

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 302

Representative Perales

**Cosponsors: Representatives Becker, Butler, Carfagna, Ginter, Green, Hoops,
Kent, Lipps, Merrin, Miranda, O'Brien, Riedel**

A BILL

To amend section 2903.41 of the Revised Code to
include certain child abuse-related offenses in
the violent offender database, to name the act
Jacob's Law, and to make an appropriation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2903.41 of the Revised Code be
amended to read as follows:

Sec. 2903.41. As used in sections 2903.41 to 2903.44 of
the Revised Code:

(A) "Violent offender" means any of the following:

(1) A person who on or after the effective date of this
section is convicted of or pleads guilty to any of the
following:

(a) A violation of section 2903.01, 2903.02, 2903.03, or
2905.01 of the Revised Code or a violation of section 2905.02 of
the Revised Code that is a felony of the second degree;

(b) A violation of section 2903.15 or 2919.25, or of

division (A), division (B) (1), (2), (3), (4), or (5), or 17
division (C) of section 2919.22 of the Revised Code that was 18
committed when the offender was eighteen years of age or older 19
and that involved a victim who was under fourteen years of age 20
at the time of the offense; 21

(c) Any attempt to commit, conspiracy to commit, or 22
complicity in committing any offense listed in division (A) (1) 23
(a) or (b) of this section. 24

(2) A person who on the effective date of this section has 25
been convicted of or pleaded guilty to an offense listed in 26
division (A) (1) of this section and is confined in a jail, 27
workhouse, state correctional institution, or other institution, 28
serving a prison term, term of imprisonment, or other term of 29
confinement for the offense. 30

(B) "Community control sanction," "jail," and "prison" 31
have the same meanings as in section 2929.01 of the Revised 32
Code. 33

(C) "Out-of-state violent offender" means a person who is 34
convicted of, pleads guilty to, has been convicted of, or has 35
pleaded guilty to a violation of any existing or former 36
municipal ordinance or law of another state or the United 37
States, or any existing or former law applicable in a military 38
court or in an Indian tribal court, that is or was substantially 39
equivalent to any offense listed in division (A) (1) of this 40
section. 41

(D) "Qualifying out-of-state violent offender" means an 42
out-of-state violent offender who is aware of the existence of 43
the violent offender database. 44

(E) "Post-release control sanction" and "supervised 45

release" have the same meanings as in section 2950.01 of the Revised Code.

(F) "Change of address" means a change to a violent offender's or out-of-state violent offender's residence address, employment address, or school or institution of higher education address.

(G) "Violent offender database" means the database of violent offenders and out-of-state violent offenders that is established and maintained by the bureau of criminal identification and investigation under division (F)(2) of section 2903.43 of the Revised Code, that is operated by sheriffs under sections 2903.42 and 2903.43 of the Revised Code, and for which sheriffs obtain information from violent offenders and out-of-state violent offenders pursuant to sections 2903.42 and 2903.43 of the Revised Code.

(H) "Violent offender database duties" and "VOD duties" mean the duty to enroll, duty to re-enroll, and duty to provide notice of a change of address imposed on a violent offender or a qualifying out-of-state violent offender under section 2903.42, 2903.421, 2903.43, or 2903.44 of the Revised Code.

(I) "Ten-year enrollment period" means, for a violent offender who has violent offender database duties pursuant to section 2903.42 of the Revised Code or a qualifying out-of-state violent offender who has violent offender database duties pursuant to section 2903.421 of the Revised Code, ten years from the date on which the offender initially enrolls in the violent offender database.

(J) "Extended enrollment period" means, for a violent offender who has violent offender database duties pursuant to

section 2903.42 of the Revised Code or a qualifying out-of-state 75
violent offender who has violent offender database duties 76
pursuant to section 2903.421 of the Revised Code, the offender's 77
enrollment period as extended pursuant to division (D) (2) of 78
section 2903.43 of the Revised Code. 79

(K) "Prosecutor" means one of the following: 80

(1) As used in section 2903.42 of the Revised Code, the 81
office of the prosecuting attorney who handled a violent 82
offender's underlying case or the office of that prosecutor's 83
successor. 84

(2) As used in sections 2903.421, 2903.43, and 2903.44 of 85
the Revised Code, the office of the prosecuting attorney of the 86
county in which a violent offender resides or of the county in 87
which an out-of-state violent offender resides or occupies a 88
dwelling. 89

Section 2. That existing section 2903.41 of the Revised 90
Code is hereby repealed. 91

Section 3. This act shall be known as Jacob's Law. 92

Section 4. All items in this section are hereby 93
appropriated as designated out of any moneys in the state 94
treasury to the credit of the designated fund. For all 95
appropriations made in this act, those in the first column are 96
for fiscal year 2020 and those in the second column are for 97
fiscal year 2021. The appropriations made in this act are in 98
addition to any other appropriations made for the FY 2020-FY 99
2021 biennium. 100

AGO ATTORNEY GENERAL 101

General Revenue Fund 102

GRF 055321	Operating Expenses	\$100,000	\$15,000	103
TOTAL GRF General Revenue Fund		\$100,000	\$15,000	104
TOTAL ALL BUDGET FUND GROUPS		\$100,000	\$15,000	105

VIOLENT OFFENDER DATABASE 106

Of the foregoing appropriation item 055321, Operating 107
Expenses, \$100,000 in fiscal year 2020 and \$15,000 in fiscal 108
year 2021 shall be used for the violent offender database that 109
the Bureau of Criminal Identification and Investigation is 110
required to establish and maintain pursuant to division (F) (2) 111
of section 2903.43 of the Revised Code. 112

Section 5. Within the limits set forth in this act, the 113
Director of Budget and Management shall establish accounts 114
indicating the source and amount of funds for each appropriation 115
made in this act, and shall determine the form and manner in 116
which appropriation accounts shall be maintained. Expenditures 117
from appropriations contained in this act shall be accounted for 118
as though made in the main operating appropriations act of the 119
133rd General Assembly. 120

The appropriations made in this act are subject to all 121
provisions of the main operating appropriations act of the 133rd 122
General Assembly that are generally applicable to such 123
appropriations. 124