



Ohio Legislative Service Commission

Bill Analysis

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Sub. S.B. 184*

131st General Assembly
(As Reported by S. Criminal Justice)

Sens. Balderson, Eklund, Hite, Jones, Manning, Patton

BILL SUMMARY

- Specifies that the information and materials that offenders and juvenile offender registrants must provide to satisfy the SORN Law address registration, change of registered address, registered address verification, notice of intent to reside, and change of registered vehicle, email, Internet, and telephone information duties imposed upon them must be accurate.
- Provides that the prohibitions against failing to comply with any SORN Law duty described above apply only if the failure is a reckless failure to provide accurate information and materials.
- Changes, from not later than three days after the change to not later than seven days after the change, the time within which an offender who is required to register an address must provide written notice of any change in vehicle information, email addresses, Internet identifiers, or telephone numbers registered to or used by the offender.
- Specifies that the penalties provided for a violation of any prohibition against failing to comply with a SORN Law duty described above apply with respect to all violations of those prohibitions.

* This analysis was prepared before the report of the Senate Criminal Justice Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

CONTENT AND OPERATION

Sex Offender Registration and Notification (SORN) Law reporting

Introduction

The bill modifies the Sex Offender Registration and Notification¹ (SORN) Law provisions that govern the address registration, change of registered address, registered address verification, notice of intent to reside, and change of registered vehicle, email, Internet, and telephone information duties for offenders and "juvenile offender registrants"² (JORs) to specify that the information and materials provided to satisfy the duties must be accurate and that an offender or registrant who recklessly provides inaccurate information or materials does not satisfy the duty. The SORN Law imposes numerous duties and restrictions upon offenders who have been convicted of or pleaded guilty to a "sexually oriented offense" or "child-victim oriented offense."³ The Law also imposes numerous duties and restrictions upon children who have been adjudicated a delinquent child for committing any such offense and are classified by a juvenile court as a JOR. The duties for the offenders, and generally for the JORs, which must occur within specified periods of time, include:⁴

(1) Registering the person's residence address with the sheriff of the county of residence;

(2) For offenders, registering the person's school, institution of higher education, and place of employment address with the sheriff of the county of the location;

(3) For certain categories of offenders and JORs, notifying the sheriff of the person's intent to reside in the sheriff's county;

(4) Notifying the sheriff with whom the person registered of a change in the registered address and registering the new address;

(5) Notifying the sheriff with whom the person registered of a change in registered vehicle information, email addresses, Internet identifiers, or telephone numbers;

¹ R.C. Chapter 2950., not in the bill except for R.C. 2950.04, 2950.041, 2950.05, 2950.06, and 2950.99, and related R.C. 2152.82 to 2152.86, not in the bill.

² R.C. 2950.01, not in the bill, defines this term.

³ R.C. 2950.01, not in the bill, defines both of these terms.

⁴ R.C. 2950.04, 2950.041, 2950.05, and 2950.06.



(6) Periodically verifying registered addresses with the sheriff with whom the person registered.

Requirement to report accurate SORN information

Operation of the bill

Under the bill, offenders and JORs must *accurately* report the information required to be included in the documents that must be submitted to satisfy the SORN Law's address registration, change of registered address, registered address verification, notice of intent to reside, and change of registered vehicle, email, Internet, and telephone information duties. The particular duty is satisfied when the offender or JOR provides the required form or notice containing the requisite accurate information, which must be accurate as of the time of the registration or notice. It is not satisfied if the offender or JOR recklessly provides inaccurate information. And under the bill, the prohibitions that apply regarding violations of the particular duty prohibit any offender or JOR who is required to satisfy the duty from recklessly failing to accurately provide the required form or notice and materials as required. Current law does not expressly state that the information and materials provided to satisfy any of those particular duties must be accurate and does not expressly specify recklessness as the culpable mental state for the prohibitions.⁵

Covered SORN Law duties, and required information and materials

Under existing law, unchanged by the bill except for the "accuracy" requirement it adds:

(1) The required content of the registration form to be used by an offender or JOR who has an address registration duty is the offender's or JOR's name, aliases used, Social Security number, birth date, and current residence address; the license plate number of each vehicle the offender or JOR owns or uses; a description of each professional and occupational license, permit, or registration of the offender or JOR; any email addresses, Internet identifiers, or telephone numbers registered to or used by the offender or JOR; and for specified offenders, the offender's school, institution of higher education, and work address; etc.⁶

(2) An offender or JOR who is a Tier III sex offender/child-victim offender (the Tier category that includes the most serious offenses) must send a specified official of

⁵ R.C. 2950.04(B), (C), (E), and (G), 2950.041(B), (C), (E), and (G), 2950.05(A)(2), (B)(2), (D), and (F), and 2950.06(C), (D), (F), and (G).

⁶ R.C. 2950.04(C) and 2950.041(C).



the county in which the offender or JOR intends to reside written notice of that intent that contains the offender's or JOR's name, the address or addresses at which the offender or JOR intends to reside, and the offense that is the basis of the offender's or JOR's registration duty.⁷

(3) An offender or JOR who has registered a residence address, or a school, institution of higher education, or work address must provide notice of any change in that registered address, including, if applicable, the name of the new school, institution of higher education, or place of employment, and register the new address using the same form and providing the same information and materials as for the initial registration.⁸

(4) An offender or JOR who has registered a residence address, or a school, institution of higher education, or work address, periodically must verify the address, in accordance with a specified schedule, and include in the verification form the current residence address, specified current or known future employment, school, and institution of higher education information, and for specified offenders, the current school, institution of higher education, and work address; etc.⁹

(5) An offender who is required to register an address must provide written notice of any change in vehicle information, email addresses, Internet identifiers, or telephone numbers registered to or used by the offender.¹⁰

Note that the language of some of the provisions described above as they appear in the bill also appear to apply to JORs who are "public registry-qualified juvenile offender registrants";¹¹ however, the Ohio Supreme Court has invalidated that category of JORs.

Time within which certain changed information must be provided

The bill changes, from not later than three days after the change to not later than seven days after the change, the time within which an offender who is required to register an address must provide written notice of any change in vehicle information,

⁷ R.C. 2950.04(G) and 2950.041(G).

⁸ R.C. 2950.05(A) to (C).

⁹ R.C. 2950.06(D).

¹⁰ R.C. 2950.05(D).

¹¹ R.C. 2950.04(A)(2)(b) and (C), 2950.05(A), (B), and (D), and 2950.06(D).

email addresses, Internet identifiers, or telephone numbers registered to or used by the offender.¹²

Penalties for SORN Law violations

Under the bill, the penalties for violating any SORN Law prohibition contained in specified sections of the SORN Law (R.C. 2950.04, 2950.041, 2950.05, or 2950.06) apply with respect to all violations of those prohibitions. Currently, the language of the penalty provisions limits the application of the penalties to violations of a registration, notice of intent to reside, change of registered address notification, or registered address verification requirements. The bill does not change the offense levels of the penalties provided for violations, which are determined based on the most serious sexually oriented offense or child-victim oriented offense that was the basis of the requirement that was violated.¹³

The effect of the bill's change is to expand the coverage of the penalty provisions so that, in addition to the violations to which they currently apply, they also will apply to violations of the prohibition against failing to provide notice of a change in registered vehicle information, email addresses, Internet identifiers, or telephone numbers registered to or used by the offender (R.C. 2950.05). Currently, the penalty provisions do not apply to those violations. Under the bill, as under existing law, the penalty provisions still will apply to violations of prohibitions against failing to register an address (R.C. 2950.04 or 2950.041), provide notice of an intent to reside (R.C. 2950.04 or 2950.041), provide notice of a change in a registered address (R.C. 2950.05), register a new address (R.C. 2950.05), or verify a current registered address (R.C. 2950.06).

HISTORY

ACTION	DATE
Introduced	06-16-15
Reported, S. Criminal Justice	---

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¹² R.C. 2950.05(D).

¹³ R.C. 2950.99.

