



**Office of the Ohio Public Defender**

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## **The Adam Walsh Act & Ohio Senate Bill 10**

### **Effects on children adjudicated for sex offenses**

#### **Who has to register?**

- Any child who is age 14–17 at the time of their offense is eligible for sex offender classification under SB 10.
- A juvenile court judge may choose to classify a 14- or 15-year-old first-time offender.
- A juvenile court judge must classify a 16- or 17-year-old offender.
- A juvenile court judge must classify all repeat offenders, age 14–17.
- A child age 14–17 adjudicated as a serious youthful offender (SYO) for certain sex offenses will be automatically classified as a Tier III registrant, and will be included on the internet sex offender registry (also known as public-registry qualified juvenile offender registrants, or PRQJORS).

#### **What does it mean?**

A child who is classified as a sex offender registrant under SB 10 must register certain information with the county sheriff and must personally verify their registration information at the county sheriff's office periodically. The length of registration and frequency of verification varies, depending on which Tier a child is classified under:

- Tier I: registration lasts 10 years; in-person verification required annually
- Tier II: registration lasts 20 years; in-person verification required every 180 days
- Tier III: registration lasts a lifetime; in-person verification required every 90 days

Information the child must register with the county sheriff:

- Name and any aliases
- Social security number
- Date of birth
- Address
- Name and address of employer
- Name and address of school
- Photograph
- Copies of travel and immigration documents
- Driver license number or state ID number
- License plate number for each vehicle owned, driven for work, or regularly available to the child
- Description where all vehicles are stored
- Description of each professional or occupational license, permit, or registration
- Any email address, internet identifiers, or telephone numbers registered to or used by the child

A child must also register with the sheriff in the county in which they are employed and/or attend school, if that differs from their county of residence.

If a child will be temporarily residing somewhere other than their home county (when, for example, a child's parents share custody or the child's family goes on vacation), they must register with the sheriff in the county of their temporary residence within 3 days of entering that county.

The penalties for failure to register have been greatly increased by Senate Bill 97. Generally speaking, SB 97 makes failure to register the same level offense as the underlying sex offense. For example, for a child adjudicated of felony 1 rape, failure to register will be a felony 1. For a child adjudicated of felony 3 GSI, failure to register will be a felony 3. After a child turns 18, they will be prosecuted as an adult for failure to register.

A child's parent, guardian, or custodian can be charged with contributing to the delinquency of a child (a misdemeanor of the first degree) if they fail to ensure that their child complies with the registration and verification duties.

### **Can a child be reclassified or declassified?**

Yes, children have opportunities to be reclassified or declassified:

1. Mandatory review hearing. (This does not apply to PRQJORs.) Upon the child's completion of disposition, the judge shall conduct a hearing to review the effectiveness of the disposition and treatment, and to determine whether its prior classification of the child should be continued or modified. After this hearing, the judge can:

- terminate the child's classification, if that child was a discretionary registrant (14- and 15-year-old first-time offenders)
- reclassify the child into a lower tier
- continue the child's original classification

2. Petition for reclassification or declassification. (This does not apply to PRQJORs.) A child may file a petition for reclassification or declassification 3 years after the mandatory review hearing outlined above. A child may file another petition 3 years after the first, and every 5 years thereafter. After any of these petitions, a judge may reclassify the child into a lower tier, terminate the child's classification, or continue the child's classification.

3. Motion to terminate PRQJOR child's duty to register. A child who is adjudicated an SYO, automatically classified as a Tier III registrant, and included on the internet registry (PRQJOR) can petition the court to terminate the child's duty to register after 25 years.

At the mandatory review hearing and when reviewing petitions for reclassification or declassification, the judge considers all relevant factors, including the nature of the offense, whether the child has shown genuine remorse or compunction, the public interest and safety, and the results of any treatment and any professional assessments submitted to the court.

**\*\*Regardless of the child's age, the mandatory review hearing is held, and all petitions for reclassification or declassification are filed in, the juvenile court. Therefore, the child always has the right to be represented by counsel.\*\***

### **Need more information?**

The Office of the Ohio Public Defender has a webpage devoted to SB 10 and the Adam Walsh Act: [http://www.opd.ohio.gov/Adam\\_Walsh/Adam\\_Walsh.htm](http://www.opd.ohio.gov/Adam_Walsh/Adam_Walsh.htm)

### **Have questions?**

Please feel free to contact the Juvenile Section at the Office of the Ohio Public Defender:

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