

**IN THE  
SUPREME COURT OF OHIO**

**IN RE: R.B.** : NO. 2019-1325

A Minor-Appellee/Cross-Appellant : On Appeal from the Hamilton County Court of Appeals, First Appellate District

: Court of Appeals

: Case Numbers C-170622 & C-170623

:

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## STATEMENT OF THE FACTS

At the request of the State of Ohio, the present case was accepted for this Court to determine whether a juvenile court's initial classification under R.C. 2152.83 permanently vests the court with jurisdiction to review that classification in accordance with R.C. 2152.84 and 2153.85.

The relevant facts for this appeal are set forth as follows:

### *Juvenile Proceedings Prior to R.C. 2152.84 Completion of Disposition Hearing*

A complaint was filed on September 21, 2011, in the Hamilton County Court of Common Pleas-Juvenile Division, indicating that R.B. committed what would be two counts of the third-degree felony version of gross sexual imposition if committed by an adult. (T.d. 1) The factual summary provided at R.B.'s plea hearing on October 14, 2011, indicates that when he was fourteen years old, he placed his penis in the mouths of his two four-year old cousins. (10/14/11 T.p. 8-9) The offenses occurred on December 1, 2010, when the victims were visiting the residence where R.B. was staying. Both victims disclosed that R.B. placed his penis in their mouths and touched his penis on their buttocks. R.B. admitted to these acts. (10/14/11 T.p. 10)

For this conduct, R.B. entered a plea of admit and he was adjudicated delinquent on two counts of what would be the fourth-degree felony version of gross sexual imposition if committed by an adult. (C-170622 T.d. 13; C-170623 T.d. 21) The plea agreement also included the dismissal of two counts of rape as charged under case numbers 11/9082 and 11/9084. (10/14/11 T.p. 4) At a November 17, 2011 hearing, R.B. and the state further agreed that he should be classified as a Tier I sex offender. (C-170622 T.d. 19; C-170623 T.d. 29) On December 2, 2011, R.B. was committed to the permanent custody of the Ohio Department of Youth Services until the age of twenty-one. The commitment was suspended, and R.B. was placed on probation. As a condition of probation, R.B. was ordered to attend and complete the

Altercrest residential program. (C-170622 T.d. 20; C-170623 T.d. 30) The magistrate's December 2, 2011 decision under case 11/9085 further explained "[r]easonable efforts that were made, but were unsuccessful, included the following: sexual offender assessment" and it ordered that R.B. be held in detention until transported to Altercrest. (C-170623 T.d. 30) On December 8, 2011, the magistrate ordered the matter continued for a "Juvenile Offender Registrant classification hearing and disposition to 1/6/2012." (C-170622 T.d. 21; C-170623 T.d. 35)

On January 13, 2012, a "decision of magistrate" was issued indicating that "the youth is a Tier III sex offender" with an additional notation "THIS IS A TIER I CLASSIFICATION—NOT TIER III." (C-170622 T.d. 23; C-170623 T.d. 37) These entries were also signed by Judge John Williams. On the same day, R.B. and his mother signed the proscribed "Explanation of Duties to Register as a Juvenile Offender Registrant or Child Victim Offender" form indicating that R.B.'s status as a Tier I sex offender required him to register annually for ten years. (C-170622 T.d. 23; C-170623 T.d. 37) R.B. neither objected to nor appealed from the magistrate's decision.

A magistrate issued an order on February 6, 2013, terminating R.B.'s placement at Altercrest, continuing the prior order of probation, and placing him on electronic monitoring until March 7, 2013. (C-170623 T.d. 54) On July 29, 2013, Judge Williams placed R.B. on "non-reporting probation with Monitored Time." (C-170622 T.d. 24; C-170623 T.d. 56)

On July 11, 2014 (nine days prior to his eighteenth birthday), R.B. filed a "Sealing Application." (C-170622 T.d. 25; C-170623 T.d. 57) The application was denied on September 3, 2014 because the "requisite requirements for eligibility have not yet been met" and the court noted that the "defendant is a registered sex offender and is required to register until 2022, unless reclassified." (C-170622 T.d. 27; C-170623 T.d. 59) On October 14, 2014, the magistrate issued an order setting the matter for a "completion of disposition hearing pursuant to ORC 2152.84" on

November 19, 2014. (C-170622 T.d. 28; C-170623 T.d. 60) At R.B.'s request or upon his motions, the matter was continued numerous times from November 19, 2014 all the way to March 20, 2017. (C-170622 T.ds. 31, 33, 37, 42, 50, 52, 55, 66, 70, 72; C-170623 T.ds. 63, 65, 68, 73, 82, 84, 88, 98, 102, 110) On April 28, 2015, the magistrate issued a decision referencing the January 13, 2012 classification hearing where "defendant was determined to be a Tier III sex offender" and noted that R.B. had made a subsequent "informal request for re-classification" which "is now withdrawn." (C-170622 T.d. 39; C-170623 T.d. 69) The magistrate's decision was approved by Judge Williams on May 13, 2015. (C-170622 T.d. 40; C-170623 T.d. 71) R.B. was represented by counsel and did not object to or appeal from the decision.

***Intervening Prosecution for R.C. 2950.04 Offense as Adult***

On November 23, 2015, R.B. was indicted as an adult for failure to register in violation of R.C. 2950.04. His motion to dismiss the indictment was denied and he pled no contest. He was sentenced to three years of community control on July 15, 2016. He appealed under case number C-160609. During the pendency of the appeal, on March 23, 2017, a community control sanction violation was filed. The trial court found R.B. guilty of the violation, terminated community control, and imposed the eighteen-month term of incarceration.<sup>1</sup> On December 20, 2017, under case number C-160609, the court of appeals affirmed the judgment of the trial court denying the motion to dismiss and rejected R.B.'s claim that his due process rights were violated. Under case number 2018-0183, this Court accepted R.B.'s appeal on the following proposition of law: "Juvenile adjudications cannot satisfy elements of an offense committed as an adult." The matter was initially held for decision in *State v. Carnes* (Case No. 2017-0087) and briefing was stayed. On September 26, 2018, this Court ordered that the matter was no longer held for a

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<sup>1</sup> R.B. appealed under case number C-170141 claiming that his pending appeal in C-160609 prohibited the trial court from proceeding on the community control sanction violation. On July 5, 2018, under case number C-170141, the First District affirmed the judgment of the trial court.

decision in *State v. Carnes* and lifted the stay. The matter, having been briefed and argued, is currently awaiting decision from this Court.

***Juvenile Proceedings Leading up to R.C. 2152.84 Completion of Disposition Hearing***

On April 15, 2016, R.B. filed a motion to vacate void classification. (C-170622 T.d. 42; C-170623 T.d. 73) That motion was then withdrawn by defense counsel on October 11, 2016. (C-170622 T.d. 49; C-170623 T.d. 79) On October 24, 2016, the State of Ohio filed a motion for a completion of disposition hearing. (C-170623 T.d. 81) On November 7, 2016, R.B. filed a memorandum in opposition as well as a motion for stay of execution pending the appeal under case number C-160609. R.B. attached to these filings a number of documents filed in the B-1506464 case and the associated appeal in case number C-160609. (C-170623 T.d. 82, 83, 84, 85) The matter was argued before Judge Williams on December 6, 2016. (C-170622 T.d. 56; C-170623 T.d. 92) On December 23, 2016, R.B.'s request for a stay was denied and the matter was referred to the magistrate for an "end of disposition hearing." (C-170622 T.d. 57; C-170623 T.d. 93)

On January 30, 2017, the magistrate denied R.B.'s opposition to the "end of disposition hearing" and R.B. filed objections. (C-170622 T.d. 61, 62; C-170623 T.d. 97, 98) On March 6, 2017, Judge Williams denied the objections as well as R.B.'s subsequent motion for reconsideration. (C-170622 T.d. 71, 73; C-170623 T.d. 108, 110)

***R.C. 2152.84 Completion of Disposition Hearing***

R.B. appeared before a magistrate for the completion of disposition hearing on May 8, 2017. Although R.B. was an adult brought in from the Ohio Department of Corrections for the hearing, the transcript of the proceeding reveals that R.B.'s father was present as well. (5/8/17 T.p. 4; T.p. 14) In support of the continuation of the Tier I classification, the State of Ohio

referenced R.B.'s subsequent criminal convictions — most notably the fact that R.B., at the time of the completion of disposition hearing, was serving a prison sentence for a R.C. Chapter 2950 registration offense after having violated the terms of his community control. (5/8/17 T.p. 34; State's Exhibits 1-10) In support of his argument that his Tier I classification should be terminated, R.B. relied upon the fact that he successfully completed treatment and probation. He provided a number of documents in support of his argument — among those documents, the “termination report” (Defense Exhibit 9) specifically indicating that R.B. would continue to register with the Sheriff's Office “per his sex offender classification.” (5/8/17 T.p. 65) The magistrate ordered written closing arguments. (C-170622 T.d. 78; C-170623 T.d. 117) The parties also appeared before the magistrate on June 5, 2017 for additional argument. (C-170622 T.d. 82) On July 13 and 14, 2017, the magistrate issued a decision continuing the Tier I sex offender classification. (C-170622 T.d. 83; C-170623 T.d. 123) R.B. was on “non-reporting probation with monitored time” until he turned twenty-one on July 20, 2017. (5/8/17 T.p. 80)

R.B. filed an objection to the magistrate's decision on July 27, 2017 (seven days after he turned twenty-one). (C-170622 T.d. 84; C-170623 T.d. 124) A hearing was held before Judge Williams on September 19, 2017, and the matter was taken under advisement. (C-170622 T.d. 90; C-170623 T.d. 130) On October 30, 2017, Judge Williams issued a written decision denying R.B.'s objections as well as accepting and approving the magistrate's decision to continue the Tier I sex offender classification. (C-170622 T.d. 92; C-170623 T.d. 132)

#### ***Appeal from R.C. 2152.84 Completion of Disposition Hearing***

On appeal from the juvenile court's decision, the First District Court of Appeals held that because R.B. turned twenty-one years old on July 20, 2017, the juvenile court was without jurisdiction to conduct the R.C. 2152.84 completion of disposition review hearing. This Court

accepted the State of Ohio's proposition of law that after the juvenile court has made its initial R.C. 2152.83 classification, it maintains jurisdiction to review that classification in a completion of disposition review hearing even if the juvenile offender registrant has attained the age of twenty-one years. A proposition of law from R.B.'s cross-appeal was also accepted.

### **ARGUMENT IN SUPPORT OF PROPOSITION OF LAW**

**Proposition of Law: Once a juvenile court makes an appropriate initial classification under R.C. 2152.83, it is permanently vested with jurisdiction to review the classification in accordance with R.C. 2152.84 and 2152.85.**

#### *Classification of Juveniles*

It was not until 2002 that the Ohio General Assembly first enacted legislation extending classification, registration, and notification to certain juveniles adjudicated delinquent for sexual offenses. 2001 Am.Sub.S.B. No. 3. From its inception, this statutory compilation was customized around the unique goals of the juvenile justice system. Rather than simply amending R.C. Chapter 2950, the statutory scheme applicable to adult offenders, to include juveniles, the legislature provided multiple layers within R.C. Chapter 2152 for juvenile courts to affix the most appropriate level of classification to certain juvenile sex offenders. In order to work within the juvenile system, the General Assembly expanded the exclusive original jurisdiction of juvenile courts to conduct the hearings necessary to affix, review, and modify the appropriate classification level for juveniles fourteen years of age or older adjudicated delinquent for committing certain sexually oriented offenses. R.C. 2151.23(A)(15); R.C. 2152.191; R.C. 2950.01(M). The General Assembly also specifically extended the length of the juvenile courts' jurisdiction under R.C. 2152.82 to 2152.86 to go beyond the juvenile offender registrant's attainment of the age of twenty-one. R.C. 2152.22(A); R.C. 2152.82(C); R.C. 2152.83(E); R.C. 2152.84(D); R.C. 2152.85(F); and R.C. 2152.86(C).

In 2008, the General Assembly overhauled Ohio's statutory scheme for both adult and juvenile registration to comply with the federal Adam Walsh Child Protection and Safety Act (AWA) and its subsection, the Sex Offender Registration and Notification Act (SORNA). 2007 Am.Sub.S.B. No. 10;42 U.S. §§ 16901, et seq. In amending the statutory provisions for the classification of juveniles, the General Assembly left intact the jurisdictional aspects as well as the discretionary process applicable to juveniles in R.C. 2152.83(B), and the multiple opportunities in R.C. 2152.84 and R.C. 2152.85 for the juvenile court to review its classifications. *In re D.S.*, 146 Ohio St.3d 182, 2016-Ohio-1027, 54 N.E.3d 1184, ¶¶35-36.

The initial statutory process for classification occurs at or during disposition and is set forth in R.C. 2152.83(A) and (B). The initial classification order "shall remain in effect for the period of time specified in R.C. 2950.07 of the Revised Code, subject to a modification or termination of the order under section 2152.84" and "the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division." R.C. 2152.83(E). The second step in the classification process as set forth in R.C. 2152.84 provides for a mandatory review of the initial classification "upon completion of the disposition." After reviewing the initial classification, the juvenile court may then continue, modify, or terminate it. The order issued subsequent to the review hearing "shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a modification or termination of the order under section 2152.85 of the Revised Code," and "the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division." R.C. 2152.84(D).

While the timing of the initial classification hearing in R.C. 2152.83 as well as the constitutionality of the process has been addressed by this Court, the present case is an issue of first impression as to the timing of the R.C. 2152.84 mandatory review hearing. *See State ex. rel. Jean-Baptiste v. Kirsch*, 134 Ohio St.3d 421, 2012-Ohio-5697, 983 N.E.2d 302; *In re I.A.*, 140 Ohio St.3d 203, 2014-Ohio-3155, 16 N.E.3d 653; and *In re D.S.*, 146 Ohio St.3d 182, 2016-Ohio-1027, 54 N.E.3d 1184. Additionally, multiple appellate jurisdictions have recognized that the Generally Assembly constitutionally exercised its authority to extend the jurisdiction of the juvenile courts over juvenile offender registrants beyond their twenty-first birthdays. *In re R.M.*, 1st Dist. No. C-120166, 2014-Ohio-1200; *In re Raheem L.*, 2013-Ohio-2423, 993 N.E.2d 455 (1st Dist.); *In re D.R.*, 5th Dist. No. 1313CA27, 2014-Ohio-588; *In re M.W.*, 6th Dist. No. WD-13-089, 2014-Ohio-3758; *In re N.Z.*, 11th Dist. No. 2012-L-100, 2014-Ohio-157.

In its entirety, R.C. 2152.84(A)(1) provides:

When a juvenile court judge issues an order under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code that classifies a delinquent child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, upon completion of the disposition of that child made for the sexually oriented offense or the child-victim oriented offense on which the juvenile offender registrant order was based, the judge or the judge's successor in office shall conduct a hearing to review the effectiveness of the disposition and of any treatment provided for the child, to determine the risks that the child might re-offend, to determine whether the prior classification of the child as a juvenile offender registrant should be continued or terminated as provided under division (A)(2) of this section, and to determine whether its prior determination made at the hearing held pursuant to section 2152.831 of the Revised Code as to whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender should be continued or modified as provided under division (A)(2) of this section.

Although the R.C. 2152.84 review hearing is often referred to as the "end of disposition classification hearing," the actual statutory language is "upon completion of the disposition \* \* \* the judge or the judge's successor in office shall conduct a hearing to review . . . ." R.C. 2152.84(A)(1). The phrase "upon completion of the disposition" is not statutorily defined and

thus far, in the First Appellate District alone, it has been interpreted differently. In *In re Antwon C.*, 182 Ohio App.3d 237, 2009-Ohio-2567, 912 N.E.2d 182, ¶20 (1st Dist.), the R.C. 2152.84 review hearing was required “**when** a child completes all aspects of the disposition, including probation and any ordered treatment.” (Emphasis added.) In *State v. Amos*, 2017-Ohio-8448, 87 N.E.3d 1305, ¶14 (1st Dist.), *appeal dismissed as improvidently granted*, 156 Ohio St.3d 237, 2019-Ohio-168, 125 N.E.3d 832, the R.C. 2152.84 review hearing was required “**before** Amos was discharged from parole.” (Emphasis added.) In the present case, the R.C. 2152.84 review hearing was required “**prior to the completion of his disposition upon his turning 21.**” (Emphasis added.) *In re R.B.*, 1st Dist. Hamilton Nos. C-170622 & C-170623, 2019-Ohio-3298, ¶14.

### *Jurisdiction of Juvenile Court*

The juvenile court is provided exclusive original jurisdiction by way of R.C. 2151.23(A)(15) “[t]o conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950 of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950 of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40.” Each of the Revised Code sections 2152.82 to 2152.86<sup>2</sup> deal with how a particular juvenile sexual offender’s classification attaches or how it is ultimately maintained, modified, or terminated. In R.C. 2152.82 through R.C. 2152.84, a hearing is required to classify a juvenile and a description of a time in which that particular hearing should take place is provided. As to those juveniles subject to a mandatory classification, R.C. 2152.82(A) and (B)

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<sup>2</sup> As of 2012, R.C. 2152.86 was declared unconstitutional. *In re C.P.*, 131 Ohio St.3d 513, 2012-Ohio-1446, 967 N.E.2d 729.

require an order to be “issued at the time the judge makes the order of disposition” and a hearing “[p]rior to issuing the order.” In another category of juveniles subject to a mandatory classification, R.C. 2152.83(A)(1) and (2) require classification “as part of the dispositional order” and a hearing to issue “an order that classifies” “at the time of the child’s release from the secure facility.” As to those juveniles, like R.B., subject to a discretionary classification, R.C. 2152.83(B)(1) requires a classification hearing which the court “may conduct at the time of disposition” or “at the time of the child’s release from the secure facility.” For all classified juveniles, R.C. 2152.84 requires a review hearing “upon completion of the disposition.” For all classified juveniles, R.C. 2152.85 provides multiple opportunities for the juvenile to petition the juvenile court to modify or terminate the classification. While R.C. 2152.82, R.C. 2152.83, and R.C. 2152.84 each describe various times in which the juvenile court is to conduct the required hearings set forth in the statutory provisions, there is no indication that the juvenile court loses its jurisdiction if the hearings are not held at the described times.

In what is perhaps the seminal case guiding Ohio courts interpreting a statutory provision mandating a specific action and also providing a timing aspect for that action, this Court used a mandatory versus directory analysis. *State ex. rel. Jones v. Farrar*, 146 Ohio St. 467, 66 N.E.2d 531 (1946). “[S]tatutes which relate to the essence of the thing to be performed or to matters of substance are mandatory, and those which do not relate to the essence and compliance with which is merely a matter of convenience rather than substance are directory.” *Id.* at 471. “As a general rule, a statute providing a time for the performance of an official duty will be construed as directory so far as time for performance is concerned, especially where the statute fixes the time simply for convenience or orderly procedure.” *Id.* at paragraph three of the syllabus.

Early in the jurisprudence of sexual offender classification for adults, this Court was called upon to determine whether the failure to conduct the required sexual predator hearing “prior to sentencing” as set forth in former R.C. 2950.09(B) deprived the court of jurisdiction to hold the hearing after sentencing. *State v. Bellman*, 86 Ohio St.3d 208, 1999-Ohio-95, 714 N.E.2d 381. This Court, relying upon the longstanding general rule provided in *Farrar*, found the “prior to sentencing” portion of the statute to be directory. In its analysis, this Court offered R.C. 2941.401 (Process of Indictments) as an example “where a statutory time requirement evinces an object or purpose to limit a court’s authority that the requirement will be considered jurisdictional” by specifically providing that “no court any longer has jurisdiction” if not brought to trial within the time provided. *Id.* at 210. Due to the fact that the timing language of former R.C. 2950.09(B)(1) was for “convenience and orderly procedure” and did not express an “intent to restrict the jurisdiction of the court for untimeliness,” this Court determined that the provision was not jurisdictional and therefore it was capable of being waived. *Id.* at 210-211, quoting *State ex. rel. Harrell v. Streetsboro Bd. Of Edn.*, 46 Ohio St.3d 55, 63, 544 N.E.2d 924, 932 (1989); *In re Davis*, 84 Ohio St.3d 520, 522, 705 N.E.2d 1219, 1222; and *State ex. rel. Smith v. Barnell*, 109 Ohio St. 246, 255, 142 N.E. 611, 613.

Likewise, outside of the context of the process for classifying sexual offenders, appellate courts have relied upon *State ex. rel. Jones v. Farrar*, 146 Ohio St. 467, 66 N.E.2d 531 (1946), in addressing the various timing aspects of the hearings required to determine the competency or insanity of criminal defendants as provided in R.C. 2945.37 through R.C. 2945.401. In *State v. Pollock*, 2nd Dist. Greene No. 2001-CA-32, 2002-Ohio-102, the court of appeals analyzed R.C. 2945.40(B) requiring a treatment hearing to be held within ten days of a finding of not guilty by reason of insanity. On the authority of *Farrar* and *Bellman* as well as public policy

considerations, the court of appeals concluded that a trial court's failure to conduct a treatment hearing within the time limits of R.C. 2945.40(B) does not deprive the trial court of authority to order commitment of a mentally ill defendant. *Id.* The court of appeals further compared the language and purpose of R.C. 2945.40(B) to that of R.C. 2945.73 (Time for Trial). "R.C. 2945.40(B) is a time restriction on the performance of an official duty" and it contains "no language terminating a trial court's jurisdiction, or otherwise barring further proceedings, as a result of the failure to comply with the time limits." *Id.* at 3. "By contrast, R.C. 2945.73 expressly provides that when a criminal defendant is not brought to trial within the time prescribed by the statute, the defendant is entitled to be discharged, and he shall not thereafter be subject to prosecution for the same offense." *Id.* at 3. "Thus, the General Assembly knows how to establish a failure to hold a hearing within a prescribed time as a bar to further proceedings, but did not do so in connection with the requirement set forth in R.C. 2945.40(B)." *Id.* at 3.

Similarly, in *State v. Brown*, 4th Dist. Scioto No. 17 CA38809, 2018-Ohio-2635, the court of appeals determined that since R.C. 2945.37, R.C. 2945.38, or R.C. 2945.39, did not set forth discharge as a remedy if the one-year time period for competency restoration was exceeded, but provided for further proceedings upon the expiration of the time for treatment of incompetency, jurisdiction was not lost. *See State v. Ferguson*, 9th Dist. Medina No. 2830-M, 1999 WL 459325 (June 30, 1999) (since R.C. 2945.38 did not provide for divestiture of jurisdiction under these facts, the trial court maintained jurisdiction to hold a "tardy" hearing); *see also City of Cleveland v. Tarver*, 8th Dist. Cuyahoga No. 105522, 2017-Ohio-1165 (time for holding hearing provided in statute is directory); and *State v. McClelland*, 10th Dist. Franklin No. 07AP-253, 2007-Ohio-2660 (court not deprived of jurisdiction if hearing not held at time set forth in R.C. 2945.38(H)).

### *Effect of Juvenile Attaining Age Twenty-one*

In 2010, this Court determined that the juvenile court “does not patently and unambiguously lack jurisdiction to proceed in the juvenile delinquency case” when a juvenile has turned twenty-one years old in part by recognizing that the juvenile “would still be subject to the juvenile-offender-registration provisions” because “if an order classifying a child as a juvenile-offender registrant is issued, ‘the child’s attainment of eighteen or twenty-one years of age does not affect or terminate the order.’” *State ex rel. N.A. v. Cross*, 125 Ohio St.3d 6, 2010-Ohio-1471, 925 N.E.2d 614, ¶13-¶14. Just two years later, in *State ex. rel. Jean-Baptiste v. Kirsch*, 134 Ohio St.3d 421, 2012-Ohio-5697, 983 N.E.2d 302, this Court determined that the juvenile court was without jurisdiction to hold the initial juvenile sex offender classification pursuant R.C. 2152.83(A) after the offender had turned twenty-one years old. *N.A.* was found distinguishable because the juvenile court still maintained jurisdiction to adjudicate *N.A.*’s delinquency whereas in *Jean-Baptiste*, “the delinquency proceeding was concluded when the juvenile court issued its 2007 order committing him to the custody of a secure facility.” *Id.* at ¶ 24. For purposes of this appeal, the State of Ohio respectfully submits that since the exception provided in R.C. 2152.22(A) for proceedings under R.C. 2152.82 through 2152.86 was not addressed in *Jean-Baptiste*, that matter may, as set forth by Amicus Curiae Ohio Prosecuting Attorneys’ Association, be revisited here. Regardless of whether this Court chooses to revisit *Jean-Baptiste*, it is the position of the State of Ohio that *Jean-Baptiste* is not applicable to the review hearings set forth in R.C. 2152.84. *Jean-Baptiste* dealt solely with the initial classification hearing as set forth in R.C. 2152.83(A).

The First Appellate District Court determined that a juvenile court immediately loses jurisdiction to hold the R.C. 2152.84 completion of disposition review hearing upon a juvenile’s

twenty-first birthday. This determination is not at all in line with the overall legislative goal provided in R.C. 2152.83 through R.C. 2152.85 and it absolutely cannot be reconciled with R.C. 2152.83(E)'s mandate that initial classifications remain in effect for the period of time specified in R.C. 2950.07, subject to modification or termination under R.C. 2152.84, but not at all affected by the attainment of twenty-one years of age. At each stage of the classification process for juveniles, the General Assembly specifically provided that the juvenile court's order related to registration "shall remain in effect for the period of time specified in section 2950.07 of the Revised Code" and further specified that "the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division." R.C. 2152.83(E); R.C. 2152.84(D); and R.C. 2152.85(F).

In the present case, R.B. was properly afforded his hearing as to the discretionary initial classification pursuant to R.C. 2152.83(B). That initial classification was thoroughly challenged and later found appropriate in his appeal from his R.C. Chapter 2950 conviction. While R.C. 2152.84 provides for a mandatory review of the R.C. 2152.83 initial classification, R.C. 2152.83(E) protects that initial classification from R.B.'s attainment of twenty-one years of age affecting or terminating the initial classification.

In conducting its mandatory review of the initial classification, a juvenile court judge is required to hold a hearing "upon completion of the disposition." R.C. 2152.84 (A)(1). A definition of the phrase "upon completion of the disposition" is not provided. "In reviewing a statute, a court cannot pick out one sentence and disassociate it from the context, but must look to the four corners of the enactment to determine the intent of the enacting body." *State v. Wilson*, 77 Ohio St.3d 334, 336, 1997-Ohio-35, 673 N.E.2d 1347. The timing of the R.C. 2152.84 review hearing is clearly meant to occur around the time the juvenile has finished the

disposition. Otherwise, the purpose of the R.C. 2152.84 review hearing is completely lost to an overreaching and hyper-technical interpretation of the timing of the hearing. The intent of R.C. 2153.84 is simply to provide the juvenile court the opportunity to consider how the juvenile responded to his or her specific disposition and whether the juvenile poses a future risk; it should not, through a tortured reading, be transformed into a compulsory expiration clause that is clearly in conflict with a separate section of the statute (R.C. 2950.07(B)). While the mandatory nature of the R.C. 2152.84 review hearing is readily apparent, the specific moment in which the juvenile court is expected to conduct the review hearing is directory.

The General Assembly certainly could have affixed a more rigid description to the timing of the R.C. 2152.84 review hearing if indeed the juvenile court's jurisdiction depended on it and it also could have provided for a loss of juvenile court jurisdiction if the timing of the hearing was not followed. Such provisions, however, were not necessary because "once a juvenile court makes an appropriate classification under R.C. 2152.83, it is permanently vested with jurisdiction to review the classification in accordance with R.C. 2152.84 and R.C. 2152.85." *Amos*, at ¶21 (Miller, J., dissenting). The General Assembly actually provided a specific statutory provision that protects a juvenile court's classification order from a juvenile "aging out" at each step of the classification process. R.C. 2152.82(C); R.C. 2152.83 (E); R.C. 2152.84 (D); and R.C. 2152.85(F). The General Assembly even saw fit to extend this protection against the general relinquishment of control of a child who is committed to the legal custody of the department of youth services. R.C. 2152.22(A).

In the present case, the juvenile court made R.B.'s initial classification pursuant to R.C. 2152.83(B) on January 13, 2012. R.C. 2152.83(E) provides:

An order issued under division (A) or (B) of this section and any determinations included in the order shall remain in effect for the period of time specified in section 2950.07 of

the Revised Code, subject to a modification or termination of the order under section 2152.84 of the Revised Code, and section 2152.851 of the Revised Code applies regarding the order and the determinations. The child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

As the magistrate noted in its decision on September 3, 2014, unless there is a modification or termination of that initial classification, R.B.'s Tier I classification lasts for ten years until 2022 pursuant to R.C. 2950.07(B)(3). (C-170622 T.d. 27; C-170623 T.d. 59) The juvenile court appropriately conducted the R.C. 2152.84 completion of disposition review hearing while R.B. was still under the community control sanction of "non-reporting probation with monitored time."

The fact that the juvenile courts are especially equipped to preside over matters pertaining to the classification of those adjudicated delinquent for sexually oriented or child-victim oriented offenses has been recognized by this Court. "[P]roviding a judge with more options for dealing with a delinquent juvenile is not contrary to the goals of the juvenile justice system." *In re I.A.*, 140 Ohio St.3d 203, 2014-Ohio-3155, 16 N.E.3d 653, ¶16. The juvenile court retains jurisdiction to review its classifications under R.C. 2152.84 and 2152.85. *In re D.S.*, 146 Ohio St.3d 182, 2016-Ohio-1027, 54 N.E.3d 1184. It was only in *State ex. rel. Jean-Baptiste v. Kirsch*, 134 Ohio St.3d 421, 2012-Ohio-5697, 983 N.E.2d 302, where this Court determined that the juvenile court was without jurisdiction to hold the initial R.C. 2152.83 juvenile sex offender classification hearing after the offender had turned twenty-one years old. The review hearings provided for in R.C. 2152.84 and in R.C. 2152.85 were not considered in *Jean-Baptiste*.

In the present case, the court of appeals readily accepted that the initial classification was proper but then went on to expand this Court's holding in *Jean-Baptiste* to the R.C. 2152.84 review hearing. This expansion of *Jean-Baptiste* ignores the purpose of R.C. 2152.84 and is

unreasonable. Given the plethora of juvenile dispositions available to be imposed upon juveniles throughout the state, the timing of the “upon completion of disposition” review hearing can only be interpreted to be at such time that the juvenile court can reasonably give consideration to how the juvenile responded to all aspects of the imposed disposition and adequately assess future risk. The requirement that the hearing be held “upon completion of disposition,” is surely directory to provide for an orderly procedure in which to accomplish the General Assembly’s mandate. When determining whether a provision is directory or jurisdictional, a court must consider “the entire act, its nature, its effect and the consequences which would result from construing it one way or another,” as well as “the general object intended to be secured by the act.” *Farrar*, syllabus paragraph three.

### CONCLUSION

The Ohio General Assembly specifically provided for the continuation of the juvenile court’s jurisdiction beyond the juvenile’s attainment of the age of twenty-one years. While the applicable statutory provisions requiring hearings as to the classification process are mandatory, the description of the time in which those hearing should take place is directory. Furthermore, those statutory provisions do not provide for the loss of jurisdiction as the appropriate remedy if the mandatory hearings are not held at the described times. Therefore, the court of appeals should not have found the juvenile court lost jurisdiction to hold a R.C. 2152.84 review hearing as soon as the juvenile turned twenty-one years old. For these reasons, this Court must reverse the judgment of the court of appeals.

Respectfully,

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/s/ Paula E. Adams

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**CERTIFICATE OF SERVICE**

I hereby certify that I have sent a copy of the foregoing Merit Brief, by United States mail, addressed to Julie Kahrs Nessler, Assistant Hamilton County Public Defender, 125 East Court Street, 9th Floor, Cincinnati, Ohio 45202, counsel of record, this 23rd day of March, 2020.

/s/ Paula E. Adams

Paula E. Adams, 0069036P  
Assistant Prosecuting Attorney

# **APPENDIX**

IN THE  
SUPREME COURT OF OHIO

IN RE: R.B.,	:	NO.
A Minor Child-Appellee	:	On Appeal from the Hamilton County
	:	Court of Appeals, First Appellate
	:	District
	:	Court of Appeals
	:	Case Numbers C-170622 & C-170623
	:	

**FILED**  
**COURT OF APPEALS**

SEP 30 2019

AFTAB PUREVAL  
CLERK OF COURTS  
HAMILTON COUNTY

**NOTICE OF APPEAL OF PLAINTIFF-APPELLANT, STATE OF OHIO**

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**COPY FILED**  
CLERK OF COURTS  
HAMILTON COUNTY

SEP 30 2019

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IN THE  
SUPREME COURT OF OHIO

IN RE: R. B., : NO.  
A Minor Child-Appellee :  
: NOTICE OF APPEAL OF  
: PLAINTIFF-APPELLANT, STATE  
: OF OHIO  
:

Plaintiff-Appellant, State of Ohio, hereby gives notice of appeal to the Supreme Court of Ohio from the judgment of the Hamilton County Court of Appeals, First Appellate District, entered in Court of Appeals case numbers C-170622 and C-170623 on August 16, 2019. This case involves the sex offender classification and registration of a sex offender and is of public or great general interest.

Respectfully submitted,

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Prosecuting Attorney

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CERTIFICATE OF SERVICE

I hereby certify that I have sent a copy of the foregoing Notice of Appeal of Appellant, State of Ohio, by United States mail, addressed to Julie Kahrs Nessler, Hamilton County Public Defender's Office, 125 East Court Street, 9th Floor, Cincinnati, Ohio 45202, counsel of record, and to Timothy Young, Ohio Public Defender, 250 E. Broad Street, Suite 1400, Columbus, Ohio 43215-2998, this 30<sup>th</sup> day of September, 2019.

/s/ Paula E. Adams  
Paula E. Adams, 0069036P  
Assistant Prosecuting Attorney



**CROUSE, Judge.**

{¶1} R.B. has appealed the judgments of the juvenile court continuing his classification as a Tier I juvenile-offender registrant under Ohio's version of the Adam Walsh Act. We vacate the judgments of the juvenile court continuing R.B.'s Tier I classification, because we hold that the juvenile court had no jurisdiction to enter an order continuing R.B.'s Tier I classification after he had turned 21 and his disposition, by its own terms, had ended.

**I. Procedural Background**

{¶2} On October 14, 2011, R.B. admitted in juvenile court to acts which if committed by an adult would have constituted two counts of gross sexual imposition, felonies of the fourth degree. R.B., who was 14 when he committed the acts, admitted to placing his penis into the mouths of his two four-year-old cousins. The magistrate entered an order in both cases stating that the parties agreed that "this is a Tier I offense." On December 2, 2011, R.B. was committed to the Department of Youth Services ("DYS") until age 21. The commitment was suspended, and he was placed on probation and ordered to complete the residential treatment program at Altercrest.

{¶3} At a hearing on January 13, 2012, the magistrate stated on the record that the parties had agreed that R.B. would be classified as a Tier I juvenile-offender registrant, and the parties agreed with the magistrate's statement on the record. The same day, the magistrate issued a decision in each case, which erroneously stated in the body that R.B. was a Tier III sex offender, but at the end of each entry is typed "THIS IS A TIER I CLASSIFICATION—NOT TIER III." The entries contain the R.C. 2152.84 and 2152.85 modification or termination language. R.B. was notified of his Tier I registration duties, and both R.B. and his mother signed the notice of registration duties. There was no objection to the January 13, 2012 decisions.

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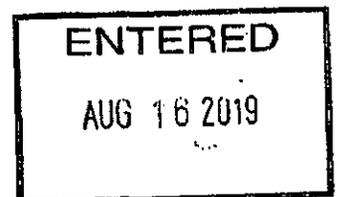
{¶4} On February 6, 2013, R.B.'s Altercrest placement was terminated. The juvenile court entered an order on July 29, 2013, releasing R.B. from official probation and placing him on nonreporting probation with monitored time. On September 3, 2014, the magistrate denied R.B.'s application to seal the record and noted that he was required to register until 2022 unless reclassified.

{¶5} The state filed a motion to set a completion-of-disposition hearing on October 24, 2016. R.B. objected on the basis that the juvenile court lacked jurisdiction to hold a completion-of-disposition hearing. R.B. argued that his end-of-disposition hearing under R.C. 2152.84 was held too late, because it should have been held when he completed his court-ordered treatment, in the alternative, he argued that the hearing was being held too early, because he had not yet completed his disposition. On January 30, 2017, the magistrate ordered the completion-of-disposition hearing to be held. R.B.'s objection was overruled by the juvenile court, which found that it had jurisdiction to hold the completion-of-disposition hearing. The magistrate held the completion-of-disposition hearing on May 8, 2017. On July 13 and 14, 2017, the magistrate entered decisions continuing R.B.'s Tier I classification. R.B. filed objections.

{¶6} On July 20, 2017, R.B. turned 21 years of age. The juvenile court held a hearing on R.B.'s objections on September 19, 2017. On October 30, 2017, the juvenile court denied R.B.'s objections and adopted the magistrate's decisions continuing R.B.'s Tier I classification. R.B. has appealed.

## II. Analysis

{¶7} This court entered an order advising counsel of an issue, identified by the court but not raised in the parties' briefs, to be addressed at oral argument. We framed the issue as:



Did the juvenile court have jurisdiction to enter an order continuing R.B.'s Tier I classification after he turned 21 and his disposition, by its own terms, had ended? Be prepared to discuss the impact, if any, of *State v. Amos*, 2017-Ohio-8448, 87 N.E.3d 1305 (1st Dist.), on this issue.

{¶8} We answer the question raised by this court in the negative and hold that the juvenile court had no jurisdiction to enter an order continuing R.B.'s Tier I classification after he turned 21 and his disposition, by its own terms, had ended.

{¶9} R.C. 2152.83(B)(1) provides that in the case of a juvenile offender who was 14 or 15 years of age when he committed his offense the juvenile court has discretion as to whether to classify the juvenile as a juvenile-offender registrant. In this case, the juvenile court classified R.B., who was 14 at the time he committed his offenses, as a Tier I juvenile-offender registrant. R.C. 2152.84(A)(1) requires that when a juvenile court has issued an order under R.C. 2152.83 classifying the juvenile as a juvenile-offender registrant, "upon completion of the disposition of that child made for the sexually oriented offense or the child-victim oriented offense on which the juvenile offender registrant order was based, the judge \* \* \* shall conduct a hearing to review the effectiveness of the disposition \* \* \* to determine whether the prior classification" should be continued, terminated, or modified. R.C. 2152.84(A)(1) refers to the completion-of-disposition hearing in mandatory terms, stating that the juvenile court *shall* hold a second classification hearing upon the completion of disposition.

{¶10} This court stated in *In re Antwon C.*, 182 Ohio App.3d 237, 2009-Ohio-2567, 912 N.E.2d 182, ¶ 20 (1st Dist.),

Juvenile [offender registrants] are afforded two classification hearings.

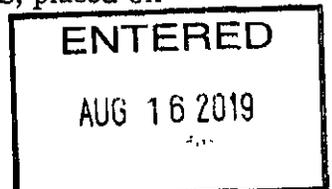
First, under R.C. 2152.83, a juvenile is afforded a tier-classification

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hearing either as part of the child's disposition or, if the child is committed to a secure facility, when the child is released. Second, under R.C. 2152.84, when a child completes all aspects of the disposition, including probation and any ordered treatment, the trial court "shall conduct a hearing" to consider the risk of reoffending so that the trial court can determine whether the order to register as a sex offender should be continued or terminated. Further, at the reclassification hearing, the trial court must determine whether the specific tier classification in which the child has been placed is proper and if it should be continued or modified.

{¶11} In *State v. Schulze*, 2016-Ohio-470, 59 N.E.3d 673 (1st Dist.), the juvenile court had correctly entered an initial classification order under Megan's Law, former R.C. Chapter 2950, but had erroneously held Schulze's completion-of-disposition hearing and entered the reclassification order under the Adam Walsh Act, rendering the order void. We held that the juvenile court had not properly completed the statutorily-required process for classifying Schulze as a juvenile-offender registrant, and that the initial classification order was not "revived or still in effect." Therefore, there was no valid order in place requiring Schulze to register. We stated, "In order to complete the process of classifying a juvenile as a sex-offender registrant, the juvenile court was required to hold an end-of-disposition hearing." *Id.* at ¶ 8.

{¶12} We relied on *In re Antwon C. and Schulze* in *State v. Amos*, 2017-Ohio-8448, 87 N.E.3d 1305 (1st Dist.), *appeal accepted*, 152 Ohio St.3d 1442, 2018-Ohio-1600, 96 N.E.3d 298, *appeal dismissed as improvidently accepted*, 156 Ohio St.3d 237, 2019-Ohio-168, 125 N.E.3d 832. Amos had been adjudicated delinquent of rape and committed to DYS. He was subsequently released from DYS, placed on



“parole,” and, by agreement, classified by the juvenile court as a Tier I juvenile-offender registrant. Amos was discharged from parole without a completion-of-disposition hearing being held. Over a year later, the juvenile court held, in Amos’s absence, what it termed a “completion-of-disposition hearing” and continued Amos’s Tier I classification. In holding that the juvenile court had no jurisdiction to classify Amos as a Tier I juvenile-offender registrant because the court had not properly completed the statutorily-required classification process, we stated,

The juvenile court loses its jurisdiction over a juvenile who has completed his parole or community control and has been discharged by the court. Because the juvenile court did not hold a hearing before Amos was discharged from parole, completing his disposition for his sexually-oriented offense, the juvenile court did not properly complete the statutorily-required process for classifying him as a juvenile-offender registrant, and thus, it had no authority to classify Amos as a Tier I offender. Therefore, Amos has no duty to register as a sex offender.

*Id.* at ¶ 14. We noted that when Amos had been discharged from parole by the juvenile court he had “completed all aspects of the disposition” for his sexually-oriented offense. We held that at that time, the juvenile court should have held a completion-of-disposition hearing under R.C. 2152.84.

{¶13} In deciding *Amos*, we also relied on the Ohio Supreme Court’s decision in *State ex rel. Jean-Baptiste v. Kirsch*, 134 Ohio St.3d 421, 2012-Ohio-5697, 983 N.E.2d 302, in which the court held that the juvenile court lacked statutory authority to conduct an initial juvenile-offender-registration hearing after the juvenile had fully satisfied the court’s delinquency adjudication and had turned 21. The Supreme Court stated that the juvenile court “patently and unambiguously” lacked jurisdiction

to classify Jean-Baptiste once his juvenile disposition had been fully satisfied. The court stated,

Because the juvenile court lacks statutory authority to classify Jean-Baptiste after he was released and the court's delinquency adjudication has been fully satisfied, we agree with Jean-Baptiste's first proposition of law as applied to this case and hold that the juvenile court lacks jurisdiction to classify Jean-Baptiste who is now no longer a "child" under the applicable statute.

*Id.* at ¶ 32. The Supreme Court noted that *Jean-Baptiste* was "in accord" with its decision in *In re Cross*, 96 Ohio St.3d 328, 2002-Ohio-4183, 774 N.E.2d 258, in which the court held that the juvenile court had no jurisdiction to reimpose a suspended commitment to a DYS facility after the juvenile had been released from probation, because "the completion of probation signals the end of the court's jurisdiction over a delinquent juvenile." *In re Cross* at ¶ 28. "When the court ended Cross's probation, it ended its ability to make further dispositions as to Cross on that delinquency count." *Id.*

{¶14} In the instant case, R.B.'s disposition was commitment to DYS until age 21, although that commitment was suspended. R.B. turned 21 on July 20, 2017. At that time, his disposition, by its own terms, was completed. The juvenile court held a hearing on R.B.'s objections to the magistrate's decision on September 19, 2017, and did not enter orders continuing R.B.'s Tier I classification until October 30, 2017, well after R.B. had turned 21 and his disposition had ended. Because the trial court did not complete the statutorily-required process for classifying R.B. prior to the completion of his disposition upon his turning 21, it had no jurisdiction to classify him as a Tier I offender. The initial classification order is not revived or still in effect, and therefore, there is no order in place requiring R.B. to register as a sex

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offender. See *Amos*, 2017-Ohio-1305, 87 N.E.3d 1305, at ¶ 8; *Schulze*, 2016-Ohio-470, 59 N.E.3d 673, at ¶ 9-11. Therefore, R.B. has no duty to register as a sex offender under R.C. Chapter 2950. See *Amos* at ¶ 14.

{¶15} We note that our holding in this case in no way impacts our opinion in *State v. BATTERY*, 1st Dist. Hamilton No. C-160609, 2017-Ohio-9113, in which we upheld R.B.'s adult conviction for failing to register, because that conviction was based on the initial Tier I classification imposed at his disposition, which was still in effect at that time. We pointed out in that case that the record did not reflect that R.B. had had his completion-of-disposition hearing.

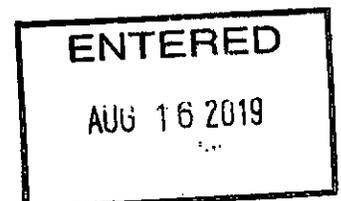
{¶16} R.B.'s assignments of error are made moot by our disposition in this case. The juvenile court's judgments continuing R.B.'s classification as a Tier I juvenile-offender registrant are hereby vacated.

Judgments vacated.

**MOCK, P.J., and BERGERON, J., concur.**

Please note:

The court has recorded its own entry this date.





## 2151.23 Jurisdiction of juvenile court.

(A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows:

(1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have violated section 2151.87 of the Revised Code or an order issued under that section or to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child and, based on and in relation to the allegation pertaining to the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly child for being an habitual truant or who is alleged to be a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant;

(2) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state;

(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;

(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code;

(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;

(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;

(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;

(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;

(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;

(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;

(11) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;

(12) Concerning an action commenced under section 121.38 of the Revised Code;

(13) To hear and determine violations of section 3321.38 of the Revised Code;

(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;

(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;

(16) To hear and determine a petition for a protection order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age;

(17) Concerning emancipated young adults under sections 2151.45 to 2151.455 of the Revised Code.

(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:

(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;

(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;

(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;

(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;

(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;

(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;

(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.

(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;

(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.

(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no jurisdiction.

(D) The juvenile court, except as provided in division (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas to the juvenile court after a divorce decree has been granted, including jurisdiction to modify the judgment and decree of the court of common pleas as the same relate to the custody and support of children.

(E) The juvenile court, except as provided in division (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine the case of any child certified to the court by any court of competent jurisdiction if the child comes within the jurisdiction of the juvenile court as defined by this section.

(F)

(1) The juvenile court shall exercise its jurisdiction in child custody matters in accordance with sections 3109.04 and 3127.01 to 3127.53 of the Revised Code and, as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(2) The juvenile court shall exercise its jurisdiction in child support matters in accordance with section 3109.05 of the Revised Code.

(G) Any juvenile court that makes or modifies an order for child support shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If any person required to pay child support under an order made by a juvenile court on or after April 15, 1985, or modified on or after December 1, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(H) If a child who is charged with an act that would be an offense if committed by an adult was fourteen years of age or older and under eighteen years of age at the time of the alleged act and if the case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code, except as provided in section 2152.121 of the Revised Code, the juvenile court does not have jurisdiction to hear or determine the case subsequent to the transfer. The court to which the case is transferred for criminal prosecution pursuant to that section has jurisdiction subsequent to the transfer to hear and determine the case in the same manner as if the case originally had been commenced in that court, subject to section 2152.121 of the Revised Code, including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child for the commission of the offense that was the basis of the transfer of the case for criminal prosecution, whether the conviction is for the same degree or a lesser degree of the offense charged, for the commission of a lesser-included offense, or for the commission of another offense that is different from the offense charged.

(I) If a person under eighteen years of age allegedly commits an act that would be a felony if committed by an adult and if the person is not taken into custody or apprehended for that act until after the person attains twenty-one years of age, the juvenile court does not have jurisdiction to hear or determine any portion of the case charging the person with committing that act. In those circumstances, divisions (A) and (B) of section 2152.12 of the Revised Code do not apply regarding the act, and the case charging the person with committing the act shall be a criminal prosecution commenced and heard in the appropriate court having jurisdiction of the offense as if the person had been eighteen years of age or older when the person committed the act. All proceedings pertaining to the act shall be within the jurisdiction of the court having jurisdiction of the offense, and that court has all the authority and duties in the case that it has in other criminal cases in that court.

(J) In exercising its exclusive original jurisdiction under division (A)(16) of this section with respect to any proceedings brought under section 2151.34 or 3113.31 of the Revised Code in which the respondent is a child, the juvenile court retains all dispositional powers consistent with existing rules of juvenile procedure and may also exercise its discretion to adjudicate proceedings as provided in sections 2151.34 and 3113.31 of the Revised Code, including the issuance of protection orders or the approval of consent agreements under those sections.

Amended by 133rd General Assembly File No. TBD, HB 166, §101.01, eff. 10/17/2019.

Amended by 131st General Assembly File No. TBD, HB 410, §1, eff. 4/6/2017.

Amended by 130th General Assembly File No. TBD, SB 43, §1, eff. 9/17/2014.

Amended by 129th General Assembly File No. 29, HB 86, §1, eff. 9/30/2011.

Amended by 128th General Assembly File No. 21, HB 10, §1, eff. 6/17/2010.

Effective Date: 01-01-2002; 06-17-2004; 04-11-2005; 09-21-2006; 2007 SB10 01-01-2008; 2008 HB214 05-14-2008

**Related Legislative Provision:** See 128th General Assembly File No. 21, HB 10, §3 .

## **2152.191 Delinquent child subject to sex offender registration and notification law.**

If a child is adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense, if the child is fourteen years of age or older at the time of committing the offense, and if the child committed the offense on or after January 1, 2002, both of the following apply:

- (A) Sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code apply to the child and the adjudication.
- (B) In addition to any order of disposition it makes of the child under this chapter, the court may make any determination, adjudication, or order authorized under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code and shall make any determination, adjudication, or order required under those sections and that chapter.

Effective Date: 07-31-2003; 2007 SB10 01-01-2008 .

## **2152.22 Child committed to legal custody of department of youth services; judicial release.**

(A) When a child is committed to the legal custody of the department of youth services under this chapter, the juvenile court relinquishes control with respect to the child so committed, except as provided in divisions (B), (C), (D), and (H) of this section or in sections 2152.82 to 2152.86 of the Revised Code. Subject to divisions (B), (C), and (D) of this section, sections 2151.353 and 2151.412 to 2151.421 of the Revised Code, sections 2152.82 to 2152.86 of the Revised Code, and any other provision of law that specifies a different duration for a dispositional order, all other dispositional orders made by the court under this chapter shall be temporary and shall continue for a period that is designated by the court in its order, until terminated or modified by the court or until the child attains twenty-one years of age.

The department shall not release the child from a department facility and as a result shall not discharge the child or order the child's release on supervised release prior to the expiration of the minimum period specified by the court in division (A)(1) of section 2152.16 of the Revised Code and any term of commitment imposed under section 2152.17 of the Revised Code or prior to the child's attainment of twenty-one years of age, except upon the order of a court pursuant to division (B), (C), or (D) of this section or in accordance with section 5139.54 of the Revised Code.

(B)

(1) Unless the court grants judicial release under division (D)(1)(b) of this section, the court that commits a delinquent child to the department of youth services may grant judicial release of the child to court supervision under this division during the first half of the prescribed minimum term for which the child was committed to the department or, if the child was committed to the department until the child attains twenty-one years of age, during the first half of the prescribed period of commitment that begins on the first day of commitment and ends on the child's twenty-first birthday, provided any commitment imposed under division (A), (B), (C), or (D) of section 2152.17 of the Revised Code has ended.

(2) If the department desires to release a child during a period specified in division (B)(1) of this section, it shall request the court that committed the child to grant a judicial release of the child to court supervision under this division. During whichever of those periods is applicable, the child or the parents of the child also may request that court to grant a judicial release of the child to court supervision. Upon receipt of a request for a judicial release to court supervision under this division from the department, the child, or the child's parent, or upon its own motion, the court that committed the child shall do one of the following: approve the release by journal entry; schedule within thirty days after the request is received a time for a hearing on whether the child is to be released; or reject the request by journal entry without conducting a hearing.

If the court rejects an initial request for a release under this division by the child or the child's parent, the child or the child's parent may make one additional request for a judicial release to court supervision within the applicable period. The additional request may be made no earlier than thirty days after the filing of the prior request for a judicial release to court supervision. Upon the filing of a second request for a judicial release to court supervision, the court shall either approve or disapprove the release by journal entry or schedule within thirty days after the request is received a time for a hearing on whether the child is to be released.

(3) If a court schedules a hearing under division (B)(2) of this section, it may order the department to deliver the child to the court on the date set for the hearing and may order the department to present to the court a report on the child's progress in the institution to which the child was committed and recommendations for conditions of supervision of the child by the court after release. The court may conduct the hearing without the child being present. The court shall determine at the hearing whether the child should be granted a judicial release to court supervision.

If the court approves the release under this division, it shall order its staff to prepare a written treatment and rehabilitation plan for the child that may include any conditions of the child's release that were recommended by the department and approved by the court. The committing court shall send the juvenile court of the county in

which the child is placed a copy of the recommended plan. The court of the county in which the child is placed may adopt the recommended conditions set by the committing court as an order of the court and may add any additional consistent conditions it considers appropriate. If a child is granted a judicial release to court supervision, the release discharges the child from the custody of the department of youth services.

(C)

(1) Unless the court grants judicial release under division (D)(1)(b) of this section, the court that commits a delinquent child to the department of youth services may grant judicial release of the child to department of youth services supervision under this division during the second half of the prescribed minimum term for which the child was committed to the department or, if the child was committed to the department until the child attains twenty-one years of age, during the second half of the prescribed period of commitment that begins on the first day of commitment and ends on the child's twenty-first birthday, provided any commitment imposed under division (A), (B), (C), or (D) of section 2152.17 of the Revised Code has ended.

(2) If the department desires to release a child during a period specified in division (C)(1) of this section, it shall request the court that committed the child to grant a judicial release to department of youth services supervision. During whichever of those periods is applicable, the child or the child's parent also may request the court that committed the child to grant a judicial release to department of youth services supervision. Upon receipt of a request for judicial release to department of youth services supervision, the child, or the child's parent, or upon its own motion at any time during that period, the court shall do one of the following: approve the release by journal entry; schedule a time within thirty days after receipt of the request for a hearing on whether the child is to be released; or reject the request by journal entry without conducting a hearing.

If the court rejects an initial request for release under this division by the child or the child's parent, the child or the child's parent may make one or more subsequent requests for a release within the applicable period, but may make no more than one request during each period of ninety days that the child is in a secure department facility after the filing of a prior request for early release. Upon the filing of a request for release under this division subsequent to an initial request, the court shall either approve or disapprove the release by journal entry or schedule a time within thirty days after receipt of the request for a hearing on whether the child is to be released.

(3) If a court schedules a hearing under division (C)(2) of this section, it may order the department to deliver the child to the court on the date set for the hearing and shall order the department to present to the court at that time a treatment plan for the child's post-institutional care. The court may conduct the hearing without the child being present. The court shall determine at the hearing whether the child should be granted a judicial release to department of youth services supervision.

If the court approves the judicial release to department of youth services supervision, the department shall prepare a written treatment and rehabilitation plan for the child pursuant to division (F) of this section that shall include the conditions of the child's release. It shall send the committing court and the juvenile court of the county in which the child is placed a copy of the plan. The court of the county in which the child is placed may adopt the conditions set by the department as an order of the court and may add any additional consistent conditions it considers appropriate, provided that the court may not add any condition that decreases the level or degree of supervision specified by the department in its plan, that substantially increases the financial burden of supervision that will be experienced by the department, or that alters the placement specified by the department in its plan. If the court of the county in which the child is placed adds to the department's plan any additional conditions, it shall enter those additional conditions in its journal and shall send to the department a copy of the journal entry of the additional conditions.

If the court approves the judicial release to department of youth services supervision, the actual date on which the department shall release the child is contingent upon the department finding a suitable placement for the child. If the child is to be returned to the child's home, the department shall return the child on the date that the court schedules for the child's release or shall bear the expense of any additional time that the child remains in a department facility. If the child is unable to return to the child's home, the department shall exercise reasonable diligence in finding a suitable placement for the child, and the child shall remain in a department facility while the department finds the suitable placement.

(D)

(1) Subject to division (D)(3) of this section, the court that commits a delinquent child to the department of youth services may grant judicial release of the child under this division at any time after the expiration of one of the following periods of time:

(a) Except as otherwise provided in division (D)(1)(b) of this section, if the child was committed to the department for a prescribed minimum period and a maximum period not to exceed the child's attainment of twenty-one years, the court may grant judicial release of the child at any time after the expiration of the prescribed minimum term for which the child was committed to the department.

(b) If the child was committed to the department for both one or more definite periods under division (A), (B), (C), or (D) of section 2152.17 of the Revised Code and a period of the type described in division (D)(1)(a) of this section, all of the prescribed minimum periods of commitment imposed under division (A), (B), (C), or (D) of section 2152.17 of the Revised Code and the prescribed period of commitment of the type described in division (D)(1)(a) of this section shall be aggregated for purposes of this division, and the court may grant judicial release of the child at any time after the expiration of one year after the child begins serving the aggregate period of commitment.

(2) If a court grants a judicial release of a child under division (D)(1) of this section, the release shall be a judicial release to department of youth services supervision, if the release is granted during a period described in division (C)(1) of this section, and the second and third paragraphs of division (C)(3) of this section apply regarding the release. In all other cases, the release shall be a judicial release to court supervision, and the second paragraph of division (B)(3) of this section applies regarding the release.

(3) A court at the time of making the disposition of a child shall provide notice in the order of disposition that the judge is retaining jurisdiction over the child for the purpose of a possible grant of judicial release of the child under division (D)(1) of this section. The failure of a court to provide this notice does not affect the authority of the court to grant a judicial release under that division and does not constitute grounds for setting aside the child's delinquent child adjudication or disposition or for granting any post-adjudication relief to the child.

(4) The department of youth services, a child committed to the department, or the parents of the child, during a period specified in division (D)(1) of this section, may request the court that committed the child to grant a judicial release of the child under that division. Upon receipt of a request for judicial release of a child under this division from the department, the child, or the child's parent, or upon its own motion, the court that committed the child shall do one of the following:

(a) Approve the request by journal entry;

(b) Schedule within thirty days after the request is received a time for a hearing on whether the child is to be released;

(c) Reject the request by journal entry without conducting a hearing.

If the court rejects an initial request for a release under this division by the child or the child's parent, division (C)(2) of this section applies regarding the making of additional requests.

If the court schedules a hearing under this division to consider the judicial release, the first paragraph of division (B)(3) of this section applies regarding the hearing.

(E) If a child is released under division (B), (C), or (D) of this section and the court of the county in which the child is placed has reason to believe that the child's department is not in accordance with the conditions of the child's judicial release, the court of the county in which the child is placed shall schedule a time for a hearing to determine whether the child violated any of the post-release conditions, and, if the child was released under division (C) of this section or under division (D) of this section under department supervision, divisions (A) to (E) of section 5139.52 of the Revised Code apply regarding the child.

If that court determines at the hearing that the child violated any of the post-release conditions, the court, if it determines that the violation was a serious violation, may order the child to be returned to the department for institutionalization, consistent with the original order of commitment of the child, or in any case may make any other disposition of the child authorized by law that the court considers proper. If the court of the county in which the child is placed orders the child to be returned to a department of youth services institution, the time during which the child was held in a secure department facility prior to the child's judicial release shall be considered as time served in fulfilling the prescribed period of institutionalization that is applicable to the child under the child's original order of commitment. If the court orders the child returned to a department institution, the child shall remain in institutional care for a minimum of three months or until the child successfully completes a revocation program of a duration of not less than thirty days operated either by the department or by an entity with which the department has contracted to provide a revocation program.

(F) The department of youth services, prior to the release of a child pursuant to division (C) of this section or pursuant to division (D) of this section on department supervision, shall do all of the following:

(1) After reviewing the child's rehabilitative progress history and medical and educational records, prepare a written treatment and rehabilitation plan for the child that includes conditions of the release;

(2) Completely discuss the conditions of the plan prepared pursuant to division (F)(1) of this section and the possible penalties for violation of the plan with the child and the child's parents, guardian, or legal custodian;

(3) Have the plan prepared pursuant to division (F)(1) of this section signed by the child, the child's parents, legal guardian, or custodian, and any authority or person that is to supervise, control, and provide supportive assistance to the child at the time of the child's release pursuant to division (C) or (D) of this section;

(4) Prior to the child's release, file a copy of the treatment plan prepared pursuant to division (F)(1) of this section with the committing court and the juvenile court of the county in which the child is to be placed.

(G) The department of youth services shall file a written progress report with the committing court regarding each child released pursuant to division (C) of this section or released pursuant to division (D) of this section on judicial release to department supervision at least once every thirty days unless specifically directed otherwise by the court. The report shall indicate the treatment and rehabilitative progress of the child and the child's family, if applicable, and shall include any suggestions for altering the program, custody, living arrangements, or treatment. The department shall retain legal custody of a child so released until it discharges the child or until the custody is terminated as otherwise provided by law.

(H) When a child is committed to the legal custody of the department of youth services, the court retains jurisdiction to perform the functions specified in section 5139.51 of the Revised Code with respect to the granting of supervised release by the release authority and to perform the functions specified in section 5139.52 of the Revised Code with respect to violations of the conditions of supervised release granted by the release authority and to the revocation of supervised release granted by the release authority.

Amended by 129th General Assembly File No.127, HB 487, §101.01, eff. 9/10/2012.

Amended by 129th General Assembly File No.29, HB 86, §1, eff. 9/30/2011.

Effective Date: 07-05-2002; 2007 SB10 01-01-2008

## **2152.83 Juvenile sex offender registration at time of release from secure facility.**

(A)

(1) The court that adjudicates a child a delinquent child shall issue as part of the dispositional order or, if the court commits the child for the delinquent act to the custody of a secure facility, shall issue at the time of the child's release from the secure facility an order that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code if all of the following apply:

(a) The act for which the child is or was adjudicated a delinquent child is a sexually oriented offense or a child-victim oriented offense that the child committed on or after January 1, 2002.

(b) The child was sixteen or seventeen years of age at the time of committing the offense.

(c) The court was not required to classify the child a juvenile offender registrant under section 2152.82 of the Revised Code or as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant under section 2152.86 of the Revised Code.

(2) Prior to issuing the order required by division (A)(2) of this section, the judge shall conduct a hearing under section 2152.831 of the Revised Code, except as otherwise provided in that section, to determine whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender. When a judge issues an order under division (A)(1) of this section, the judge shall include in the order the determinations identified in division (B)(5) of section 2152.82 of the Revised Code.

(B)

(1) The court that adjudicates a child a delinquent child, on the judge's own motion, may conduct at the time of disposition of the child or, if the court commits the child for the delinquent act to the custody of a secure facility, may conduct at the time of the child's release from the secure facility a hearing for the purposes described in division (B)(2) of this section if all of the following apply:

(a) The act for which the child is adjudicated a delinquent child is a sexually oriented offense or a child-victim oriented offense that the child committed on or after January 1, 2002.

(b) The child was fourteen or fifteen years of age at the time of committing the offense.

(c) The court was not required to classify the child a juvenile offender registrant under section 2152.82 of the Revised Code or as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant under section 2152.86 of the Revised Code.

(2) A judge shall conduct a hearing under division (B)(1) of this section to review the effectiveness of the disposition made of the child and of any treatment provided for the child placed in a secure setting and to determine whether the child should be classified a juvenile offender registrant. The judge may conduct the hearing on the judge's own initiative or based upon a recommendation of an officer or employee of the department of youth services, a probation officer, an employee of the court, or a prosecutor or law enforcement officer. If the judge conducts the hearing, upon completion of the hearing, the judge, in the judge's discretion and after consideration of the factors listed in division (E) of this section, shall do either of the following:

(a) Decline to issue an order that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code;

(b) Issue an order that classifies the child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and that states the determination that the judge makes at the hearing held pursuant to section 2152.831 of the Revised Code as to

whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender.

(C)

(1) Prior to issuing an order under division (B)(2)(b) of this section, the judge shall conduct a hearing under section 2152.831 of the Revised Code to determine whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender. The judge may hold the hearing at the same time as the hearing under division (B) of this section.

(2) If a judge issues an order under division (A) or (B) of this section and the court determines that the delinquent child to whom the order applies is a tier III sex offender/child-victim offender and the child is not a public registry-qualified juvenile offender registrant, the judge may impose a requirement subjecting the child to the victim and community notification provisions of sections 2950.10 and 2950.11 of the Revised Code. If the judge imposes a requirement subjecting the child to the victim and community notification provisions of sections 2950.10 and 2950.11 of the Revised Code, the judge shall include the requirement in the order.

(3) If a judge issues an order under division (A) or (B) of this section, the judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian a copy of the order and a notice containing the information described in divisions (A) and (B) of section 2950.03 of the Revised Code. The judge shall provide the notice at the time of the issuance of the order and shall comply with divisions (B) and (C) of that section regarding that notice and the provision of it.

The judge also shall include in the order a statement that, upon completion of the disposition of the delinquent child that was made for the sexually oriented offense or child-victim oriented offense upon which the order is based, a hearing will be conducted and the order is subject to modification or termination pursuant to section 2152.84 of the Revised Code.

(D) In making a decision under division (B) of this section as to whether a delinquent child should be classified a juvenile offender registrant, a judge shall consider all relevant factors, including, but not limited to, all of the following:

(1) The nature of the sexually oriented offense or the child-victim oriented offense committed by the child;

(2) Whether the child has shown any genuine remorse or compunction for the offense;

(3) The public interest and safety;

(4) The factors set forth in division (K) of section 2950.11 of the Revised Code, provided that references in the factors as set forth in that division to "the offender" shall be construed for purposes of this division to be references to "the delinquent child;"

(5) The factors set forth in divisions (B) and (C) of section 2929.12 of the Revised Code as those factors apply regarding the delinquent child, the offense, and the victim;

(6) The results of any treatment provided to the child and of any follow-up professional assessment of the child.

(E) An order issued under division (A) or (B) of this section and any determinations included in the order shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a modification or termination of the order under section 2152.84 of the Revised Code, and section 2152.851 of the Revised Code applies regarding the order and the determinations. The child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

(F) If a court issues an order under division (A) or (B) of this section before January 1, 2008, not later than February 1, 2008, the court shall terminate the order and issue a new order that reclassifies the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to section 2152.86 of the Revised Code if the court imposed on the child a serious youthful offender dispositional sentence under

section 2152.13 of the Revised Code and if the act that was the basis of the classification of the delinquent child as a juvenile offender registrant and is the basis of the serious youthful offender dispositional sentence is any of the following:

(1) Committing, attempting to commit, conspiring to commit, or complicity in committing 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;

(2) Committing, attempting to commit, conspiring to commit, or complicity in committing 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.

(G) As used in this section, "secure facility" has the same meaning as in section 2950.01 of the Revised Code.

Effective Date: 07-31-2004; 2007 SB10 01-01-2008 .

## **2152.84 Hearing to review effectiveness of disposition and of any treatment.**

(A)

(1) When a juvenile court judge issues an order under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code that classifies a delinquent child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, upon completion of the disposition of that child made for the sexually oriented offense or the child-victim oriented offense on which the juvenile offender registrant order was based, the judge or the judge's successor in office shall conduct a hearing to review the effectiveness of the disposition and of any treatment provided for the child, to determine the risks that the child might re-offend, to determine whether the prior classification of the child as a juvenile offender registrant should be continued or terminated as provided under division (A)(2) of this section, and to determine whether its prior determination made at the hearing held pursuant to section 2152.831 of the Revised Code as to whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender should be continued or modified as provided under division (A)(2) of this section.

(2) Upon completion of a hearing under division (A)(1) of this section, the judge, in the judge's discretion and after consideration of all relevant factors, including but not limited to, the factors listed in division (D) of section 2152.83 of the Revised Code, shall do one of the following as applicable:

(a) Enter an order that continues the classification of the delinquent child as a juvenile offender registrant made in the prior order issued under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code and the prior determination included in the order that the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable;

(b) If the prior order was issued under division (B) of section 2152.83 of the Revised Code, enter an order that contains a determination that the delinquent child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. An order issued under division (A)(2)(b) of this section also terminates all prior determinations that the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable. Division (A)(2)(b) of this section does not apply to a prior order issued under section 2152.82 or division (A) of section 2152.83 of the Revised Code.

(c) If the prior order was issued under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code, enter an order that continues the classification of the delinquent child as a juvenile offender registrant made in the prior order issued under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code, and that modifies the prior determination made at the hearing held pursuant to section 2152.831 of the Revised Code that the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable. An order issued under division (A)(2)(c) of this section shall not include a determination that increases to a higher tier the tier classification of the delinquent child. An order issued under division (A)(2)(c) of this section shall specify the new determination made by the court at a hearing held pursuant to division (A)(1) of this section as to whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable.

(B)

(1) If a judge issues an order under division (A)(2)(a) of this section that continues the prior classification of the delinquent child as a juvenile offender registrant and the prior determination included in the order that the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable, the prior classification and the prior determination shall remain in effect.

(2) A judge may issue an order under division (A)(2)(c) of this section that contains a determination that reclassifies a child from a tier III sex offender/child-victim offender classification to a tier II sex offender/child-victim offender classification or to a tier I sex offender/child-victim offender classification.

A judge may issue an order under division (A)(2)(c) of this section that contains a determination that reclassifies a child from a tier II sex offender/child-victim offender classification. A judge may not issue an order under that division that contains a determination that reclassifies a child from a tier II sex offender/child-victim offender classification to a tier III sex offender/child-victim offender classification.

A judge may not issue an order under division (A)(2)(c) of this section that contains a determination that reclassifies a child from a tier I sex offender/child-victim offender classification to a tier II sex offender/child-victim offender classification or to a tier III sex offender/child-victim offender classification.

If a judge issues an order under this division that contains a determination that reclassifies a child, the judge shall provide a copy of the order to the delinquent child and the bureau of criminal identification and investigation, and the bureau, upon receipt of the copy of the order, promptly shall notify the sheriff with whom the child most recently registered under section 2950.04 or 2950.041 of the Revised Code of the determination and reclassification.

(3) If a judge issues an order under division (A)(2)(b) of this section that declassifies the delinquent child as a juvenile offender registrant, the judge shall provide a copy of the order to the bureau of criminal identification and investigation, and the bureau, upon receipt of the copy of the order, promptly shall notify the sheriff with whom the child most recently registered under section 2950.04 or 2950.041 of the Revised Code of the declassification.

(C) If a judge issues an order under division (A)(2)(a), (b), or (c) of this section, the judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian a copy of the order and, if applicable, a notice containing the information described in divisions (A) and (B) of section 2950.03 of the Revised Code. The judge shall provide the notice at the time of the issuance of the order and shall comply with divisions (B) and (C) of that section regarding that notice and the provision of it.

(D) An order issued under division (A)(2)(a) or (c) of this section and any determinations included in the order shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a modification or termination of the order under section 2152.85 of the Revised Code, and section 2152.851 of the Revised Code applies regarding the order and the determinations. If an order is issued under division (A)(2)(a) or (c) of this section, the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

(E) The provisions of this section do not apply to a delinquent child who is classified as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to section 2152.86 of the Revised Code.

Effective Date: 07-31-2003; 2007 SB10 01-01-2008 .

## 2152.85 Petition for reclassification or declassification.

(A) Regardless of when the delinquent child was classified a juvenile offender registrant, upon the expiration of the applicable period of time specified in division (B)(1), (2), or (3) of this section, a delinquent child who has been classified pursuant to this section or section 2152.82 or 2152.83 of the Revised Code a juvenile offender registrant may petition the judge who made the classification, or that judge's successor in office, to do one of the following:

(1) If the order containing the juvenile offender registrant classification also includes a determination by the juvenile court judge that the delinquent child is a tier III sex offender/child-victim offender, to enter, as applicable, an order that contains a determination that reclassifies the child as either a tier II sex offender/child-victim offender or a tier I sex offender/child-victim offender, the reason or reasons for that reclassification, and a determination that the child remains a juvenile offender registrant, or an order that contains a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code;

(2) If the order containing the juvenile offender registrant classification also includes a determination by the juvenile court judge that the delinquent child is a tier II sex offender/child-victim offender, to enter, as applicable, an order that contains a determination that reclassifies the child as a tier I sex offender/child-victim offender, the reason or reasons for that reclassification, and a determination that the child remains a juvenile offender registrant, or an order that contains a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code;

(3) If the order containing the juvenile offender registrant classification also includes a determination by the juvenile court judge that the delinquent child is a tier I sex offender/child-victim offender, to enter an order that contains a determination that the child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(B) A delinquent child who has been adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense or a child-victim oriented offense and who has been classified a juvenile offender registrant relative to that offense may file a petition under division (A) of this section requesting reclassification or declassification as described in that division after the expiration of one of the following periods of time:

(1) The delinquent child initially may file a petition not earlier than three years after the entry of the juvenile court judge's order after the mandatory hearing conducted under section 2152.84 of the Revised Code.

(2) After the delinquent child's initial filing of a petition under division (B)(1) of this section, the child may file a second petition not earlier than three years after the judge has entered an order deciding the petition under division (B)(1) of this section.

(3) After the delinquent child's filing of a petition under division (B)(2) of this section, thereafter, the delinquent child may file a petition under this division upon the expiration of five years after the judge has entered an order deciding the petition under division (B)(2) of this section or the most recent petition the delinquent child has filed under this division.

(C) Upon the filing of a petition under division (A) of this section, the judge may review the prior classification or determination in question and, upon consideration of all relevant factors and information, including, but not limited to the factors listed in division (D) of section 2152.83 of the Revised Code, the judge, in the judge's discretion, shall do one of the following:

(1) Enter an order denying the petition;

(2) Issue an order that reclassifies or declassifies the delinquent child in the requested manner.

(D) If a judge issues an order under division (C)(1) of this section that denies a petition, the prior classification of the delinquent child as a juvenile offender registrant, and the prior determination that the child is a tier I sex

offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable, shall remain in effect.

A judge may issue an order under division (C)(2) of this section that contains a determination that reclassifies a child from a tier III sex offender/child-victim offender classification to a tier II sex offender/child-victim offender classification or to a tier I sex offender/child-victim offender classification.

A judge may issue an order under division (C)(2) of this section that contains a determination that reclassifies a child from a tier II sex offender/child-victim offender classification to a tier I sex offender/child-victim offender classification.

If a judge issues an order under this division that contains a determination that reclassifies a child, the judge shall provide a copy of the order to the delinquent child and the bureau of criminal identification and investigation, and the bureau, upon receipt of the copy of the order, promptly shall notify the sheriff with whom the child most recently registered under section 2950.04 or 2950.041 of the Revised Code of the determination and reclassification.

If a judge issues an order under division (C)(2) of this section that declassifies the delinquent child, the order also terminates all prior determinations that the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable. If a judge issues an order under division (C)(2) of this section that declassifies the delinquent child, the judge shall provide a copy of the order to the bureau of criminal identification and investigation, and the bureau, upon receipt of a copy of the order, promptly shall notify the sheriff with whom the child most recently registered under section 2950.04 or 2950.041 of the Revised Code of the declassification.

(E) If a judge issues an order under division (C)(1) or (2) of this section, the judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian a copy of the order and, if applicable, a notice containing the information described in divisions (A) and (B) of section 2950.03 of the Revised Code. The judge shall provide the notice at the time of the issuance of the order and shall comply with divisions (B) and (C) of that section regarding that notice and the provision of it.

(F) An order issued under division (C) of this section shall remain in effect for the period of time specified in section 2950.07 of the Revised Code, subject to a further modification or future termination of the order under this section. If an order is issued under division (C) of this section, the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

(G) The provisions of this section do not apply to a delinquent child who is classified as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to section 2152.86 of the Revised Code.

Effective Date: 07-31-2003; 2007 SB10 01-01-2008 .

## **2941.401 Request for a final disposition on pending charges by prisoner.**

When a person has entered upon a term of imprisonment in a correctional institution of this state, and when during the continuance of the term of imprisonment there is pending in this state any untried indictment, information, or complaint against the prisoner, he shall be brought to trial within one hundred eighty days after he causes to be delivered to the prosecuting attorney and the appropriate court in which the matter is pending, written notice of the place of his imprisonment and a request for a final disposition to be made of the matter, except that for good cause shown in open court, with the prisoner or his counsel present, the court may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the warden or superintendent having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time served and remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the adult parole authority relating to the prisoner.

The written notice and request for final disposition shall be given or sent by the prisoner to the warden or superintendent having custody of him, who shall promptly forward it with the certificate to the appropriate prosecuting attorney and court by registered or certified mail, return receipt requested.

The warden or superintendent having custody of the prisoner shall promptly inform him in writing of the source and contents of any untried indictment, information, or complaint against him, concerning which the warden or superintendent has knowledge, and of his right to make a request for final disposition thereof.

Escape from custody by the prisoner, subsequent to his execution of the request for final disposition, voids the request.

If the action is not brought to trial within the time provided, subject to continuance allowed pursuant to this section, no court any longer has jurisdiction thereof, the indictment, information, or complaint is void, and the court shall enter an order dismissing the action with prejudice.

This section does not apply to any person adjudged to be mentally ill or who is under sentence of life imprisonment or death, or to any prisoner under sentence of death.

Effective Date: 10-06-1994.

## **2950.01 Sexual predator, habitual sex offender, sexually oriented offender definitions.**

As used in this chapter, unless the context clearly requires otherwise:

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

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

(2) 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;

(3) A violation of section 2907.04 of the Revised Code when the offender is at least four years older than the other person with whom the offender engaged in sexual conduct or when the offender is less than four years older than the other person with whom the offender engaged in sexual conduct and the offender previously has 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;

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

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

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

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

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

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

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

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

(a) The violation is a violation of division (A)(1) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person knowing that the person would be compelled to engage in sexual activity for hire, engage in a performance that was obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that was obscene, sexually oriented, or nudity oriented.

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

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

(12) A violation of division (B)(4) of section 2907.09 of the Revised Code if the sentencing court classifies the offender as a tier I sex offender/child-victim offender relative to that offense pursuant to division (D) of that section;

(13) 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 (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of this section;

(14) A violation of division (A)(3) of section 2907.24 of the Revised Code;

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

(B)

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

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

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

(b) The victim of the offense was thirteen years of age or older, and the person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing the sexually oriented offense is not more than four years older than the victim.

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

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

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

(3) 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 (C)(1) or (2) of this section;

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

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

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

(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 division (B)(4) of section 2907.09 of the Revised Code if the sentencing court classifies the offender as a tier I sex offender/child-victim offender relative to that offense pursuant to division (D) of that section;

(g) 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), (e), or (f) of this section;

(h) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (E)(1) (a), (b), (c), (d), (e), (f), or (g) 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 child-victim oriented offense and who is not within either category of child-victim offender described in division (F)(2) or (G)(2) of this section.

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

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

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

(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 2907.21, 2907.321, or 2907.322 of the Revised Code;

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

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

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

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

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

(g) A violation of section 2905.32 of the Revised Code that is described in division (A)(11)(a), (b), or (c) of this section;

(h) 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 (F)(1)(a), (b), (c), (d), (e), (f), or (g) of this section;

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

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

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

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

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

(5) A sex offender or child-victim offender who is not in any category of tier II sex offender/child-victim offender set forth in division (F)(1), (2), (3), or (4) of this section, who prior to January 1, 2008, was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense, and who prior to that date was determined to be a habitual sex offender or determined to be a habitual child-victim offender, unless either of the following applies:

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

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

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

(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 2907.02 or 2907.03 of the Revised Code;

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

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

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

(e) A violation of division (A)(4) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age;

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

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

(h) 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 (G)(1)(a), (b), (c), (d), (e), (f), or (g) of this section;

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

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

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

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

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

(5) A sex offender or child-victim offender who is not in any category of tier III sex offender/child-victim offender set forth in division (G)(1), (2), (3), or (4) of this section, who prior to January 1, 2008, was convicted of or pleaded guilty to a sexually oriented offense or child-victim oriented offense or was adjudicated a delinquent child

for committing a sexually oriented offense or child-victim oriented offense and classified a juvenile offender registrant, and who prior to that date was adjudicated a sexual predator or adjudicated a child-victim predator, unless either of the following applies:

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

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

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

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

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

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

(H) "Confinement" includes, but is not limited to, a community residential sanction imposed pursuant to section 2929.16 or 2929.26 of the Revised Code.

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

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

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

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

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

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

(M) "Juvenile offender registrant" means a person who is adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense or a child-victim oriented offense, who is fourteen years of age or older at the time of committing the offense, and who a juvenile court judge, pursuant to an order issued under

section 2152.82, 2152.83, 2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a juvenile offender registrant and specifies has a duty to comply with 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 as a public registry-qualified juvenile offender registrant has not been terminated pursuant to division (D) of section 2152.86 of the Revised Code.

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

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

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

(R) "Adjudicated a delinquent child for committing a sexually oriented offense" includes a child who receives a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code for committing a sexually oriented offense.

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

(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.

(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.

(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.

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

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

Amended by 132nd General Assembly File No. TBD, HB 92, §1, eff. 3/20/2019.

Amended by 131st General Assembly File No. TBD, HB 158, §1, eff. 10/12/2016.

Amended by 130th General Assembly File No. TBD, HB 130, §1, eff. 6/20/2014.

Amended by 129th General Assembly File No. 178, SB 160, §1, eff. 3/22/2013.

Amended by 129th General Assembly File No. 142, HB 262, §1, eff. 6/27/2012.

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## **2950.07 Commencement date for duty to register.**

(A) The duty of an offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and the duty of a delinquent child who is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or who is an out-of-state juvenile offender registrant to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code commences on whichever of the following dates is applicable:

(1) If the offender's duty to register is imposed pursuant to division (A)(1)(a) of section 2950.04 or division (A)(1)(a) of section 2950.041 of the Revised Code, the offender's duty to comply with those sections commences immediately after the entry of the judgment of conviction.

(2) If the delinquent child's duty to register is imposed pursuant to division (A)(1)(b) of section 2950.04 or division (A)(1)(b) of section 2950.041 of the Revised Code, the delinquent child's duty to comply with those sections commences immediately after the order of disposition.

(3) If the offender's duty to register is imposed pursuant to division (A)(2) of section 2950.04 or division (A)(2) of section 2950.041 of the Revised Code, subject to division (A)(7) of this section, the offender's duty to comply with those sections commences on the date of the offender's release from a prison term, a term of imprisonment, or any other type of confinement, or if the offender is not sentenced to a prison term, a term of imprisonment, or any other type of confinement, on the date of the entry of the judgment of conviction of the sexually oriented offense or child-victim oriented offense.

(4) If the offender's or delinquent child's duty to register is imposed pursuant to division (A)(4) of section 2950.04 or division (A)(4) of section 2950.041 of the Revised Code, the offender's duty to comply with those sections commences regarding residence addresses on the date that the offender begins to reside or becomes temporarily domiciled in this state, the offender's duty regarding addresses of schools, institutions of higher education, and places of employment commences on the date the offender begins attending any school or institution of higher education in this state on a full-time or part-time basis or becomes employed in this state, and the delinquent child's duty commences on the date the delinquent child begins to reside or becomes temporarily domiciled in this state.

(5) If the delinquent child's duty to register is imposed pursuant to division (A)(3) of section 2950.04 or division (A)(3) of section 2950.041 of the Revised Code, if the delinquent child's classification as a juvenile offender registrant is made at the time of the child's disposition for that sexually oriented offense or child-victim oriented offense, whichever is applicable, and if the delinquent child is committed for the sexually oriented offense or child-victim oriented offense to the department of youth services or to a secure facility that is not operated by the department, the delinquent child's duty to comply with those sections commences on the date of the delinquent child's discharge or release from custody in the department of youth services secure facility or from the secure facility not operated by the department as described in that division.

(6) If the delinquent child's duty to register is imposed pursuant to division (A)(3) of section 2950.04 or division (A)(3) of section 2950.041 of the Revised Code and if either the delinquent child's classification as a juvenile offender registrant is made at the time of the child's disposition for that sexually oriented offense or child-victim oriented offense, whichever is applicable, and the delinquent child is not committed for the sexually oriented offense or child-victim oriented offense to the department of youth services or to a secure facility that is not operated by the department or the child's classification as a juvenile offender registrant is made pursuant to section 2152.83 or division (A)(2) of section 2152.86 of the Revised Code, subject to divisions (A)(7) of this section, the delinquent child's duty to comply with those sections commences on the date of entry of the court's order that classifies the delinquent child a juvenile offender registrant.

(7) If the offender's or delinquent child's duty to register is imposed pursuant to division (A)(2), (3), or (4) of section 2950.04 or section 2950.041 of the Revised Code and if the offender or delinquent child prior to January 1, 2008, has registered a residence, school, institution of higher education, or place of employment address

pursuant to section 2950.04, 2950.041, or 2950.05 of the Revised Code as they existed prior to that date, the offender or delinquent child initially shall register in accordance with section 2950.04 or 2950.041 of the Revised Code, whichever is applicable, as it exists on and after January 1, 2008, not later than the earlier of the dates specified in divisions (A)(7)(a) and (b) of this section. The offender's or delinquent child's duty to comply thereafter with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as they exist on and after January 1, 2008, commences on the date of that initial registration. The offender or delinquent child initially shall register under section 2950.04 or 2950.041 of the Revised Code as it exists on and after January 1, 2008, not later than the earlier of the following:

(a) The date that is six months after the date on which the offender or delinquent child received a registered letter from the attorney general under division (A)(2) or (B) of section 2950.031 of the Revised Code;

(b) The earlier of the date on which the offender or delinquent child would be required to verify a previously registered address under section 2950.06 of the Revised Code as it exists on and after January 1, 2008, or, if the offender or delinquent child has changed a previously registered address, the date on which the offender or delinquent child would be required to register a new residence, school, institution of higher education, or place of employment address under section 2950.05 of the Revised Code as it exists on and after January 1, 2008.

(8) If the offender's or delinquent child's duty to register was imposed pursuant to section 2950.04 or 2950.041 of the Revised Code as they existed prior to January 1, 2008, the offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as they exist on and after January 1, 2008, is a continuation of the offender's or delinquent child's former duty to register imposed prior to January 1, 2008, under section 2950.04 or 2950.041 of the Revised Code and shall be considered for all purposes as having commenced on the date that the offender's duty under that section commenced.

(B) The duty of an offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and the duty of a delinquent child who is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or who is an out-of-state juvenile offender registrant to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code continues, after the date of commencement, for whichever of the following periods is applicable:

(1) Except as otherwise provided in this division, if the person is an offender who is a tier III sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, if the person is a delinquent child who is a tier III sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, or if the person is a delinquent child who is a public registry-qualified juvenile offender registrant relative to the sexually oriented offense, the offender's or delinquent child's duty to comply with those sections continues until the offender's or delinquent child's death. Regarding a delinquent child who is a tier III sex offender/child-victim offender relative to the offense but is not a public registry-qualified juvenile offender registrant relative to the offense, if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is a tier III sex offender/child-victim offender, the delinquent child's duty to comply with those sections continues for the period of time that is applicable to the delinquent child under division (B)(2) or (3) of this section, based on the reclassification of the child pursuant to section 2152.84 or 2152.85 of the Revised Code as a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender. In no case shall the lifetime duty to comply that is imposed under this division on an offender who is a tier III sex offender/child-victim offender be removed or terminated. A delinquent child who is a public registry-qualified juvenile offender registrant may have the lifetime duty to register terminated only pursuant to section 2950.15 of the Revised Code.

(2) If the person is an offender who is a tier II sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, the offender's duty to comply with those sections continues for twenty-five years. Except as otherwise provided in this division, if the person is a delinquent child who is a tier II sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, the delinquent child's duty to comply with those sections continues for twenty years. Regarding a delinquent child who is a tier II sex offender/child-victim offender relative to the offense but is not a public registry-qualified

juvenile offender registrant relative to the offense, if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is a tier II sex offender/child-victim offender but remains a juvenile offender registrant, the delinquent child's duty to comply with those sections continues for the period of time that is applicable to the delinquent child under division (B)(3) of this section, based on the reclassification of the child pursuant to section 2152.84 or 2152.85 of the Revised Code as a tier I sex offender/child-victim offender.

(3) Except as otherwise provided in this division, if the person is an offender who is a tier I sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, the offender's duty to comply with those sections continues for fifteen years. Except as otherwise provided in this division, if the person is a delinquent child who is a tier I sex offender/child-victim offender relative to the sexually oriented offense or child-victim oriented offense, the delinquent child's duty to comply with those sections continues for ten years. Regarding a delinquent child who is a juvenile offender registrant and a tier I sex offender/child-victim offender but is not a public registry-qualified juvenile offender registrant, if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is to be classified a juvenile offender registrant, the delinquent child's duty to comply with those sections terminates upon the court's entry of the determination. A person who is an offender who is a tier I sex offender/child-victim offender may have the fifteen-year duty to register terminated only pursuant to section 2950.15 of the Revised Code.

(C)

(1) If an offender has been convicted of or pleaded guilty to a sexually oriented offense and the offender subsequently is convicted of or pleads guilty to another sexually oriented offense or a child-victim oriented offense, if an offender has been convicted of or pleaded guilty to a child-victim oriented offense and the offender subsequently is convicted of or pleads guilty to another child-victim oriented offense or a sexually oriented offense, if a delinquent child has been adjudicated a delinquent child for committing a sexually oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant and the child subsequently is adjudicated a delinquent child for committing another sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant relative to that offense or subsequently is convicted of or pleads guilty to another sexually oriented offense or a child-victim oriented offense, or if a delinquent child has been adjudicated a delinquent child for committing a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant and the child subsequently is adjudicated a delinquent child for committing another child-victim oriented offense or a sexually oriented offense and is classified a juvenile offender registrant relative to that offense or subsequently is convicted of or pleads guilty to another child-victim oriented offense or a sexually oriented offense, the period of time for which the offender or delinquent child must comply with the sections specified in division (A) of this section shall be separately calculated pursuant to divisions (A)(1) to (8) and (B)(1) to (3) of this section for each of the sexually oriented offenses and child-victim oriented offenses, and the offender or delinquent child shall comply with each separately calculated period of time independently.

If a delinquent child has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense, is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant relative to that offense, and, after attaining eighteen years of age, subsequently is convicted of or pleads guilty to another sexually oriented offense or child-victim oriented offense, the subsequent conviction or guilty plea does not limit, affect, or supersede the duties imposed upon the delinquent child under this chapter relative to the delinquent child's classification as a juvenile offender registrant or as an out-of-state juvenile offender registrant, and the delinquent child shall comply with both those duties and the duties imposed under this chapter relative to the subsequent conviction or guilty plea.

(2) If a delinquent child has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant relative to the offense and if the juvenile judge or the judge's successor in office subsequently reclassifies the offense tier in which the child is classified pursuant to section 2152.84 or 2152.85 of the Revised Code, the judge's subsequent determination to

reclassify the child does not affect the date of commencement of the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as determined under division (A) of this section. The child's duty to comply with those sections after the reclassification is a continuation of the child's duty to comply with the sections that was in effect prior to the reclassification, and the duty shall continue for the period of time specified in division (B)(1), (2), or (3) of this section, whichever is applicable.

If, prior to January 1, 2008, an offender had a duty to comply with the sections specified in division (A) of this section as a result of a conviction of or plea of guilty to a sexually oriented offense or child-victim oriented offense as those terms were defined in section 2950.01 of the Revised Code prior to January 1, 2008, or a delinquent child had a duty to comply with those sections as a result of an adjudication as a delinquent child for committing one of those offenses as they were defined prior to January 1, 2008, the period of time specified in division (B) (1), (2), or (3) of this section on and after January 1, 2008, for which a person must comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code applies to the person, automatically replaces the period of time for which the person had to comply with those sections prior to January 1, 2008, and is a continuation of the person's duty to comply with the sections that was in effect prior to the reclassification. If, prior to January 1, 2008, an offender or a delinquent child had a duty to comply with the sections specified in division (A) of this section, the offender's or delinquent child's classification as a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender for purposes of that period of time shall be determined as specified in section 2950.031 or 2950.032 of the Revised Code, as applicable.

(D) The duty of an offender or delinquent child to register under this chapter is tolled for any period during which the offender or delinquent child is returned to confinement in a secure facility for any reason or imprisoned for an offense when the confinement in a secure facility or imprisonment occurs subsequent to the date determined pursuant to division (A) of this section. The offender's or delinquent child's duty to register under this chapter resumes upon the offender's or delinquent child's release from confinement in a secure facility or imprisonment.

(E) An offender or delinquent child who has been or is convicted, has pleaded or pleads guilty, or has been or is adjudicated a delinquent child, in a court in another state, in a federal court, military court, or Indian tribal court, or in a court of any nation other than the United States for committing a sexually oriented offense or a child-victim oriented offense may apply to the sheriff of the county in which the offender or delinquent child resides or temporarily is domiciled, or in which the offender attends a school or institution of higher education or is employed, for credit against the duty to register for the time that the offender or delinquent child has complied with the sex offender or child-victim offender registration requirements of another jurisdiction. The sheriff shall grant the offender or delinquent child credit against the duty to register for time for which the offender or delinquent child provides adequate proof that the offender or delinquent child has complied with the sex offender or child-victim offender registration requirements of another jurisdiction. If the offender or delinquent child disagrees with the determination of the sheriff, the offender or delinquent child may appeal the determination to the court of common pleas of the county in which the offender or delinquent child resides or is temporarily domiciled, or in which the offender attends a school or institution of higher education or is employed.

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