



OHIO JUSTICE & POLICY CENTER

Reclaiming Lives. Renewing Communities. Restoring Justice.

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For Immediate Release
Thursday, April 10, 2008

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OHIO SUPREME COURT REITERATES SEX OFFENDER RESIDENCY RESTRICTION CANNOT BE APPLIED RETROACTIVELY

Cincinnati, Ohio – Today, the Ohio Supreme Court overturned a Court of Appeals decision that evicted Garland Billings from the home he has shared with his wife since 2005. The Court reiterated that Ohio’s sex offender residency law – which prohibits sex offenders from living within 1,000 feet of a school, daycare, or preschool – does not apply retroactively even if the individual established a home after the law was passed and even if the individual does not own the home.

“This is a welcome reinforcement that residency laws do not apply to folks who were convicted before the state law was passed on July 31, 2003. The Ohio Supreme Court has made it crystal clear that it does not matter if the individual moved into the home after the law was passed or whether he rents or owns the home,” says Margie Slagle of the Cincinnati based Ohio Justice & Policy Center (“OJPC”), who represented Garland Billings in challenging the residency restriction. In February the Supreme Court held that the law did not apply to Gerry Porter, whom OJPC also represented.

According to Ms. Slagle, “Many local ordinances are also affected by this decision because their laws contain the exact same language as the state law, so they cannot apply retroactively either. Cincinnati’s residency restriction cannot be applied to folks convicted prior to its enactment on March 11, 2007.”

Residency restrictions have been heavily criticized by many local and national victims rights advocates because they do not protect children and have unintended consequences that make communities less safe. According to Amy Orr, Executive Director of the Community Crisis Counseling Center in Butler County, “93% of crimes against children are committed by people parents know and trust such as coaches, family members, and neighbors. Residency restrictions lull parents into a false of security. They also force offenders to continually move or become homeless, making it very difficult for law enforcement to supervise and monitor them.”

The National Alliance to End Sexual Violence (NAESV) opposes residency restrictions because, “Research has shown that sex offenders with stable housing and social support are less likely to commit new sex offenses compared to those offenders who lack such stability. There is no evidence that these laws protect children. In fact, those states that have studied the issue carefully have found no relationship between sex offense recidivism and sex offenders' proximity to schools or other places where children congregate.”

The Ohio Justice & Policy Center helps former offenders reclaim their lives so they can become productive, law-abiding members of the community.