

AN ACT

To amend sections 109.42, 109.57, 2151.18, 2151.31, 2151.355, 2151.38, 2930.01, 2930.02, 2930.05 to 2930.07, and 2930.09 to 2930.19 of the Revised Code relative to rights of victims in delinquency proceedings and the rights of victims of crime.

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

SECTION 1. That sections 109.42, 109.57, 2151.18, 2151.31, 2151.355, 2151.38, 2930.01, 2930.02, 2930.05, 2930.06, 2930.07, 2930.09, 2930.10, 2930.11, 2930.12, 2930.13, 2930.14, 2930.15, 2930.16, 2930.17, 2930.18, and 2930.19 of the Revised Code be amended to read as follows:

Sec. 109.42. (A) The attorney general shall prepare and have printed a pamphlet that contains a compilation of all statutes relative to victim's rights in which the attorney general lists and explains the statutes in the form of a victim's bill of rights. The attorney general shall distribute the pamphlet to all sheriffs, marshals, municipal corporation and township police departments, constables, and other law enforcement agencies, to all prosecuting attorneys, city directors of law, village solicitors, and other similar chief legal officers of municipal corporations, and to organizations that represent or provide services for victims of crime. The victim's bill of rights set forth in the pamphlet shall contain a description of all of the rights of victims that are provided for in Chapter 2930. or in any other section of the Revised Code and shall include, but not be limited to, all of the following:

(1) The right of a victim or a victim's representative to attend a proceeding before a grand jury, in a juvenile case, or in a criminal case pursuant to a subpoena without being discharged from the victim's or representative's employment, having the victim's or representative's employment terminated, having the victim's or representative's pay decreased or withheld, or otherwise being punished, penalized, or threatened as a result of time lost from regular employment because of the victim's or representative's attendance at the proceeding pursuant to the subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 2945.451 of the

Revised Code;

(2) The potential availability pursuant to section 2151.411 of the Revised Code of a forfeited recognizance to pay damages caused by a child when the delinquency of the child or child's violation of probation is found to be proximately caused by the failure of the child's parent or guardian to subject the child to reasonable parental authority or to faithfully discharge the conditions of probation;

(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses;

(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial or delinquency proceeding in the case or, if there will not be a trial or delinquency proceeding, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case;

(5) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about the disposition of the case;

(6) The right of the victim in certain criminal or juvenile cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any reasonable terms set by the court as authorized under section 2930.14 of the Revised Code, to make a statement about the victimization and, if applicable, a statement relative to the sentencing or disposition of the offender;

(7) The opportunity to obtain a court order, pursuant to section 2945.04 of the Revised Code, to prevent or stop the commission of the offense of intimidation of a crime victim or witness or an offense against the person or property of the complainant, or of the complainant's ward or child;

(8) The right of the victim in certain criminal or juvenile cases or a victim's representative pursuant to sections 2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to receive notice of a pending motion for judicial release or early release of the person who committed the offense against the victim and, to make an oral or written statement at the court hearing on the motion, and to be notified of the court's decision on the motion;

(9) The right of the victim in certain criminal or juvenile cases or a

victim's representative, pursuant to section 2930.16, 2967.12, ~~or 2967.26, or 5139.56~~ of the Revised Code, to receive notice of any pending commutation, pardon, parole, transitional control, discharge, other form of authorized release, ~~or post-release control, or supervised release~~ for the person who committed the offense against the victim or any application for release of that person and to send a written statement relative to the victimization and the pending action to the adult parole authority or the release authority of the department of youth services;

(10) The right of the victim to bring a civil action pursuant to sections 2969.01 to 2969.06 of the Revised Code to obtain money from the offender's profit fund;

(11) The right, pursuant to section 3109.09 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully damages property through the commission of an act that would be a theft offense, as defined in section 2913.01 of the Revised Code, if committed by an adult;

(12) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;

(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2151.355, 2929.18, or 2929.21 of the Revised Code;

(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency;

(15) The right of a victim of domestic violence to seek the issuance of a temporary protection order pursuant to section 2919.26 of the Revised Code, to seek the issuance of a civil protection order pursuant to section 3113.31 of the Revised Code, and to be accompanied by a victim advocate during court proceedings;

(16) The right of a victim of a sexually oriented offense that is committed by a person who is adjudicated as being a sexual predator or, in certain cases, by a person who is determined to be a habitual sex offender to

receive, pursuant to section 2950.10 of the Revised Code, notice that the offender has registered with a sheriff under section 2950.04 or 2950.05 of the Revised Code and notice of the offender's name and residence address or addresses, and a summary of the manner in which the victim must make a request to receive the notice. As used in this division, "sexually oriented offense," "adjudicated as being a sexual predator," and "habitual sex offender" have the same meanings as in section 2950.01 of the Revised Code.

(17) The right of a victim of certain sexually violent offenses committed by a sexually violent predator who is sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code to receive, pursuant to section 2930.16 of the Revised Code, notice of a hearing to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term. As used in this division, "sexually violent offense" and "sexually violent predator" have the same meanings as in section 2971.01 of the Revised Code.

(B)(1)(a) Subject to division (B)(1)(c) of this section, a prosecuting attorney, assistant prosecuting attorney, city director of law, assistant director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation or an assistant of any ~~such officer of those officers~~ who prosecutes an offense committed in this state, upon first contact with the victim of the offense, the victim's family, or the victim's dependents, shall give the victim, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section and explain, upon request, the information in the pamphlet to the victim, the victim's family, or the victim's dependents.

(b) Subject to division (B)(1)(c) of this section, a law enforcement agency that investigates an offense or delinquent act committed in this state shall give the victim of the offense or delinquent act, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section at one of the following times:

(i) Upon first contact with the victim, the victim's family, or the victim's dependents;

(ii) If the offense or delinquent act is an offense of violence, if the circumstances of the offense or delinquent act and the condition of the victim, the victim's family, or the victim's dependents indicate that the victim, the victim's family, or the victim's dependents will not be able to understand the significance of the pamphlet upon first contact with the

agency, and if the agency anticipates that it will have an additional contact with the victim, the victim's family, or the victim's dependents, upon the agency's second contact with the victim, the victim's family, or the victim's dependents.

If the agency does not give the victim, the victim's family, or the victim's dependents a copy of the pamphlet upon first contact with them and does not have a second contact with the victim, the victim's family, or the victim's dependents, the agency shall mail a copy of the pamphlet to the victim, the victim's family, or the victim's dependents at their last known address.

(c) In complying on and after December 9, 1994, with the duties imposed by division (B)(1)(a) or (b) of this section, an official or a law enforcement agency shall use copies of the pamphlet that are in the official's or agency's possession on December 9, 1994, until the official or agency has distributed all of those copies. After the official or agency has distributed all of those copies, the official or agency shall use only copies of the pamphlet that contain at least the information described in division (A)(1) to ~~(15)~~(17) of this section.

(2) The failure of a law enforcement agency or of a prosecuting attorney, assistant prosecuting attorney, director of law, assistant director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation or an assistant to any ~~such officer~~ of those officers to give, as required by division (B)(1) of this section, the victim of an offense or delinquent act, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section does not give the victim, the victim's family, the victim's dependents, or a victim's representative any rights under section 122.95, 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the Revised Code or under any other provision of the Revised Code and does not affect any right under those sections.

(3) A law enforcement agency, a prosecuting attorney or assistant prosecuting attorney, or a director of law, assistant director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation that distributes a copy of the pamphlet prepared pursuant to division (A) of this section shall not be required to distribute a copy of an information card or other printed material provided by the clerk of the court of claims pursuant to section 2743.71 of the Revised Code.

(C) The cost of printing and distributing the pamphlet prepared pursuant to division (A) of this section shall be paid out of the reparations fund, created pursuant to section 2743.191 of the Revised Code, in accordance

h division (D) of that section.

(D) As used in this section:

(1) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code;

(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.

Sec. 109.57. (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and the person in charge of any state institution having custody of a person suspected of having committed a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code or having custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an offense of violence, and is not a child with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall not be procured by the superintendent or furnished by any person in charge of any county,

multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code, or involving an adjudication ~~that~~ in a case in which a child under eighteen years of age ~~is~~ was alleged to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult. The clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to division (B) of this section and shall include the following information:

(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;

(b) The style and number of the case;

(c) The date of arrest;

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;

(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;

(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that

fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

(4) The superintendent shall carry out Chapter 2950. of the Revised Code with respect to the registration of persons who are convicted of or plead guilty to a sexually oriented offense and with respect to all other duties imposed on the bureau under that chapter.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.

(C) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of

age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and criminal justice, and may establish and operate a statewide communications network to gather and disseminate information, data, and statistics for the use of law enforcement agencies. The superintendent may gather, store, retrieve, and disseminate information, data, and statistics that pertain to children who are under eighteen years of age and that are gathered pursuant to sections 109.57 to 109.61 of the Revised Code together with information, data, and statistics that pertain to adults and that are gathered pursuant to those sections.

(D) The information and materials furnished to the superintendent pursuant to division (A) of this section and information and materials furnished to any board or person under division (F) or (G) of this section are not public records under section 149.43 of the Revised Code.

(E) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed in division (A)(1), (3), (4), or (5) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.

(F)(1) As used in division (F)(2) of this section, "head start agency" means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5126.28, 5126.281, or 5153.111 of the Revised Code, the board of education of any school district; any county board of mental retardation and developmental disabilities; any entity under contract with a county board of mental retardation and developmental disabilities; the chief administrator of any chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed or certified under Chapter 5104. of the Revised Code; the administrator of any type C family day-care home

certified pursuant to Section 1 of Sub. H.B. 62 of the 121st general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general assembly; the chief administrator of any head start agency; or the executive director of a public children services agency may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. Within thirty days of the date that the superintendent receives a request, the superintendent shall send to the board, entity, or person a report of any information that the superintendent determines exists, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(b) When a board of education is required to receive information under this section as a prerequisite to employment of an individual pursuant to section 3319.39 of the Revised Code, it may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by an individual applying for employment with the district in lieu of requesting that information itself. In such a case, the board shall accept the certified copy issued by the bureau in order to make a photocopy of it for that individual's employment application documents and shall return the certified copy to the individual. In a case of that nature, a district only shall accept a certified copy of records of that nature within one year after the date of their issuance by the bureau.

(3) The state board of education may request, with respect to any individual who has applied for employment after October 2, 1989, in any position with the state board or the department of education, any information that a school district board of education is authorized to request under division (F)(2) of this section, and the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(4) When the superintendent of the bureau receives a request for

information that is authorized under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(5) When a recipient of an OhioReads classroom or community reading grant paid under section 3301.86 or 3301.87 of the Revised Code requests, with respect to any individual who applies to participate in providing any program or service funded in whole or in part by the grant, the information that a school district board of education is authorized to request under division (F)(2)(a) of this section, the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2)(a) of this section.

(G) In addition to or in conjunction with any request that is required to be made under section 173.41, 3701.881, 3712.09, 3721.121, or 3722.151 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult, the chief administrator of a PASSPORT agency that provides services through the PASSPORT program created under section 173.40 of the Revised Code, home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code, or adult care facility may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine whether that information exists and, on request of the administrator requesting information, shall also request from the federal bureau of investigation any criminal records it has pertaining to that individual. Within thirty days of the date a request is received, the superintendent shall send to the administrator a report of any information determined to exist, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the administrator a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(H) Information obtained by a board, administrator, or other person under this section is confidential and shall not be released or disseminated.

(I) The superintendent may charge a reasonable fee for providing information or criminal records under division (F)(2) or (G) of this section.

Sec. 2151.18. (A)(1) The juvenile court shall maintain records of all official cases brought before it, including an appearance docket, a journal, and a cashbook. The court shall maintain a separate docket for traffic cases and shall record all traffic cases on the separate docket instead of on the general appearance docket. The parents of any child affected, if they are living, or the nearest of kin of the child, if the parents are deceased, may inspect these records, either in person or by counsel during the hours in which the court is open.

(2) The juvenile court shall send to the superintendent of the bureau of criminal identification and investigation, pursuant to section 109.57 of the Revised Code, a weekly report containing a summary of each case that has come before it and that involves ~~an adjudication that~~ the disposition of a child who is a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult.

(B) The clerk of the court shall maintain a statistical record that includes all of the following:

(1) The number of complaints that are filed with the court that allege that a child is a delinquent child, in relation to which the court determines under division (D) of section 2151.27 of the Revised Code that the victim of the alleged delinquent act was sixty-five years of age or older or permanently and totally disabled at the time of the alleged commission of the act;

(2) The number of complaints described in division (B)(1) of this section that result in the child being adjudicated a delinquent child;

(3) The number of complaints described in division (B)(2) of this section in which the act upon which the delinquent child adjudication is based caused property damage or would be a theft offense, as defined in division (K) of section 2913.01 of the Revised Code, if committed by an adult;

(4) The number of complaints described in division (B)(3) of this section that result in the delinquent child being required as an order of disposition made under division (A)(8)(b) of section 2151.355 of the Revised Code to make restitution for all or part of the property damage caused by the child's delinquent act or for all or part of the value of the property that was the subject of the delinquent act that would be a theft offense if committed by an adult;

(5) The number of complaints described in division (B)(2) of this section in which the act upon which the delinquent child adjudication is based would have been an offense of violence if committed by an adult;

(6) The number of complaints described in division (B)(5) of this

section that result in the delinquent child being committed as an order of disposition made under division (A)(3), (4), (5), (6), or (7) of section 2151.355 of the Revised Code to any facility for delinquent children operated by the county, a district, or a private agency or organization or to the department of youth services;

(7) The number of complaints described in division (B)(1) of this section that result in the case being transferred for criminal prosecution to an appropriate court having jurisdiction of the offense under section 2151.26 of the Revised Code.

(C) The clerk of the court shall compile an annual summary covering the preceding calendar year showing all of the information for that year contained in the statistical record maintained under division (B) of this section. The statistical record and the annual summary shall be public records open for inspection. Neither the statistical record nor the annual summary shall include the identity of any party to a case.

(D) Not later than June of each year, the court shall prepare an annual report covering the preceding calendar year showing the number and kinds of cases that have come before it, the disposition of the cases, and any other data pertaining to the work of the court that the juvenile judge directs. The court shall file copies of the report with the board of county commissioners. With the approval of the board, the court may print or cause to be printed copies of the report for distribution to persons and agencies interested in the court or community program for dependent, neglected, abused, or delinquent children and juvenile traffic offenders. The court shall include the number of copies ordered printed and the estimated cost of each printed copy on each copy of the report printed for distribution.

Sec. 2151.31. (A) A child may be taken into custody in any of the following ways:

(1) Pursuant to an order of the court under this chapter or pursuant to an order of the court upon a motion filed pursuant to division (B) of section 2930.05 of the Revised Code;

(2) Pursuant to the laws of arrest;

(3) By a law enforcement officer or duly authorized officer of the court when any of the following conditions are present:

(a) There are reasonable grounds to believe that the child is suffering from illness or injury and is not receiving proper care, as described in section 2151.03 of the Revised Code, and the child's removal is necessary to prevent immediate or threatened physical or emotional harm;

(b) There are reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal

is necessary to prevent immediate or threatened physical or emotional harm;

(c) There are reasonable grounds to believe that a parent, guardian, custodian, or other household member of the child's household has abused or neglected another child in the household and to believe that the child is in danger of immediate or threatened physical or emotional harm from that person.

(4) By an enforcement official, as defined in section 4109.01 of the Revised Code, under the circumstances set forth in section 4109.08 of the Revised Code;

(5) By a law enforcement officer or duly authorized officer of the court when there are reasonable grounds to believe that the child has run away from the child's parents, guardian, or other custodian;

(6) By a law enforcement officer or duly authorized officer of the court when any of the following apply:

(a) There are reasonable grounds to believe that the conduct, conditions, or surroundings of the child are endangering the health, welfare, or safety of the child.

(b) A complaint has been filed with respect to the child under section 2151.27 of the Revised Code and there are reasonable grounds to believe that the child may abscond or be removed from the jurisdiction of the court.

(c) The child is required to appear in court and there are reasonable grounds to believe that the child will not be brought before the court when required.

(B)(1) The taking of a child into custody is not and shall not be deemed an arrest except for the purpose of determining its validity under the constitution of this state or of the United States.

(2) Except as provided in division (C) of section 2151.311 of the Revised Code, a child taken into custody shall not be held in any state correctional institution, county, multicounty, or municipal jail or workhouse, or any other place where any adult convicted of crime, under arrest, or charged with crime is held.

(C) A child taken into custody shall not be confined in a place of juvenile detention or placed in shelter care prior to the implementation of the court's final order of disposition, unless detention or shelter care is required to protect the child from immediate or threatened physical or emotional harm, because the child may abscond or be removed from the jurisdiction of the court, because the child has no parents, guardian, or custodian or other person able to provide supervision and care for the child and return the child to the court when required, or because an order for placement of the child in detention or shelter care has been made by the

court pursuant to this chapter.

(D) Upon receipt of notice from a person that the person intends to take an alleged abused, neglected, or dependent child into custody pursuant to division (A)(3) of this section, a juvenile judge or a designated referee may grant by telephone an ex parte emergency order authorizing the taking of the child into custody if there is probable cause to believe that any of the conditions set forth in divisions (A)(3)(a) to (c) of this section are present. The judge or referee shall journalize any ex parte emergency order issued pursuant to this division. If an order is issued pursuant to this division and the child is taken into custody pursuant to the order, a sworn complaint shall be filed with respect to the child before the end of the next business day after the day on which the child is taken into custody and a hearing shall be held pursuant to division (E) of this section and the Juvenile Rules. A juvenile judge or referee shall not grant an emergency order by telephone pursuant to this division until after the judge or referee determines that reasonable efforts have been made to notify the parents, guardian, or custodian of the child that the child may be placed into shelter care and of the reasons for placing the child into shelter care, except that, if the requirement for notification would jeopardize the physical or emotional safety of the child or result in the child being removed from the court's jurisdiction, the judge or referee may issue the order for taking the child into custody and placing the child into shelter care prior to giving notice to the parents, guardian, or custodian of the child.

(E) If a judge or referee pursuant to division (D) of this section issues an ex parte emergency order for taking a child into custody, the court shall hold a hearing to determine whether there is probable cause for the emergency order. The hearing shall be held before the end of the next business day after the day on which the emergency order is issued, except that it shall not be held later than seventy-two hours after the emergency order is issued.

If the court determines at the hearing that there is not probable cause for the issuance of the emergency order issued pursuant to division (D) of this section, it shall order the child released to the custody of the child's parents, guardian, or custodian. If the court determines at the hearing that there is probable cause for the issuance of the emergency order issued pursuant to division (D) of this section, the court shall do both of the following:

- (1) Ensure that a complaint is filed or has been filed;
- (2) Hold a hearing pursuant to section 2151.314 of the Revised Code to determine if the child should remain in shelter care.

(F) If the court determines at the hearing held pursuant to division (E) of this section that there is probable cause to believe that the child is an abused

child, as defined in division (A) of section 2151.031 of the Revised Code, the court may do any of the following:

(1) Upon the motion of any party, the guardian ad litem, the prosecuting attorney, or an employee of the public children services agency, or its own motion, issue reasonable protective orders with respect to the interviewing or deposition of the child;

(2) Order that the child's testimony be videotaped for preservation of the testimony for possible use in any other proceedings in the case;

(3) Set any additional conditions with respect to the child or the case involving the child that are in the best interest of the child.

(G) This section is not intended, and shall not be construed, to prevent any person from taking a child into custody, if taking the child into custody is necessary in an emergency to prevent the physical injury, emotional harm, or neglect of the child.

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)(c) 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) If the child is adjudicated a delinquent child for committing a category one offense or a category two offense and is committed to the legal custody of the department of youth services pursuant to division (A)(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 2941.142 of the Revised Code in relation to the act for which the child was adjudicated a delinquent child, the court shall commit the child to the legal

custody of the department of youth services for institutionalization in a secure facility for a period of not less than one year or more than three years, subject to division (A)(7)(c) of this section.

(c) The court shall not commit a child to the legal custody of the department of youth services pursuant to division (A)(7)(a) or (b) of this section for a period of time that exceeds three years. The period of commitment imposed pursuant to division (A)(7)(a) or (b) 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

alify 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) Impose a period of day reporting in which the child is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center;

(12) Impose a period of electronically monitored house arrest in accordance with division (I) of this section;

(13) Impose a period of community service of up to five hundred hours;

(14) Impose a period in an alcohol or drug treatment program with a level of security for the child as determined necessary by the court;

(15) Impose a period of intensive supervision, in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition;

(16) Impose a period of basic supervision, in which the child is required to maintain contact with a person appointed to supervise the child in accordance with sanctions imposed by the court;

(17) Impose a period of drug and alcohol use monitoring;

(18) Impose a period in which the court orders the child to observe a curfew that may involve daytime or evening hours;

(19) Require the child to obtain a high school diploma, a certificate of high school equivalency, or employment;

(20) If the court obtains the assent of the victim of the criminal act committed by the child, require the child to participate in a reconciliation or mediation program that includes a meeting in which the child and the victim may discuss the criminal act, discuss restitution, and consider other sanctions for the criminal act;

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

(22) Make any further disposition that the court finds proper, except that the child shall not be placed in any state correctional institution, county, multicounty, or municipal jail or workhouse, or other place in which an adult convicted of a crime, under arrest, or charged with a crime is held ~~(22)~~.

(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)~~(F)(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)~~(F)(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, 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 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 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 or offense of violence 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 division (I)(2) of this section, "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.

(3) Sections 2923.44 to 2923.47 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 in violation of section 2923.42 of the Revised Code. Subject to division (B) of section 2923.44 and division (E) of section 2923.45 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 2923.41 of the Revised Code and further described in section 2923.44 or 2923.45 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.

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 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 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, ~~the court shall give notice of the hearing to the prosecutor involved in the case. In accordance with section 2930.16 of the Revised Code and if the victim has requested notification, the prosecutor shall give notice of the hearing to the victim of the delinquent act for which the child's commitment to the legal custody of the department was imposed. The court 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 consider any statement of a victim made pursuant to section 2930.14 or 2930.17 of the Revised Code and any victim impact statement prepared pursuant to section 2151.355 of the Revised Code. The court shall determine at the hearing whether the child should be granted a judicial release from institutionalization or institutionalization in a secure facility. After making a determination, the court shall notify the victim of the determination in accordance with sections 2930.03 and 2930.16 of the Revised Code. 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 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

ment, 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, ~~the court shall give notice of the hearing to the prosecutor involved in the case.~~ In accordance with section 2930.16 of the Revised Code and if the victim has requested notification, the prosecutor shall give notice of the hearing to the victim of the delinquent act for which the child's commitment to the legal custody of the department was imposed. The court 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 consider any statement of a victim made pursuant to section 2930.14 or 2930.17 of the Revised Code and any victim impact statement prepared pursuant to section 2151.355 of the Revised Code. The court shall determine at the hearing whether the child should be granted an early release from institutionalization or institutionalization in a secure facility. After making a determination, the court shall notify the victim of the determination in accordance with sections 2930.03 and 2930.16 of the Revised Code. 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 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 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. 2930.01. As used in this chapter:

(A)~~(1)~~ "Crime" means, ~~subject to division (A)(2) of this section,~~ any of the following:

~~(a)~~(1) A felony;

~~(b)~~(2) A violation of section 2903.05, 2903.07, 2903.13, 2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the Revised Code or a violation of a substantially equivalent municipal ordinance.

~~(2) "Crime" does not mean an act for which an adjudication hearing is or may be held in a juvenile court.~~

(B) "Custodial agency" means ~~the~~ one of the following:

(1) The entity that has custody of a defendant or an alleged juvenile offender who is incarcerated for a crime, is under detention for the commission of a specified delinquent act, or who is detained after a finding of incompetence to stand trial or not guilty by reason of insanity relative to a crime, including any of the following:

~~(1)~~(a) The department of rehabilitation and correction or the adult parole authority;

~~(2)~~(b) A county sheriff;

~~(3)~~(c) The entity that administers a jail, as defined in section 2929.01 of the Revised Code;

~~(4)~~(d) The entity that administers a community-based correctional facility and program or a district community-based correctional facility and program;

~~(5)~~(e) The department of mental health or other entity to which a defendant found incompetent to stand trial or not guilty by reason of insanity is committed.

(2) The entity that has custody of an alleged juvenile offender pursuant to an order of disposition of a juvenile court, including the department of youth services or a school, camp, institution, or other facility operated for the care of delinquent children.

(C) "Defendant" means a person who is alleged to be the perpetrator of

a crime in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution and subsequent proceedings to which this chapter makes reference.

(D) "Member of the victim's family" means a spouse, child, stepchild, sibling, parent, stepparent, grandparent, or other relative of a victim but does not include a person who is charged with ~~or~~ convicted of, or adjudicated to be a delinquent child for the crime or specified delinquent act against the victim or another crime or specified delinquent act arising from the same conduct, criminal episode, or plan.

(E) "Prosecutor" means one of the following:

(1) With respect to a criminal case, it has the same meaning as in section 2935.01 of the Revised Code and also includes the attorney general and, when appropriate, the employees of any person listed in section 2935.01 of the Revised Code or of the attorney general.

(2) With respect to a delinquency proceeding, it includes any person listed in division (C) of section 2935.01 of the Revised Code or an employee of a person listed in that division who prosecutes a delinquency proceeding.

(F) "Public agency" means an office, agency, department, bureau, or other governmental entity of the state or of a political subdivision of the state.

(G) "Public official" has the same meaning as in section 2921.01 of the Revised Code.

(H) "Victim" means a person who is identified as the victim of a crime or specified delinquent act in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution or delinquency proceeding and subsequent proceedings to which this chapter makes reference.

(I) "Victim's representative" means a member of the victim's family or another person who pursuant to the authority of section 2930.02 of the Revised Code exercises the rights of a victim under this chapter.

(J) "Court" means a court of common pleas, juvenile court, municipal court, or county court.

(K) "Delinquency proceeding" means all proceedings in a juvenile court that are related to a case in which a complaint has been filed alleging that a child is a delinquent child.

(L) "Case" means a delinquency proceeding and all related activity or a criminal prosecution and all related activity.

(M) The "defense" means the defense against criminal charges in a criminal prosecution or the defense against a delinquent child complaint in a

delinquency proceeding.

(N) The "prosecution" means the prosecution of criminal charges in a criminal prosecution or the prosecution of a delinquent child complaint in a delinquency proceeding.

(O) "SPECIFIED DELINQUENT ACT" MEANS ANY OF THE FOLLOWING:

(1) AN ACT COMMITTED BY A CHILD THAT IF COMMITTED BY AN ADULT WOULD BE A FELONY;

(2) AN ACT COMMITTED BY A CHILD THAT IS A VIOLATION OF A SECTION LISTED IN DIVISION (A)(1) OR (2) OF THIS SECTION OR IS A VIOLATION OF A SUBSTANTIALLY EQUIVALENT MUNICIPAL ORDINANCE.

(P)(1) "ALLEGED JUVENILE OFFENDER" MEANS A CHILD WHO IS ALLEGED TO HAVE COMMITTED A SPECIFIED DELINQUENT ACT IN A POLICE REPORT OR IN A COMPLAINT IN JUVENILE COURT THAT CHARGES THE COMMISSION OF A SPECIFIED DELINQUENT ACT AND THAT PROVIDES THE BASIS FOR THE DELINQUENCY PROCEEDING AND ALL SUBSEQUENT PROCEEDINGS TO WHICH THIS CHAPTER MAKES REFERENCE.

(2) AS USED IN DIVISIONS (O) AND (P)(1) OF THIS SECTION, "CHILD" HAS THE SAME MEANING AS IN SECTION 2151.011 OF THE REVISED CODE.

Sec. 2930.02. (A) If a victim is a minor or is incapacitated, incompetent, or deceased, or if the victim chooses to designate another person, a member of a victim's family or another person may exercise the rights of the victim under this chapter as the victim's representative.

If more than one person seeks to act as the victim's representative for a particular victim, the court in which the ~~crime~~ criminal prosecution or delinquency proceeding is ~~prosecuted~~ held shall designate one of those persons as the victim's representative. If a victim does not want to have anyone act as the victim's representative, the court shall order that only the victim may exercise the rights of a victim under this chapter.

(B) If pursuant to division (A) of this section a victim's representative is to exercise the rights of a victim, the victim or victim's representative shall notify the prosecutor or, if it is a delinquency proceeding and a prosecutor is not involved in the case, shall notify the court that the victim's representative is to act for the victim. When a victim or victim's representative has so notified the prosecutor or the court, all notice under this chapter shall be sent only to the victim's representative, all rights under this chapter shall be granted only to the victim's representative, and all

references in this chapter to a victim shall be interpreted as being references to the victim's representative unless the victim informs the notifying authority that the victim also wishes to receive the notices or exercise the rights. If division (B) of section 2930.03 of the Revised Code requires a victim to make a request in order to receive any notice of a type described in this division and if a victim's representative is to exercise the rights of the victim, the victim's representative shall make the request.

Sec. 2930.05. (A) Within a reasonable period of time after the arrest or detention of a defendant or alleged juvenile offender for a crime or specified delinquent act, the law enforcement agency that investigates the crime or specified delinquent act shall give the victim of the crime or specified delinquent act notice of all of the following:

- (1) The arrest or detention;
- (2) The name of the defendant or alleged juvenile offender;
- (3) Whether the defendant or alleged juvenile offender is eligible for pretrial release or for release from detention;
- (4) The telephone number of the law enforcement agency;
- (5) The victim's right to telephone the agency to ascertain whether the defendant or alleged juvenile offender has been released from custody or from detention.

(B) If a defendant or alleged juvenile offender has been released from custody on a bond or personal recognizance or has been released from detention and the prosecutor in the case has received the affidavit of a victim stating that the defendant or alleged juvenile offender, or someone acting at the defendant's or alleged juvenile offender's direction, has committed or threatened to commit one or more acts of violence or intimidation against the victim, the victim's family, or the victim's representative, the prosecutor may file a motion asking the court to reconsider the conditions of the bond or personal recognizance granted to the defendant or alleged juvenile offender or to consider returning the defendant or alleged juvenile offender to detention.

Sec. 2930.06. (A) The prosecutor in a case, to the extent practicable, shall confer with the victim in the case before pretrial diversion is granted to the defendant or alleged juvenile offender in the case, before amending or dismissing an indictment, information, or complaint against that defendant or alleged juvenile offender, before agreeing to a negotiated plea for that defendant or alleged juvenile offender, ~~or~~ before a trial of that defendant by judge or jury, or before the juvenile court conducts an adjudicatory hearing for that alleged juvenile offender. If the juvenile court disposes of a case prior to the prosecutor's involvement in the case, the court or a court

employee shall notify the victim in the case that the alleged juvenile offender will be granted pretrial diversion, the complaint against that alleged juvenile offender will be amended or dismissed, or the court will conduct an adjudicatory hearing for that alleged juvenile offender. If the prosecutor fails to confer with the victim at any of those times, the court, if informed of the failure, shall note on the record the failure and the prosecutor's reasons for the failure. A prosecutor's failure to confer with a victim as required by this division ~~does~~ and a court's failure to provide the notice as required by this division do not affect the validity of an agreement between the prosecutor and the defendant or alleged juvenile offender in the case, a pretrial diversion of the defendant or alleged juvenile offender, an amendment or dismissal of an indictment, information, or complaint filed against the defendant or alleged juvenile offender, a plea entered by the defendant or alleged juvenile offender, an admission entered by the defendant or alleged juvenile offender, or any other disposition in the case. A court shall not dismiss a criminal complaint, charge, information, or indictment or a delinquent child complaint solely at the request of the victim and over the objection of the prosecuting attorney, village solicitor, city director of law, or other chief legal officer responsible for the prosecution of the case.

(B) After a prosecution in a case has been commenced, the prosecutor or a designee of the prosecutor other than a court or court employee, to the extent practicable, promptly shall give the victim all of the following information, except that, if the juvenile court disposes of a case prior to the prosecutor's involvement in the case, the court or a court employee, to the extent practicable, promptly shall give the victim all of the following information:

(1) The name of the ~~offense~~ crime or specified delinquent act with which the defendant or alleged juvenile offender in the case has been charged and the name of the defendant or alleged juvenile offender;

(2) The file number of the case;

(3) A brief statement regarding the procedural steps in a criminal ~~case~~ prosecution or delinquency proceeding involving an offense a crime or specified delinquent act similar to the ~~offense~~ crime or specified delinquent act with which the defendant or alleged juvenile offender has been charged and the right of the victim to be present during all proceedings held throughout the prosecution of ~~a~~ the case;

(4) A summary of the rights of a victim under this chapter;

(5) Procedures the victim or the prosecutor may follow if the victim becomes subject to threats or intimidation by the defendant, alleged juvenile offender, or any other person;

(6) The name and business telephone number of a person to contact for further information with respect to the case;

(7) The right of the victim to have a victim's representative exercise the victim's rights under this chapter in accordance with section 2930.02 of the Revised Code and the procedure by which a victim's representative may be designated;

(8) Notice that any notification under division (C) of this section ~~and~~ sections 2930.07 to 2930.19, and section 5139.56 of the Revised Code will be given to the victim only if the victim asks to receive the notification.

(C) Upon the request of the victim, the prosecutor or, if it is a delinquency proceeding and a prosecutor is not involved in the case, the court shall give the victim notice of the date, time, and place of any scheduled ~~court~~ criminal or juvenile proceedings in the case and notice of any changes in those proceedings or in the schedule in the case.

(D) A victim who requests notice under division (C) of this section and who elects pursuant to division (B) of section 2930.03 of the Revised Code to receive any further notice from the prosecutor or, if it is a delinquency proceeding and a prosecutor is not involved in the case, the court under this chapter shall keep the prosecutor or the court informed of the victim's current address and telephone number until the case is dismissed or terminated, the defendant is acquitted or sentenced, the delinquent child complaint is dismissed, the defendant is adjudicated a delinquent child, or the appellate process is completed, whichever is the final disposition in the case.

Sec. 2930.07. (A) If the prosecutor in a case determines that there are reasonable grounds for the victim in a case to be apprehensive regarding acts or threats of violence or intimidation by the defendant or alleged juvenile offender in the case or at the defendant's or alleged juvenile offender's direction against the victim, the victim's family, or the victim's representative, the prosecutor may file a motion with the court requesting that the court issue an order specifying that the victim and other witnesses in the case not be compelled in any phase of the criminal or delinquency proceeding to give testimony that would disclose the victim's or victim's representative's address, place of employment, or similar identifying fact without the victim's or victim's representative's consent. The court shall hold a hearing on the motion in chambers, and a court reporter shall make a record of the proceeding.

(B) If the court, pursuant to division (A) of this section, orders that the victim's or victim's representative's address, telephone number, place of employment, or other identifying fact shall be confidential, the court files or

documents shall not contain that information unless it is used to identify the location of the crime or specified delinquent act. The hearing shall be recorded, and the court shall order the transcript sealed.

Sec. 2930.09. A victim in a case may be present whenever the defendant or alleged juvenile offender in the case is present during any stage of the case against the defendant or alleged juvenile offender that is conducted on the record, other than a grand jury proceeding, unless the court determines that exclusion of the victim is necessary to protect the defendant's or alleged juvenile offender's right to a fair trial or to a fair delinquency proceeding. At any stage of the case at which the victim is present, the court, at the victim's request, shall permit the victim to be accompanied by an individual to provide support to the victim unless the court determines that exclusion of the individual is necessary to protect the defendant's or alleged juvenile offender's right to a fair trial or to a fair delinquency proceeding.

Sec. 2930.10. (A) The court in which a criminal ~~case~~ prosecution or delinquency proceeding is ~~prosecuted~~ held shall make a reasonable effort to minimize any contact between the victim in the case, members of the victim's family, the victim's representative, or witnesses for the prosecution and the defendant or alleged juvenile offender in the case, members of the defendant's or alleged juvenile offender's family, or witnesses for the defense before, during, and immediately after all court proceedings.

(B) The court shall provide a waiting area for the victim, members of the victim's family, the victim's representative, or witnesses for the prosecution that is separate from the waiting area provided for the defendant or alleged juvenile offender, members of the defendant's or alleged juvenile offender's family, and defense witnesses if a separate waiting area is available and the use of the area is practical.

Sec. 2930.11. (A) Except as otherwise provided in this section or in sections 2933.41 to 2933.43 of the Revised Code, the law enforcement agency responsible for investigating a crime or specified delinquent act shall promptly return to the victim of the crime or specified delinquent act any property of the victim that was taken in the course of the investigation. In accordance with Criminal Rule 26 or an applicable Juvenile Rule, the law enforcement agency may take photographs of the property for use as evidence. If the ownership of the property is in dispute, the agency shall not return the property until the dispute is resolved.

(B) The law enforcement agency responsible for investigating a crime or specified delinquent act shall retain any property of the victim of the crime or specified delinquent act that is needed as evidence in the case, including any weapon used in the commission of the crime or specified

delinquent act, if the prosecutor certifies to the court a need to retain the property in lieu of a photograph of the property or of another evidentiary substitute for the property itself.

(C) If the defendant or alleged juvenile offender in a case files a motion requesting the court to order the law enforcement agency to retain property of the victim because the property is needed for the defense in the case, the agency shall retain the property until the court rules on the motion. The court, in making a determination on the motion, shall weigh the victim's need for the property against the defendant's or alleged juvenile offender's assertion that the property has evidentiary value for the defense. The court shall rule on the motion in a timely fashion.

Sec. 2930.12. At the request of the victim in a ~~case~~ criminal prosecution, the prosecutor shall give the victim notice of the defendant's acquittal or conviction. At the request of the victim in a delinquency proceeding, the prosecutor shall give the victim notice of the dismissal of the complaint against the alleged juvenile offender or of the adjudication of the alleged juvenile offender as a delinquent child, except that, if the juvenile court dismisses the complaint against the alleged juvenile offender or adjudicates the alleged juvenile offender a delinquent child prior to the prosecutor's involvement in the case, at the request of the victim, the court or a court employee shall give the victim notice of the dismissal or of the adjudication. If the defendant or alleged juvenile offender is convicted or is adjudicated a delinquent child, the notice shall include all of the following:

(A) The crimes or specified delinquent acts of which the defendant was convicted or for which the alleged juvenile offender was adjudicated a delinquent child;

(B) The address and telephone number of the probation office or other person, if any, that is to prepare a presentence investigation report pursuant to section 2951.03 of the Revised Code or Criminal Rule 32.2, THE ADDRESS AND TELEPHONE NUMBER OF THE PERSON, IF ANY, WHO IS TO PREPARE A DISPOSITION INVESTIGATION REPORT PURSUANT TO SECTION 2151.355 OF THE REVISED CODE, and the address and telephone number of the person, if any, who is to prepare a victim impact statement pursuant to division (H) of section 2151.355 or section 2947.051 of the Revised Code;

(C) Notice that the victim may make a statement about the impact of the ~~offense~~ crime or specified delinquent act to the probation officer or other person, if any, who prepares the presentence investigation report or to the person, if any, who prepares a victim impact statement, that a statement of the victim included in the report will be made available to the defendant or

alleged juvenile offender unless the court exempts it from disclosure, and that the court may make the victim impact statement available to the defendant or alleged juvenile offender;

(D) Notice of the victim's right under section 2930.14 of the Revised Code to make a statement about the impact of the ~~offense~~ crime or specified delinquent act before sentencing or disposition;

(E) The date, time, and place of the sentencing hearing or dispositional hearing;

(F) One of the following:

(1) Any sentence imposed upon the defendant and any subsequent modification of that sentence, including modification under section 2929.20 of the Revised Code or as a result of the defendant's appeal of the sentence pursuant to section 2953.08 of the Revised Code;

(2) Any disposition ordered for the defendant and any subsequent modification of that disposition, including judicial release or early release in accordance with section 2151.38 of the Revised Code.

Sec. 2930.13. (A) If the court orders the preparation of a victim impact statement pursuant to section 2151.355 or 2947.051 of the Revised Code, the victim in the case may make a written or oral statement regarding the impact of the ~~offense~~ crime or specified delinquent act to the person whom the court orders to prepare the victim impact statement. A statement made by the victim under this section shall be included in the victim impact statement.

(B) If a probation officer or other person is preparing a presentence investigation report pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2, OR A DISPOSITION INVESTIGATION REPORT PURSUANT TO SECTION 2151.355 OF THE REVISED CODE, concerning the defendant or alleged juvenile offender in the case, the victim may make a written or oral statement regarding the impact of the ~~offense~~ crime or specified delinquent act to the probation officer or other person. The probation officer or other person shall use the statement in preparing the presentence investigation report or disposition investigation report and, upon the victim's request, shall include a written statement submitted by the victim in the presentence investigation report or disposition investigation report.

(C) A statement made by the victim under division (A) or (B) of this section may include the following:

(1) An explanation of the nature and extent of any physical, psychological, or emotional harm suffered by the victim as a result of the crime or specified delinquent act that is the basis of the case;

(2) An explanation of the extent of any property damage or other economic loss suffered by the victim as a result of that crime or specified delinquent act;

(3) An opinion regarding the extent to which, if any, the victim needs restitution for harm caused by the defendant or alleged juvenile offender as a result of that crime or specified delinquent act and information about whether the victim has applied for or received any compensation for loss or damage caused by that crime or specified delinquent act;

(4) The victim's recommendation for an appropriate sanction or disposition for the defendant or alleged juvenile offender regarding that crime or specified delinquent act.

(D) If a statement made by a victim under division (A) of this section is included in a victim impact statement, the provision, receipt, and retention of copies of, the use of, and the confidentiality, nonpublic record character, and sealing of the victim impact statement is governed by division (H) of section 2151.355 or by division (C) of section 2947.051 of the Revised Code, as appropriate. If a statement made by a victim under division (B) of this section is included in a presentence investigation report prepared pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 OR IN A DISPOSITION INVESTIGATION REPORT PURSUANT TO SECTION 2151.355 OF THE REVISED CODE, the provision, receipt, and retention of copies of, the use of, and the confidentiality, nonpublic record character, and sealing of the presentence investigation report or disposition investigation report that contains the victim's statement is governed by section 2951.03 of the Revised Code.

Sec. 2930.14. (A) Before imposing sentence upon, or entering an order of disposition for, a defendant or alleged juvenile offender for the commission of a crime or specified delinquent act, the court shall permit the victim of the crime or specified delinquent act to make a statement. The court may give copies of any written statement made by a victim to the defendant or alleged juvenile offender and defendant's or alleged juvenile offender's counsel and may give any written statement made by the defendant or alleged juvenile offender to the victim and the prosecutor. The court may redact any information contained in a written statement that the court determines is not relevant to and will not be relied upon in the sentencing or disposition decision. The written statement of the victim or of the defendant or alleged juvenile offender is confidential and is not a public record as used in section 149.43 of the Revised Code. Any person to whom a copy of a written statement was released by the court shall return it to the court immediately following sentencing or disposition.

(B) The court shall consider a victim's statement made under division (A) of this section along with other factors that the court is required to consider in imposing sentence or in determining the order of disposition. If the statement includes new material facts, the court shall not rely on the new material facts unless it continues the sentencing or dispositional proceeding or takes other appropriate action to allow the defendant or alleged juvenile offender an adequate opportunity to respond to the new material facts.

Sec. 2930.15. (A) If a defendant is convicted of committing a crime against a victim or an alleged juvenile offender is adjudicated a delinquent child for committing a specified delinquent act against a victim, if the victim requests notice of the filing of an appeal, and if the defendant or alleged juvenile offender files an appeal, the prosecutor in the case promptly shall notify the victim of the appeal. The prosecutor also shall give the victim all of the following information:

(1) A brief explanation of the appellate process, including the possible disposition of the case;

(2) Whether the defendant or alleged juvenile offender has been released on bail or other recognizance or under conditions imposed by the juvenile court pending the disposition of the appeal;

(3) The time, place, and location of appellate court proceedings and any subsequent changes in the time, place, or location of those proceedings;

(4) The result of the appeal.

(B) If the appellate court returns the defendant's or alleged juvenile offender's case to the trial court or juvenile court for further proceedings, the victim may exercise all the rights that previously were available to the victim in the trial court or the juvenile court.

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in a case who has requested to receive notice under this section shall be given notice of the incarceration of the defendant. If an alleged juvenile offender is committed to the temporary custody of a school, camp, institution, or other facility operated for the care of delinquent children or to the legal custody of the department of youth services, a victim in a case who has requested to receive notice under this section shall be given notice of the commitment. Promptly after sentence is imposed upon the defendant or the commitment of the alleged juvenile offender is ordered, the prosecutor in the case shall notify the victim of the date on which the defendant will be released from confinement or the prosecutor's reasonable estimate of that date or the date on which the alleged juvenile offender will have served the minimum period of commitment or the prosecutor's reasonable estimate of that date. The prosecutor also shall notify the victim of the name of the custodial agency of

the defendant or alleged juvenile offender and tell the victim how to contact that custodial agency. If the custodial agency is the department of youth services, the prosecutor shall notify the victim of the services provided by the office of victims' services within the release authority of the department pursuant to section 5139.55 of the Revised Code and the victim's right pursuant to section 5139.56 of the Revised Code to submit a written request to the release authority to be notified of actions the release authority takes with respect to the alleged juvenile offender. The victim shall keep the custodial agency informed of the victim's current address and telephone number.

(B)(1) Upon the victim's request, the prosecutor promptly shall notify the victim of any hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code or of any hearing for judicial release or early release of the alleged juvenile offender pursuant to section 2151.38 of the Revised Code and of the victim's right to make a statement under ~~that section~~ those sections. The court shall notify the victim of its ruling in each of those hearings and on each of those applications.

(2) Upon the request of a victim of a crime that is a sexually violent offense and that is committed by a sexually violent predator who is sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code, the prosecutor promptly shall notify the victim of any hearing to be conducted pursuant to section 2971.05 of the Revised Code to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility in accordance with division (C) of that section, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term in accordance with division (D) of that section. The court shall notify the victim of any order issued at the conclusion of the hearing. As used in this division, "sexually violent offense" and "sexually violent predator" have the same meanings as in section 2971.01 of the Revised Code.

(C) Upon the victim's request made at any time before the particular notice would be due, the custodial agency of a defendant or alleged juvenile offender shall give the victim any of the following notices that is applicable:

(1) At least three weeks before the adult parole authority recommends a pardon or commutation of sentence for the defendant or at least three weeks prior to a hearing before the adult parole authority regarding a grant of parole to the defendant, notice of the victim's right to submit a statement regarding the impact of the defendant's release in accordance with section 2967.12 of the Revised Code and, if applicable, of the victim's right to appear at a full board hearing of the parole board to give testimony as

horized by section 5149.101 of the Revised Code;

(2) At least three weeks before the defendant is transferred to transitional control under section 2967.26 of the Revised Code, notice of the pendency of the transfer and of the victim's right under that section to submit a statement regarding the impact of the transfer;

(3) At least thirty days before the release authority of the department of youth services holds a release review, release hearing, or discharge review for the alleged juvenile offender, notice of the pendency of the review or hearing, of the victim's right to make an oral or written statement regarding the impact of the crime upon the victim or regarding the possible release or discharge, and, if the notice pertains to a hearing, of the victim's right to attend and make statements or comments at the hearing as authorized by section 5139.56 of the Revised Code;

(4) Prompt notice of the defendant's OR ALLEGED JUVENILE OFFENDER'S escape from a facility of the custodial agency in which the defendant was incarcerated or in which the alleged juvenile offender was placed after commitment, of the defendant's or alleged juvenile offender's absence without leave from a mental health or mental retardation and developmental disabilities facility or from other custody, and of the capture of the defendant or alleged juvenile offender after an escape or absence;

~~(4)~~(5) Notice of the defendant's or alleged juvenile offender's death while in confinement or custody;

~~(5)~~(6) Notice of the defendant's or alleged juvenile offender's release from confinement or custody and the terms and conditions of the release.

Sec. 2930.17. (A) In determining whether to grant a judicial release to a defendant from a prison term pursuant to section 2929.20 of the Revised Code at a time before the defendant's stated prison term expires or in determining whether to grant a judicial release or early release to an alleged juvenile offender from a commitment to the department of youth services pursuant to section 2151.38 of the Revised Code, the court shall permit a victim of a crime or specified delinquent act for which the defendant or alleged juvenile offender was incarcerated or committed to make a statement, in addition to any other statement made under this chapter, concerning the effects of that crime or specified delinquent act on the victim, the circumstances surrounding the crime or specified delinquent act, the manner in which the crime or specified delinquent act was perpetrated, and the victim's opinion whether the defendant or alleged juvenile offender should be released. The victim may make the statement in writing or orally, at the court's discretion. The court shall give the defendant or alleged juvenile offender and either the adult parole authority or the department of

youth services, whichever is applicable, a copy of any written impact statement made by the victim under this division.

(B) In deciding whether to grant a judicial release or early release to the defendant or alleged juvenile offender, the court shall consider a statement made by the victim under division (A) of this section or section 2930.14 or 2947.051 of the Revised Code.

Sec. 2930.18. No employer of a victim shall discharge, discipline, or otherwise retaliate against the victim, a member of the victim's family, or a victim's representative for participating, at the prosecutor's request, in preparation for a criminal justice or delinquency proceeding or for attendance, pursuant to a subpoena, at a criminal or delinquency proceeding if the attendance is reasonably necessary to protect the interests of the victim. This section generally does not require an employer to pay an employee for time lost as a result of attendance at a criminal or delinquency proceeding. An employer who knowingly violates this section is in contempt of court. This section does not limit or affect the application to any person of section 2151.211, 2939.121, or 2945.451 of the Revised Code.

Sec. 2930.19. (A) In a manner consistent with the duty of a prosecutor to represent the interests of the public as a whole, a prosecutor shall seek compliance with this chapter on behalf of a victim, a member of the victim's family, or the victim's representative.

(B) The failure of a public official or public agency to comply with the requirements of this chapter does not give rise to a claim for damages against that public official or public agency, except that a public agency as an employer may be held responsible for a violation of section 2930.18 of the Revised Code.

(C) The failure of any person or entity to provide a right, privilege, or notice to a victim under this chapter does not constitute grounds for declaring a mistrial or new trial, for setting aside a conviction ~~or~~, sentence, adjudication, or disposition, or for granting postconviction release to a defendant or alleged juvenile offender.

(D) If there is a conflict between a provision in this chapter and a specific statute governing the procedure in a case involving a capital offense, the specific statute supersedes the provision in this chapter.

(E) If the victim of a crime is incarcerated in a state or local correctional facility or is in the legal custody of the department of youth services, the victim's rights under this chapter may be modified by court order to prevent any security risk, hardship, or undue burden upon a public official or public agency with a duty under this chapter.

SECTION 2. That existing sections 109.42, 109.57, 2151.18, 2151.31, 2151.355, 2151.38, 2930.01, 2930.02, 2930.05, 2930.06, 2930.07, 2930.09, 2930.10, 2930.11, 2930.12, 2930.13, 2930.14, 2930.15, 2930.16, 2930.17, 2930.18, and 2930.19 of the Revised Code are hereby repealed.

SECTION 3. Section 2151.355 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 2 and Am. Sub. H.B. 526 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 _____