) to (c) of that section. 1539

(c) The violation is a violation of division (A)(3) of that 1540
section, the offender knowingly recruited, lured, enticed, 1541
isolated, harbored, transported, provided, obtained, or 1542
maintained, or knowingly attempted to recruit, lure, entice, 1543
isolate, harbor, transport, provide, obtain, or maintain a person 1544
who is sixteen or seventeen years of age for any purpose listed in 1545
divisions (A)(2)(a) to (c) of that section, and the circumstances 1546
described in division (A)(5), (6), (7), (8), (9), (10), (11), 1547
(12), or (13) of section 2907.03 of the Revised Code apply with 1548
respect to the offender and the other person. 1549

(12) A violation of any former law of this state, any 1550
existing or former municipal ordinance or law of another state or 1551
the United States, any existing or former law applicable in a 1552
military court or in an Indian tribal court, or any existing or 1553

former law of any nation other than the United States that is or 1554
was substantially equivalent to any offense listed in division 1555
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of 1556
this section; 1557

(13) A violation of division (A)(3) of section 2907.24 of the 1558
Revised Code; 1559

(14) Any attempt to commit, conspiracy to commit, or 1560
complicity in committing any offense listed in division (A)(1), 1561
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), ~~or~~ (12), or 1562
(13) of this section. 1563

(B)(1) "Sex offender" means, subject to division (B)(2) of 1564
this section, a person who is convicted of, pleads guilty to, has 1565
been convicted of, has pleaded guilty to, is adjudicated a 1566
delinquent child for committing, or has been adjudicated a 1567
delinquent child for committing any sexually oriented offense. 1568

(2) "Sex offender" does not include a person who is convicted 1569
of, pleads guilty to, has been convicted of, has pleaded guilty 1570
to, is adjudicated a delinquent child for committing, or has been 1571
adjudicated a delinquent child for committing a sexually oriented 1572
offense if the offense involves consensual sexual conduct or 1573
consensual sexual contact and either of the following applies: 1574

(a) The victim of the sexually oriented offense was eighteen 1575
years of age or older and at the time of the sexually oriented 1576
offense was not under the custodial authority of the person who is 1577
convicted of, pleads guilty to, has been convicted of, has pleaded 1578
guilty to, is adjudicated a delinquent child for committing, or 1579
has been adjudicated a delinquent child for committing the 1580
sexually oriented offense. 1581

(b) The victim of the offense was thirteen years of age or 1582
older, and the person who is convicted of, pleads guilty to, has 1583
been convicted of, has pleaded guilty to, is adjudicated a 1584

delinquent child for committing, or has been adjudicated a 1585
delinquent child for committing the sexually oriented offense is 1586
not more than four years older than the victim. 1587

(C) "Child-victim oriented offense" means any of the 1588
following violations or offenses committed by a person, regardless 1589
of the person's age, when the victim is under eighteen years of 1590
age and is not a child of the person who commits the violation: 1591

(1) A violation of division (A)(1), (2), (3), or (5) of 1592
section 2905.01 of the Revised Code when the violation is not 1593
included in division (A)(7) of this section; 1594

(2) A violation of division (A) of section 2905.02, division 1595
(A) of section 2905.03, or division (A) of section 2905.05 of the 1596
Revised Code; 1597

(3) A violation of any former law of this state, any existing 1598
or former municipal ordinance or law of another state or the 1599
United States, any existing or former law applicable in a military 1600
court or in an Indian tribal court, or any existing or former law 1601
of any nation other than the United States that is or was 1602
substantially equivalent to any offense listed in division (C)(1) 1603
or (2) of this section; 1604

(4) Any attempt to commit, conspiracy to commit, or 1605
complicity in committing any offense listed in division (C)(1), 1606
(2), or (3) of this section. 1607

(D) "Child-victim offender" means a person who is convicted 1608
of, pleads guilty to, has been convicted of, has pleaded guilty 1609
to, is adjudicated a delinquent child for committing, or has been 1610
adjudicated a delinquent child for committing any child-victim 1611
oriented offense. 1612

(E) "Tier I sex offender/child-victim offender" means any of 1613
the following: 1614

(1) A sex offender who is convicted of, pleads guilty to, has
been convicted of, or has pleaded guilty to any of the following
sexually oriented offenses:

(a) A violation of section 2907.06, 2907.07, 2907.08,
2907.22, or 2907.32 of the Revised Code;

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

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

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

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

(f) A violation of any former law of this state, any existing
or former municipal ordinance or law of another state or the
United States, any existing or former law applicable in a military
court or in an Indian tribal court, or any existing or former law
of any nation other than the United States, that is or was
substantially equivalent to any offense listed in division
(E)(1)(a), (b), (c), (d), or (e) of this section;

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

(2) A child-victim offender who is convicted of, pleads

guilty to, has been convicted of, or has pleaded guilty to a 1645
child-victim oriented offense and who is not within either 1646
category of child-victim offender described in division (F)(2) or 1647
(G)(2) of this section. 1648

(3) A sex offender who is adjudicated a delinquent child for 1649
committing or has been adjudicated a delinquent child for 1650
committing any sexually oriented offense and who a juvenile court, 1651
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 1652
Revised Code, classifies a tier I sex offender/child-victim 1653
offender relative to the offense. 1654

(4) A child-victim offender who is adjudicated a delinquent 1655
child for committing or has been adjudicated a delinquent child 1656
for committing any child-victim oriented offense and who a 1657
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 1658
2152.85 of the Revised Code, classifies a tier I sex 1659
offender/child-victim offender relative to the offense. 1660

(F) "Tier II sex offender/child-victim offender" means any of 1661
the following: 1662

(1) A sex offender who is convicted of, pleads guilty to, has 1663
been convicted of, or has pleaded guilty to any of the following 1664
sexually oriented offenses: 1665

(a) A violation of section 2907.21, 2907.321, or 2907.322 of 1666
the Revised Code; 1667

(b) A violation of section 2907.04 of the Revised Code when 1668
the offender is at least four years older than the other person 1669
with whom the offender engaged in sexual conduct, or when the 1670
offender is less than four years older than the other person with 1671
whom the offender engaged in sexual conduct and the offender 1672
previously has been convicted of or pleaded guilty to a violation 1673
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or 1674
former section 2907.12 of the Revised Code; 1675

(c) A violation of division (A)(4) of section 2907.05, of 1676
division (A)(3) of section 2907.24, or of division (A)(1) or (2) 1677
of section 2907.323 of the Revised Code; 1678

(d) A violation of division (A)(1), (2), (3), or (5) of 1679
section 2905.01 of the Revised Code when the offense is committed 1680
with a sexual motivation; 1681

(e) A violation of division (A)(4) of section 2905.01 of the 1682
Revised Code when the victim of the offense is eighteen years of 1683
age or older; 1684

(f) A violation of division (B) of section 2905.02 or of 1685
division (B)(5) of section 2919.22 of the Revised Code; 1686

(g) A violation of section 2905.32 of the Revised Code ~~when~~ 1687
~~the offender knowingly recruited, lured, enticed, isolated,~~ 1688
~~harbored, transported, provided, obtained, or maintained, or~~ 1689
~~knowingly attempted to recruit, lure, entice, isolate, harbor,~~ 1690
~~transport, provide, obtain, or maintain, another person knowing~~ 1691
~~that the person would be compelled to engage in sexual activity~~ 1692
~~for hire, engage in a performance that was obscene, sexually~~ 1693
~~oriented, or nudity oriented, or be a model or participant in the~~ 1694
~~production of material that was obscene, sexually oriented, or~~ 1695
~~nudity oriented~~ that is described in division (A)(11)(a), (b), or 1696
(c) of this section; 1697

(h) A violation of any former law of this state, any existing 1698
or former municipal ordinance or law of another state or the 1699
United States, any existing or former law applicable in a military 1700
court or in an Indian tribal court, or any existing or former law 1701
of any nation other than the United States that is or was 1702
substantially equivalent to any offense listed in division 1703
(F)(1)(a), (b), (c), (d), (e), (f), or (g) of this section; 1704

(i) Any attempt to commit, conspiracy to commit, or 1705
complicity in committing any offense listed in division (F)(1)(a), 1706

(b), (c), (d), (e), (f), (g), or (h) of this section; 1707

(j) Any sexually oriented offense that is committed after the 1708
sex offender previously has been convicted of, pleaded guilty to, 1709
or has been adjudicated a delinquent child for committing any 1710
sexually oriented offense or child-victim oriented offense for 1711
which the offender was classified a tier I sex 1712
offender/child-victim offender. 1713

(2) A child-victim offender who is convicted of, pleads 1714
guilty to, has been convicted of, or has pleaded guilty to any 1715
child-victim oriented offense when the child-victim oriented 1716
offense is committed after the child-victim offender previously 1717
has been convicted of, pleaded guilty to, or been adjudicated a 1718
delinquent child for committing any sexually oriented offense or 1719
child-victim oriented offense for which the offender was 1720
classified a tier I sex offender/child-victim offender. 1721

(3) A sex offender who is adjudicated a delinquent child for 1722
committing or has been adjudicated a delinquent child for 1723
committing any sexually oriented offense and who a juvenile court, 1724
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 1725
Revised Code, classifies a tier II sex offender/child-victim 1726
offender relative to the offense. 1727

(4) A child-victim offender who is adjudicated a delinquent 1728
child for committing or has been adjudicated a delinquent child 1729
for committing any child-victim oriented offense and whom a 1730
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 1731
2152.85 of the Revised Code, classifies a tier II sex 1732
offender/child-victim offender relative to the current offense. 1733

(5) A sex offender or child-victim offender who is not in any 1734
category of tier II sex offender/child-victim offender set forth 1735
in division (F)(1), (2), (3), or (4) of this section, who prior to 1736
January 1, 2008, was adjudicated a delinquent child for committing 1737

a sexually oriented offense or child-victim oriented offense, and 1738
who prior to that date was determined to be a habitual sex 1739
offender or determined to be a habitual child-victim offender, 1740
unless either of the following applies: 1741

(a) The sex offender or child-victim offender is reclassified 1742
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 1743
tier I sex offender/child-victim offender or a tier III sex 1744
offender/child-victim offender relative to the offense. 1745

(b) A juvenile court, pursuant to section 2152.82, 2152.83, 1746
2152.84, or 2152.85 of the Revised Code, classifies the child a 1747
tier I sex offender/child-victim offender or a tier III sex 1748
offender/child-victim offender relative to the offense. 1749

(G) "Tier III sex offender/child-victim offender" means any 1750
of the following: 1751

(1) A sex offender who is convicted of, pleads guilty to, has 1752
been convicted of, or has pleaded guilty to any of the following 1753
sexually oriented offenses: 1754

(a) A violation of section 2907.02 or 2907.03 of the Revised 1755
Code; 1756

(b) A violation of division (B) of section 2907.05 of the 1757
Revised Code; 1758

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 1759
the Revised Code when the violation was committed with a sexual 1760
motivation; 1761

(d) A violation of division (A) of section 2903.04 of the 1762
Revised Code when the offender committed or attempted to commit 1763
the felony that is the basis of the violation with a sexual 1764
motivation; 1765

(e) A violation of division (A)(4) of section 2905.01 of the 1766
Revised Code when the victim of the offense is under eighteen 1767

years of age; 1768

(f) A violation of division (B) of section 2905.01 of the 1769
Revised Code when the victim of the offense is under eighteen 1770
years of age and the offender is not a parent of the victim of the 1771
offense; 1772

(g) A violation of division (B) of section 2903.03 of the 1773
Revised Code; 1774

(h) A violation of any former law of this state, any existing 1775
or former municipal ordinance or law of another state or the 1776
United States, any existing or former law applicable in a military 1777
court or in an Indian tribal court, or any existing or former law 1778
of any nation other than the United States that is or was 1779
substantially equivalent to any offense listed in division 1780
(G)(1)(a), (b), (c), (d), (e), (f), or (g) of this section; 1781

(i) Any attempt to commit, conspiracy to commit, or 1782
complicity in committing any offense listed in division (G)(1)(a), 1783
(b), (c), (d), (e), (f), (g), or (h) of this section; 1784

(j) Any sexually oriented offense that is committed after the 1785
sex offender previously has been convicted of, pleaded guilty to, 1786
or been adjudicated a delinquent child for committing any sexually 1787
oriented offense or child-victim oriented offense for which the 1788
offender was classified a tier II sex offender/child-victim 1789
offender or a tier III sex offender/child-victim offender. 1790

(2) A child-victim offender who is convicted of, pleads 1791
guilty to, has been convicted of, or has pleaded guilty to any 1792
child-victim oriented offense when the child-victim oriented 1793
offense is committed after the child-victim offender previously 1794
has been convicted of, pleaded guilty to, or been adjudicated a 1795
delinquent child for committing any sexually oriented offense or 1796
child-victim oriented offense for which the offender was 1797
classified a tier II sex offender/child-victim offender or a tier 1798

III sex offender/child-victim offender. 1799

(3) A sex offender who is adjudicated a delinquent child for 1800
committing or has been adjudicated a delinquent child for 1801
committing any sexually oriented offense and who a juvenile court, 1802
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 1803
Revised Code, classifies a tier III sex offender/child-victim 1804
offender relative to the offense. 1805

(4) A child-victim offender who is adjudicated a delinquent 1806
child for committing or has been adjudicated a delinquent child 1807
for committing any child-victim oriented offense and whom a 1808
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 1809
2152.85 of the Revised Code, classifies a tier III sex 1810
offender/child-victim offender relative to the current offense. 1811

(5) A sex offender or child-victim offender who is not in any 1812
category of tier III sex offender/child-victim offender set forth 1813
in division (G)(1), (2), (3), or (4) of this section, who prior to 1814
January 1, 2008, was convicted of or pleaded guilty to a sexually 1815
oriented offense or child-victim oriented offense or was 1816
adjudicated a delinquent child for committing a sexually oriented 1817
offense or child-victim oriented offense and classified a juvenile 1818
offender registrant, and who prior to that date was adjudicated a 1819
sexual predator or adjudicated a child-victim predator, unless 1820
either of the following applies: 1821

(a) The sex offender or child-victim offender is reclassified 1822
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 1823
tier I sex offender/child-victim offender or a tier II sex 1824
offender/child-victim offender relative to the offense. 1825

(b) The sex offender or child-victim offender is a delinquent 1826
child, and a juvenile court, pursuant to section 2152.82, 2152.83, 1827
2152.84, or 2152.85 of the Revised Code, classifies the child a 1828
tier I sex offender/child-victim offender or a tier II sex 1829

offender/child-victim offender relative to the offense. 1830

(6) A sex offender who is convicted of, pleads guilty to, was 1831
convicted of, or pleaded guilty to a sexually oriented offense, if 1832
the sexually oriented offense and the circumstances in which it 1833
was committed are such that division (F) of section 2971.03 of the 1834
Revised Code automatically classifies the offender as a tier III 1835
sex offender/child-victim offender; 1836

(7) A sex offender or child-victim offender who is convicted 1837
of, pleads guilty to, was convicted of, pleaded guilty to, is 1838
adjudicated a delinquent child for committing, or was adjudicated 1839
a delinquent child for committing a sexually oriented offense or 1840
child-victim offense in another state, in a federal court, 1841
military court, or Indian tribal court, or in a court in any 1842
nation other than the United States if both of the following 1843
apply: 1844

(a) Under the law of the jurisdiction in which the offender 1845
was convicted or pleaded guilty or the delinquent child was 1846
adjudicated, the offender or delinquent child is in a category 1847
substantially equivalent to a category of tier III sex 1848
offender/child-victim offender described in division (G)(1), (2), 1849
(3), (4), (5), or (6) of this section. 1850

(b) Subsequent to the conviction, plea of guilty, or 1851
adjudication in the other jurisdiction, the offender or delinquent 1852
child resides, has temporary domicile, attends school or an 1853
institution of higher education, is employed, or intends to reside 1854
in this state in any manner and for any period of time that 1855
subjects the offender or delinquent child to a duty to register or 1856
provide notice of intent to reside under section 2950.04 or 1857
2950.041 of the Revised Code. 1858

(H) "Confinement" includes, but is not limited to, a 1859
community residential sanction imposed pursuant to section 2929.16 1860

or 2929.26 of the Revised Code. 1861

(I) "Prosecutor" has the same meaning as in section 2935.01 1862
of the Revised Code. 1863

(J) "Supervised release" means a release of an offender from 1864
a prison term, a term of imprisonment, or another type of 1865
confinement that satisfies either of the following conditions: 1866

(1) The release is on parole, a conditional pardon, under a 1867
community control sanction, under transitional control, or under a 1868
post-release control sanction, and it requires the person to 1869
report to or be supervised by a parole officer, probation officer, 1870
field officer, or another type of supervising officer. 1871

(2) The release is any type of release that is not described 1872
in division (J)(1) of this section and that requires the person to 1873
report to or be supervised by a probation officer, a parole 1874
officer, a field officer, or another type of supervising officer. 1875

(K) "Sexually violent predator specification," "sexually 1876
violent predator," "sexually violent offense," "sexual motivation 1877
specification," "designated homicide, assault, or kidnapping 1878
offense," and "violent sex offense" have the same meanings as in 1879
section 2971.01 of the Revised Code. 1880

(L) "Post-release control sanction" and "transitional 1881
control" have the same meanings as in section 2967.01 of the 1882
Revised Code. 1883

(M) "Juvenile offender registrant" means a person who is 1884
adjudicated a delinquent child for committing on or after January 1885
1, 2002, a sexually oriented offense or a child-victim oriented 1886
offense, who is fourteen years of age or older at the time of 1887
committing the offense, and who a juvenile court judge, pursuant 1888
to an order issued under section 2152.82, 2152.83, 2152.84, 1889
2152.85, or 2152.86 of the Revised Code, classifies a juvenile 1890
offender registrant and specifies has a duty to comply with 1891

sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. "Juvenile offender registrant" includes a person who prior to January 1, 2008, was a "juvenile offender registrant" under the definition of the term in existence prior to January 1, 2008, and a person who prior to July 31, 2003, was a "juvenile sex offender registrant" under the former definition of that former term.

(N) "Public registry-qualified juvenile offender registrant" means a person who is adjudicated a delinquent child and on whom a juvenile court has imposed a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code before, on, or after January 1, 2008, and to whom all of the following apply:

(1) The person is adjudicated a delinquent child for committing, attempting to commit, conspiring to commit, or complicity in committing one of the following acts:

(a) A violation of section 2907.02 of the Revised Code, division (B) of section 2907.05 of the Revised Code, or section 2907.03 of the Revised Code if the victim of the violation was less than twelve years of age;

(b) A violation of section 2903.01, 2903.02, or 2905.01 of the Revised Code that was committed with a purpose to gratify the sexual needs or desires of the child;

(c) A violation of division (B) of section 2903.03 of the Revised Code.

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

(3) A juvenile court judge, pursuant to an order issued under section 2152.86 of the Revised Code, classifies the person a juvenile offender registrant, specifies the person has a duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code, and classifies the person a public registry-qualified

juvenile offender registrant, and the classification of the person 1923
as a public registry-qualified juvenile offender registrant has 1924
not been terminated pursuant to division (D) of section 2152.86 of 1925
the Revised Code. 1926

(O) "Secure facility" means any facility that is designed and 1927
operated to ensure that all of its entrances and exits are locked 1928
and under the exclusive control of its staff and to ensure that, 1929
because of that exclusive control, no person who is 1930
institutionalized or confined in the facility may leave the 1931
facility without permission or supervision. 1932

(P) "Out-of-state juvenile offender registrant" means a 1933
person who is adjudicated a delinquent child in a court in another 1934
state, in a federal court, military court, or Indian tribal court, 1935
or in a court in any nation other than the United States for 1936
committing a sexually oriented offense or a child-victim oriented 1937
offense, who on or after January 1, 2002, moves to and resides in 1938
this state or temporarily is domiciled in this state for more than 1939
five days, and who has a duty under section 2950.04 or 2950.041 of 1940
the Revised Code to register in this state and the duty to 1941
otherwise comply with that applicable section and sections 2950.05 1942
and 2950.06 of the Revised Code. "Out-of-state juvenile offender 1943
registrant" includes a person who prior to January 1, 2008, was an 1944
"out-of-state juvenile offender registrant" under the definition 1945
of the term in existence prior to January 1, 2008, and a person 1946
who prior to July 31, 2003, was an "out-of-state juvenile sex 1947
offender registrant" under the former definition of that former 1948
term. 1949

(Q) "Juvenile court judge" includes a magistrate to whom the 1950
juvenile court judge confers duties pursuant to division (A)(15) 1951
of section 2151.23 of the Revised Code. 1952

(R) "Adjudicated a delinquent child for committing a sexually 1953
oriented offense" includes a child who receives a serious youthful 1954

offender dispositional sentence under section 2152.13 of the Revised Code for committing a sexually oriented offense.

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

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

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

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

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

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

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Sec. 2951.041. (A)(1) If an offender is charged with a criminal offense, including but not limited to a violation of section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of the Revised Code, and the court has reason to believe that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged or that, at the time of committing that offense, the offender had a mental illness ~~or~~, was a person with intellectual disability, or was a victim of a violation of section 2905.32 of the Revised Code and that the mental illness ~~or~~, status as a person with intellectual disability, or fact that the offender was a victim of a violation of section 2905.32 of the Revised Code was a factor leading to the offender's criminal behavior, the court may accept, prior to the entry of a guilty plea, the offender's request for intervention in lieu of conviction. The request shall include a statement from the offender as to whether the offender is alleging that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged or is alleging that, at the time of committing that offense, the offender had a mental illness ~~or~~, was a person with intellectual disability, or was a victim of a violation of section 2905.32 of the Revised Code and that the mental illness ~~or~~, status as a person with intellectual disability, or fact that the offender was a victim of a violation of section 2905.32 of the Revised Code was a factor leading to the criminal offense with which the offender is charged. The request also shall include a waiver of the defendant's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment has already occurred. The court may reject an offender's request without a hearing. If the court elects to consider an offender's request, the court shall conduct a hearing to determine whether

the offender is eligible under this section for intervention in lieu of conviction and shall stay all criminal proceedings pending the outcome of the hearing. If the court schedules a hearing, the court shall order an assessment of the offender for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan.

If the offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court may order that the offender be assessed by an addiction services provider certified pursuant to section 5119.36 of the Revised Code or a properly credentialed professional for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan. The addiction services provider or the properly credentialed professional shall provide a written assessment of the offender to the court.

(2) The victim notification provisions of division (C) of section 2930.08 of the Revised Code apply in relation to any hearing held under division (A)(1) of this section.

(B) An offender is eligible for intervention in lieu of conviction if the court finds all of the following:

(1) The offender previously has not been convicted of or pleaded guilty to a felony offense of violence or previously has been convicted of or pleaded guilty to any felony that is not an offense of violence and the prosecuting attorney recommends that the offender be found eligible for participation in intervention in lieu of treatment under this section, previously has not been through intervention in lieu of conviction under this section or any similar regimen, and is charged with a felony for which the court, upon conviction, would impose a community control sanction on the offender under division (B)(2) of section 2929.13 of the Revised Code or with a misdemeanor.

(2) The offense is not a felony of the first, second, or third degree, is not an offense of violence, is not a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code, is not a violation of division (A)(1) of section 2903.08 of the Revised Code, is not a violation of division (A) of section 4511.19 of the Revised Code or a municipal ordinance that is substantially similar to that division, and is not an offense for which a sentencing court is required to impose a mandatory prison term, a mandatory term of local incarceration, or a mandatory term of imprisonment in a jail.

(3) The offender is not charged with a violation of section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged with a violation of section 2925.03 of the Revised Code that is a felony of the first, second, third, or fourth degree, and is not charged with a violation of section 2925.11 of the Revised Code that is a felony of the first, second, or third degree.

(4) If an offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court has ordered that the offender be assessed by an addiction services provider certified pursuant to section 5119.36 of the Revised Code or a properly credentialed professional for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan, the offender has been assessed by an addiction services provider of that nature or a properly credentialed professional in accordance with the court's order, and the addiction services provider or properly credentialed professional has filed the written assessment of the offender with the court.

(5) If an offender alleges that, at the time of committing the criminal offense with which the offender is charged, the offender had a mental illness ~~or~~, was a person with intellectual

disability, or was a victim of a violation of section 2905.32 of 2081
the Revised Code and that the mental illness ~~or~~, status as a 2082
person with intellectual disability, or fact that the offender was 2083
a victim of a violation of section 2905.32 of the Revised Code was 2084
a factor leading to that offense, the offender has been assessed 2085
by a psychiatrist, psychologist, independent social worker, 2086
licensed professional clinical counselor, or independent marriage 2087
and family therapist for the purpose of determining the offender's 2088
eligibility for intervention in lieu of conviction and 2089
recommending an appropriate intervention plan. 2090

(6) The offender's drug usage, alcohol usage, mental illness, 2091
or intellectual disability, or the fact that the offender was a 2092
victim of a violation of section 2905.32 of the Revised Code, 2093
whichever is applicable, was a factor leading to the criminal 2094
offense with which the offender is charged, intervention in lieu 2095
of conviction would not demean the seriousness of the offense, and 2096
intervention would substantially reduce the likelihood of any 2097
future criminal activity. 2098

(7) The alleged victim of the offense was not sixty-five 2099
years of age or older, permanently and totally disabled, under 2100
thirteen years of age, or a peace officer engaged in the officer's 2101
official duties at the time of the alleged offense. 2102

(8) If the offender is charged with a violation of section 2103
2925.24 of the Revised Code, the alleged violation did not result 2104
in physical harm to any person, and the offender previously has 2105
not been treated for drug abuse. 2106

(9) The offender is willing to comply with all terms and 2107
conditions imposed by the court pursuant to division (D) of this 2108
section. 2109

(10) The offender is not charged with an offense that would 2110
result in the offender being disqualified under Chapter 4506. of 2111

the Revised Code from operating a commercial motor vehicle or 2112
would subject the offender to any other sanction under that 2113
chapter. 2114

(C) At the conclusion of a hearing held pursuant to division 2115
(A) of this section, the court shall enter its determination as to 2116
whether the offender is eligible for intervention in lieu of 2117
conviction and as to whether to grant the offender's request. If 2118
the court finds under division (B) of this section that the 2119
offender is eligible for intervention in lieu of conviction and 2120
grants the offender's request, the court shall accept the 2121
offender's plea of guilty and waiver of the defendant's right to a 2122
speedy trial, the preliminary hearing, the time period within 2123
which the grand jury may consider an indictment against the 2124
offender, and arraignment, unless the hearing, indictment, or 2125
arraignment has already occurred. In addition, the court then may 2126
stay all criminal proceedings and order the offender to comply 2127
with all terms and conditions imposed by the court pursuant to 2128
division (D) of this section. If the court finds that the offender 2129
is not eligible or does not grant the offender's request, the 2130
criminal proceedings against the offender shall proceed as if the 2131
offender's request for intervention in lieu of conviction had not 2132
been made. 2133

(D) If the court grants an offender's request for 2134
intervention in lieu of conviction, the court shall place the 2135
offender under the general control and supervision of the county 2136
probation department, the adult parole authority, or another 2137
appropriate local probation or court services agency, if one 2138
exists, as if the offender was subject to a community control 2139
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 2140
Revised Code. The court shall establish an intervention plan for 2141
the offender. The terms and conditions of the intervention plan 2142
shall require the offender, for at least one year from the date on 2143

which the court grants the order of intervention in lieu of 2144
conviction, to abstain from the use of illegal drugs and alcohol, 2145
to participate in treatment and recovery support services, and to 2146
submit to regular random testing for drug and alcohol use and may 2147
include any other treatment terms and conditions, or terms and 2148
conditions similar to community control sanctions, which may 2149
include community service or restitution, that are ordered by the 2150
court. 2151

(E) If the court grants an offender's request for 2152
intervention in lieu of conviction and the court finds that the 2153
offender has successfully completed the intervention plan for the 2154
offender, including the requirement that the offender abstain from 2155
using illegal drugs and alcohol for a period of at least one year 2156
from the date on which the court granted the order of intervention 2157
in lieu of conviction, the requirement that the offender 2158
participate in treatment and recovery support services, and all 2159
other terms and conditions ordered by the court, the court shall 2160
dismiss the proceedings against the offender. Successful 2161
completion of the intervention plan and period of abstinence under 2162
this section shall be without adjudication of guilt and is not a 2163
criminal conviction for purposes of any disqualification or 2164
disability imposed by law and upon conviction of a crime, and the 2165
court may order the sealing of records related to the offense in 2166
question in the manner provided in sections 2953.31 to 2953.36 of 2167
the Revised Code. 2168

(F) If the court grants an offender's request for 2169
intervention in lieu of conviction and the offender fails to 2170
comply with any term or condition imposed as part of the 2171
intervention plan for the offender, the supervising authority for 2172
the offender promptly shall advise the court of this failure, and 2173
the court shall hold a hearing to determine whether the offender 2174
failed to comply with any term or condition imposed as part of the 2175

plan. If the court determines that the offender has failed to 2176
comply with any of those terms and conditions, it shall enter a 2177
finding of guilty and shall impose an appropriate sanction under 2178
Chapter 2929. of the Revised Code. If the court sentences the 2179
offender to a prison term, the court, after consulting with the 2180
department of rehabilitation and correction regarding the 2181
availability of services, may order continued court-supervised 2182
activity and treatment of the offender during the prison term and, 2183
upon consideration of reports received from the department 2184
concerning the offender's progress in the program of activity and 2185
treatment, may consider judicial release under section 2929.20 of 2186
the Revised Code. 2187

(G) As used in this section: 2188

(1) "Community control sanction" has the same meaning as in 2189
section 2929.01 of the Revised Code. 2190

(2) "Intervention in lieu of conviction" means any 2191
court-supervised activity that complies with this section. 2192

(3) "Peace officer" has the same meaning as in section 2193
2935.01 of the Revised Code. 2194

(4) "Mental illness" and "psychiatrist" have the same 2195
meanings as in section 5122.01 of the Revised Code. 2196

(5) "Person with intellectual disability" means a person 2197
having significantly subaverage general intellectual functioning 2198
existing concurrently with deficiencies in adaptive behavior, 2199
manifested during the developmental period. 2200

(6) "Psychologist" has the same meaning as in section 4732.01 2201
of the Revised Code. 2202

(H) Whenever the term "mentally retarded person" is used in 2203
any statute, rule, contract, grant, or other document, the 2204
reference shall be deemed to include a "person with intellectual 2205

disability," as defined in this section. 2206

Sec. 3319.073. (A) The board of education of each city and 2207
exempted village school district and the governing board of each 2208
educational service center shall adopt or adapt the curriculum 2209
developed by the department of education for, or shall develop in 2210
consultation with public or private agencies or persons involved 2211
in child abuse prevention or intervention programs, a program of 2212
in-service training in the prevention of child abuse, violence, 2213
and substance abuse and the promotion of positive youth 2214
development. Each person employed by any school district or 2215
service center to work in a school as a nurse, teacher, counselor, 2216
school psychologist, or administrator shall complete at least four 2217
hours of the in-service training within two years of commencing 2218
employment with the district or center, and every five years 2219
thereafter. A person who is employed by any school district or 2220
service center to work in an elementary school as a nurse, 2221
teacher, counselor, school psychologist, or administrator on March 2222
30, 2007, shall complete at least four hours of the in-service 2223
training not later than March 30, 2009, and every five years 2224
thereafter. A person who is employed by any school district or 2225
service center to work in a middle or high school as a nurse, 2226
teacher, counselor, school psychologist, or administrator on 2227
October 16, 2009, shall complete at least four hours of the 2228
in-service training not later than October 16, 2011, and every 2229
five years thereafter. 2230

(B) Each board shall incorporate training in school safety 2231
and violence prevention, ~~including human trafficking content,~~ 2232
including human trafficking content, into the in-service training 2233
required by division (A) of this section. For this purpose, the 2234
board shall adopt or adapt the curriculum developed by the 2235
department or shall develop its own curriculum in consultation 2236
with public or private agencies or persons involved in school 2237

safety and violence prevention programs. 2238

(C) Each board shall incorporate training on the board's 2239
harassment, intimidation, or bullying policy adopted under section 2240
3313.666 of the Revised Code into the in-service training required 2241
by division (A) of this section. Each board also shall incorporate 2242
training in the prevention of dating violence into the in-service 2243
training required by that division for middle and high school 2244
employees. The board shall develop its own curricula for these 2245
purposes. 2246

(D) Each board shall incorporate training in youth suicide 2247
awareness and prevention into the in-service training required by 2248
division (A) of this section for each person employed by a school 2249
district or service center to work in a school as a nurse, 2250
teacher, counselor, school psychologist, or administrator, and any 2251
other personnel that the board determines appropriate. For this 2252
purpose, the board shall adopt or adapt the curriculum developed 2253
by the department or shall develop its own curriculum in 2254
consultation with public or private agencies or persons involved 2255
in youth suicide awareness and prevention programs. 2256

The training completed under this division shall count toward 2257
the satisfaction of requirements for professional development 2258
required by the school district or service center board, and the 2259
training may be accomplished through self-review of suitable 2260
suicide prevention materials approved by the board. 2261

Section 2. That existing sections 109.54, 2151.414, 2151.419, 2262
2901.13, 2905.32, 2907.22, 2907.24, 2929.01, 2937.11, 2950.01, 2263
2951.041, and 3319.073 of the Revised Code are hereby repealed. 2264
2265

Section 3. If any provision of a section in this bill or the 2266
application of any such provision to any person or circumstances 2267

is held invalid, the invalidity does not affect any other 2268
provision or application of the section or of any other section in 2269
this bill that can be given effect without the invalid provision 2270
or application, and to this end the provisions are severable. 2271

Section 4. The changes made by this act to sections 2901.13, 2272
2907.22, and 3319.073 of the Revised Code are not intended to be 2273
new changes, but are intended to confirm and continue the changes 2274
to those sections that were made in Am. Sub. H.B. 59 of the 130th 2275
General Assembly, the validity of which might be called into 2276
question. The changes made by this act to those sections do not 2277
supersede or repeal the changes to those sections that were made 2278
in Am. Sub. H.B. 59 of the 130th General Assembly, are a 2279
continuation of the changes to those sections that were made in 2280
that act, and do not replace the changes to those sections that 2281
were made in that act unless the changes to those sections made in 2282
that act are invalidated. 2283

Section 5. This act is hereby declared to be an emergency 2284
measure necessary for the immediate preservation of the public 2285
peace, health, and safety. The reason for such necessity is that 2286
minors are particularly vulnerable to becoming victims of the 2287
offenses described in this act. Therefore this act shall go into 2288
immediate effect. 2289