

AN ACT

To amend sections 2151.315, 2151.355, 2151.38, 2901.07, 5139.01, 5139.02, 5139.04, 5139.05, 5139.18, 5139.36, 5139.42, 5139.50, 5139.51, 5139.52, 5139.53, and 5139.56 of the Revised Code to expand the circumstances under which a DNA specimen must be taken from a convicted offender or adjudicated delinquent child, to clarify, conform, or revise certain provisions of the Juvenile Court Law and Department of Youth Services Law that were enacted in or affected by Am. Sub. H.B. 1 of the 122nd General Assembly, to reestablish the authority of a juvenile court judge to place a public safety bed delinquent child in a community corrections facility, and to maintain the provisions of this act on and after January 1, 1999, by amending the version of section 2151.355 of the Revised Code that takes effect on that date.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2151.315, 2151.355, 2151.38, 2901.07, 5139.01, 5139.02, 5139.04, 5139.05, 5139.18, 5139.36, 5139.42, 5139.50, 5139.51, 5139.52, 5139.53, and 5139.56 of the Revised Code be amended to read as follows:

Sec. 2151.315. (A) As used in this section, "DNA analysis" and "DNA specimen" have the same meanings as in section 109.573 of the Revised Code.

(B)(1) A child who is adjudicated a delinquent child for committing an act listed in division (D) of this section and who is committed to the custody of the department of youth services or to a school, camp, institution, or other facility for delinquent children described in division (A)(3) of section 2151.355 of the Revised Code shall submit to a DNA specimen collection

procedure administered by the director of youth services if committed to the department or by the chief administrative officer of the school, camp, institution, or other facility for delinquent children to which the child was committed. If the court commits the child to the department of youth services, the director of youth services shall cause the DNA specimen to be collected from the child during the intake process at an institution operated by or under the control of the department. If the court commits the child to a school, camp, institution, or other facility for delinquent children, the chief administrative officer of the school, camp, institution, or facility to which the child is committed shall cause the DNA specimen to be collected from the child during the intake process for the school, camp, institution, or facility. In accordance with division (C) of this section, the director or the chief administrative officer shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation no later than fifteen days after the date of the collection of the DNA specimen. The DNA specimen shall be collected from the child in accordance with division (C) of this section.

(2) If a child is adjudicated a delinquent child for committing an act listed in division (D) of this section, is committed to the department of youth services or to a school, camp, institution, or other facility for delinquent children, and does not submit to a DNA specimen collection procedure pursuant to division (B)(1) of this section, prior to the child's release from the custody of the department of youth services or from the custody of the school, camp, institution, or facility, the child shall submit to, and the director of youth services or the chief administrator of the school, camp, institution, or facility to which the child is committed shall administer, a DNA specimen collection procedure at the institution operated by or under the control of the department of youth services or at the school, camp, institution, or facility to which the child is committed. In accordance with division (C) of this section, the director or the chief administrative officer shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation no later than fifteen days after the date of the collection of the DNA specimen. The DNA specimen shall be collected in accordance with division (C) of this section.

(C) A physician, registered nurse, licensed practical nurse, duly licensed clinical laboratory technician, or other qualified medical practitioner shall collect in a medically approved manner the DNA specimen required to be collected pursuant to division (B) of this section. No later than fifteen days after the date of the collection of the DNA specimen, the director of youth services or the chief administrative officer of the school, camp, institution,

or other facility for delinquent children to which the child is committed shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation in accordance with procedures established by the superintendent of the bureau under division (H) of section 109.573 of the Revised Code. The bureau shall provide the specimen vials, mailing tubes, labels, postage, and instruction needed for the collection and forwarding of the DNA specimen to the bureau.

(D) The director of youth services and the chief administrative officer of a school, camp, institution, or other facility for delinquent children shall cause a DNA specimen to be collected in accordance with divisions (B) and (C) of this section from each child in its custody who is adjudicated a delinquent child for committing any of the following acts:

(1) A violation of section 2903.01, 2903.02, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, or 2911.11 of the Revised Code;

(2) A violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996;

(3) An attempt to commit a violation of section 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code or to commit a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996;

(4) A violation of any law that arose out of the same facts and circumstances and same act as did a charge against the child of a violation of section 2903.01, 2903.02, 2905.01, 2907.02, 2907.03, 2907.04, or 2907.05, or 2911.11 of the Revised Code that previously was dismissed or amended or as did a charge against the child of a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996, that previously was dismissed or amended;

(5) A violation of section 2905.02 or 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date.

(E) The director of youth services and the chief administrative officer of a school, camp, institution, or other facility for delinquent children is not required to comply with this section until the superintendent of the bureau of criminal identification and investigation gives agencies in the juvenile justice system, as defined in section 181.51 of the Revised Code, in the state official notification that the state DNA laboratory is prepared to accept DNA specimens.

Sec. 2151.355. (A) If a child is adjudicated a delinquent child, the court may make any of the following orders of disposition:

(1) Any order that is authorized by section 2151.353 of the Revised

Code;

(2) Place the child on probation under any conditions that the court prescribes. If the child is adjudicated a delinquent child for violating section 2909.05, 2909.06, or 2909.07 of the Revised Code and if restitution is appropriate under the circumstances of the case, the court shall require the child to make restitution for the property damage caused by the child's violation as a condition of the child's probation. If the child is adjudicated a delinquent child because the child violated any other section of the Revised Code, the court may require the child as a condition of the child's probation to make restitution for the property damage caused by the child's violation and for the value of the property that was the subject of the violation the child committed if it would be a theft offense, as defined in division (K) of section 2913.01 of the Revised Code, if committed by an adult. The restitution may be in the form of a cash reimbursement paid in a lump sum or in installments, the performance of repair work to restore any damaged property to its original condition, the performance of a reasonable amount of labor for the victim approximately equal to the value of the property damage caused by the child's violation or to the value of the property that is the subject of the violation if it would be a theft offense if committed by an adult, the performance of community service or community work, any other form of restitution devised by the court, or any combination of the previously described forms of restitution.

If the child is adjudicated a delinquent child for violating a law of this state or the United States, or an ordinance or regulation of a political subdivision of this state, that would be a crime if committed by an adult or for violating division (A) of section 2923.211 of the Revised Code, the court, in addition to all other required or permissive conditions of probation that the court imposes upon the delinquent child pursuant to division (A)(2) of this section, shall require the child as a condition of the child's probation to abide by the law during the period of probation, including, but not limited to, complying with the provisions of Chapter 2923. of the Revised Code relating to the possession, sale, furnishing, transfer, disposition, purchase, acquisition, carrying, conveying, or use of, or other conduct involving, a firearm or dangerous ordnance, as defined in section 2923.11 of the Revised Code.

(3) Commit the child to the temporary custody of any school, camp, institution, or other facility operated for the care of delinquent children by the county, by a district organized under section 2151.34 or 2151.65 of the Revised Code, or by a private agency or organization, within or without the state, that is authorized and qualified to provide the care, treatment, or

placement required;

(4) If the child is adjudicated a delinquent child for committing an act that would be a felony of the third, fourth, or fifth degree if committed by an adult or for violating division (A) of section 2923.211 of the Revised Code, commit the child to the legal custody of the department of youth services for institutionalization for an indefinite term consisting of a minimum period of six months and a maximum period not to exceed the child's attainment of twenty-one years of age;

(5)(a) If the child is adjudicated a delinquent child for violating section 2903.03, 2905.01, 2909.02, or 2911.01 or division (A) of section 2903.04 of the Revised Code or for violating any provision of section 2907.02 of the Revised Code other than division (A)(1)(b) of that section when the sexual conduct or insertion involved was consensual and when the victim of the violation of division (A)(1)(b) of that section was older than the delinquent child, was the same age as the delinquent child, or was less than three years younger than the delinquent child, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility for an indefinite term consisting of a minimum period of one to three years, as prescribed by the court, and a maximum period not to exceed the child's attainment of twenty-one years of age;

(b) If the child is adjudicated a delinquent child for violating section 2923.02 of the Revised Code and if the violation involves an attempt to commit a violation of section 2903.01 or 2903.02 of the Revised Code, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility for an indefinite term consisting of a minimum period of six to seven years, as prescribed by the court, and a maximum period not to exceed the child's attainment of twenty-one years of age;

(c) If the child is adjudicated a delinquent child for committing an act that is not described in division (A)(5)(a) or (b) of this section and that would be a felony of the first or second degree if committed by an adult, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility for an indefinite term consisting of a minimum period of one year and a maximum period not to exceed the child's attainment of twenty-one years of age.

(6) If the child is adjudicated a delinquent child for committing a violation of section 2903.01 or 2903.02 of the Revised Code, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility until the child's attainment of twenty-one years of age;

(7)(a) If the child is adjudicated a delinquent child for committing an act, other than a violation of section 2923.12 of the Revised Code, that would be a felony if committed by an adult and is committed to the legal custody of the department of youth services pursuant to division (A)(4), (5), or (6) of this section and if the court determines that the child, if the child was an adult, would be guilty of a specification of the type set forth in section 2941.141, 2941.144, 2941.145, or 2941.146 of the Revised Code in relation to the act for which the child was adjudicated a delinquent child, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility for the following period of time, subject to division (A)(7)(b) of this section:

(i) If the child would be guilty of a specification of the type set forth in section 2941.141 of the Revised Code, a period of one year;

(ii) If the child would be guilty of a specification of the type set forth in section 2941.144, 2941.145, or 2941.146 of the Revised Code, a period of three years.

(b) The court shall not commit a child to the legal custody of the department of youth services pursuant to division (A)(7)(a) of this section for a period of time that exceeds three years. The period of commitment imposed pursuant to division (A)(7)(a) of this section shall be in addition to, and shall be served consecutively with and prior to, a period of commitment ordered pursuant to division (A)(4), (5), or (6) of this section, provided that the total of all the periods of commitment shall not exceed the child's attainment of twenty-one years of age.

(8)(a) Impose a fine and costs in accordance with the schedule set forth in section 2151.3512 of the Revised Code;

(b) Require the child to make restitution for all or part of the property damage caused by the child's delinquent act and for all or part of the value of the property that was the subject of any delinquent act the child committed that would be a theft offense, as defined in division (K) of section 2913.01 of the Revised Code, if committed by an adult. If the court determines that the victim of the child's delinquent act was sixty-five years of age or older or permanently and totally disabled at the time of the commission of the act, the court, regardless of whether or not the child knew the age of the victim, shall consider that fact in favor of imposing restitution, but that fact shall not control the decision of the court. The restitution may be in the form of a cash reimbursement paid in a lump sum or in installments, the performance of repair work to restore any damaged property to its original condition, the performance of a reasonable amount of labor for the victim, the performance of community service or community

work, any other form of restitution devised by the court, or any combination of the previously described forms of restitution.

(9) Subject to division (D) of this section, suspend or revoke the driver's license or temporary instruction permit issued to the child or suspend or revoke the registration of all motor vehicles registered in the name of the child;

(10) If the child is adjudicated a delinquent child for committing an act that, if committed by an adult, would be a criminal offense that would qualify the adult as an eligible offender pursuant to division (A)(3) of section 2929.23 of the Revised Code, impose a period of electronically monitored house detention in accordance with division (I) of this section that does not exceed the maximum sentence of imprisonment that could be imposed upon an adult who commits the same act;

(11) Commit the child to the temporary or permanent custody of the court;

(12) Make any further disposition that the court finds proper, except that the child shall not be placed in any ~~of the following:~~

~~(a) A state correctional institution, a county, multicounty, or municipal jail or workhouse, or another other place in which an adult convicted of a crime, under arrest, or charged with a crime is held;~~

~~(b) A community corrections facility, if the child would be covered by the definition of public safety beds for purposes of sections 5139.41 to 5139.45 of the Revised Code if the court exercised its authority to commit the child to the legal custody of the department of youth services for institutionalization or institutionalization in a secure facility pursuant to division (A)(4), (5), or (6) of this section. As used in division (A)(12)(b) of this section, "community corrections facility" and "public safety beds" have the same meanings as in section 5139.01 of the Revised Code.~~

(B)(1) If a child is adjudicated a delinquent child for violating section 2923.32 of the Revised Code, the court, in addition to any order of disposition it makes for the child under division (A) of this section, shall enter an order of criminal forfeiture against the child, in accordance with divisions (B)(3), (4), (5), and (6) and (C) to (F) of section 2923.32 of the Revised Code.

(2) If a child is adjudicated a delinquent child for committing two or more acts that would be felonies if committed by an adult and if the court entering the delinquent child adjudication orders the commitment of the child, for two or more of those acts, to the legal custody of the department of youth services for institutionalization or institutionalization in a secure facility pursuant to division (A)(4), (5), or (6) of this section, the court may

order that all of the periods of commitment imposed under those divisions for those acts be served consecutively in the legal custody of the department of youth services and, if applicable, be in addition to and commence immediately following the expiration of a period of commitment that the court imposes pursuant to division (A)(7) of this section. A court shall not commit a delinquent child to the legal custody of the department of youth services under division (B)(2) of this section for a period that exceeds the child's attainment of twenty-one years of age.

(C) If a child is adjudicated a delinquent child for committing an act that, if committed by an adult, would be a drug abuse offense, as defined in section 2925.01 of the Revised Code, or for violating division (B) of section 2917.11 of the Revised Code, in addition to imposing in its discretion any other order of disposition authorized by this section, the court shall do both of the following:

(1) Require the child to participate in a drug abuse or alcohol abuse counseling program;

(2) Suspend or revoke the temporary instruction permit or probationary operator's license issued to the child until the child attains eighteen years of age or attends, at the discretion of the court, and satisfactorily completes, a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court. During the time the child is attending the program, the court shall retain any temporary instruction permit or probationary license issued to the child, and the court shall return the permit or license when the child satisfactorily completes the program.

(D) If a child is adjudicated a delinquent child for violating section 2923.122 of the Revised Code, the court, in addition to any order of disposition it makes for the child under division (A), (B), or (C) of this section, shall revoke the temporary instruction permit and deny the child the issuance of another temporary instruction permit in accordance with division (E)(1)(b) of section 2923.122 of the Revised Code or shall suspend the probationary driver's license, restricted license, or nonresident operating privilege of the child or deny the child the issuance of a probationary driver's license, restricted license, or temporary instruction permit in accordance with division (E)(1)(a), (c), (d), or (e) of section 2923.122 of the Revised Code.

(E)(1) At the dispositional hearing and prior to making any disposition pursuant to division (A) of this section, the court shall determine whether a victim of the delinquent act committed by the child was five years of age or younger at the time the delinquent act was committed, whether a victim of the delinquent act sustained physical harm to the victim's person during the

commission of or otherwise as a result of the delinquent act, whether a victim of the delinquent act was sixty-five years of age or older or permanently and totally disabled at the time the delinquent act was committed, and whether the delinquent act would have been an offense of violence if committed by an adult. If the victim was five years of age or younger at the time the delinquent act was committed, sustained physical harm to the victim's person during the commission of or otherwise as a result of the delinquent act, or was sixty-five years of age or older or permanently and totally disabled at the time the act was committed, regardless of whether the child knew the age of the victim, and if the act would have been an offense of violence if committed by an adult, the court shall consider those facts in favor of imposing commitment under division (A)(3), (4), (5), or (6) of this section, but those facts shall not control the court's decision.

(2) At the dispositional hearing and prior to making any disposition pursuant to division (A)(4), (5), or (6) of this section, the court shall determine whether the delinquent child previously has been adjudicated a delinquent child for a violation of a law or ordinance. If the delinquent child previously has been adjudicated a delinquent child for a violation of a law or ordinance, the court, for purposes of entering an order of disposition for the delinquent child under this section, shall consider the previous delinquent child adjudication as a conviction of a violation of the law or ordinance in determining the degree of offense the current delinquent act would be had it been committed by an adult.

(F)(1) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to this section, the court shall not designate the specific institution in which the department is to place the child but instead shall specify that the child is to be institutionalized or that the institutionalization is to be in a secure facility if that is required by division (A) of this section.

(2) When a juvenile court commits a delinquent child to the custody of the department of youth services, the court shall provide the department with the child's medical records, a copy of the report of any mental examination of the child ordered by the court, the section or sections of the Revised Code violated by the child and the degree of the violation, the warrant to convey the child to the department, ~~and~~ a copy of the court's journal entry ordering the commitment of the child to the legal custody of the department, a copy of the arrest record pertaining to the act for which the child was adjudicated a delinquent child, a copy of any victim impact statement pertaining to that act, and any other information concerning the

child that the department reasonably requests. The court also shall complete the form for the standard ~~pre~~disposition disposition investigation report that is developed and furnished by the department of youth services pursuant to section 5139.04 of the Revised Code and provide the department with the completed form. The department may refuse to accept physical custody of a delinquent child who is committed to the legal custody of the department until the court provides to the department the documents specified in division (F)(2) of this section. No officer or employee of the department who refuses to accept physical custody of a delinquent child who is committed to the legal custody of the department shall be subject to prosecution or contempt of court for the refusal if the court fails to provide the documents specified in division (F)(2) of this section at the time the court transfers the physical custody of the child to the department.

~~(3) Within five working days after the juvenile court commits a delinquent child to the custody of the department of youth services, the court shall provide the department with a copy of the arrest record pertaining to the act for which the child was adjudicated a delinquent child, a copy of any victim impact statement pertaining to that act, and any other information concerning the child that the department reasonably requests.~~ Within twenty working days after the department of youth services receives physical custody of a delinquent child from a juvenile court, the court shall provide the department with a certified copy of the child's birth certificate or the child's social security number, or, if the court made all reasonable efforts to obtain the information but was unsuccessful, the court shall provide the department with documentation of the efforts it made to obtain the information.

(4) When a juvenile court commits a delinquent child to the custody of the department of youth services, the court shall give notice to the school attended by the child of the child's commitment by sending to that school a copy of the court's journal entry ordering the commitment. As soon as possible after receipt of the notice described in this division, the school shall provide the department with the child's school transcript. However, the department shall not refuse to accept a child committed to it, and a child committed to it shall not be held in a county or district detention home, because of a school's failure to provide the school transcript that it is required to provide under division (F)(4) of this section.

(5) The department of youth services shall provide the court and the school with an updated copy of the child's school transcript and shall provide the court with a summary of the institutional record of the child when it releases the child from institutional care. The department also shall

provide the court with a copy of any portion of the child's institutional record that the court specifically requests within five working days of the request.

(6) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to division (A)(4) or (5) of this section, the court shall state in the order of commitment the total number of days that the child has been held, as of the date of the issuance of the order, in detention in connection with the delinquent child complaint upon which the order of commitment is based. The department shall reduce the minimum period of institutionalization or minimum period of institutionalization in a secure facility specified in division (A)(4) or (5) of this section by both the total number of days that the child has been so held in detention as stated by the court in the order of commitment and the total number of any additional days that the child has been held in detention subsequent to the order of commitment but prior to the transfer of physical custody of the child to the department.

(G)(1) At any hearing at which a child is adjudicated a delinquent child or as soon as possible after the hearing, the court shall notify all victims of the delinquent act, who may be entitled to a recovery under any of the following sections, of the right of the victims to recover, pursuant to section 3109.09 of the Revised Code, compensatory damages from the child's parents; of the right of the victims to recover, pursuant to section 3109.10 of the Revised Code, compensatory damages from the child's parents for willful and malicious assaults committed by the child; and of the right of the victims to recover an award of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code.

(2) If a child is adjudicated a delinquent child for committing an act that, if committed by an adult, would be aggravated murder, murder, rape, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, involuntary manslaughter, a felony of the first or second degree resulting in the death of or physical harm to a person, complicity in or an attempt to commit any of those offenses, or an offense under an existing or former law of this state that is or was substantially equivalent to any of those offenses and if the court in its order of disposition for that act commits the child to the custody of the department of youth services, the court may make a specific finding that the adjudication should be considered a conviction for purposes of a determination in the future, pursuant to Chapter 2929. of the Revised Code, as to whether the child is a repeat violent offender as defined in section 2929.01 of the Revised Code. If the court makes a specific finding as described in this division, it shall include

the specific finding in its order of disposition and in the record in the case.

(H)(1) If a child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and if the child caused, attempted to cause, threatened to cause, or created the risk of physical harm to the victim of the act, the court, prior to issuing an order of disposition under this section, shall order the preparation of a victim impact statement by the probation department of the county in which the victim of the act resides, by the court's own probation department, or by a victim assistance program that is operated by the state, a county, a municipal corporation, or another governmental entity. The court shall consider the victim impact statement in determining the order of disposition to issue for the child.

(2) Each victim impact statement shall identify the victim of the act for which the child was adjudicated a delinquent child, itemize any economic loss suffered by the victim as a result of the act, identify any physical injury suffered by the victim as a result of the act and the seriousness and permanence of the injury, identify any change in the victim's personal welfare or familial relationships as a result of the act and any psychological impact experienced by the victim or the victim's family as a result of the act, and contain any other information related to the impact of the act upon the victim that the court requires.

(3) A victim impact statement shall be kept confidential and is not a public record, as defined in section 149.43 of the Revised Code. However, the court may furnish copies of the statement to the department of youth services pursuant to division (F)(3) of this section or to both the adjudicated delinquent child or the adjudicated delinquent child's counsel and the prosecuting attorney. The copy of a victim impact statement furnished by the court to the department pursuant to division (F)(3) of this section shall be kept confidential and is not a public record, as defined in section 149.43 of the Revised Code. The copies of a victim impact statement that are made available to the adjudicated delinquent child or the adjudicated delinquent child's counsel and the prosecuting attorney pursuant to division (H)(3) of this section shall be returned to the court by the person to whom they were made available immediately following the imposition of an order of disposition for the child under this section.

(I)(1) As used in this division, "felony drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

(2) Sections 2925.41 to 2925.45 of the Revised Code apply to children who are adjudicated or could be adjudicated by a juvenile court to be delinquent children for an act that, if committed by an adult, would be a felony drug abuse offense. Subject to division (B) of section 2925.42 and

division (E) of section 2925.43 of the Revised Code, a delinquent child of that nature loses any right to the possession of, and forfeits to the state any right, title, and interest that the delinquent child may have in, property as defined in section 2925.41 and further described in section 2925.42 or 2925.43 of the Revised Code.

(J)(1) As used in this section:

(a) "Electronic monitoring device," "certified electronic monitoring device," "electronic monitoring system," and "certified electronic monitoring system" have the same meanings as in section 2929.23 of the Revised Code.

(b) "Electronically monitored house detention" means a period of confinement of a child in the child's home or in other premises specified by the court, during which period of confinement all of the following apply:

(i) The child wears, otherwise has attached to the child's person, or otherwise is subject to monitoring by a certified electronic monitoring device or is subject to monitoring by a certified electronic monitoring system.

(ii) The child is required to remain in the child's home or other premises specified by the court for the specified period of confinement, except for periods of time during which the child is at school or at other premises as authorized by the court.

(iii) The child is subject to monitoring by a central system that monitors the certified electronic monitoring device that is attached to the child's person or that otherwise is being used to monitor the child and that can monitor and determine the child's location at any time or at a designated point in time, or the child is required to participate in monitoring by a certified electronic monitoring system.

(iv) The child is required by the court to report periodically to a person designated by the court.

(v) The child is subject to any other restrictions and requirements that may be imposed by the court.

(2) A juvenile court, pursuant to division (A)(10) of this section, may impose a period of electronically monitored house detention upon a child who is adjudicated a delinquent child for committing an act that, if committed by an adult, would be a criminal offense that would qualify the adult as an eligible offender pursuant to division (A)(3) of section 2929.23 of the Revised Code. The court may impose a period of electronically monitored house detention in addition to or in lieu of any other dispositional order imposed upon the child, except that any period of electronically monitored house detention shall not extend beyond the child's eighteenth

birthday. If a court imposes a period of electronically monitored house detention upon a child, it shall require the child to wear, otherwise have attached to the child's person, or otherwise be subject to monitoring by a certified electronic monitoring device or to participate in the operation of and monitoring by a certified electronic monitoring system; to remain in the child's home or other specified premises for the entire period of electronically monitored house detention except when the court permits the child to leave those premises to go to school or to other specified premises; to be monitored by a central system that monitors the certified electronic monitoring device that is attached to the child's person or that otherwise is being used to monitor the child and that can monitor and determine the child's location at any time or at a designated point in time or to be monitored by the certified electronic monitoring system; to report periodically to a person designated by the court; and, in return for receiving a dispositional order of electronically monitored house detention, to enter into a written contract with the court agreeing to comply with all restrictions and requirements imposed by the court, agreeing to pay any fee imposed by the court for the costs of the electronically monitored house detention imposed by the court pursuant to division (E) of section 2929.23 of the Revised Code, and agreeing to waive the right to receive credit for any time served on electronically monitored house detention toward the period of any other dispositional order imposed upon the child for the act for which the dispositional order of electronically monitored house detention was imposed if the child violates any of the restrictions or requirements of the dispositional order of electronically monitored house detention. The court also may impose other reasonable restrictions and requirements upon the child.

(3) If a child violates any of the restrictions or requirements imposed upon the child as part of the child's dispositional order of electronically monitored house detention, the child shall not receive credit for any time served on electronically monitored house detention toward any other dispositional order imposed upon the child for the act for which the dispositional order of electronically monitored house detention was imposed.

(K) Within ten days after completion of the adjudication, the court shall give written notice of an adjudication that a child is a delinquent child to the superintendent of a city, local, exempted village, or joint vocational school district if the basis of the adjudication was the commission of an act that would be a criminal offense if committed by an adult and that was committed by the delinquent child when the child was sixteen years of age

or older and if the act is any of the following:

(1) A violation of section 2923.122 of the Revised Code that relates to property owned or controlled by, or to an activity held under the auspices of, the board of education of that school district;

(2) A violation of section 2923.12 of the Revised Code or of a substantially similar municipal ordinance that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district;

(3) A violation of division (A) of section 2925.03 or 2925.11 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district and that is not a minor drug possession offense as defined in section 2925.01 of the Revised Code;

(4) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised Code, or a violation of former section 2907.12 of the Revised Code, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district, if the victim at the time of the commission of the act was an employee of the board of education of that school district;

(5) Complicity in any violation described in division (K)(1), (2), (3), or (4) of this section that was alleged to have been committed in the manner described in division (K)(1), (2), (3), or (4) of this section, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district.

(L) During the period of a delinquent child's probation granted under division (A)(2) of this section, authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the delinquent child, the place of residence of the delinquent child, and a motor vehicle, another item of tangible or intangible personal property, or other real property in which the delinquent child has a right, title, or interest or for which the delinquent child has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess if the probation officers have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's probation. The court that places a delinquent child on probation under division (A)(2) of this section shall provide the delinquent child with a written notice that informs the delinquent child that authorized probation

officers who are engaged within the scope of their supervisory duties or responsibilities may conduct those types of searches during the period of probation if they have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's probation. The court also shall provide the written notice described in division (C)(2)(b) of section 2151.411 of the Revised Code to each parent, guardian, or custodian of the delinquent child who is described in division (C)(2)(a) of that section.

(M) This is an interim section effective until January 1, 1999.

Sec. 2151.38. (A) When a child is committed to the legal custody of the department of youth services, the jurisdiction of the juvenile court with respect to the child so committed shall cease and terminate at the time of commitment, except as provided in divisions (B), (C), and (G) of this section. Subject to divisions (B) and (C) of this section, sections 2151.353 and 2151.411 to 2151.421 of the Revised Code, and any other provision of law that specifies a different duration for a dispositional order, all other dispositional orders made by the court shall be temporary and shall continue for a period that is designated by the court in its order, until terminated or modified by the court or until the child attains twenty-one years of age.

The release authority of the department shall not release the child from institutional care or institutional care in a secure facility and as a result shall not discharge the child or order the child's release on supervised release prior to the expiration of the prescribed minimum period of institutionalization or institutionalization in a secure facility or prior to the child's attainment of twenty-one years of age, whichever is applicable under the order of commitment, except upon the order of a court pursuant to division (B) or (C) of this section or in accordance with section 5139.54 of the Revised Code.

(B)(1) If the department of youth services desires to release a child during the first half of the prescribed minimum term for ~~the most serious act for~~ which the child was committed to the department or, if the child was committed to the department until the child attains twenty-one years of age, during the first half of the prescribed period of commitment that begins on the first day of commitment and ends on the child's twenty-first birthday, it shall request the court that committed the child to the department for a judicial release of the child from institutional care or institutional care in a secure facility. During the first half of that prescribed minimum term or of that prescribed period of commitment, whichever of those periods is applicable, the child or the parents of the child also may request that court to grant a judicial release of the child from institutional care or institutional

care in a secure facility. Upon receipt of a request for a judicial release from the department, the child, or the child's parent or upon its own motion, the court that committed the child shall approve the judicial release from institutional care or institutional care in a secure facility by journal entry, shall schedule within twenty days after the request is received a time for a hearing on whether the child is to be released under a judicial release, or shall reject the request by journal entry without conducting a hearing. If the court rejects an initial request for a judicial release by the child or the child's parent, the child or the child's parent may make one additional request for a judicial release ~~with~~ within the first half of the applicable prescribed minimum term or prescribed period of commitment. The child or the child's parent may make the additional request no earlier than thirty days after the filing of the prior request for a judicial release. Upon the filing by the child or the child's parent of a second request for a judicial release, the court shall either approve or disapprove the judicial release by journal entry or schedule within twenty days after the request is received a time for a hearing on whether the child is to be released under a judicial release.

(2) If a court schedules a hearing under division (B)(1) of this section to determine whether a child should be granted a judicial release, it may order the department to deliver the child to the court on the date set for the hearing and may order the department to present to the court a report on the child's progress in the institution to which the child was committed and recommendations for terms and conditions of supervision of the child by the court after release. The court may conduct the hearing without the child being present. The court shall determine at the hearing whether the child should be granted a judicial release from institutionalization or institutionalization in a secure facility. If the court approves the judicial release, the court shall order its staff to prepare a written treatment and rehabilitation plan for the child that may include any terms and conditions of the child's release that were recommended by the department and approved by the court. The committing court shall send the juvenile court of the county in which the child is placed a copy of the recommended plan and the terms and conditions set by the committing court. The court of the county in which the child is placed may adopt the recommended terms and conditions set by the committing court as an order of the court and may add any additional consistent terms and conditions it considers appropriate. If a child is granted a judicial release, the judicial release discharges the child from the custody of the department of youth services.

(C)(1) If a child is committed to the department of youth services and has been in institutional care or institutional care in a secure facility for

more than one-half of the prescribed minimum term for ~~the most serious act~~ ~~for~~ which the child was committed or, if the child was committed to the department until the child attains twenty-one years of age, for more than one-half of the prescribed period of commitment that begins on the first day of commitment and ends on the child's twenty-first birthday, if the prescribed minimum period of institutionalization or other statutorily required period of institutionalization has not expired, and if the department of youth services desires to release the child from institutional care or institutional care in a secure facility, it shall request the court that committed the child for an early release from institutional care or institutional care in a secure facility.

During the applicable period commencing upon the expiration of the first half of that prescribed minimum term or prescribed period of commitment and ending upon the expiration of the required minimum or other period of institutionalization or institutionalization in a secure facility, the child or the child's parent also may request the court that committed the child to grant an early release. Upon the receipt of a request from the department, the child, or the child's parent or upon its own motion at any time during that period, the court shall approve the early release by journal entry, shall schedule a time within thirty days after receipt of the request for a hearing on whether the child is to be released, or shall reject the request by journal entry without conducting a hearing. If the court rejects an initial request for early release by the child or the child's parents, within the period prescribed in division (C)(1) of this section, the child or the child's parent may make one or more subsequent requests for early release but may make no more than one request for early release during each period of ninety days that the child is institutionalized or institutionalized in a secure facility after the filing of a prior request for early release. Upon the filing of a request for early release subsequent to an initial request, the court shall either approve or disapprove the early release by journal entry or schedule a time within thirty days after receipt of the request for a hearing on whether the child is to be released.

(2) If a court schedules a hearing under division (C)(1) of this section to determine whether a child committed to the department should be granted an early release, it may order the department to deliver the child to the court on the date set for the hearing and shall order the department to present to the court at that time a treatment plan for the child's post-institutional care. The court may conduct the hearing without the child being present. The court shall determine at the hearing whether the child should be granted an early release from institutionalization or institutionalization in a secure facility. If

the court approves the early release, the department shall prepare a written treatment and rehabilitation plan for the child pursuant to division (E) of this section that shall include the terms and conditions of the child's release. It shall send the committing court and the juvenile court of the county in which the child is placed a copy of the plan and the terms and conditions that it fixed. The court of the county in which the child is placed may adopt the terms and conditions set by the department as an order of the court and may add any additional consistent terms and conditions it considers appropriate, provided that the court may not add any term or condition that decreases the level or degree of supervision specified by the department in its plan, that substantially increases the financial burden of supervision that will be experienced by the department, or that alters the placement specified by the department in its plan. If the court of the county in which the child is placed adds to the department's plan any additional terms and conditions, it shall enter those additional terms and conditions in its journal and shall send to the department a copy of the journal entry of the additional terms and conditions.

(3) If the court approves or grants an early release for a child under division (C)(1) or (2) of this section, the actual date on which the department of youth services shall release the child from institutional care or institutional care in a secure facility is contingent upon the department finding a suitable placement for the child. If the child is to be returned to the child's home, the department shall return the child to the home on the date that the court schedules for the child's release or shall bear the expense of any additional time that the child remains in institutional care or institutional care in a secure facility. If the child is unable to return to the child's home, the department shall exercise reasonable diligence in finding a suitable placement for the child, and the child shall remain in institutional care or institutional care in a secure facility while the department finds the suitable placement.

(D) If a child is released under division (B) or (C) of this section and the court of the county in which the child is placed has reason to believe that the child's department is not in accordance with the post-release terms and conditions of the child's judicial release or early release, the court of the county in which the child is placed shall schedule a time for a hearing to determine whether the child violated any of the post-release terms and conditions, and, if the child was released under division (C) of this section, divisions (A) to (E) of section 5139.52 of the Revised Code apply regarding the child. If that court determines at the hearing that the child violated any of the post-release terms and conditions, the court, if it determines that the

violation of the terms and conditions was a serious violation, may order the child to be returned to the department for institutionalization or institutionalization in a secure facility, consistent with the original order of commitment of the child, or in any case may make any other disposition of the child authorized by law that the court considers proper. If the court of the county in which the child is placed orders the child to be returned to a department of youth services institution, the time during which the child was institutionalized or institutionalized in a secure facility prior to the child's judicial release or early release shall be considered as time served in fulfilling the prescribed minimum period or prescribed period of institutionalization or institutionalization in a secure facility that is applicable to the child under the child's original order of commitment. If the court orders the child returned to a department of youth services institution, the child shall remain in institutional care for a minimum period of three months or until the child successfully completes a ~~specialized-supervised release~~ revocation program of a duration of not less than thirty days operated either by the department or by an entity with whom the department has contracted to provide a ~~specialized-supervised-release~~ revocation program.

(E) The department of youth services, prior to the release of a child pursuant to division (C) of this section, shall do all of the following:

(1) After reviewing the child's rehabilitative progress history and medical and educational records, prepare a written treatment and rehabilitation plan for the child that shall include terms and conditions of the release;

(2) Completely discuss the terms and conditions of the plan prepared pursuant to division (E)(1) of this section and the possible penalties for violation of the plan with the child and the child's parents, guardian, or legal custodian;

(3) Have the plan prepared pursuant to division (E)(1) of this section signed by the child, the child's parents, legal guardian, or custodian, and any authority or person that is to supervise, control, and provide supportive assistance to the child at the time of the child's release pursuant to division (C) of this section;

(4) File a copy of the treatment plan prepared pursuant to division (E)(1) of this section, prior to the child's release, with the committing court and the juvenile court of the county in which the child is to be placed.

(F) The department of youth services shall file a written progress report with the committing court regarding each child released pursuant to division (C) of this section, at least once every thirty days unless specifically directed

otherwise by the court. The report shall indicate the treatment and rehabilitative progress of the child and the child's family, if applicable, and shall include any suggestions and recommendations for alteration of the program, custody, living arrangements, or treatment. The department shall retain legal custody of a child so released until it discharges the child or until the custody is terminated as otherwise provided by law.

(G)(1) As used in division (G)(2) of this section, "release authority" and "supervised release" have the same meanings as in section 5139.01 of the Revised Code.

(2) When a child is committed to the legal custody of the department of youth services, the court retains jurisdiction to perform the functions specified in section 5139.51 of the Revised Code with respect to the granting of supervised release by the release authority and to perform the functions specified in section 5139.52 of the Revised Code with respect to violations of the terms and conditions of supervised release granted by the release authority and to the revocation of supervised release granted by the release authority.

Sec. 2901.07. (A) As used in this section:

(1) "DNA analysis" and "DNA specimen" have the same meanings as in section 109.573 of the Revised Code.

(2) "Jail" and "community-based correctional facility" have the same meanings as in section 2929.01 of the Revised Code.

(3) "Post-release control" has the same meaning as in section 2967.01 of the Revised Code.

(B)(1) A person who is convicted of or pleads guilty to a felony offense listed in division (D) of this section and who is sentenced to a prison term or to a community residential sanction in a jail or community-based correctional facility pursuant to section 2929.16 of the Revised Code, and a person who is convicted of or pleads guilty to a misdemeanor offense listed in division (D) of this section and who is sentenced to a term of imprisonment shall submit to a DNA specimen collection procedure administered by the director of rehabilitation and correction or the chief administrative officer of the jail or other detention facility in which the person is serving the term of imprisonment. If the person serves the prison term in a state correctional institution, the director of rehabilitation and correction shall cause the DNA specimen to be collected from the person during the intake process at the reception facility designated by the director. If the person serves the community residential sanction or term of imprisonment in a jail, a community-based correctional facility, or another county, multicounty, municipal, municipal-county, or

-municipal detention facility, the chief administrative officer of the jail, community-based correctional facility, or detention facility shall cause the DNA specimen to be collected from the person during the intake process at the jail, community-based correctional facility, or detention facility. In accordance with division (C) of this section, the director or the chief administrative officer shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation no later than fifteen days after the date of the collection of the DNA specimen. The DNA specimen shall be collected in accordance with division (C) of this section.

(2) If a person is convicted of or pleads guilty to an offense listed in division (D) of this section, is serving a prison term, community residential sanction, or term of imprisonment for that offense, and does not provide a DNA specimen pursuant to division (B)(1) of this section, prior to the person's release from the prison term, community residential sanction, or imprisonment, the person shall submit to, and THE director of rehabilitation and correction or the chief administrative officer of the jail, community-based correctional facility, or detention facility in which the person is serving the prison term, community residential sanction, or term of imprisonment shall administer, a DNA specimen collection procedure at the state correctional institution, jail, community-based correctional facility, or detention facility in which the person is serving the prison term, community residential sanction, or term of imprisonment. In accordance with division (C) of this section, the director or the chief administrative officer shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation no later than fifteen days after the date of the collection of the DNA specimen. The DNA specimen shall be collected in accordance with division (C) of this section.

(3) If a person serving a prison term or community residential sanction for a felony is released on parole, under transitional control, or on another type of release or is on post-release control, if the person is under the supervision of the adult parole authority, if the person is returned to a jail, community-based correctional facility, or state correctional institution for a violation of the terms and conditions of the parole, transitional control, other release, or post-release control, if the person was or will be serving a prison term or community residential sanction for committing an offense listed in division (D) of this section, and if the person did not provide a DNA specimen pursuant to division (B)(1) or (2) of this section, the person shall submit to, and the director of rehabilitation and correction or the chief administrative officer of the jail or community-based correctional facility shall administer, a DNA specimen collection procedure at the jail,

community-based correctional facility, or state correctional institution in which the person is serving the prison term or community residential sanction. In accordance with division (C) of this section, the director or the chief administrative officer shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation no later than fifteen days after the date of the collection of the DNA specimen. The DNA specimen shall be collected from the person in accordance with division (C) of this section.

(C) A physician, registered nurse, licensed practical nurse, duly licensed clinical laboratory technician, or other qualified medical practitioner shall collect in a medically approved manner the DNA specimen required to be collected pursuant to division (B) of this section. No later than fifteen days after the date of the collection of the DNA specimen, the director of rehabilitation and correction or the chief administrative officer of the jail, community-based correctional facility, or other county, multicounty, municipal, municipal-county, or multicounty-municipal detention facility, in which the person is serving the prison term, community residential sanction, or term of imprisonment shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation in accordance with procedures established by the superintendent of the bureau under division (H) of section 109.573 of the Revised Code. The bureau shall provide the specimen vials, mailing tubes, labels, postage, and instructions needed for the collection and forwarding of the DNA specimen to the bureau.

(D) The director of rehabilitation and correction and the chief administrative officer of the jail, community-based correctional facility, or other county, multicounty, municipal, municipal-county, or multicounty-municipal detention facility shall cause a DNA specimen to be collected in accordance with divisions (B) and (C) of this section from a person in its custody who is convicted of or pleads guilty to any of the following offenses:

(1) A violation of section 2903.01, 2903.02, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, or 2911.11 of the Revised Code;

(2) A violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996;

(3) An attempt to commit a violation of section 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code or to commit a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996;

(4) A violation of any law that arose out of the same facts and circumstances and same act as did a charge against the person of a violation of section 2903.01, 2903.02, 2905.01, 2907.02, 2907.03, 2907.04, or

2907.05, or 2911.11 of the Revised Code that previously was dismissed or amended or as did a charge against the person of a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996, that previously was dismissed or amended;

(5) A violation of section 2905.02 or 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had it been committed prior to that date;

(6) A sexually oriented offense, as defined in section 2950.01 of the Revised Code, if, in relation to that offense, the offender has been adjudicated as being a sexual predator, as defined in section 2950.01 of the Revised Code.

(E) The director of rehabilitation and correction or a chief administrative officer of a jail, community-based correctional facility, or other detention facility described in division (B) of this section is not required to comply with this section until the superintendent of the bureau of criminal identification and investigation gives agencies in the criminal justice system, as defined in section 181.51 of the Revised Code, in the state official notification that the state DNA laboratory is prepared to accept DNA specimens.

Sec. 5139.01. (A) As used in this chapter:

(1) "Commitment" means the transfer of the physical custody of a child or youth from the court to the department of youth services.

(2) "Permanent commitment" means a commitment that vests legal custody of a child in the department of youth services.

(3) "Legal custody," insofar as it pertains to the status that is created when a child is permanently committed to the department of youth services, means a legal status in which the department has the following rights and responsibilities: the right to have physical possession of the child; the right and duty to train, protect, and control the child; the responsibility to provide the child with food, clothing, shelter, education, and medical care; and the right to determine where and with whom the child shall live, subject to the minimum periods of, or periods of, institutional care prescribed in section 2151.355 of the Revised Code; provided, that these rights and responsibilities are exercised subject to the powers, rights, duties, and responsibilities of the guardian of the person of the child, and subject to any residual parental rights and responsibilities.

(4) Unless the context requires a different meaning, "institution" means a state facility that is created by the general assembly and that is under the management and control of the department of youth services or a private entity with which the department has contracted for the institutional care and

custody of felony delinquents.

(5) "Full-time care" means care for twenty-four hours a day for over a period of at least two consecutive weeks.

(6) "Placement" means the conditional release of a child under the terms and conditions that are specified by the department of youth services. The department shall retain legal custody of a child released pursuant to division (C) of section 2151.38 of the Revised Code or division (C) of section 5139.06 of the Revised Code until the time that it discharges the child or until the legal custody is terminated as otherwise provided by law.

(7) "Home placement" means the placement of a child in the home of the child's parent or parents or in the home of the guardian of the child's person.

(8) "Discharge" means that the department of youth services' legal custody of a child is terminated.

(9) "Release" means the termination of a child's stay in an institution and the subsequent period during which the child returns to the community under the terms and conditions of supervised release.

(10) "Delinquent child" has the same meaning as in section 2151.02 of the Revised Code.

(11) "Felony delinquent" means any child who is at least twelve years of age but less than eighteen years of age and who is adjudicated a delinquent child for having committed an act that if committed by an adult would be a felony. "Felony delinquent" includes any adult who is between the ages of eighteen and twenty-one and who is in the legal custody of the department of youth services for having committed an act that if committed by an adult would be a felony.

(12) "Juvenile traffic offender" has the same meaning as in section 2151.021 of the Revised Code.

(13) "Public safety beds" means all of the following:

(a) Felony delinquents who have been committed to the department of youth services for the commission of an act, other than a violation of section 2911.01 or 2911.11 of the Revised Code, that is a category one offense or a category two offense and who are in the care and custody of an institution or have been diverted from care and custody in an institution and placed in a community corrections facility;

(b) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution or a community corrections facility, are adjudicated delinquent children for having committed in that institution or community corrections facility an act that if committed by an adult would be a felony;

(c) Children who satisfy all of the following:

(i) They are at least twelve years of age but less than eighteen years of age.

(ii) They are adjudicated delinquent children for having committed acts that if committed by an adult would be a felony.

(iii) They are committed to the department of youth services by the juvenile court of a county that has had one-tenth of one per cent or less of the statewide adjudications for felony delinquents as averaged for the past four fiscal years.

(iv) They are in the care and custody of an institution or a community corrections facility.

(d) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution, commit in that institution an act that if committed by an adult would be a felony, who are serving disciplinary time for having committed that act, and who have been institutionalized or institutionalized in a secure facility for the minimum period of time specified in division (A)(4) or (5) of section 2151.355 of the Revised Code.

(e) Felony delinquents who are subject to and serving a three-year period of commitment order imposed by a juvenile court pursuant to division (A)(7) of section 2151.355 of the Revised Code for an act, other than a violation of section 2911.11 of the Revised Code, that would be a category one offense or category two offense if committed by an adult.

(f) Felony delinquents who are described in ~~division~~ DIVISIONS (A)(13)(a) to (e) of this section, who have been granted a judicial release under division (B) of section 2151.38 of the Revised Code or an early release under division (C) of that section from the commitment to the department of youth services for the act described in ~~division~~ DIVISIONS (A)(13)(a) to (e) of this section, who have violated the terms and conditions of that judicial release or early release, and who, pursuant to an order of the court of the county in which the particular felony delinquent was placed on release that is issued pursuant to division (D) of section 2151.38 of the Revised Code, have been returned to the department for institutionalization or institutionalization in a secure facility.

(g) Felony delinquents who have been committed to the custody of the department of youth services, who have been granted supervised release from the commitment pursuant to section 5139.51 of the Revised Code, who have violated the terms and conditions of that supervised release, and who, pursuant to an order of the court of the county in which the particular child was placed on supervised release issued pursuant to division (F) of section

139.52 of the Revised Code, have had the supervised release revoked and have been returned to the department for institutionalization. A felony delinquent described in this division shall be a public safety bed only for the time during which the felony delinquent is institutionalized as a result of the revocation subsequent to the initial thirty-day period of institutionalization required by division (F) of section 5139.52 of the Revised Code.

(14) "State target youth" means twenty-five per cent of the projected total number of felony delinquents for each year of a biennium, factoring in revocations and recommitments.

(15) Unless the context requires a different meaning, "community corrections facility" means a county or multicounty rehabilitation center for felony delinquents who have been committed to the department of youth services and diverted from care and custody in an institution and placed in the rehabilitation center pursuant to division (E) of section 5139.36 of the Revised Code.

(16) "Secure facility" means any facility that is designed and operated to ensure that all of its entrances and exits are under the exclusive control of its staff and to ensure that, because of that exclusive control, no child who has been institutionalized in the facility may leave the facility without permission or supervision.

(17) "Community residential program" means a program that satisfies both of the following:

(a) It is housed in a building or other structure that has no associated major restraining construction, including, but not limited to, a security fence.

(b) It provides twenty-four-hour care, supervision, and programs for felony delinquents who are in residence.

(18) "Category one offense" and "category two offense" have the same meanings ~~is~~ as in section 2151.26 of the Revised Code.

(19) "Disciplinary time" means additional time that the department of youth services requires a felony delinquent to serve in an institution, that delays the felony delinquent's planned release, and that the department imposes upon the felony delinquent following the conduct of an internal due process hearing for having committed any of the following acts while committed to the department and in the care and custody of an institution:

(a) An act that if committed by an adult would be a felony;

(b) An act that if committed by an adult would be a misdemeanor;

(c) An act that is not described in division (A)(19)(a) or (b) of this section and that violates an institutional rule of conduct of the department.

(20) "Unruly child" has the same meaning as in section 2151.022 of the

Revised Code.

(21) "Revocation" means the act of revoking a child's supervised release for a violation of a term or condition of the child's supervised release in accordance with section 5139.52 of the Revised Code.

~~(20)~~(22) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code.

~~(21)~~(23) "Supervised release" means the event of the release of a child under this chapter from an institution and the period after that release during which the child is supervised and assisted by an employee of the department of youth services under specific terms and conditions for reintegration of the child into the community.

~~(22)~~(24) "Victim" means the person identified in a police report, complaint, or information as the victim of an act that would have been a criminal offense if committed by an adult and that provided the basis for adjudication proceedings resulting in a child's commitment to the legal custody of the department of youth services.

~~(23)~~(25) "Victim's representative" means a member of the victim's family or another person whom the victim or another authorized person designates in writing, pursuant to section 5139.56 of the Revised Code, to represent the victim with respect to proceedings of the release authority of the department of youth services and with respect to other matters specified in that section.

~~(24)~~(26) "Member of the victim's family" means a spouse, child, stepchild, sibling, parent, stepparent, grandparent, other relative, or legal guardian of a child but does not include a person charged with, convicted of, or adjudicated a delinquent child for committing a criminal or delinquent act against the victim or another criminal or delinquent act arising out of the same conduct, criminal or delinquent episode, or plan as the criminal or delinquent act committed against the victim.

~~(25)~~(27) "Judicial release" means a release of a child from institutional care or institutional care in a secure facility that is granted by a court pursuant to division (B) of section 2151.38 of the Revised Code during the period specified in that division.

~~(26)~~(28) "Early release" means a release of a child from institutional care or institutional care in a secure facility that is granted by a court pursuant to division (C) of section 2151.38 of the Revised Code during the period specified in that division.

(B) There is hereby created the department of youth services. The governor shall appoint the director of the department with the advice and

consent of the senate. The director shall hold office during the term of the appointing governor but subject to removal at the pleasure of the governor. Except as otherwise authorized in section 108.05 of the Revised Code, the director shall devote the director's entire time to the duties of the director's office and shall hold no other office or position of trust or profit during the director's term of office.

The director is the chief executive and administrative officer of the department and has all the powers of a department head set forth in Chapter 121. of the Revised Code. The director may adopt rules for the government of the department, the conduct of its officers and employees, the performance of its business, and the custody, use, and preservation of the department's records, papers, books, documents, and property. The director shall be an appointing authority within the meaning of Chapter 124. of the Revised Code. Whenever this or any other chapter or section of the Revised Code imposes a duty on or requires an action of the department, the duty or action shall be performed by the director or, upon the director's order, in the name of the department.

Sec. 5139.02. (A)(1) As used in this section, "managing officer" means the assistant director, a deputy director, an assistant deputy director, a superintendent, a regional administrator, a deputy superintendent, or the superintendent of schools of the department of youth services, a member of the release authority, the chief of staff to the release authority, and the victims coordinator of the office of victim services.

(2) Each division established by the director of youth services shall consist of managing officers and other employees, including those employed in institutions and regions as necessary to perform the functions assigned to them. The director, assistant director, or appropriate deputy director or managing officer of the department shall supervise the work of each division and determine general policies governing the exercise of powers vested in the department and assigned to each division. The appropriate managing officer or deputy director is responsible to the director or assistant director for the organization, direction, and supervision of the work of the division or unit and for the exercise of the powers and the performance of the duties of the department assigned to it and, with the director's approval, may establish bureaus or other administrative units within the department.

(B) The director shall appoint all managing officers, who shall be in the unclassified civil service. If the director appoints a managing officer from within the classified service of the department, the person so appointed retains the right to resume the position and status he held in the classified service immediately prior to his appointment as managing officer. If such a

person is removed from ~~his~~ the position as managing officer, ~~he~~ the person shall be reinstated to the position ~~he~~ held in the classified service immediately prior to ~~his~~ appointment as managing officer, or to another position certified by the director, with the approval of the department of administrative services, as being substantially equal to that position. Any person holding the position of managing officer on the effective date of this section is entitled to resume the position and status ~~he~~ held in the classified service of the department of youth services immediately prior to ~~his~~ appointment as a managing officer. Service as a managing officer shall be counted as service in the position in the classified service the reinstated person held immediately prior to ~~his~~ appointment as a managing officer. If a person is reinstated to a position in the classified service under this division, ~~he is entitled to all rights and emoluments that accrued to the position during his period of service as a~~ the person shall be returned to the pay range and step to which the person had been assigned at the time of the appointment as managing officer. Longevity, where applicable, shall be calculated pursuant to the provisions of section 124.181 Of the Revised Code.

(C) Each person appointed as a managing officer shall have received special training and shall have experience in the type of work that ~~his~~ the person's division is required to perform. Each managing officer, under the supervision of the director, has entire charge of the division, institution, unit, or region for which ~~he~~ the managing officer is appointed and, with the director's approval, shall appoint necessary employees and may remove them for cause.

Sec. 5139.04. The department of youth services shall do all of the following:

(A) Support service districts through a central administrative office that shall have as its administrative head a deputy director who shall be appointed by the director of the department. When a vacancy occurs in the office of that deputy director, an assistant deputy director shall act as that deputy director until the vacancy is filled. The position of deputy director and assistant deputy director described in this division shall be in the unclassified civil service of the state.

(B) Receive custody of all children committed to it under Chapter 2151. of the Revised Code, cause a study to be made of those children, and issue any orders, as it considers best suited to the needs of any of those children and the interest of the public, for the treatment of each of those children;

(C) Obtain personnel necessary for the performance of its duties;

(D) Train or provide for training of probation and youth correction workers;

(E) Adopt rules that regulate its organization and operation, that implement sections 5139.34 and 5139.41 to 5139.45 of the Revised Code, and that pertain to the administration of other sections of this chapter;

(F) Submit reports of its operations to the governor and the general assembly by the thirty-first day of January of each odd-numbered year;

(G) Conduct a program of research in diagnosis, training, and treatment of delinquent children to evaluate the effectiveness of the department's services and to develop more adequate methods;

(H) Receive reports from the juvenile courts under division (C)(3)(b) of section 5139.43 of the Revised Code and prepare an annual report of state juvenile court statistics and information based upon those reports. The department shall make available a copy of the annual report to the governor and members of the general assembly upon request.

(I) Develop a standard form for the ~~predisposition~~ disposition investigation report that a juvenile court is required pursuant to section 2151.355 of the Revised Code to complete and provide to the department when the court commits a child to the legal custody of the department;

(J) Do all other acts necessary or desirable to carry out this chapter.

Sec. 5139.05. (A) The juvenile court may commit any child to the department of youth services permanently as authorized in section 2151.355 of the Revised Code, provided that any child so committed shall be at least twelve years of age at the time of the child's commitment. Any order to commit a child to an institution under the control and management of the department shall have the effect of ordering that the child be committed to the department and assigned to an institution as follows:

(1) For an indefinite term consisting of the prescribed minimum period of time and a maximum period not to exceed the child's attainment of twenty-one years of age, if the child was committed pursuant to division (A)(4) or (5) of section 2151.355 of the Revised Code;

(2) Until the child's attainment of twenty-one years of age, if the child was committed pursuant to division (A)(6) of that section;

(3) For a period of commitment that shall be in addition to, and shall be served consecutively with and prior to, a period of commitment described in division (A)(1) or (2) of this section, if the child was committed pursuant to division (A)(7) of section 2151.355 of the Revised Code;

(4) For any period of commitment imposed under division (A)(7) of section 2151.355 of the Revised Code and for consecutive periods of commitment as described in division (A)(1) or (2) of this section, if the child was the subject of a consecutive periods of commitment order issued by the court pursuant to division (B)(2) of section 2151.355 of the Revised Code.

(B) The release authority of the department of youth services, in accordance with section 5139.51 of the Revised Code, may grant the release from institutionalization of any child committed to the department.

The order committing a child to the department of youth services shall state that the child has been adjudicated a delinquent child and that the commitment is permanent. The jurisdiction of the court terminates at the time of the commitment except in relation to procedures for the judicial release or early release of children from institutionalization or institutionalization in a secure facility and hearings conducted relative to judicial release or early release; except in relation to its authority to add additional consistent terms and conditions regarding early release that are not prohibited under division (C)(2) of section 2151.38 of the Revised Code; except in relation to its authority to add additional terms and conditions regarding judicial release; except in relation to hearings conducted relative to violations of the terms and conditions of a judicial release or early release; except in relation to the functions of the court related to the granting of supervised release, with respect to violations of supervised release, and with respect to functions of the court related to the revocation of supervised release that are specified in sections 5139.51 and 5139.52 of the Revised Code; and except that the department may petition the court for an order terminating its custody. When a child has been committed permanently to the department, the department shall retain legal custody of the child until the time that it ~~divests itself of the~~ terminates its legal custody of the child by discharging the child to the exclusive management, control, and custody of the child's parent or the guardian of the child's person or, if the child is eighteen years of age or older, by discharging the child, until the committing court, upon its own motion, upon petition of the parent, guardian of the person, or next friend of a child, or upon petition of the department, terminates the department's legal custody of the child, until the committing court grants the child a judicial release under division (B) of section 2151.38 Of the Revised Code, or until the department's legal custody of the child is terminated automatically by the child attaining twenty-one years of age.

(C) When a child is committed to the department of youth services, the department may assign the child to a hospital for mental, physical, and other examination, inquiry, or treatment for the period of time that is necessary. The department may remove any child in its custody to a hospital for observation, and a complete report of every observation at the hospital shall be made in writing and shall include a record of observation, treatment, and medical history and a recommendation for future treatment, custody, and maintenance. The department shall thereupon order the placement and

treatment that it determines to be most conducive to the purposes of Chapters 2151. and 5139. of the Revised Code. The committing court and all public authorities shall make available to the department all pertinent data in their possession with respect to the case.

(D) Records maintained by the department of youth services pertaining to the children in its custody shall be accessible only to department employees, except by consent of the department or upon the order of the judge of a court of record. These records shall not be considered "public records," as defined in section 149.43 of the Revised Code.

Except as otherwise provided by a law of this state or the United States, the department of youth services may release records that are maintained by the department of youth services and that pertain to children in its custody to the department of rehabilitation and correction regarding persons who are under the jurisdiction of the department of rehabilitation and correction and who have previously been committed to the department of youth services. The department of rehabilitation and correction may use those records for the limited purpose of carrying out the duties of the department of rehabilitation and correction. Records released by the department of youth services to the department of rehabilitation and correction shall remain confidential and shall not be considered public records as defined in section 149.43 of the Revised Code.

(E)(1) When a child is committed to the department of youth services, the department, orally or in writing, shall notify the parent, guardian, or custodian of a child that the parent, guardian, or custodian may request at any time from the superintendent of the institution in which the child is located any of the information described in divisions (E)(1)(a), (b), (c), and (d) of this section. The parent, guardian, or custodian may provide the department with the name, address, and telephone number of the parent, guardian, or custodian, and, until the department is notified of a change of name, address, or telephone number, the department shall use the name, address, and telephone number provided by the parent, guardian, or custodian to provide notices or answer inquiries concerning the following information:

(a) When the department of youth services makes a permanent assignment of the child to a facility, the department, orally or in writing and on or before the third business day after the day the permanent assignment is made, shall notify the parent, guardian, or custodian of the child of the name of the facility to which the child has been permanently assigned.

If a parent, guardian, or custodian of a child who is committed to the department of youth services requests, orally or in writing, the department to

provide the parent, guardian, or custodian with the name of the facility in which the child is currently located, the department, orally or in writing and on or before the next business day after the day on which the request is made, shall provide the name of that facility to the parent, guardian, or custodian.

(b) If a parent, guardian, or custodian of a child who is committed to the department of youth services, orally or in writing, asks the superintendent of the institution in which the child is located whether the child is being disciplined by the personnel of the institution, what disciplinary measure the personnel of the institution are using for the child, or why the child is being disciplined, the superintendent or the superintendent's designee, on or before the next business day after the day on which the request is made, shall provide the parent, guardian, or custodian with written or oral responses to the questions.

(c) If a parent, guardian, or custodian of a child who is committed to the department of youth services, orally or in writing, asks the superintendent of the institution in which the child is held whether the child is receiving any medication from personnel of the institution, what type of medication the child is receiving, or what condition of the child the medication is intended to treat, the superintendent or the superintendent's designee, on or before the next business day after the day on which the request is made, shall provide the parent, guardian, or custodian with oral or written responses to the questions.

(d) When a major incident occurs with respect to a child who is committed to the department of youth services, the department, as soon as reasonably possible after the major incident occurs, shall notify the parent, guardian, or custodian of the child that a major incident has occurred with respect to the child and of all the details of that incident that the department has ascertained.

(2) The failure of the department of youth services to provide any notification required by or answer any requests made pursuant to division (E) of this section does not create a cause of action against the state.

(F) The department of youth services, as a means of punishment while the child is in its custody, shall not prohibit a child who is committed to the department from seeing that child's parent, guardian, or custodian during standard visitation periods allowed by the department of youth services unless the superintendent of the institution in which the child is held determines that permitting that child to visit with the child's parent, guardian, or custodian would create a safety risk to that child, that child's parents, guardian, or custodian, the personnel of the institution, or other

children held in that institution.

(G) As used in this section:

(1) "Permanent assignment" means the assignment or transfer for an extended period of time of a child who is committed to the department of youth services to a facility in which the child will receive training or participate in activities that are directed toward the child's successful rehabilitation. "Permanent assignment" does not include the transfer of a child to a facility for early release hearings pursuant to section 2151.38 of the Revised Code or for any other temporary assignment or transfer to a facility.

(2) "Major incident" means the escape or attempted escape of a child who has been committed to the department of youth services from the facility to which the child is assigned; the return to the custody of the department of a child who has escaped or otherwise fled the custody and control of the department without authorization; the allegation of any sexual activity with a child committed to the department; physical injury to a child committed to the department as a result of alleged abuse by department staff; an accident resulting in injury to a child committed to the department that requires medical care or treatment outside the institution in which the child is located; the discovery of a controlled substance upon the person or in the property of a child committed to the department; a suicide attempt by a child committed to the department; a suicide attempt by a child committed to the department that results in injury to the child requiring emergency medical services outside the institution in which the child is located; the death of a child committed to the department; an injury to a visitor at an institution under the control of the department that is caused by a child committed to the department; and the commission or suspected commission of an act by a child committed to the department that would be an offense if committed by an adult.

(3) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(4) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

Sec. 5139.18. (A) Except with respect to children who are granted a judicial release pursuant to division (B) of section 2151.38 of the Revised Code, the department of youth services is responsible for locating homes or jobs for children released from its institutions, for supervision of children released from its institutions, and for providing or arranging for the provision to those children of appropriate services that are required to facilitate their satisfactory community adjustment.

(B) The department of youth services shall exercise general supervision over all children who have been released on placement from any of its institutions other than children who are granted a judicial release pursuant to division (B) of section 2151.38 of the Revised Code. The director of youth services, with the consent and approval of the board of county commissioners of any county, may contract with the public children services agency of that county, the department of probation of that county established pursuant to section 2301.27 of the Revised Code, or the probation department or service established pursuant to sections 2151.01 to 2151.54 of the Revised Code for the provision of direct supervision and control over and the provision of supportive assistance to all children who have been released on placement into that county from any of its institutions, or, with the consent of the juvenile judge or the administrative judge of the juvenile court of any county, contract with any other public agency, institution, or organization that is qualified to provide the care and supervision that is required under the terms and conditions of the child's treatment plan for the provision of direct supervision and control over and the provision of supportive assistance to all children who have been released on placement into that county from any of its institutions.

(C) Whenever any placement official has reasonable cause to believe that any child released by a court pursuant to section 2151.38 of the Revised Code has violated the terms and conditions of the child's placement, the official may request, in writing, from the committing court or transferee court a custodial order, and, upon reasonable and probable cause, the court may order any sheriff, deputy sheriff, constable, or police officer to apprehend the child. A child so apprehended may be confined in the detention home of the county in which the child is apprehended until further order of the court. If a child who was released on supervised release by the release authority of the department of youth services or a child who was granted an early release violates the terms and conditions of the supervised release or early release, section 5139.52 of the Revised Code applies with respect to that child.

Sec. 5139.36. (A) In accordance with this section and the rules adopted under it and from funds appropriated to the department of youth services for the purposes of this section, the department shall make grants that provide financial resources to operate community corrections facilities for felony delinquents.

(B)(1) Each community corrections facility that intends to seek a grant under this section shall file an application with the department of youth services at the time and in accordance with the procedures that the

department shall establish by rules adopted in accordance with Chapter 119. of the Revised Code. In addition to other items required to be included in the application, a plan that satisfies both of the following shall be included:

(a) ~~Consistent with division (A)(12)(b) of section 2151.355 of the Revised Code, it~~ It reduces the number of felony delinquents committed to the department from the county or counties associated with the community corrections facility.

(b) It ensures equal access for minority felony delinquents to the programs and services for which a potential grant would be used.

(2) The department of youth services shall review each application submitted pursuant to division (B)(1) of this section to determine whether the plan described in that division, the community corrections facility, and the application comply with this section and the rules adopted under it.

(C) To be eligible for a grant under this section and for continued receipt of moneys comprising a grant under this section, a community corrections facility shall satisfy at least all of the following requirements:

(1) Be constructed, reconstructed, improved, or financed by the Ohio building authority pursuant to section 307.021 of the Revised Code and Chapter 152. of the Revised Code for the use of the department of youth services and be designated as a community corrections facility;

(2) Have written standardized criteria governing the types of felony delinquents that are eligible for the programs and services provided by the facility;

(3) Have a written standardized intake screening process and an intake committee that at least performs both of the following tasks:

(a) Screens all eligible felony delinquents who are being considered for admission to the facility in lieu of commitment to the department;

(b) Notifies, within ten days after the date of the referral of a felony delinquent to the facility, the committing court whether the felony delinquent will be admitted to the facility.

(4) Comply with all applicable fiscal and program rules that the department adopts in accordance with Chapter 119. of the Revised Code and demonstrate that felony delinquents served by the facility have been or will be diverted from a commitment to the department.

(D) The department of youth services shall determine the method of distribution of the funds appropriated for grants under this section to community corrections facilities.

(E) With the consent of a committing court and of a community corrections facility that has received a grant under this section, the department of youth services may place in that facility a felony delinquent

who has been committed to the department. During the period in which the felony delinquent is in that facility, the felony delinquent shall remain in the legal custody of the department.

Sec. 5139.42. In developing the formula described in section 5139.41 of the Revised Code, the department of youth services shall use the data included by each juvenile court in the annual report described in division (C)(3)(b) of section 5139.43 of the Revised Code, other data included in any monthly reports that the department may require juvenile courts to file under division (C)(3)(c) of that section, and other data derived from a fiscal monitoring program or another monitoring program described in division (C)(3)(d) of that section to project or calculate the following for each year of a biennium:

(A) The total number of children who will be adjudicated delinquent children by the juvenile courts for acts that if committed by an adult would be a felony;

(B) The number of public safety beds;

(C) The state target youth;

(D) The per diem cost for the care and custody of felony delinquents that shall be calculated for each year of a biennium as follows:

(1) By multiplying the state target youth by the projected length of stay of state target youth in the care and custody of the department;

(2) By subtracting from the appropriation made to the department for care and custody of felony delinquents for each fiscal year of the biennium the amount of the appropriation that must be set aside pursuant to division (A) of section 5139.41 of the Revised Code for purposes of funding the contingency program described in section 5139.45 of the Revised Code, and then dividing the remainder of the appropriation that was so calculated by the product derived under division (D)(1) of this section;

(3) By dividing the quotient derived under division (D)(2) of this section by the number of days in the fiscal year.

(E) For each county of the state, that county's average percentage of the total number of children who during the past four fiscal years were adjudicated delinquent children by the juvenile courts for acts that, if committed by an adult, would be a felony;

(F) The number of children who satisfy all of the following:

(1) They are at least twelve years of age but less than eighteen years of age.

(2) They were adjudicated delinquent children for having committed acts that if committed by an adult would be a felony.

(3) They were committed to the department by the juvenile court of a

county that has had one-tenth of one per cent or less of the statewide adjudications for felony delinquents as averaged for the past four fiscal years.

(4) They are in the care and custody of an institution or a community corrections facility.

Sec. 5139.50. (A) The release authority of the department of youth services is hereby created as an independent administrative division in the department. The release authority shall consist of five members who are appointed by the director of youth services and who have the qualifications specified in division (B) of this section. The members of the release authority shall devote their full time to the duties of the release authority and shall neither seek nor hold other public office. The members shall be in the unclassified civil service.

(B) A person appointed as a member of the release authority shall have a bachelor's degree from an accredited college or university or equivalent relevant experience and shall have the skills, training, or experience necessary to analyze issues of law, administration, and public policy. The membership of the release authority shall represent, insofar as practicable, the diversity found in the children in the legal custody of the department of youth services.

In appointing the five members, the director shall ensure that the appointments include all of the following:

(1) At least four members who have five or more years of experience in criminal justice, juvenile justice, or an equivalent relevant profession;

(2) At least one member who has experience in victim services or advocacy or who has been a victim of a crime or is a family member of a victim;

(3) At least one member who has experience in direct care services to delinquent children;

(4) At least one member who holds a juris doctor degree from an accredited college or university.

(C) The initial appointments of members of the release authority shall be for a term of six years for the chairperson and one member, a term of four years for two members, and a term of two years for one member. Thereafter, members shall be appointed for six-year terms. At the conclusion of a term, a member shall hold office until the appointment and qualification of the member's successor. The director shall fill a vacancy occurring before the expiration of a term for the remainder of that term. A member may be reappointed, but a member may serve no more than two consecutive terms regardless of the length of the member's initial term. A member may be

removed for good cause shown after a full and open hearing by the release authority, if requested by the member, at which the member has an opportunity to respond to the allegations that provide the basis for a call for removal.

(D) The director of youth services shall designate as chairperson of the release authority one of the members who has experience in criminal justice, juvenile justice, or an equivalent relevant profession. The chairperson shall have full authority over the administration and management of the release authority, shall perform all duties and functions necessary to ensure that the release authority discharges its responsibilities, and shall act as the appointing authority for all staff of the release authority. The chairperson shall employ staff as necessary to carry out the duties of the release authority, including hearing representatives to participate in the hearing of cases on review and persons to provide administrative support. The chairperson shall serve as the official spokesperson for the release authority.

(E) A majority of the members of the release authority shall constitute a quorum for transacting the official business of the authority. The actions of the release authority shall be determined by a majority vote of the quorum.

(F) The release authority shall do all of the following:

(1) Serve as the final and sole authority for making decisions, in the interests of public safety and the children involved, regarding the release and discharge of all children committed to the legal custody of the department of youth services, except children placed on judicial release or early release by a juvenile court, children who have not completed a prescribed minimum period of time or prescribed period of time in a secure facility, or children who are required to remain in a secure facility until they attain twenty-one years of age;

(2) Establish written policies and procedures for conducting a periodic review of the status of each child in the custody of the department, setting or modifying dates of release and discharge for each child, specifying the duration, terms, and conditions of release to be carried out in supervised release subject to the addition of additional consistent terms and conditions by a court in accordance with section 5139.51 of the Revised Code, and giving a child notice of all reviews;

(3) Maintain records of its official actions, decisions, orders, and hearing summaries and make the records accessible in accordance with division (D) of section 5139.05 of the Revised Code;

(4) Cooperate with public and private agencies, communities, private groups, and individuals for the development and improvement of its services;

(5) Collect, develop, and maintain statistical information regarding its services and decisions;

(6) Submit to the director an annual report that includes a description of the operations of the release authority, an evaluation of its effectiveness, recommendations for statutory, budgetary, or other changes necessary to improve its effectiveness, and any other information required by the director;

(7) Adopt rules and written policies and procedures to govern its operations.

(G) The release authority may do any of the following:

(1) Conduct inquiries, investigations, and reviews and hold hearings and other proceedings necessary to properly discharge its responsibilities;

(2) Issue subpoenas, enforceable in a court of law, to compel a person to appear, give testimony, or produce documentary information or other tangible items relating to a matter under inquiry, investigation, review, or hearing;

(3) Administer oaths and receive testimony of persons under oath;

(4) Request assistance, services, and information from a public agency to enable the authority to discharge its responsibilities and receive the assistance, services, and information from the public agency in a reasonable period of time;

(5) Request from a public agency or any other entity that provides or has provided services to a child committed to the department's legal custody information to enable the release authority to properly discharge its responsibilities with respect to that child and receive the information from the public agency or other entity in a reasonable period of time;

(6) Require that the terms and conditions of a child's supervised release be enforced during the period of supervised release until discharge;

~~(7) Order the arrest of a child on supervised release who may be subject to revocation of release;~~

~~(8) Exercise any other powers necessary to discharge its responsibilities.~~

(H) The release authority shall adopt specific written policies governing the discharge of its responsibilities either by the full membership of the authority or by the delegation of authority to one or more members of the release authority or to hearing representatives. The policy shall require that a hearing be conducted by not fewer than two members of the release authority, two hearing representatives, or a combination of a member of the authority and a hearing representative.

(I) The release authority shall not delegate its authority to make final decisions regarding policy or the release of a child.

(J) The release authority shall adopt a written policy and procedures governing appeals of its release and discharge decisions. The policy shall provide that a child may appeal to the full release authority a decision denying release or discharge made at a hearing conducted by a panel that does not include all of the members of the release authority. The policy also shall provide that if a decision denying release or discharge is made by the full release authority, the child may request one appeal hearing at which the child shall be afforded a final opportunity to present new or additional information related to any of the reasons enumerated by the release authority in the decision under appeal. The release authority shall consider an appeal in accordance with the policy and procedure established under this division.

(K) The legal staff of the department of youth services shall provide assistance, upon request, to the release authority in the formulation of policy and in its handling of individual cases. The attorney general shall provide legal representation for the release authority. The department of youth services shall provide the release authority with a budget sufficient to properly perform its obligations and responsibilities, subject to administrative controls.

Sec. 5139.51. (A) The release authority of the department of youth services shall not release a child who is in the custody of the department of youth services from institutional care or institutional care in a secure facility and shall not discharge the child or order the child's release on supervised release prior to the expiration of the prescribed minimum period of institutionalization or institutionalization in a secure facility or prior to the child's attainment of twenty-one years of age, whichever is applicable under the order of commitment, other than as is provided in division (A) of section 2151.38 of the Revised Code. The release authority ~~shall~~ may conduct periodic reviews of the case of each child who is in the custody of the department and who is eligible for supervised release or discharge after completing the minimum period of time or period of time in an institution prescribed by the committing court. At least thirty days prior to conducting a periodic review of the case of a child who was committed to the department regarding the possibility of supervised release or discharge and at least thirty days prior to conducting a release review, a release hearing, or a discharge review under division ~~(F)~~(E) of this section, the release authority shall give notice of the review or hearing to the court that committed the child ~~and~~, to the prosecuting attorney in the case, and to the victim of the delinquent act for which the child was committed or the victim's representative. If a child is on supervised release and has had the child's parole revoked, and if, upon release, there is insufficient time to provide the notices otherwise required

by this division, the release authority, at least ten days prior to the child's release, shall provide reasonable notice of the child's release to the court that committed the child, to the prosecuting attorney in the case, and to the victim of the delinquent act for which the child was committed or the victim's representative. The court or prosecuting attorney may submit to the release authority written comments regarding, or written objections to, the supervised release or discharge of that child. Additionally, if the child was committed for an act that is a category one or category two offense, the court or prosecuting attorney orally may communicate to a representative of the release authority comments regarding, or objections to, the supervised release or discharge of the child or, if a hearing is held regarding the possible release or discharge of the child, may communicate those comments at the hearing. In conducting the review of the child's case regarding the possibility of supervised release or discharge, the release authority shall consider any comments and objections so submitted or communicated by the court or prosecutor and any statements or comments submitted or communicated under section 5139.56 of the Revised Code by a victim of an act for which the child was committed to the legal custody of the department or by the victim's representative of a victim of an act of that type.

The release authority shall determine the date on which a child may be placed on supervised release or discharged. If the release authority believes that a child should be placed on supervised release, it shall comply with division (B) of this section. If the release authority believes that a child should be discharged, it shall comply with division (C) or ~~(F)~~(E) of this section. If the release authority denies the supervised release or discharge of a child, it shall provide the child with a written record of the reasons for the decision.

(B)(1) When the release authority decides to place a child on supervised release, consistent with division (D) of this section, it shall prepare a written supervised release plan that specifies the terms and conditions upon which the child is to be released from an institution on supervised release and, at least thirty days prior to the release of the child on the supervised release, shall send to the committing court and the juvenile court of the county in which the child will be placed a copy of the supervised release plan and the terms and conditions that it fixes. The juvenile court of the county in which the child will be placed, within fifteen days after its receipt of the copy of the supervised release plan, may add to the supervised release plan any additional consistent terms and conditions it considers appropriate, provided that the court may not add any term or condition that decreases the level or

degree of supervision specified by the release authority in the plan, that substantially increases the financial burden of supervision that will be experienced by the department of youth services, or that alters the placement specified by the release authority in the plan.

If, within fifteen days after its receipt of the copy of the release authority's supervised release plan, the juvenile court of the county in which the child will be placed does not add to the supervised release plan any additional terms and conditions, the court shall enter the release authority's supervised release plan in its journal within that fifteen-day period and, within that fifteen-day period, shall send to the release authority a copy of the journal entry of the supervised release plan. The journalized plan shall apply regarding the child's supervised release.

If, within fifteen days after its receipt of the copy of the release authority's supervised release plan, the juvenile court of the county in which the child will be placed adds to the supervised release plan any additional terms and conditions, the court shall enter the release authority's supervised release plan and the additional terms and conditions in its journal and, within that fifteen-day period, shall send to the release authority a copy of the journal entry of the supervised release plan and additional terms and conditions. The journalized supervised release plan and additional terms and conditions added by the court that satisfy the criteria described in this division shall apply regarding the child's supervised release.

If, within fifteen days after its receipt of the copy of the supervised release plan, the juvenile court of the county in which the child will be placed neither enters in its journal the release authority's supervised release plan nor enters in its journal the release authority's supervised release plan plus additional terms and conditions added by the court, ~~the failure to enter the materials in the court's journal shall be considered to be a constructive entry into the journal of court and the department of youth services may attempt to resolve any differences regarding the plan within three days. If a resolution is not reached within that three-day period, thereafter,~~ the release authority's supervised release plan, ~~and the release authority and any other person may rely on the constructive journal entry~~ shall be enforceable to the same extent as if the court actually had entered the release authority's supervised release plan in its journal.

(2) When the release authority receives from the court a copy of the journalized supervised release plan and, if applicable, a copy of the journalized additional terms and conditions added by the court, the release authority shall keep the original copy or copies in the child's file and shall provide a copy of each document to the child, the employee of the

department who is assigned to supervise and assist the child while on release, and the committing court.

(C) If a child who is in the custody of the department of youth services was committed pursuant to division (A)(4) or (5) of section 2151.355 of the Revised Code and has been institutionalized or institutionalized in a secure facility for the prescribed minimum periods of time under those divisions and if the release authority is satisfied that the discharge of the child without the child being placed on supervised release would be consistent with the welfare of the child and protection of the public, the release authority, without approval of the court that committed the child, may discharge the child from its custody and control without placing the child on supervised release. Additionally, the department may discharge a child in its custody without the child being placed on supervised release if the child is removed from the jurisdiction of this state by a court order of a court of this state, another state, or the United States, or by any agency of this state, another state, or the United States, if the child is convicted of or pleads guilty to any criminal offense, or as otherwise provided by law. At least fifteen days before the scheduled date of discharge of the child without the child being placed on supervised release, the department shall notify the committing court, in writing, that it is going to discharge the child and of the reason for the discharge. Upon discharge of the child without the child being placed on supervised release, the department immediately shall certify the discharge in writing and shall transmit the certificate of discharge to the committing court.

(D) In addition to requirements that are reasonably related to the child's prior pattern of criminal or delinquent behavior and the prevention of further criminal or delinquent behavior, the release authority shall specify the following requirements for each child whom it releases:

(1) The child shall observe the law.

(2) The child shall maintain appropriate contact, as specified in the written supervised release document for that child, with the employee of the department assigned to supervise and assist the child.

(3) ~~If the child's residence changes, the~~ The child shall ~~notify~~ not change residence unless the child seeks prior approval for the change from the employee of the department assigned to supervise and assist the child ~~of the change and provide, provides that employee, at the time the child seeks the prior approval for the change, with~~ appropriate information regarding the child's new residence address at which the child wishes to reside, and obtains the prior approval of that employee for the change.

~~(E) At any time while a child is on supervised release, the release~~

~~authority, in accordance with the procedures set forth in this division, may modify the terms and conditions of the child's supervised release by increasing the degree of supervision, substantially increasing the financial burden of supervision to be experienced by the department of youth services, or altering the placement of the child. If the release authority wishes to modify the terms and conditions of a child's supervised release in any of those manners, the release authority shall issue a summons that requires the child to appear for a hearing to determine whether the modification shall be made. The summons shall contain a brief statement of the desired modification and shall require the child to appear for a hearing before the release authority at a specified date, time, and place. The summons may be personally served by an employee of the department of youth services or otherwise served in a manner that is reasonably calculated to assure notice of the hearing, including, but not limited to, by delivering the summons to the child personally or leaving it at the child's usual place of residence with a person of suitable age and discretion who resides at that place. The release authority shall regard the failure of a child to appear for the hearing stated in the summons as a violation of the child's supervised release. At the hearing, the release authority may modify the terms and conditions of the child's supervised release, other than the terms specified in division (D) of this section, in any of the manners described in this division. If the release authority modifies the terms and conditions, it shall prepare a written statement that specifies the modifications, shall keep the original of the written statement in the child's file, promptly shall provide a copy of the written statement to the child and the employee of the department who is assigned to supervise and assist the child while on release, and shall send a copy of the written statement to the committing court and the juvenile court of the county in which the child has been placed. Within three business days after its receipt of the written statement, the juvenile court of the county in which the child has been placed shall enter the written statement in its journal. If, within three business days after its receipt of the written statement, the juvenile court of the county in which the child will be placed does not enter the written statement in its journal, the failure to enter the written statement in the court's journal shall be considered to be a constructive entry of the written statement in the journal, and the release authority and any other person may rely on the constructive journal entry to the same extent as if the court actually had entered the written statement in its journal. Neither the committing court nor the juvenile court of the county in which the child has been placed may revise, or add to, the modifications contained in the written statement. The modifications contained in the~~

~~ritten statement shall take effect three business days after the receipt of the written statement by the juvenile court of the county in which the child has been placed.~~

(F) The period of a child's supervised release may extend from the date of release from an institution until the child attains twenty-one years of age. If the period of supervised release extends beyond one year after the date of release ~~or beyond one year after any minimum period or period of institutionalization required by law~~, the child may request in writing that the release authority conduct a discharge review after the expiration of the one-year period or the minimum period or period. If the child so requests, the release authority shall conduct a discharge review and give the child its decision in writing. The release authority shall not grant a discharge prior to the discharge date if it finds good cause for retaining the child in the custody of the department until the discharge date. A child may request an additional discharge review six months after the date of a previous discharge review decision, but not more than once during any six-month period after the date of a previous discharge review decision.

~~(G)~~(F) At least two weeks before the release authority places on supervised release or discharges a child who was committed to the legal custody of the department, the release authority shall provide notice of the release or discharge as follows:

(1) In relation to the placement on supervised release of a child who was committed to the department for committing an act that is a category one or category two offense and in relation to the discharge of a child who was committed to the department for committing any act, the release authority shall notify, by the specified deadline, all of the following of the release or discharge:

(a) The prosecuting attorney of the county in which the child was adjudicated a delinquent child and committed to the custody of the department;

(b) Whichever of the following is applicable:

(i) If upon the supervised release or discharge the child will reside in a municipal corporation, the chief of police or other chief law enforcement officer of that municipal corporation;

(ii) If upon the supervised release or discharge the child will reside in an unincorporated area of a county, the sheriff of that county.

(2) In relation to the placement on supervised release or discharge of a child who was committed to the department for committing any act, the release authority shall notify, by the specified deadline, each victim of the act for which the child was committed to the legal custody of the department

who, pursuant to section 5139.56 of the Revised Code, has requested to be notified of the placement of the child on supervised release or the discharge of the child, provided that, if any victim has designated a person pursuant to that section to act on the victim's behalf as a victim's representative, the notification required by this division shall be provided to that victim's representative.

Sec. 5139.52. (A) At any time during a child's supervised release or during the period of a child's early release, if the regional administrator or the employee of the department assigned to supervise and assist the child has reasonable grounds to believe that the child has violated a term or condition of the supervised release or early release, the administrator or employee may request a court to issue a summons that requires the child to appear for a hearing to answer charges of the alleged violation. The summons shall contain a brief statement of the alleged violation, including the date and place of the violation, and shall require the child to appear for a hearing before the court at a specific date, time, and place.

(B)(1) At any time while a child is on supervised release or during the period of a child's early release, a regional administrator or a designee of a regional administrator, upon application of the employee of the department assigned to supervise and assist the child as described in this division, may issue, or cause to be issued, an order of apprehension for the arrest of the child for the alleged violation of a term or condition of the child's supervised release or early release. An application requesting an order of apprehension shall set forth that, in the good faith judgment of the ~~regional administrator or designee~~ employee of the department assigned to supervise and assist the child making the application, there is reasonable cause to believe that the child who is on supervised release or early release has violated or is violating a term or condition of the child's supervised release or early release, shall state the basis for that belief, and shall request that the child be taken to an appropriate place of secure detention pending a probable cause determination. As an alternative to an order of apprehension for the child, a regional administrator or the employee of the department assigned to supervise and assist the child may request a court to issue a warrant for the arrest of the child.

Subject to the provision of prior notice required by division (D)(1) of this section, if a regional administrator or a designee of a regional administrator issues, in writing, an order of apprehension for the arrest of a child, a staff member of the department of youth services who has been designated pursuant to division (A)(1) of section 5139.53 of the Revised Code as being authorized to arrest and who has received the training

described in division (B)(1) of that section, or a peace officer, as defined in section 2935.01 of the Revised Code, may arrest the child, without a warrant, and place the child in secure detention in accordance with this section.

If a child is on supervised release or early release, any peace officer, as defined in section 2935.01 of the Revised Code, may arrest the child without a warrant or order of apprehension if the peace officer has reasonable grounds to believe that the child has violated or is violating any of the following that has been prescribed by the release authority or department of youth services relative to the child:

(a) A condition that prohibits the child's ownership, possession, or use of a firearm, deadly weapon, ammunition, or dangerous ordnance, all as defined in section 2923.11 of the Revised Code;

(b) A condition that prohibits the child from being within a specified structure or geographic area;

(c) A condition that confines the child to a residence, facility, or other structure;

(d) A condition that prohibits the child from contacting or communicating with any specified individual;

(e) A condition that prohibits the child from associating with a specified individual;

(f) Any other rule, term, or condition governing the conduct of the child that has been prescribed by the release authority.

(2) Subject to the provision of prior notice required by division (D)(1) of this section, a staff member of the department of youth services who is designated by the director pursuant to division (A)(1) of section 5139.53 of the Revised Code and who has received the training described in division (B)(1) of that section, a peace officer, as defined in section 2935.01 of the Revised Code, or any other officer with the power to arrest may execute a warrant or order of apprehension issued under division (B)(1) of this section and take the child into secure custody.

(C) A staff member of the department of youth services who is designated by the director of youth services pursuant to division (A)(1) of section 5139.53 of the Revised Code and who has received the training described in division (B)(1) of that section, a peace officer, as defined in section 2935.01 of the Revised Code, or any other officer with the power to arrest may arrest without a warrant or order of apprehension and take into secure custody a child in the legal custody of the department, if the staff member, peace officer, or other officer has reasonable cause to believe that the child who is on supervised release or early release has violated or is

violating a term or condition of the supervised release or early release in any of the following manners:

(1) The child committed or is committing an offense or delinquent act in the presence of the staff member, peace officer, or other officer.

(2) There is probable cause to believe that the child violated a term or condition of supervised release or early release and that the child is leaving or is about to leave the state.

(3) The child failed to appear before the release authority pursuant to a summons for a modification or failed to appear for a scheduled court hearing.

(4) The arrest of the child is necessary to prevent physical harm to another person or to the child.

(D)(1) Except as otherwise provided in this division, prior to arresting a child under this section, either in relation to an order of apprehension or a warrant for arrest or in any other manner authorized by this section, a staff member or employee of the department of youth services shall provide notice of the anticipated arrest to each county, municipal, or township law enforcement agency with jurisdiction over the place at which the staff member or employee anticipates making the arrest. A staff member or employee is not required to provide the notice described in this division prior to making an arrest in any emergency situation or circumstance described under division (C) of this section.

~~(2) An employee of the department assigned to supervise and assist a child while on supervised release or another staff member designated by the director of youth services pursuant to division (A)(1) of section 5139.53 of the Revised Code, as appropriate, promptly shall notify the release authority in writing when a summons, order of apprehension, or warrant is served or an arrest is made pursuant to this section and shall specify in detail the factual allegations of the manner in which the child allegedly has violated the terms and conditions of supervised release.~~

~~(3) If a peace officer, as defined in section 2935.01 of the Revised Code, or any other officer with the power to arrest arrests a child under this section, the arresting officer or the department or law enforcement agency served by the arresting officer, promptly after the arrest, is arrested under this section and if it is known that the child is on supervised release or early release, a juvenile court, local juvenile detention center, or jail shall notify the release authority appropriate department of youth services regional office that the child has been arrested and shall provide to the authority regional office or to an employee of the department of youth services a copy of the arrest information pertaining to the arrest.~~

~~(4)~~(3) Nothing in this section limits the power to make an arrest that is granted to specified peace officers under section 2935.03 of the Revised Code, to any person under section 2935.04 of the Revised Code, or to any other specified category of persons by any other provision of the Revised Code, or the power to take a child into custody that is granted pursuant to section 2151.31 of the Revised Code.

(E) If a child who is on supervised release or who is under a period of early release is arrested under an order of apprehension, under a warrant, or without a warrant as described in division (B)(1), (B)(2), or (C) of this section and taken into secure custody, all of the following apply:

(1) If no motion to revoke the child's supervised release or early release has been filed within seventy-two hours after the child is taken into secure custody, the juvenile court, in making its determinations at a detention hearing as to whether to hold the child in secure custody up to seventy-two hours so that a motion to revoke the child's supervised release or early release may be filed, may consider, in addition to all other evidence and information considered, the circumstances of the child's arrest and, if the arrest was pursuant to an order of apprehension, the order and the application for the order.

(2) If no motion to revoke the child's supervised release or early release has been filed within seventy-two hours after the child is taken into secure custody and if the child has not otherwise been released prior to the expiration of that seventy-two-hour period, the child shall be released upon the expiration of that seventy-two-hour period.

(3) If the person is eighteen, nineteen, or twenty years of age, the person may be confined in secure detention in the jail of the county in which the person is taken into custody. If the person is under eighteen years of age, the person may be confined in secure detention in the nearest juvenile detention facility.

(4) If a motion to revoke the child's supervised release or early release is filed after the child has been taken into secure custody and the court decides at the detention hearing to release the child from secure custody, the court may release the child on the same terms and conditions that are currently in effect regarding the child's supervised release or early release, pending revocation or subsequent modification.

(F) If a child who is on supervised release is arrested under an order of apprehension, under a warrant, or without a warrant as described in division (B)(1), (B)(2), or (C) of this section and taken into secure custody, and if a motion to revoke the child's supervised release is filed, the juvenile court of the county in which the child is placed promptly shall schedule a time for a

hearing on whether the child violated any of the terms and conditions of the supervised release. If a child is released on supervised release and the juvenile court of the county in which the child is placed otherwise has reason to believe that the child has not complied with the terms and conditions of the supervised release, the court of the county in which the child is placed, in its discretion, may schedule a time for a hearing on whether the child violated any of the terms and conditions of the supervised release. If the court of the county in which the child is placed on supervised release conducts a hearing and determines at the hearing that the child did not violate any term or condition of the child's supervised release, the child shall be released from custody, if the child is in custody at that time, and shall continue on supervised release under the terms and conditions that were in effect at the time of the child's arrest, subject to subsequent revocation or modification. If the court of the county in which the child is placed on supervised release conducts a hearing and determines at the hearing that the child violated one or more of the terms and conditions of the child's supervised release, the court, if it determines that the violation was a serious violation, may revoke the child's supervised release and order the child to be returned to the department of youth services for institutionalization or, in any case, may make any other disposition of the child authorized by law that the court considers proper. If the court orders the child to be returned to a department of youth services institution, the child shall remain institutionalized for a minimum period of thirty days, the department shall not reduce the minimum thirty-day period of institutionalization for any time that the child was held in secure custody subsequent to the child's arrest and pending the revocation hearing and the child's return to the department, the release authority, in its discretion, may require the child to remain in institutionalization for longer than the minimum thirty-day period, and the child is not eligible for judicial release or early release during the minimum thirty-day period of institutionalization or any period of institutionalization in excess of the minimum thirty-day period.

This division does not apply regarding a child who is under a period of early release. Division (D) of section 2151.38 Of the Revised Code applies in relation to a child who is under a period of early release.

Sec. 5139.53. (A)(1) The director of youth services shall designate certain employees of the department of youth services, including regional administrators, as persons who are authorized, in accordance with section 5139.52 of the Revised Code, to execute an order of apprehension or a warrant for, or otherwise to arrest, children in the custody of the department

who are violating or are alleged to have violated the terms and conditions of supervised release or early release.

(2) The director of youth services shall designate some of the employees designated under division (A)(1) of this section as employees authorized to carry a firearm issued by the department while on duty for their protection in carrying out official duties.

(B)(1) An employee of the department designated by the director pursuant to division (A)(1) of this section as having the authority to execute orders of apprehension or warrants and to arrest children as described in that division shall not undertake an arrest until the employee has successfully completed training courses regarding the making of arrests by employees of that nature that are developed in cooperation with and approved by the executive director of the Ohio peace officer training commission. The courses shall include, but shall not be limited to, training in arrest tactics, defensive tactics, the use of force, and response tactics.

(2) The director of youth services shall develop, and shall submit to the governor for the governor's approval, a deadly force policy for the department. The deadly force policy shall require each employee who is designated under division (A)(2) of this section to carry a firearm in the discharge of official duties to receive training in the use of deadly force, shall specify the number of hours and the general content of the training in the use of deadly force that each of the designated employees must receive, and shall specify the procedures that must be followed after the use of deadly force by any of the designated employees. Upon receipt of the policy developed by the director under this division, the governor, in writing, promptly shall approve or disapprove the policy. If the governor, in writing, disapproves the policy, the director shall develop and resubmit a new policy under this division, and no employee shall be trained under the disapproved policy. If the governor, in writing, approves the policy, the director shall adopt it as a department policy and shall distribute it to each employee designated under (A)(2) of this section to carry a firearm in the discharge of official duties. An employee designated by the director pursuant to division (A)(2) of this section to carry a firearm in the discharge of official duties shall not carry a firearm until the employee has successfully completed both of the following:

(a) Training in the use of deadly force that comports with the policy approved by the governor and developed and adopted by the director under division (B)(2) of this section. The training required by this division shall be conducted at a training school approved by the Ohio peace officer training commission and shall be in addition to the training described in divisions

) (1) and (2)(b) of this section that the employee must complete prior to undertaking an arrest and separate from and independent of the training required by division (B)(2)(b) of this section.

(b) A basic firearm training program that is conducted at a training school approved by the Ohio peace officer training commission and that is substantially similar to the basic firearm training program for peace officers conducted at the Ohio peace officer training academy and has received a certificate of satisfactory completion of that program from the executive director of the Ohio peace officer training commission. The training described in this division that an employee must complete prior to carrying a firearm shall be in addition to the training described in division (B)(1) of this section that the employee must complete prior to undertaking an arrest.

(C) After receipt of a certificate of satisfactory completion of a basic firearm training program, to maintain the right to carry a firearm in the discharge of official duties, an employee authorized under this section to carry a firearm shall successfully complete a firearms requalification program in accordance with section 109.801 of the Revised Code.

(D) Each employee authorized to carry a firearm shall give bond to the state to be approved by the clerk of the court of common pleas in the county of that employee's residence. The bond shall be in the sum of one thousand dollars, conditioned to save the public harmless by reason of the unlawful use of a firearm. A person injured or the family of a person killed by the employee's improper use of a firearm may have recourse on the bond.

(E) In addition to the deadly force policy adopted under division (B)(2) of this section, the director of youth services shall establish policies for the carrying and use of firearms by the employees that the director designates under this section.

Sec. 5139.56. (A) The victim of an act for which a child has been committed to the legal custody of the department of youth services may submit a written request to the release authority to notify the victim of all release reviews, pending release hearings, supervised release revocation hearings, and discharge reviews relating to the child, of the placement of the child on supervised release, and of the discharge of the child. If the victim is a minor, is incapacitated, incompetent, or chooses to be represented by another person, the victim may designate in writing a person to act on the victim's behalf as a victim's representative and to request and receive the notices. If the victim is deceased, the executor or administrator of the victim's estate or, if there is no executor or administrator of the victim's estate, a member of the victim's family may designate in writing a person to act on the victim's behalf as a victim's representative and to request and

receive the notices. If more than one person seeks to act as the representative of the victim, the release authority shall designate one person to act as the victim's representative. If the victim chooses not to have a representative, the victim shall be the sole person accorded rights under this section. The release authority may give notice by any means reasonably calculated to provide prompt actual notice.

If a victim, an executor or administrator, or a member of a victim's family designates a person in writing pursuant to this division to act on the victim's behalf as a victim's representative, the victim, executor, administrator, or family member, or the victim's representative, shall notify the release authority that the victim's representative is to act for the victim. A victim, executor, administrator, or member of a victim's family who has designated a person in writing pursuant to this division to act on the victim's behalf as a victim's representative may revoke the authority of that person to act as the victim's representative. Upon the revocation, the victim, executor, administrator, or member of the victim's family shall notify the release authority in writing that the authority of the person to so act has been revoked. At any time after the revocation, the victim, executor, administrator, or member of the victim's family may designate in writing a different person to act on the victim's behalf as a victim's representative.

The victim or victim's representative shall provide the release authority an address or telephone number at which notice may be given and shall notify the release authority in writing of any changes in that information. If at any time the victim or victim's representative elects to waive notice and other rights afforded by this section, the victim or victim's representative may do so in a written statement to the release authority.

(B) If a victim or victim's representative has requested notice of release reviews, pending release hearings, supervised release revocation hearings, and discharge reviews related to a child, of the placement of the child on supervised release, and of the discharge of the child, the release authority shall give that person notice of a release review, release hearing, or discharge review at least thirty days prior to the date of the review or hearing. The notice shall specify the date, time, and place of the review or hearing, the right of the victim or victim's representative to make an oral or written statement addressing the impact of the offense or delinquent act upon the victim or oral or written comments regarding the possible release or discharge, and, if the notice pertains to a hearing, the right to attend, and make the statements or comments at the hearing. Upon receiving notice that a release hearing is scheduled, a victim or victim's representative who intends to attend the release hearing, at least two days prior to the hearing,

shall notify the release authority of the victim's or representative's intention to be present at the release hearing so that the release authority may ensure appropriate accommodations and security. If the child is placed on supervised release or is discharged, the release authority shall provide notice of the release or discharge to the victim or victim's representative in accordance with division ~~(G)~~(F) of section 5139.51 of the Revised Code. If the child is on supervised release, if a court has scheduled a hearing pursuant to division (F) of section 5139.52 of the Revised Code to consider the revocation of the supervised release, and if the release authority has been informed of the hearing, the release authority promptly shall notify the victim or victim's representative of the date, time, and place of the hearing.

(C) If a victim or victim's representative has requested notice of release reviews, pending release hearings, supervised release revocation hearings, and discharge reviews related to a child, of the placement of the child on supervised release, and of the discharge of the child, and if a release review, release hearing, or discharge review is scheduled or pending, the release authority shall give that person an opportunity to provide a written statement or communicate orally with a representative of the release authority regarding the possible release or discharge or to make oral or written comments regarding the possible release or discharge to a representative of the release authority, regardless of whether the victim or victim's representative is present at a hearing on the matter. If a victim or victim's representative is present at a release hearing, the authority shall give that person an opportunity to make the oral or written statement or comments at the hearing. The oral or written statement and comments may address the impact of the offense or delinquent act upon the victim, including the nature and extent of any harm suffered, the extent of any property damage or economic loss, any restitution ordered by the committing court and the progress the child has made toward fulfillment of that obligation, and the victim's recommendation for the outcome of the release hearing. A written statement or written comments submitted by a victim or a victim's representative under this section are confidential, are not a public record, and shall be returned to the release authority at the end of a release hearing by any person who receives a copy of them.

At a release hearing before the release authority, a victim or victim's representative may be accompanied by another person for support, but that person shall not act as a victim's representative. The release authority and other employees of the department of youth services shall make reasonable efforts to minimize contact between the child and the victim, victim's representative, or support person before, during, and after the hearing. The

release authority shall use a separate waiting area for the victim, victim's representative, and support person if a separate area is available.

(D) At no time shall a victim or victim's representative be compelled to disclose the victim's address, place of employment, or similar identifying information to the child or the child's parent or legal guardian. Upon request of a victim or a victim's representative, the release authority shall keep in its files only the address or telephone number to which it shall send notice of a release review, pending release hearing, supervised release revocation hearing, discharge review, grant of supervised release, or discharge.

(E) No employer shall discharge, discipline, or otherwise retaliate against a victim or victim's representative for participating in a hearing before the release authority. This division generally does not require an employer to compensate an employee for time lost as a result of attendance at a hearing before the release authority.

(F) The release authority shall make reasonable, good faith efforts to comply with the provisions of this section. Failure of the release authority to comply with this section does not give rise to a claim for damages against the release authority and does not require modification of a final decision by the release authority.

(G) If a victim is in the legal custody of the department of youth services and resides in a secure facility or in another secure residential program, including a community corrections facility, or is incarcerated, the release authority may modify the victim's rights under this section to prevent a security risk, hardship, or undue burden upon a public official or agency with a duty under this section. If the victim resides in another state under similar circumstances, the release authority may make similar modifications of the victim's rights.

SECTION 2. That existing sections 2151.315, 2151.355, 2151.38, 2901.07, 5139.01, 5139.02, 5139.04, 5139.05, 5139.18, 5139.36, 5139.42, 5139.50, 5139.51, 5139.52, 5139.53, and 5139.56 of the Revised Code are hereby repealed.

SECTION 3. Sections 1 and 2 of this act shall take effect on July 1, 1998, or the earliest date permitted by law, whichever is later.

SECTION 4. That section 2151.355 of the Revised Code, as amended by Am. Sub. S.B. 35 of the 122nd General Assembly, be amended to read as

follows:

Sec. 2151.355. (A) If a child is adjudicated a delinquent child, the court may make any of the following orders of disposition:

(1) Any order that is authorized by section 2151.353 of the Revised Code;

(2) Place the child on probation under any conditions that the court prescribes. If the child is adjudicated a delinquent child for violating section 2909.05, 2909.06, or 2909.07 of the Revised Code and if restitution is appropriate under the circumstances of the case, the court shall require the child to make restitution for the property damage caused by the child's violation as a condition of the child's probation. If the child is adjudicated a delinquent child because the child violated any other section of the Revised Code, the court may require the child as a condition of the child's probation to make restitution for the property damage caused by the child's violation and for the value of the property that was the subject of the violation the child committed if it would be a theft offense, as defined in division (K) of section 2913.01 of the Revised Code, if committed by an adult. The restitution may be in the form of a cash reimbursement paid in a lump sum or in installments, the performance of repair work to restore any damaged property to its original condition, the performance of a reasonable amount of labor for the victim approximately equal to the value of the property damage caused by the child's violation or to the value of the property that is the subject of the violation if it would be a theft offense if committed by an adult, the performance of community service or community work, any other form of restitution devised by the court, or any combination of the previously described forms of restitution.

If the child is adjudicated a delinquent child for violating a law of this state or the United States, or an ordinance or regulation of a political subdivision of this state, that would be a crime if committed by an adult or for violating division (A) of section 2923.211 of the Revised Code, the court, in addition to all other required or permissive conditions of probation that the court imposes upon the delinquent child pursuant to division (A)(2) of this section, shall require the child as a condition of the child's probation to abide by the law during the period of probation, including, but not limited to, complying with the provisions of Chapter 2923. of the Revised Code relating to the possession, sale, furnishing, transfer, disposition, purchase, acquisition, carrying, conveying, or use of, or other conduct involving, a firearm or dangerous ordnance, as defined in section 2923.11 of the Revised Code.

(3) Commit the child to the temporary custody of any school, camp,

titution, or other facility operated for the care of delinquent children by the county, by a district organized under section 2151.34 or 2151.65 of the Revised Code, or by a private agency or organization, within or without the state, that is authorized and qualified to provide the care, treatment, or placement required;

(4) If the child is adjudicated a delinquent child for committing an act that would be a felony of the third, fourth, or fifth degree if committed by an adult or for violating division (A) of section 2923.211 of the Revised Code, commit the child to the legal custody of the department of youth services for institutionalization for an indefinite term consisting of a minimum period of six months and a maximum period not to exceed the child's attainment of twenty-one years of age;

(5)(a) If the child is adjudicated a delinquent child for violating section 2903.03, 2905.01, 2909.02, or 2911.01 or division (A) of section 2903.04 of the Revised Code or for violating any provision of section 2907.02 of the Revised Code other than division (A)(1)(b) of that section when the sexual conduct or insertion involved was consensual and when the victim of the violation of division (A)(1)(b) of that section was older than the delinquent child, was the same age as the delinquent child, or was less than three years younger than the delinquent child, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility for an indefinite term consisting of a minimum period of one to three years, as prescribed by the court, and a maximum period not to exceed the child's attainment of twenty-one years of age;

(b) If the child is adjudicated a delinquent child for violating section 2923.02 of the Revised Code and if the violation involves an attempt to commit a violation of section 2903.01 or 2903.02 of the Revised Code, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility for an indefinite term consisting of a minimum period of six to seven years, as prescribed by the court, and a maximum period not to exceed the child's attainment of twenty-one years of age;

(c) If the child is adjudicated a delinquent child for committing an act that is not described in division (A)(5)(a) or (b) of this section and that would be a felony of the first or second degree if committed by an adult, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility for an indefinite term consisting of a minimum period of one year and a maximum period not to exceed the child's attainment of twenty-one years of age.

(6) If the child is adjudicated a delinquent child for committing a

violation of section 2903.01 or 2903.02 of the Revised Code, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility until the child's attainment of twenty-one years of age;

(7)(a) If the child is adjudicated a delinquent child for committing an act, other than a violation of section 2923.12 of the Revised Code, that would be a felony if committed by an adult and is committed to the legal custody of the department of youth services pursuant to division (A)(4), (5), or (6) of this section and if the court determines that the child, if the child was an adult, would be guilty of a specification of the type set forth in section 2941.141, 2941.144, 2941.145, or 2941.146 of the Revised Code in relation to the act for which the child was adjudicated a delinquent child, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility for the following period of time, subject to division (A)(7)(b) of this section:

(i) If the child would be guilty of a specification of the type set forth in section 2941.141 of the Revised Code, a period of one year;

(ii) If the child would be guilty of a specification of the type set forth in section 2941.144, 2941.145, or 2941.146 of the Revised Code, a period of three years.

(b) The court shall not commit a child to the legal custody of the department of youth services pursuant to division (A)(7)(a) of this section for a period of time that exceeds three years. The period of commitment imposed pursuant to division (A)(7)(a) of this section shall be in addition to, and shall be served consecutively with and prior to, a period of commitment ordered pursuant to division (A)(4), (5), or (6) of this section, provided that the total of all the periods of commitment shall not exceed the child's attainment of twenty-one years of age.

(8)(a) Impose a fine and costs in accordance with the schedule set forth in section 2151.3512 of the Revised Code;

(b) Require the child to make restitution for all or part of the property damage caused by the child's delinquent act and for all or part of the value of the property that was the subject of any delinquent act the child committed that would be a theft offense, as defined in division (K) of section 2913.01 of the Revised Code, if committed by an adult. If the court determines that the victim of the child's delinquent act was sixty-five years of age or older or permanently and totally disabled at the time of the commission of the act, the court, regardless of whether or not the child knew the age of the victim, shall consider that fact in favor of imposing restitution, but that fact shall not control the decision of the court. The restitution may

be in the form of a cash reimbursement paid in a lump sum or in installments, the performance of repair work to restore any damaged property to its original condition, the performance of a reasonable amount of labor for the victim, the performance of community service or community work, any other form of restitution devised by the court, or any combination of the previously described forms of restitution.

(9) Subject to division (D) of this section, suspend or revoke the driver's license, probationary driver's license, or temporary instruction permit issued to the child or suspend or revoke the registration of all motor vehicles registered in the name of the child. A child whose license or permit is so suspended or revoked is ineligible for issuance of a license or permit during the period of suspension or revocation. At the end of the period of suspension or revocation, the child shall not be reissued a license or permit until the child has paid any applicable reinstatement fee and complied with all requirements governing license reinstatement.

(10) If the child is adjudicated a delinquent child for committing an act that, if committed by an adult, would be a criminal offense that would qualify the adult as an eligible offender pursuant to division (A)(3) of section 2929.23 of the Revised Code, impose a period of electronically monitored house detention in accordance with division (I) of this section that does not exceed the maximum sentence of imprisonment that could be imposed upon an adult who commits the same act;

(11) Commit the child to the temporary or permanent custody of the court;

(12) Make any further disposition that the court finds proper, except that the child shall not be placed in any ~~of the following~~:

~~(a) A state correctional institution, a county, multicounty, or municipal jail or workhouse, or another other place in which an adult convicted of a crime, under arrest, or charged with a crime is held;~~

~~(b) A community corrections facility, if the child would be covered by the definition of public safety beds for purposes of sections 5139.41 to 5139.45 of the Revised Code if the court exercised its authority to commit the child to the legal custody of the department of youth services for institutionalization or institutionalization in a secure facility pursuant to division (A)(4), (5), or (6) of this section. As used in division (A)(12)(b) of this section, "community corrections facility" and "public safety beds" have the same meanings as in section 5139.01 of the Revised Code.~~

(B)(1) If a child is adjudicated a delinquent child for violating section 2923.32 of the Revised Code, the court, in addition to any order of disposition it makes for the child under division (A) of this section, shall

enter an order of criminal forfeiture against the child in accordance with divisions (B)(3), (4), (5), and (6) and (C) to (F) of section 2923.32 of the Revised Code.

(2) If a child is adjudicated a delinquent child for committing two or more acts that would be felonies if committed by an adult and if the court entering the delinquent child adjudication orders the commitment of the child, for two or more of those acts, to the legal custody of the department of youth services for institutionalization or institutionalization in a secure facility pursuant to division (A)(4), (5), or (6) of this section, the court may order that all of the periods of commitment imposed under those divisions for those acts be served consecutively in the legal custody of the department of youth services and, if applicable, be in addition to and commence immediately following the expiration of a period of commitment that the court imposes pursuant to division (A)(7) of this section. A court shall not commit a delinquent child to the legal custody of the department of youth services under division (B)(2) of this section for a period that exceeds the child's attainment of twenty-one years of age.

(C) If a child is adjudicated a delinquent child for committing an act that, if committed by an adult, would be a drug abuse offense, as defined in section 2925.01 of the Revised Code, or for violating division (B) of section 2917.11 of the Revised Code, in addition to imposing in its discretion any other order of disposition authorized by this section, the court shall do both of the following:

(1) Require the child to participate in a drug abuse or alcohol abuse counseling program;

(2) Suspend or revoke the temporary instruction permit, probationary driver's license, or driver's license issued to the child for a period of time prescribed by the court or, at the discretion of the court, until the child attends and satisfactorily completes, a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court. During the time the child is attending the program, the court shall retain any temporary instruction permit, probationary driver's license, or driver's license issued to the child, and the court shall return the permit or license when the child satisfactorily completes the program.

(D) If a child is adjudicated a delinquent child for violating section 2923.122 of the Revised Code, the court, in addition to any order of disposition it makes for the child under division (A), (B), or (C) of this section, shall revoke the temporary instruction permit and deny the child the issuance of another temporary instruction permit in accordance with division (E)(1)(b) of section 2923.122 of the Revised Code or shall suspend the

bationary driver's license, restricted license, or nonresident operating privilege of the child or deny the child the issuance of a probationary driver's license, restricted license, or temporary instruction permit in accordance with division (E)(1)(a), (c), (d), or (e) of section 2923.122 of the Revised Code.

(E)(1) At the dispositional hearing and prior to making any disposition pursuant to division (A) of this section, the court shall determine whether a victim of the delinquent act committed by the child was five years of age or younger at the time the delinquent act was committed, whether a victim of the delinquent act sustained physical harm to the victim's person during the commission of or otherwise as a result of the delinquent act, whether a victim of the delinquent act was sixty-five years of age or older or permanently and totally disabled at the time the delinquent act was committed, and whether the delinquent act would have been an offense of violence if committed by an adult. If the victim was five years of age or younger at the time the delinquent act was committed, sustained physical harm to the victim's person during the commission of or otherwise as a result of the delinquent act, or was sixty-five years of age or older or permanently and totally disabled at the time the act was committed, regardless of whether the child knew the age of the victim, and if the act would have been an offense of violence if committed by an adult, the court shall consider those facts in favor of imposing commitment under division (A)(3), (4), (5), or (6) of this section, but those facts shall not control the court's decision.

(2) At the dispositional hearing and prior to making any disposition pursuant to division (A)(4), (5), or (6) of this section, the court shall determine whether the delinquent child previously has been adjudicated a delinquent child for a violation of a law or ordinance. If the delinquent child previously has been adjudicated a delinquent child for a violation of a law or ordinance, the court, for purposes of entering an order of disposition for the delinquent child under this section, shall consider the previous delinquent child adjudication as a conviction of a violation of the law or ordinance in determining the degree of offense the current delinquent act would be had it been committed by an adult.

(F)(1) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to this section, the court shall not designate the specific institution in which the department is to place the child but instead shall specify that the child is to be institutionalized or that the institutionalization is to be in a secure facility if that is required by division (A) of this section.

(2) When a juvenile court commits a delinquent child to the custody of the department of youth services, the court shall provide the department with the child's medical records, a copy of the report of any mental examination of the child ordered by the court, the section or sections of the Revised Code violated by the child and the degree of the violation, the warrant to convey the child to the department, ~~and~~ a copy of the court's journal entry ordering the commitment of the child to the legal custody of the department, a copy of the arrest record pertaining to the act for which the child was adjudicated a delinquent child, a copy of any victim impact statement pertaining to the act, and any other information concerning the child that the department reasonably requests. The court also shall complete the form for the standard ~~predisposition~~ disposition investigation report that is developed and furnished by the department of youth services pursuant to section 5139.04 of the Revised Code and provide the department with the completed form. The department may refuse to accept physical custody of a delinquent child who is committed to the legal custody of the department until the court provides to the department the documents specified in division (F)(2) of this section. No officer or employee of the department who refuses to accept physical custody of a delinquent child who is committed to the legal custody of the department shall be subject to prosecution or contempt of court for the refusal if the court fails to provide the documents specified in division (F)(2) of this section at the time the court transfers the physical custody of the child to the department.

~~(3) Within five working days after the juvenile court commits a delinquent child to the custody of the department of youth services, the court shall provide the department with a copy of the arrest record pertaining to the act for which the child was adjudicated a delinquent child, a copy of any victim impact statement pertaining to that act, and any other information concerning the child that the department reasonably requests.~~ Within twenty working days after the department of youth services receives physical custody of a delinquent child from a juvenile court, the court shall provide the department with a certified copy of the child's birth certificate or the child's social security number, or, if the court made all reasonable efforts to obtain the information but was unsuccessful, the court shall provide the department with documentation of the efforts it made to obtain the information.

(4) When a juvenile court commits a delinquent child to the custody of the department of youth services, the court shall give notice to the school attended by the child of the child's commitment by sending to that school a copy of the court's journal entry ordering the commitment. As soon as

possible after receipt of the notice described in this division, the school shall provide the department with the child's school transcript. However, the department shall not refuse to accept a child committed to it, and a child committed to it shall not be held in a county or district detention home, because of a school's failure to provide the school transcript that it is required to provide under division (F)(4) of this section.

(5) The department of youth services shall provide the court and the school with an updated copy of the child's school transcript and shall provide the court with a summary of the institutional record of the child when it releases the child from institutional care. The department also shall provide the court with a copy of any portion of the child's institutional record that the court specifically requests within five working days of the request.

(6) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to division (A)(4) or (5) of this section, the court shall state in the order of commitment the total number of days that the child has been held, as of the date of the issuance of the order, in detention in connection with the delinquent child complaint upon which the order of commitment is based. The department shall reduce the minimum period of institutionalization or minimum period of institutionalization in a secure facility specified in division (A)(4) or (5) of this section by both the total number of days that the child has been so held in detention as stated by the court in the order of commitment and the total number of any additional days that the child has been held in detention subsequent to the order of commitment but prior to the transfer of physical custody of the child to the department.

(G)(1) At any hearing at which a child is adjudicated a delinquent child or as soon as possible after the hearing, the court shall notify all victims of the delinquent act, who may be entitled to a recovery under any of the following sections, of the right of the victims to recover, pursuant to section 3109.09 of the Revised Code, compensatory damages from the child's parents; of the right of the victims to recover, pursuant to section 3109.10 of the Revised Code, compensatory damages from the child's parents for willful and malicious assaults committed by the child; and of the right of the victims to recover an award of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code.

(2) If a child is adjudicated a delinquent child for committing an act that, if committed by an adult, would be aggravated murder, murder, rape, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, involuntary manslaughter, a felony of the first or second

degree resulting in the death of or physical harm to a person, complicity in or an attempt to commit any of those offenses, or an offense under an existing or former law of this state that is or was substantially equivalent to any of those offenses and if the court in its order of disposition for that act commits the child to the custody of the department of youth services, the court may make a specific finding that the adjudication should be considered a conviction for purposes of a determination in the future, pursuant to Chapter 2929. of the Revised Code, as to whether the child is a repeat violent offender as defined in section 2929.01 of the Revised Code. If the court makes a specific finding as described in this division, it shall include the specific finding in its order of disposition and in the record in the case.

(H)(1) If a child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and if the child caused, attempted to cause, threatened to cause, or created the risk of physical harm to the victim of the act, the court, prior to issuing an order of disposition under this section, shall order the preparation of a victim impact statement by the probation department of the county in which the victim of the act resides, by the court's own probation department, or by a victim assistance program that is operated by the state, a county, a municipal corporation, or another governmental entity. The court shall consider the victim impact statement in determining the order of disposition to issue for the child.

(2) Each victim impact statement shall identify the victim of the act for which the child was adjudicated a delinquent child, itemize any economic loss suffered by the victim as a result of the act, identify any physical injury suffered by the victim as a result of the act and the seriousness and permanence of the injury, identify any change in the victim's personal welfare or familial relationships as a result of the act and any psychological impact experienced by the victim or the victim's family as a result of the act, and contain any other information related to the impact of the act upon the victim that the court requires.

(3) A victim impact statement shall be kept confidential and is not a public record, as defined in section 149.43 of the Revised Code. However, the court may furnish copies of the statement to the department of youth services pursuant to division (F)(3) of this section or to both the adjudicated delinquent child or the adjudicated delinquent child's counsel and the prosecuting attorney. The copy of a victim impact statement furnished by the court to the department pursuant to division (F)(3) of this section shall be kept confidential and is not a public record, as defined in section 149.43 of the Revised Code. The copies of a victim impact statement that are made available to the adjudicated delinquent child or the adjudicated delinquent

child's counsel and the prosecuting attorney pursuant to division (H)(3) of this section shall be returned to the court by the person to whom they were made available immediately following the imposition of an order of disposition for the child under this section.

(I)(1) As used in this division, "felony drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

(2) Sections 2925.41 to 2925.45 of the Revised Code apply to children who are adjudicated or could be adjudicated by a juvenile court to be delinquent children for an act that, if committed by an adult, would be a felony drug abuse offense. Subject to division (B) of section 2925.42 and division (E) of section 2925.43 of the Revised Code, a delinquent child of that nature loses any right to the possession of, and forfeits to the state any right, title, and interest that the delinquent child may have in, property as defined in section 2925.41 and further described in section 2925.42 or 2925.43 of the Revised Code.

(J)(1) As used in this section:

(a) "Electronic monitoring device," "certified electronic monitoring device," "electronic monitoring system," and "certified electronic monitoring system" have the same meanings as in section 2929.23 of the Revised Code.

(b) "Electronically monitored house detention" means a period of confinement of a child in the child's home or in other premises specified by the court, during which period of confinement all of the following apply:

(i) The child wears, otherwise has attached to the child's person, or otherwise is subject to monitoring by a certified electronic monitoring device or is subject to monitoring by a certified electronic monitoring system.

(ii) The child is required to remain in the child's home or other premises specified by the court for the specified period of confinement, except for periods of time during which the child is at school or at other premises as authorized by the court.

(iii) The child is subject to monitoring by a central system that monitors the certified electronic monitoring device that is attached to the child's person or that otherwise is being used to monitor the child and that can monitor and determine the child's location at any time or at a designated point in time, or the child is required to participate in monitoring by a certified electronic monitoring system.

(iv) The child is required by the court to report periodically to a person designated by the court.

(v) The child is subject to any other restrictions and requirements that

may be imposed by the court.

(2) A juvenile court, pursuant to division (A)(10) of this section, may impose a period of electronically monitored house detention upon a child who is adjudicated a delinquent child for committing an act that, if committed by an adult, would be a criminal offense that would qualify the adult as an eligible offender pursuant to division (A)(3) of section 2929.23 of the Revised Code. The court may impose a period of electronically monitored house detention in addition to or in lieu of any other dispositional order imposed upon the child, except that any period of electronically monitored house detention shall not extend beyond the child's eighteenth birthday. If a court imposes a period of electronically monitored house detention upon a child, it shall require the child to wear, otherwise have attached to the child's person, or otherwise be subject to monitoring by a certified electronic monitoring device or to participate in the operation of and monitoring by a certified electronic monitoring system; to remain in the child's home or other specified premises for the entire period of electronically monitored house detention except when the court permits the child to leave those premises to go to school or to other specified premises; to be monitored by a central system that monitors the certified electronic monitoring device that is attached to the child's person or that otherwise is being used to monitor the child and that can monitor and determine the child's location at any time or at a designated point in time or to be monitored by the certified electronic monitoring system; to report periodically to a person designated by the court; and, in return for receiving a dispositional order of electronically monitored house detention, to enter into a written contract with the court agreeing to comply with all restrictions and requirements imposed by the court, agreeing to pay any fee imposed by the court for the costs of the electronically monitored house detention imposed by the court pursuant to division (E) of section 2929.23 of the Revised Code, and agreeing to waive the right to receive credit for any time served on electronically monitored house detention toward the period of any other dispositional order imposed upon the child for the act for which the dispositional order of electronically monitored house detention was imposed if the child violates any of the restrictions or requirements of the dispositional order of electronically monitored house detention. The court also may impose other reasonable restrictions and requirements upon the child.

(3) If a child violates any of the restrictions or requirements imposed upon the child as part of the child's dispositional order of electronically monitored house detention, the child shall not receive credit for any time

served on electronically monitored house detention toward any other dispositional order imposed upon the child for the act for which the dispositional order of electronically monitored house detention was imposed.

(K) Within ten days after completion of the adjudication, the court shall give written notice of an adjudication that a child is a delinquent child to the superintendent of a city, local, exempted village, or joint vocational school district if the basis of the adjudication was the commission of an act that would be a criminal offense if committed by an adult and that was committed by the delinquent child when the child was sixteen years of age or older and if the act is any of the following:

(1) A violation of section 2923.122 of the Revised Code that relates to property owned or controlled by, or to an activity held under the auspices of, the board of education of that school district;

(2) A violation of section 2923.12 of the Revised Code or of a substantially similar municipal ordinance that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district;

(3) A violation of division (A) of section 2925.03 or 2925.11 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district and that is not a minor drug possession offense as defined in section 2925.01 of the Revised Code;

(4) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised Code, or a violation of former section 2907.12 of the Revised Code, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district, if the victim at the time of the commission of the act was an employee of the board of education of that school district;

(5) Complicity in any violation described in division (K)(1), (2), (3), or (4) of this section that was alleged to have been committed in the manner described in division (K)(1), (2), (3), or (4) of this section, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district.

(L) During the period of a delinquent child's probation granted under division (A)(2) of this section, authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the delinquent child, the

place of residence of the delinquent child, and a motor vehicle, another item of tangible or intangible personal property, or other real property in which the delinquent child has a right, title, or interest or for which the delinquent child has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess if the probation officers have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's probation. The court that places a delinquent child on probation under division (A)(2) of this section shall provide the delinquent child with a written notice that informs the delinquent child that authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may conduct those types of searches during the period of probation if they have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's probation. The court also shall provide the written notice described in division (C)(2)(b) of section 2151.411 of the Revised Code to each parent, guardian, or custodian of the delinquent child who is described in division (C)(2)(a) of that section.

SECTION 5. That all existing versions of section 2151.355 of the Revised Code are hereby repealed.

SECTION 6. Sections 4 and 5 of this act shall take effect on January 1, 1999.

SECTION 7. Sections 2151.355, 5139.01, and 5139.04 of the Revised Code are each presented in Section 1 of this act as a composite of the section as amended by both Am. Sub. H.B. 1 and Am. Sub. H.B. 215 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. Section 5139.18 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 1 and Sub. H.B. 408 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____