



## Ohio Revised Code

### Section 2903.43 Offenders who have VOD duties; enrollment.

Effective: March 20, 2019

Legislation: Senate Bill 231 - 132nd General Assembly

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(A) Each violent offender who has VOD duties imposed pursuant to section 2903.42 of the Revised Code shall enroll in the violent offender database personally with the sheriff of the county in which the violent offender resides or that sheriff's designee within the following time periods:

(1) If the person is classified a violent offender under division (A)(1) of section 2903.41 of the Revised Code and the judge sentencing the offender for the offense that so classifies the offender does not sentence the offender to a prison term, term of imprisonment, or other term of confinement in a jail, workhouse, state correctional institution, or other institution for that offense, the offender shall enroll in the violent offender database within ten days after the sentencing hearing.

(2) If the person is classified a violent offender under division (A)(2) of section 2903.41 of the Revised Code or the person is classified a violent offender under division (A)(1) of that section and division (A)(1) of this section does not apply, the offender shall enroll in the violent offender database within ten days after the violent offender is released from a jail, workhouse, state correctional institution, or other institution, unless the violent offender is being transferred to the custody of another jail, workhouse, state correctional institution, or other institution. The violent offender is not required to enroll in the violent offender database with any sheriff or designee prior to release.

(B) Each qualifying out-of-state violent offender who has VOD duties imposed pursuant to section 2903.421 of the Revised Code shall enroll in the violent offender database personally with the sheriff of the county in which the out-of-state violent offender resides or occupies a dwelling or that sheriff's designee within ten days after either of the following:

(1) Residing in or occupying a dwelling in this state, after the offender becomes aware of the database and has the duty, for more than three consecutive days;

(2) Residing in or occupying a dwelling in this state, after the offender becomes aware of the



database and has the duty, for an aggregate period in a calendar year of fourteen or more days in that calendar year.

(C)(1) A violent offender or qualifying out-of-state violent offender who has VOD duties imposed pursuant to section 2903.42 or 2903.421 of the Revised Code shall enroll in the violent offender database, personally with the sheriff of the county in which the offender resides or that sheriff's designee. The enrollee shall obtain from the sheriff or designee a copy of an enrollment form prescribed by the attorney general that conforms to division (C)(2) of this section, shall complete and sign the form, and shall return to the sheriff or designee the completed and signed form together with the identification records required under division (C)(3) of this section.

(2) The enrollment form to be used under division (C)(1) of this section shall include or contain all of the following for the violent offender or qualifying out-of-state violent offender who is enrolling:

- (a) The violent offender's or out-of-state violent offender's full name and any alias used;
- (b) The violent offender's or out-of-state violent offender's residence address;
- (c) The violent offender's or out-of-state violent offender's social security number;
- (d) Any driver's license number, commercial driver's license number, or state identification card number issued to the violent offender or out-of-state violent offender by this or another state;
- (e) The offense that the violent offender or out-of-state violent offender was convicted of or pleaded guilty to;
- (f) The name and address of any place where the violent offender or out-of-state violent offender is employed;
- (g) The name and address of any school or institution of higher education that the violent offender or out-of-state violent offender is attending;
- (h) The identification license plate number of each vehicle owned or operated by the violent offender



or out-of-state violent offender or registered in the violent offender's or out-of-state violent offender's name, the vehicle identification number of each vehicle, and a description of each vehicle;

(i) A description of any scars, tattoos, or other distinguishing marks on the violent offender or out-of-state violent offender.

(3) The violent offender or qualifying out-of-state violent offender who is enrolling shall provide fingerprints and palm prints at the time of enrollment. The sheriff or sheriff's designee shall obtain a photograph of the violent offender or out-of-state violent offender at the time of enrollment.

(D)(1) Each violent offender or qualifying out-of-state violent offender who has VOD duties imposed pursuant to section 2903.42 or 2903.421 of the Revised Code shall re-enroll in the violent offender database annually, in person, with the sheriff of the county in which the violent offender resides or the out-of-state violent offender resides or occupies a dwelling or that sheriff's designee within ten days prior to the anniversary of the calendar date on which the offender initially enrolled. The duty to re-enroll under this division remains in effect for the entire ten-year enrollment period of the offender. The offender shall re-enroll by completing, signing, and returning to the sheriff or designee a copy of the enrollment form prescribed by the attorney general and described in divisions (C)(1) and (2) of this section, amending any information required under division (C) of this section that has changed since the enrollee's last enrollment, and providing any additional enrollment information required by the attorney general. The sheriff or designee with whom the violent offender or qualifying out-of-state violent offender re-enrolls shall obtain a new photograph of the offender annually when the offender re-enrolls. Additionally, if the violent offender's or qualifying out-of-state violent offender's most recent enrollment or re-enrollment was with a sheriff or designee of a sheriff of a different county, as part of the duty to re-enroll, the offender shall provide written notice of the offender's change of residence address to that sheriff or a designee of that sheriff.

(2) Except as otherwise provided in this division, if a violent offender or qualifying out-of-state violent offender has VOD duties imposed pursuant to section 2903.42 or 2903.421 of the Revised Code, the offender's VOD duties shall terminate on the expiration of the ten-year enrollment period of the offender. The ten-year enrollment period may be extended, but only if the prosecutor files a motion with the court of common pleas of the county in which the violent offender resides or in which the qualifying out-of-state offender resides or occupies a dwelling requesting that the court



extend the offender's ten-year enrollment period as specified in this division and the court makes the appropriate finding specified in this division. For a violent offender, the court may extend the offender's ten-year enrollment period only if the court finds that the offender has violated a term or condition of a sanction imposed under the offender's sentence or has been convicted of or pleaded guilty to another felony or any misdemeanor offense of violence during that enrollment period. For a qualifying out-of-state offender, the court may extend the offender's ten-year enrollment period only if the court finds that the offender has violated a term or condition of a sanction imposed under the offender's sentence by the court of the other jurisdiction or has been convicted of or pleaded guilty to another felony or any misdemeanor offense of violence during that enrollment period. If a court finds as described in this division that the offender has violated a term or condition of a sanction imposed under the offender's sentence or that the offender has been convicted of or pleaded guilty to another felony or any misdemeanor offense of violence during the ten-year enrollment period, the court shall issue an order that extends the VOD duties of the violent offender or qualifying out-of-state violent offender indefinitely and the offender's VOD duties shall continue indefinitely, subject to termination under section 2903.44 of the Revised Code.

If the court issues an order under this division that extends an offender's VOD duties, the court shall promptly forward a copy of the order to the bureau of criminal identification and investigation and to the prosecutor. Upon receipt of the order from the court, the bureau shall update all records pertaining to the offender to reflect the extended enrollment period. The bureau also shall provide notice of the issuance of the order to every sheriff with whom the offender has most recently enrolled or re-enrolled.

(3) The official in charge of a jail, workhouse, state correctional institution, or other institution shall notify the attorney general in accordance with rules adopted by the attorney general pursuant to Chapter 119. of the Revised Code if a violent offender or qualifying out-of-state violent offender is confined in the jail, workhouse, state correctional institution, or other institution.

(E) Each violent offender or qualifying out-of-state violent offender who has VOD duties imposed pursuant to section 2903.42 or 2903.421 of the Revised Code shall notify the sheriff with whom the offender most recently enrolled or re-enrolled or that sheriff's designee in person within three business days of a change of address that occurs during the ten-year enrollment period or extended enrollment period of the offender.



(F)(1) After a violent offender or qualifying out-of-state violent offender who has VOD duties imposed pursuant to section 2903.42 or 2903.421 of the Revised Code enrolls or re-enrolls in the violent offender database with a sheriff or a sheriff's designee pursuant to this section, the sheriff or designee shall forward the offender's signed, written enrollment form, photograph, fingerprints, palm prints, and other materials to the bureau of criminal identification and investigation in accordance with forwarding procedures adopted by the attorney general under division (G) of this section. The bureau shall include the information and materials forwarded to it under this division in the violent offender database established and maintained under division (F)(2) of this section.

(2) The bureau of criminal identification and investigation shall establish and maintain a database of violent offenders and qualifying out-of-state violent offenders that includes the information and materials the bureau receives pursuant to division (D)(1) or (F)(1) of this section. The bureau shall make the database available to federal, state, and local law enforcement officers. The database of violent offenders and qualifying out-of-state violent offenders maintained by the bureau is not a public record under section 149.43 of the Revised Code.

(3)(a) Except as otherwise provided in divisions (F)(3)(b) and (c) of this section, any statements, information, photographs, fingerprints, or materials that are provided pursuant to this section by a violent offender or qualifying out-of-state violent offender who has VOD duties imposed under section 2903.42 or 2903.421 of the Revised Code and that are in the possession of a county sheriff are public records open to public inspection under section 149.43 of the Revised Code.

(b) The following information is not a public record and shall not be open to public inspection: the social security number and any driver's license number, commercial driver's license number, or state identification card number provided to the county sheriff by a violent offender or qualifying out-of-state violent offender.

(c) A violent offender or qualifying out-of-state violent offender who has VOD duties imposed under section 2903.42 or 2903.421 of the Revised Code may file a motion with the court of common pleas in the county in which the offender resides stating that the offender fears for the offender's safety if the statements, information, photographs, fingerprints, or materials provided by the offender pursuant to this section and that are in the possession of a county sheriff are open for public



inspection, and requesting the court to issue an order to ban or restrict access to those statements, photographs, fingerprints, and materials and that information. A motion filed with a court under this division shall expressly state the reasons for which the violent offender or qualifying out-of-state violent offender fears for the offender's safety, shall identify each county in which the offender has enrolled or re-enrolled, and shall provide information and materials in support of the motion. The court, upon the filing of the motion under this division, may determine whether to grant or deny the motion without a hearing or may conduct a hearing to determine whether to grant or deny the motion. The court may grant the motion if it determines, upon review of the motion, the supporting information and materials provided with the motion, and, if the court conducts a hearing, any additional information provided at the hearing, that the offender's fears for the offender's safety are valid and that the interests of justice and the offender's safety require that the motion be granted.

If the court grants the motion, the statements, information, photographs, fingerprints, or materials provided by the offender pursuant to this section and that are in the possession of a county sheriff are not public records open to public inspection under section 149.43 of the Revised Code and the court shall issue an order to that effect. A court that grants a motion and issues an order under this division shall notify the sheriff in each county in which the offender has enrolled or re-enrolled of the issuance of the order, and each of those sheriffs shall comply with the order.

(G) The attorney general shall prescribe the forms that violent offenders and qualifying out-of-state violent offenders who have VOD duties imposed under section 2903.42 or 2903.421 of the Revised Code shall use to enroll, re-enroll, and provide notice of a change of address under divisions (A) to (D) of this section. The attorney general shall adopt procedures for sheriffs to use to forward information, photographs, fingerprints, palm prints, and other materials to the bureau of criminal identification and investigation pursuant to division (F)(1) of this section.

(H) The attorney general, in accordance with Chapter 119. of the Revised Code, may adopt rules regarding enrollment dates different than those prescribed in divisions (A), (B), and (D) of this section for any violent offender or qualifying out-of-state violent offender who has VOD duties imposed under section 2903.42 or 2903.421 of the Revised Code and who also is an arson offender, as defined in section 2909.13 of the Revised Code, or a sex offender or child-victim offender, both as defined in section 2950.01 of the Revised Code.



(I)(1) No violent offender or qualifying out-of-state violent offender who has VOD duties imposed under section 2903.42 or 2903.421 of the Revised Code shall recklessly fail during the ten-year enrollment period or extended enrollment period of the offender to enroll, re-enroll, or notify the sheriff or sheriff's designee of a change of address as required by this section.

(2) Whoever violates division (I)(1) of this section is guilty of a felony of the fifth degree. If a violent offender or qualifying out-of-state violent offender who violates division (I)(1) of this section is subject to a community control sanction, is on parole, is subject to one or more post-release control sanctions, or is subject to any other type of supervised release at the time of the violation, the violation shall constitute a violation of the terms and conditions of the community control sanction, parole, post-release control sanction, or other type of supervised release.