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Synopsis of Senate Committee Amendments

(This synopsis does not address amendments that may have been adopted on the Senate Floor.)

H.B. 431 of the 133rd General Assembly

Senate Judiciary

Dennis M. Papp

Sexual Exploitation Database

Removed the provisions of the House-passed version that require the Attorney General (AG) to establish and maintain a Sexual Exploitation Database and that regulate the Database (*Removal of R.C. 109.96*).

Unlawful sexual conduct with a minor conviction changes

Added provisions that create a mechanism under which (*R.C. 2950.151; also R.C. 2950.01(E) and (F)*):

1. Certain offenders convicted of “unlawful sexual conduct with a minor” may petition a court for an evaluation as to whether the offender’s Sex Offender Registration and Notification Law (SORN Law) duties should be terminated, modified, or continued; and
2. The court that receives such a petition, after a hearing, must enter either an order to terminate the offender’s SORN Law duties, an order to reclassify the offender from a Tier II Offender to a Tier I Offender under that Law, or an order to continue the offender’s classification as a Tier I Offender or a Tier II Offender under that Law.

Added provisions that extend the Conviction Record Sealing Law to apply to an offender convicted of unlawful sexual conduct with a minor when a court has issued an order under the mechanism described above that terminates the offender’s SORN Law duties (*R.C. 2953.32 and 2953.36*).

Added as a specified type of nonresidential sanction, for an offender convicted of unlawful sexual conduct with a minor committed while the offender is under age 21, a requirement that the offender participate in a DRC-certified sex offender treatment program (*R.C. 2929.17(O)*).

Offenses of “soliciting,” “engaging in solicitation after a positive HIV test,” and “engaging in prostitution”

Under the offenses of “soliciting” and “engaging in solicitation after a positive HIV test” (*R.C. 2907.24; also R.C. 119.062, 2950.01(A) and (F), 4510.07, and 4510.13*):

1. Repealed and replaced the three prohibitions currently under the offense of “soliciting” with a new prohibition under that offense that prohibits a person from knowingly soliciting another to engage in sexual activity for hire.
2. Repealed the authorization for either a suspension of the driver’s or commercial driver’s license or permit, or a term of community service, for an offender who is convicted of committing or attempting to commit either offense or a violation of an equivalent municipal ordinance, if the person was in, was on, or used a motor vehicle.

Enacted the offense of “engaging in prostitution,” with the prohibition under the offense prohibiting a person from recklessly inducing, enticing, or procuring another to engage in sexual activity for hire in exchange for the person giving anything of value to the other person (*R.C. 2907.231*).