



# Ohio Legislative Service Commission

## Bill Analysis

Dennis M. Papp

### **S.B. 184**

131st General Assembly  
(As Introduced)

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

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## **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, 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 penalties provided for a violation of any prohibition contained in SORN Law registration, change of address, address verification, notice of intent to reside, and change of vehicle, email, Internet, and telephone information requirements apply with respect to all violations of those prohibitions.

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## **CONTENT AND OPERATION**

### **Sex Offender Registration and Notification (SORN) Law reporting**

The bill modifies the Sex Offender Registration and Notification<sup>1</sup> (SORN) Law provisions that govern the address registration, change of registered address, notice of intent to reside, and change of registered vehicle, email, Internet, and telephone information duties for offenders and "juvenile offender registrants"<sup>2</sup> (JORs) to specify that the information and materials provided to satisfy the duties must be accurate. 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."<sup>3</sup> The Law also imposes numerous duties and restrictions upon children who

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<sup>1</sup> R.C. Chapter 2950., not in the bill except for R.C. 2950.04, 2950.041, 2950.05, and 2950.99.

<sup>2</sup> R.C. 2950.01, not in the bill, defines this term.

<sup>3</sup> R.C. 2950.01, not in the bill, defines both of these terms.

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:<sup>4</sup>

(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;

(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, 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 and other materials. It is not satisfied if the form or notice provided by the offender or JOR contains 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 failing to accurately provide the required form or notice as required. Current law does not expressly state that the information and materials provided to satisfy any of those particular duties must be accurate.<sup>5</sup>

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<sup>4</sup> R.C. 2950.04, 2950.041, 2950.05 and, not in the bill, 2950.06.

<sup>5</sup> R.C. 2950.04(B), (C), (E), and (G), 2950.041(B), (C), (E), and (G), and 2950.05(A)(2), (B)(2), (D), and (F).



## 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.<sup>6</sup>

(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 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.<sup>7</sup>

(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.<sup>8</sup>

(4) 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 (note that the language of the provision as it appears in the bill also appears to apply to JORs who are "public registry-qualified juvenile offender registrants"; however, the Ohio Supreme Court has invalidated that category of JORs).<sup>9</sup>

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<sup>6</sup> R.C. 2950.04(C) and 2950.041(C).

<sup>7</sup> R.C. 2950.04(G) and 2950.041(G).

<sup>8</sup> R.C. 2950.05(A) to (C).

<sup>9</sup> R.C. 2950.05(D).



## 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 address notification, or 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.<sup>10</sup>

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 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).

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## COMMENT

Under existing law and the bill, offenders and JORs who have registered a residence address, or a school, institution of higher education, or work address, must provide notice of a change in that registered address and register the new address. The bill specifies that, with respect to the duty to register the new address, offenders and JORs must provide accurate information in the "notice" regarding the registration of the new address and the requirement to register the new address is not satisfied if the "notice" provided by the offender or JOR contains inaccurate information.<sup>11</sup> The terminology in the bill appears to be incorrect – the term "notice" in the provision probably should be replaced with "registration" and "registration form," as appropriate.

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<sup>10</sup> R.C. 2950.99.<sup>11</sup> R.C. 2950.05(B)(2).

<sup>11</sup> R.C. 2950.05(B)(2).



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## HISTORY

ACTION

DATE

Introduced

06-16-15

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