

533.25 DISSEMINATION OF PRIVATE SEXUAL IMAGES.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

533.25 DISSEMINATION OF PRIVATE SEXUAL IMAGES.

CHAPTER 533 Obscenity and Sex Offenses

533.23 PROHIBITION OF CERTAIN SEXUALLY ORIENTED OFFENDERS FROM RESIDING WITHIN 1,000 FEET OF SCHOOLS, PARKS OR LIBRARIES.

(a) No person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to any sexual offense involving a minor or repeat sexually oriented offense that is not a registration- exempt sexually oriented offense shall establish a residence or occupy residential premises within one thousand (1,000) feet, of any school premises, public park, or library that is located within the City of Sheffield Lake.

(b) If a person to whom this section applies violates this section by establishing a residence or occupying residential premises within one thousand (1,000) feet, of any school premises, public park, or library that is located within the City of Sheffield Lake, the Director of Law has a cause of action for injunctive relief against the person. The City of Sheffield Lake shall not be required to prove irreparable harm in order to obtain the relief.

(c) The City of Sheffield Lake adopts the provisions of the law of Ohio now or hereafter in effect concerning the definition, determination, registration, or classification of a person who has been convicted of, is convicted of, has plead guilty to, or pleads guilty to either a child-victim or repeat sexually oriented offense that is not a registration-exempt sexually oriented offense.

(d) The City Council of the City of Sheffield Lake finds that because children are especially vulnerable to being victims of sexually abusive behavior, kidnapping, and abduction, and are likely to be present a significant amount of time on or near school premises, public parks, and libraries, certain persons who have been convicted of, or have plead guilty to a child-victim or repeat sexually oriented offense must not establish a residence or occupy residential premises within one thousand feet (1,000) of any school premises, public park, or library.

(e) The Council of the City of Sheffield Lake adopts the determinations and intent of the Ohio General Assembly as articulated in Ohio Revised Code Section 2950.02.

(f) The City of Sheffield Lake adopts the definitions now and hereafter in effect for school premises, public parks, or library as defined by the law of Ohio.

(g) It is hereby declared to be the intention of the Council of the City of Sheffield Lake that the sections, paragraphs, sentences, clauses, and words of this section are severable and if any word, clause, sentence, paragraph, or section of this section shall be declared unconstitutional or otherwise invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses sentences, paragraphs, and sections of this section, because the same would have been enacted by the Council of the City of Sheffield Lake without the incorporation in this section of any such

unconstitutional or invalid word, clause, sentence, paragraph, or section.

(h) Anyone presently affected by this section and its inclusion of parks shall not be required to leave their current residence as a result of the enactment of this section.

(i) All present and future registered sexual offenders residing within the City of Sheffield Lake shall be required to register with the Chief of Police.

(j) Failure of all present and future sexual offenders to register with the Chief of Police will be punishable as a first degree misdemeanor.

(Ord. 48-11. Passed 10-25-11.)

533.24 UNLAWFUL ADVERTISING OF MASSAGE.

(a) No person, by means of a statement, solicitation, or offer in a print or electronic publication, sign, placard, storefront display, or other medium, shall advertise massage, relaxation massage, any other massage technique or method, or any related service, with the suggestion or promise of sexual activity.

(b) Whoever violates this section is guilty of unlawful advertising of massage, a misdemeanor of the first degree.

(c) Nothing in this section prevents the legislative authority of a municipal corporation or township from enacting any regulation of the advertising of massage further than and in addition to the provisions of subsections (a) and (b) of this section.

(ORC 2927.17)

533.25 DISSEMINATION OF PRIVATE SEXUAL IMAGES.

(a) As used in this section:

(1) "Disseminate" means to post, distribute, or publish on a computer device, computer network, web site, or other electronic device or medium of communication.

(2) "Image" means a photograph, film, videotape, digital recording or other depiction or portrayal of a person.

(3) "Interactive computer service" has the meaning defined in the "Telecommunications Act of 1996", 47 U.S.C. 230, as amended.

(4) "Internet provider" means a provider of internet service, including all of the following:

A. Broadband service, however defined or classified by the federal communications commission;

B. Information service or telecommunication service, both as defined in the "Telecommunications Act of 1996" 47 U.S.C. 153, as amended.

C. Internet protocol-enabled services, as defined in Ohio R.C. 4927.01.

(5) "Mobile service" and "telecommunications carrier" have the meanings defined in 47 U.S.C. 153, as amended.

(6) "Cable service provider" has the same meaning as in Ohio R.C. 1332.01.

(7) "Direct-to-home satellite service" has the meaning defined in 47 U.S.C. 303, as amended.

(8) "Video service provider" has the same meaning as in Ohio R.C. 1332.21.

(9) "Sexual act" means any of the following:

A. Sexual activity;

B. Masturbation;

C. An act involving a bodily substance that is performed for the purpose of sexual arousal or gratification;

D. Sado-masochistic abuse.

(b) No person shall knowingly disseminate an image of another person if all of the following

apply:

- (1) The person in the image is eighteen years of age or older;
 - (2) The person in the image can be identified from the image itself or from information displayed in connection with the image and the offender supplied the identifying information.
 - (3) The person in the image is in a state of nudity or is engaged in a sexual act;
 - (4) The image is disseminated without consent from the person in the image;
 - (5) The image is disseminated with intent to harm the person in the image.
- (c) This section does not prohibit the dissemination of an image if any of the following apply:

- (1) The image is disseminated for the purpose of a criminal investigation that is otherwise lawful.
- (2) The image is disseminated for the purpose of, or in connection with, the reporting of unlawful conduct.
- (3) The image is part of a news report or commentary or an artistic or expressive work, such as a performance, work of art, literary work, theatrical work, musical work, motion picture, film, or audiovisual work.
- (4) The image is disseminated by a law enforcement officer, or a corrections officer or guard in a detention facility, acting within the scope of the person's official duties.
- (5) The image is disseminated for another lawful public purpose;
- (6) The person in the image is knowingly and willingly in a state of nudity or engaged in a sexual act and is knowingly and willingly in a location in which the person does not have a reasonable expectation of privacy.
- (7) The image is disseminated for the purpose of medical treatment or examination.

(d) The following entities are not liable for a violation of this section solely as a result of an image or other information provided by another person:

- (1) A provider of interactive computer service;
- (2) A mobile service;
- (3) A telecommunications carrier;
- (4) An internet provider;
- (5) A cable service provider;
- (6) A direct-to-home satellite service;
- (7) A video service provider.

(e) Any conduct that is a violation of this section and any other section of the General Offenses Code, or the Revised Code may be prosecuted under this section, the other section, or both sections.

(f) (1) A. Except as otherwise provided in subsection (f)(1)B., C., or D. of this section, whoever violates this section is guilty of nonconsensual dissemination of private sexual images, a misdemeanor of the third degree.

B. If the offender previously has been convicted of or pleaded guilty to a violation of this section, nonconsensual dissemination of private sexual images is a misdemeanor of the second degree.

C. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, nonconsensual dissemination of private sexual images is a misdemeanor of the first degree.

D. If the offender is under eighteen years of age and the person in the image is not more than five years older than the offender, the offender shall not be prosecuted under this section.

- (2) In addition to any other penalty or disposition authorized or required by law, the court may

order any person who is convicted of a violation of this section or who is adjudicated delinquent by reason of a violation of this section to criminally forfeit all of the following property to the state under Ohio R.C. Chapter 2981.

A. Any profits or proceeds and any property the person has acquired or maintained in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation;

B. Any interest in, securities of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise that the person has established, operated, controlled or conducted in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation.

(g) A victim of a violation of this section may commence a civil cause of action against the offender, as described in Ohio R.C. 2307.66.

(ORC 2917.211)

533.26 GROOMING.

(a) As used in this section, "pattern of conduct" has the same meaning as in Ohio R.C. 2903.211.

(b) No person who is eighteen years of age or older shall engage in a pattern of conduct with a minor who is less than sixteen years of age and who is four or more years younger than the person, when the pattern of conduct would cause a reasonable adult person to believe that the person is communicating with the minor with purpose to do either of the following:

(1) Entice, coerce, or solicit the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to entice, coerce, or solicit the minor to engage in sexual activity with the person or a third person;

(2) Prepare the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to prepare the minor to engage in sexual activity with the person or a third person that would be a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, or 2907.07.

(c) No person who is eighteen years of age or older shall engage in a pattern of conduct with a minor if the person and the minor are in any of the relationships described in Ohio R.C. 2907.03(A)(5) to (A)(13), when the pattern of conduct would cause a reasonable adult person to believe that the person is communicating with the minor with purpose to do either of the following:

(1) Entice, coerce, or solicit the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to entice, coerce, or solicit the minor to engage in sexual activity with the person or a third person;

(2) Prepare the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to prepare the minor to engage in sexual activity with the person or a third person that would be a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, or 2907.07.

(d) Whoever violates this section is guilty of grooming.

(1) Except as otherwise provided in this division, a violation of subsection (b) of this section is a misdemeanor of the second degree. If the victim of the offense is less than thirteen years of age or if the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age and if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense or the offender supplied alcohol or a drug of abuse to the victim of the offense, a

violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law. If the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense and the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in this subsection, a violation of subsection (c) of this section is a misdemeanor of the first degree. If the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age or if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age and if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense or the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law.

(e) A prosecution for a violation of this section does not preclude a prosecution of a violation of any other section of the this code or the Ohio Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of this code or the Ohio Revised Code may be prosecuted under this section, the other section of this code or the Revised Code, or both sections.

(ORC 2907.071)

533.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

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- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- orderly Conduct and Peace Disturbance
- order to obtain the relief
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