



Ohio Revised Code

Section 2950.151 Review of eligible offender's continued compliance with R.C. 2950.04, 2950.05, and 2950.06.

Effective: April 12, 2021

Legislation: House Bill 431 - 133rd General Assembly

(A) As used in this section, "eligible offender" means either of the following:

(1) An offender who was convicted of or pleaded guilty to a violation of section 2907.04 of the Revised Code to whom all of the following apply:

(a) The sentencing court found the offender to be at low risk of reoffending based on a presentence investigation report that included a risk assessment, assessed by the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code;

(b) The sentencing court imposed a community control sanction or combination of community control sanctions instead of a prison term and the offender has fulfilled every condition of every community control sanction imposed by the sentencing court;

(c) The offender was under twenty-one years of age at the time of committing the offense;

(d) The offender has not otherwise been convicted of or pleaded guilty to another violation of section 2907.04 of the Revised Code or any sexually oriented offense or child-victim oriented offense other than the violation of section 2907.04 of the Revised Code;

(e) The minor with whom the offender engaged in sexual conduct was at least fourteen years of age at the time of the offense and consented to the sexual conduct, with no evidence of coercion, force, or threat of force;

(f) The offender was not in a position of authority, including a position of a type described in divisions (A)(5) to (13) of section 2907.03 of the Revised Code, over the minor with whom the offender engaged in sexual conduct.



(2) An offender who was convicted of or pleaded guilty to 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 trial court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to a violation of section 2907.04 of the Revised Code and to whom all of the factors described in divisions (A)(1)(a) to (f) of this section apply. For purposes of this division:

(a) The reference in division (A)(1)(b) of this section to a community control sanction shall be construed as including non prison sanctions under the law of the jurisdiction in which the offender was convicted of or pleaded guilty to the violation that is or was substantially equivalent to a violation of section 2907.04 of the Revised Code;

(b) The reference in division (A)(1)(d) of this section to the violations specified in that division shall be construed as including substantially equivalent violations under the law of the jurisdiction in which the offender was convicted of or pleaded guilty to the violation that is or was substantially equivalent to a violation of section 2907.04 of the Revised Code.

(B) Upon completion of all community control sanctions imposed by the sentencing court for the violation of section 2907.04 of the Revised Code or the violation of the substantially equivalent law or ordinance, whichever is applicable, an eligible offender may petition the appropriate court specified in division (C) of this section to review the effectiveness of the offender's participation in community control sanctions and to determine whether to terminate the offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code, reclassify the offender as a tier I sex offender/child-victim offender, or continue the offender's current classification.

(C) Except as otherwise provided in this division, the eligible offender shall file the petition described in division (B) of this section in the court in which the eligible offender was convicted of or pleaded guilty to the offense. If the eligible offender was convicted of or pleaded guilty to the offense in a jurisdiction other than this state, the eligible offender shall file the petition in whichever of the following courts is applicable:

(1) If the eligible offender is a resident of this state, in the court of common pleas of the county in



which the offender resides;

(2) If the eligible offender is not a resident of this state, in the court of common pleas of the county in which the offender has registered pursuant to section 2950.04 of the Revised Code. If the offender has registered addresses of that nature in more than one county, the offender may file a petition in the court of only one of those counties.

(D) An eligible offender who files a petition under division (B) of this section shall include all of the following with the petition:

(1) A certified copy of the judgment entry and any other documentation of the sentence given for the offense for which the eligible offender was convicted or pleaded guilty;

(2) Documentation of the date of discharge from probation supervision or other supervision, if applicable;

(3) Evidence that the eligible offender has completed a sex offender treatment program certified by the department of rehabilitation and correction pursuant to section 2950.16 of the Revised Code;

(4) Any other evidence necessary to show that the offender meets the qualifications listed in division (A) of this section;

(5) Evidence that the eligible offender has been rehabilitated to a satisfactory degree by successful completion of community control sanctions.

(E) An eligible offender may obtain, at the offender's expense, a risk assessment or professional opinion, recommending relief under this section, from a licensed clinical psychologist, social worker, or other professional certified in sex offender treatment. The professional opinion or risk assessment may be submitted with the petition as additional evidence of rehabilitation.

(F) Upon the filing of a petition under division (B) of this section, the court shall schedule a hearing to review the eligible offender's petition and all evidence of rehabilitation accompanying the petition. The court shall notify the offender and the prosecutor of the county in which the petition is filed of



the date, time, and place of the hearing. Upon receipt of the notice, the prosecutor shall notify the victim of the date, time, and place of the hearing. The victim may submit a written statement to the prosecutor regarding any knowledge the victim has of the eligible offender's conduct while subject to the duties imposed by sections 2950.04, 2950.05, and 2950.06 of the Revised Code. At least seven days before the hearing date, the prosecutor may file an objection to the petition with the court and serve a copy of the objection to the petition on the eligible offender or the eligible offender's attorney. In addition to considering the evidence and information included with the petition as described in division (D) of this section and any risk assessment or professional opinion submitted as described in division (E) of this section, in determining the type of order to enter in response to the petition, the court shall consider any objections submitted by the prosecutor and any written statement submitted by the victim. After the hearing, the court shall enter one of the following orders:

(1) An order to terminate the offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code;

(2) If the offender is classified a tier II sex offender/child-victim offender, an order to reclassify the offender from a tier II sex offender/child-victim offender classification to a tier I sex offender/child-victim offender classification;

(3) If the offender is classified a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender, an order to continue the offender's classification as a tier I sex offender/child-victim offender or tier II sex offender/child-victim offender, whichever is applicable, required to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code.

(G) After issuing an order pursuant to division (F) of this section, the court shall provide a copy of the order to the eligible offender and the bureau of criminal identification and investigation. The bureau, upon receipt of the copy, shall promptly notify the sheriff with whom the offender most recently registered under section 2950.04 or 2950.05 of the Revised Code of the court's order.

(H)(1) An order issued under division (F)(2) or (3) of this section shall remain in effect for the duration of the eligible offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code under the reclassification or continuation, whichever is applicable, as specified in



section 2950.07 of the Revised Code, except that an eligible offender may refile a petition under this section at the time prescribed under division (H)(2) of this section. An order issued under division (F)(2) or (3) of this section shall not increase the duration of the offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code.

(2) After the eligible offender's initial petition filed under this section, if the court entered an order continuing the offender's classification or reclassifying the offender, the offender may file a second petition not earlier than three years after the court entered the first order. After the second petition, the offender may file one subsequent petition not earlier than five years after the most recent order continuing the offender's classification or reclassifying the offender. A petition filed under this division shall comply with the requirements described in divisions (C), (D), and (E) of this section.

(3) Upon the filing of a second or subsequent petition by an eligible offender pursuant to division (H)(2) of this section, the court shall schedule a hearing to review any previous order entered under this section, consider all of the documents previously submitted, and evaluate any new evidence of rehabilitation presented with the petition. The court shall notify the offender and the prosecutor of the county in which the petition is filed of the date, time, and place of the hearing. Upon receipt of the notice, the prosecutor shall notify the victim of the date, time, and place of the hearing. The victim may submit a written statement to the prosecutor regarding any knowledge the victim has of the eligible offender's conduct while subject to the duties imposed by sections 2950.04, 2950.05, and 2950.06 of the Revised Code. At least seven days before the hearing date, the prosecutor may file an objection to the petition with the court and serve a copy of the objection to the petition on the eligible offender or the eligible offender's attorney. In addition to reviewing any previous order, considering the documents previously submitted, and evaluating any new evidence of rehabilitation presented with the petition as described in this division, in determining whether to deny the petition or the type of order to enter in response to the petition, the court shall consider any objections submitted by the prosecutor and any written statement submitted by the victim. After the hearing on the petition, the court may deny the petition or enter either of the following orders:

(a) If the previous order continued the offender's classification as a tier II sex offender/child-victim offender, an order to reclassify the offender as a tier I sex offender/child-victim offender or terminate the offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code;



(b) If the previous order reclassified the offender as a tier I sex offender/child-victim offender or continued the offender's classification as a tier I sex offender/child-victim offender, an order to terminate the offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code.