

Juvenile Sex Delinquent Child Registration

Informative Links

http://www.opd.ohio.gov/Juvenile/Jv_SexDelinquent_child.htm

<http://codes.ohio.gov/orc/2152.82>

Registration Eligibility and Timing of Classification Hearing

- 1) Age at time of offense? 14-15 years old.
- 2) Prior adjudication for sexually oriented offense? No.
- 3) Discretionary Registrant.
 - a. If not committed to a secure facility, a hearing must be conducted as to the consideration of factors in R.C. 2152.73(D) as to whether the youth should be classified as a juvenile offender.
- 4) Determination of Tier
 - a. Hearing conducted pursuant to R.C. 2152.831 to determine tier level.

Discretionary Considerations:

R.C. 2152.83 Juvenile sex offender registration at time of release from secure facility.

(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.

R.C. 2950.11 Notice of identity and location of delinquent child in specified geographical notification area.

(K) In making a determination under division (H)(1) of this section as to whether to suspend the community notification requirement under this section for an delinquent child, the judge shall consider all relevant factors, including, but not limited to, all of the following:

- (1) The delinquent child's age;
- (2) The delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexually oriented offenses or child-victim oriented offenses;
- (3) The age of the victim of the sexually oriented offense or child-victim oriented offense the delinquent child committed;

- (4) Whether the sexually oriented offense or child-victim oriented offense the delinquent child committed involved multiple victims;
 - (5) Whether the delinquent child used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense the delinquent child committed or to prevent the victim from resisting;
 - (6) If the delinquent child previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the delinquent child completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the delinquent child or delinquent child participated in available programs for sex delinquent child or child-victim delinquent child;
 - (7) Any mental illness or mental disability of the delinquent child;
 - (8) The nature of the delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense the delinquent child committed or the nature of the delinquent child's interaction in a sexual context with the victim of the child-victim oriented offense the delinquent child committed, whichever is applicable, and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;
 - (9) Whether the delinquent child, during the commission of the sexually oriented offense or child-victim oriented offense the delinquent child committed, displayed cruelty or made one or more threats of cruelty;
 - (10) Any additional behavioral characteristics that contribute to the delinquent child's conduct.
- R.C. 2929.12 [Effective Until 9/19/2014] Seriousness of crime and recidivism factors.
- (B) The sentencing court shall consider all of the following that apply regarding the offender, the offense, or the victim, and any other relevant factors, as indicating that the offender's conduct is more serious than conduct normally constituting the offense:
- (1) The physical or mental injury suffered by the victim of the offense due to the conduct of the offender was exacerbated because of the physical or mental condition or age of the victim.
 - (2) The victim of the offense suffered serious physical, psychological, or economic harm as a result of the offense.
 - (3) The offender held a public office or position of trust in the community, and the offense related to that office or position.
 - (4) The offender's occupation, elected office, or profession obliged the offender to prevent the offense or bring others committing it to justice.
 - (5) The offender's professional reputation or occupation, elected office, or profession was used to facilitate the offense or is likely to influence the future conduct of others.
 - (6) The offender's relationship with the victim facilitated the offense.
 - (7) The offender committed the offense for hire or as a part of an organized criminal activity.
 - (8) In committing the offense, the offender was motivated by prejudice based on race, ethnic background, gender, sexual orientation, or religion.
 - (9) If the offense is a violation of section [2919.25](#) or a violation of section [2903.11](#) , [2903.12](#) , or [2903.13](#) of the Revised Code involving a person who was a family or household member at the time of the violation, the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children.

(C) The sentencing court shall consider all of the following that apply regarding the offender, the offense, or the victim, and any other relevant factors, as indicating that the offender's conduct is less serious than conduct normally constituting the offense:

(1) The victim induced or facilitated the offense.

(2) In committing the offense, the offender acted under strong provocation.

(3) In committing the offense, the offender did not cause or expect to cause physical harm to any person or property.

(4) There are substantial grounds to mitigate the offender's conduct, although the grounds are not enough to constitute a defense.

Determination of Tier:

R.C. 2152.831 Juvenile sex offenders - tier classification hearing.

(A) If, on or after January 1, 2008, a juvenile court adjudicates a child a delinquent child and classifies the child a juvenile offender registrant pursuant to section [2152.82](#) or [2152.83](#) of the Revised Code, before issuing the order that classifies the child a juvenile offender registrant the court shall conduct a hearing to determine whether to classify the child 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.

(B) When a judge issues an order under section [2152.82](#) or [2152.83](#) of the Revised Code that classifies a delinquent child a juvenile offender registrant, in addition to the other statements and information required by the section under which the order is issued, the judge shall include in the order its determination made under division (A) 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. When a judge issues an order under section [2152.84](#) or [2152.85](#) of the Revised Code that reclassifies a delinquent child from one tier of sex offender/child-victim offender to a different tier of sex offender/child-victim offender, in addition to the other statements and information required by the section under which the order is issued, the judge shall include in the order its determination as to the reclassification of the child and the tier to which the child is reclassified.

(C) The provisions of this section do not apply to a delinquent child if the court is required to classify 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.