

For Immediate Release
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Federal Court Extends 60-Day Filing Deadline, Stays Community Notification Provisions of Ohio Senate Bill 10, the Adam Walsh Act

(Cleveland)--Today, Judge Patricia Gaughan of the U.S. District Court, Northern District of Ohio, issued an order that extends the 60-day filing deadline and stays the community notification provisions of Ohio Senate Bill 10, known as Ohio's Adam Walsh Act.

Under SB 10, the Ohio Attorney General reclassified at least 26,000 former sex offenders into a new three-tier reporting structure. Those who wish to challenge their reclassification under SB 10 must do so within 60 days of the receipt of their reclassification notice. Judge Gaughan's order extends that 60-day period: "All petitions which have already been filed pursuant to R.C. 2950.031(E) and R.C. 2950.032(E) or which are filed during the pendency of this Order are timely filed..."

SB 10 also greatly increased the number of former sex offenders who will potentially be subject to community notification. Judge Gaughan's order stays community notification for those who were not previously subject to it: "The community notification provisions ... shall be stayed for Plaintiffs and all members of the Plaintiffs' putative class, except that community notification shall still apply to any Plaintiff and any member of Plaintiffs' putative class to whom community notification applied under the law prior to the amendments made by S.B. 10."

Under Judge Gaughan's order, people who are affected by SB 10 retroactively must still register and verify their information with the county sheriff according to their reclassification letter from the Ohio Attorney General and the schedule set by SB 10.

"It's important for people to understand that Judge Gaughan's order is not permanent," Ohio Public Defender Tim Young emphasized. "Instead, the order gives people who have yet to file their legal challenges more time to do so. We strongly encourage people to contact their local public defender or private defense attorney, or the Office of the Ohio Public Defender in order to protect their legal rights." The Office of the Ohio Public Defender, Ohio Justice & Policy Center, ACLU of Ohio, and county public defenders and private defense lawyers throughout the state maintain that the retroactive application of the new law to previously-convicted offenders is unconstitutional.

Several Ohio courts—including Allen, Geauga, Licking, Lorain, Medina, Stark, Summit, Van Wert, and Warren—have issued what are, in effect, county-wide stays of the retroactive effect of SB 10 for residents of those counties who file timely challenge petitions. Those stay orders are not affected by the order issued today by Judge Gaughan.

The case is Doe I et al v. Dann et al, No. 08-0220.

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