



Ohio Revised Code

Section 2903.421 Qualifying out-of-state offenders.

Effective: March 20, 2019

Legislation: Senate Bill 231 - 132nd General Assembly

(A) For each person who is a qualifying out-of-state violent offender, it is presumed that the qualifying out-of-state violent offender shall be required to enroll in the violent offender database with respect to the offense that so classifies the person and will have all violent offender database duties with respect to that offense for ten years after the offender initially enrolls in the database. The presumption is a rebuttable presumption that the qualifying out-of-state violent offender may rebut as provided in division (D) of this section, after filing a motion in accordance with division (B) of this section.

(B) A qualifying out-of-state violent offender who wishes to rebut the presumption established under division (A) of this section shall file a motion with the court of common pleas of the county in which the offender resides or occupies a dwelling and shall serve a copy of the motion on the prosecutor. The motion shall assert that the offender was not the principal offender in the commission of the offense that classifies the person as an out-of-state violent offender and request that the court not require the offender to enroll in the violent offender database and not have all VOD duties with respect to that offense. The motion shall be filed at any time before the offender's initial enrollment in the database.

(C) If a qualifying out-of-state violent offender does not file a motion under division (B) of this section, the offender shall be required to enroll in the violent offender database with respect to the offense that classifies the person an out-of-state violent offender and shall have all VOD duties with respect to that offense for ten years after the offender initially enrolls in the database.

(D) If a qualifying out-of-state violent offender files a motion under division (B) of this section, the offender has the burden of proving to the court, by a preponderance of the evidence, that the offender was not the principal offender in the commission of the offense that classifies the person as an out-of-state violent offender. If a qualifying out-of-state violent offender files such a motion, one of the following applies:



(1) If the qualifying out-of-state violent offender proves to the court, by a preponderance of the evidence, that the offender was not the principal offender in the commission of the offense that classifies the person an out-of-state violent offender, the presumption is rebutted and the court shall continue the hearing for the purpose of determining whether the offender, notwithstanding the rebuttal of the presumption, should be required to enroll in the violent offender database and have all VOD duties with respect to that offense. In making that determination, the court shall consider all of the factors identified in divisions (A)(4)(a)(i) to (iv) of section 2903.42 of the Revised Code. If the court, after considering those factors at the hearing, determines that the offender, notwithstanding the rebuttal of the presumption, should be required to enroll in the violent offender database and have all VOD duties with respect to that offense, the court shall issue an order specifying that the offender is required to enroll in the violent offender database with respect to that offense and will have all VOD duties with respect to that offense for ten years after the offender initially enrolls in the database. Upon the court's issuance of such an order, the offender shall be required to enroll in the violent offender database and will have all VOD duties with respect to that offense for ten years after the offender initially enrolls in the database. The court shall provide the offender notice of the duties in the manner prescribed in division (C) of section 2903.42 of the Revised Code, and shall provide a copy of the order to the prosecutor and to the bureau of criminal identification and investigation. This duty commences when the court issues the order under this division. Absent such a determination at the hearing after consideration of those factors, the court shall issue an order specifying that the offender is not required to enroll in the violent offender database and has no VOD duties with respect to the offense that classifies the person an out-of-state violent offender.

(2) If the qualifying out-of-state violent offender does not prove to the court, by a preponderance of the evidence, that the offender was not the principal offender in the commission of the offense that classifies the person an out-of-state violent offender, the court shall issue an order specifying that the offender is required to enroll in the violent offender database and has all VOD duties with respect to that offense, and shall provide a copy of the order to the prosecutor and the bureau of criminal identification and investigation. Upon the court's issuance of such an order, the offender shall be required to enroll in the violent offender database with respect to that offense and will have all VOD duties with respect to that offense for ten years after the offender initially enrolls in the database. The court shall provide the offender notice of the duties in the manner prescribed in division (C) of section 2903.42 of the Revised Code.