

As Introduced

**124th General Assembly
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H. B. No. 130

**REPRESENTATIVES DePiero, Hughes, Jones, Hartnett, Olman, Britton,
Allen, Goodman, Sullivan, Redfern, Rhine, Distel, Womer Benjamin,
Krupinski, Seaver, Cirelli, Jerse, Flowers, Lendrum, Evans**

A B I L L

To amend sections 2151.355, 2151.62, and 2929.14 and
to enact section 2941.1412 of the Revised Code to
require a mandatory prison term or a commitment to
the Department of Youth Services for discharging a
firearm at a peace officer and to maintain the
provisions of this act on and after January 1,
2002, by amending the version of section 2152.72 of
the Revised Code that takes effect on that date.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2151.355, 2151.62, and 2929.14 be
amended and section 2941.1412 of the Revised Code be enacted to
read as follows:

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

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

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(2) Place the child on probation under any conditions that

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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

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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.

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(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;

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(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;

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(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

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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

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adult, would be guilty of a specification of the type set forth in
section 2941.141, 2941.144, 2941.145, ~~or~~ 2941.146, or 2941.1412 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, or
2941.1412 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

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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.

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

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(9) 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.

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(10) 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

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reissued a license or permit until the child has paid any 179
applicable reinstatement fee and complied with all requirements 180
governing license reinstatement. 181

(11) If the child is adjudicated a delinquent child for 182
committing an act that, if committed by an adult, would be a 183
criminal offense that would qualify the adult as an eligible 184
offender pursuant to division (A)(3) of section 2929.23 of the 185
Revised Code, impose a period of electronically monitored house 186
detention in accordance with division (J) of this section that 187
does not exceed the maximum sentence of imprisonment that could be 188
imposed upon an adult who commits the same act; 189

(12) Impose a period of day reporting in which the child is 190
required each day to report to and leave a center or other 191
approved reporting location at specified times in order to 192
participate in work, education or training, treatment, and other 193
approved programs at the center or outside the center; 194

(13) Impose a period of electronically monitored house arrest 195
in accordance with division (J) of this section; 196

(14) Impose a period of community service of up to five 197
hundred hours; 198

(15) Impose a period in an alcohol or drug treatment program 199
with a level of security for the child as determined necessary by 200
the court; 201

(16) Impose a period of intensive supervision, in which the 202
child is required to maintain frequent contact with a person 203
appointed by the court to supervise the child while the child is 204
seeking or maintaining employment and participating in training, 205
education, and treatment programs as the order of disposition; 206

(17) Impose a period of basic supervision, in which the child 207
is required to maintain contact with a person appointed to 208
supervise the child in accordance with sanctions imposed by the 209

court;	210
(18) Impose a period of drug and alcohol use monitoring;	211
(19) Impose a period in which the court orders the child to observe a curfew that may involve daytime or evening hours;	212 213
(20) Require the child to obtain a high school diploma, a certificate of high school equivalence, or employment;	214 215
(21) 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;	216 217 218 219 220 221
(22) Commit the child to the temporary or permanent custody of the court;	222 223
(23) Require the child to not be absent without legitimate excuse from the public school the child is supposed to attend for five or more consecutive days, seven or more school days in one school month, or twelve or more school days in a school year;	224 225 226 227
(24)(a) If a child is adjudicated a delinquent child for being a chronic truant or an habitual truant who previously has been adjudicated an unruly child for being an habitual truant, do either or both of the following:	228 229 230 231
(i) Require the child to participate in a truancy prevention mediation program;	232 233
(ii) Make any order of disposition as authorized by this section, except that the court shall not commit the child to a facility described in division (A)(3) of this section unless the court determines that the child violated a lawful court order made pursuant to division (C)(1)(e) of section 2151.354 of the Revised Code or division (A)(23) of this section.	234 235 236 237 238 239

(b) If a child is adjudicated a delinquent child for being a chronic truant or an habitual truant who previously has been adjudicated an unruly child for being an habitual truant and the court determines that the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code, do either or both of the following:

(i) Require the parent, guardian, or other person having care of the child to participate in a truancy prevention mediation program;

(ii) Require the parent, guardian, or other person having care of the child to participate in any community service program, preferably a community service program that requires the involvement of the parent, guardian, or other person having care of the child in the school attended by the child.

(25) 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.

(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 being a chronic truant or an habitual truant who previously has been adjudicated an unruly child for being an habitual truant and the court determines that the parent, guardian, or other person having

care of the child has failed to cause the child's attendance at 271
school in violation of section 3321.38 of the Revised Code, in 272
addition to any order of disposition it makes under this section, 273
the court shall warn the parent, guardian, or other person having 274
care of the child that any subsequent adjudication of the child as 275
an unruly or delinquent child for being an habitual or chronic 276
truant may result in a criminal charge against the parent, 277
guardian, or other person having care of the child for a violation 278
of division (C) of section 2919.21 or section 2919.24 of the 279
Revised Code. 280

(3) If a child is adjudicated a delinquent child for 281
committing two or more acts that would be felonies if committed by 282
an adult and if the court entering the delinquent child 283
adjudication orders the commitment of the child, for two or more 284
of those acts, to the legal custody of the department of youth 285
services for institutionalization or institutionalization in a 286
secure facility pursuant to division (A)(4), (5), or (6) of this 287
section, the court may order that all of the periods of commitment 288
imposed under those divisions for those acts be served 289
consecutively in the legal custody of the department of youth 290
services and, if applicable, be in addition to and commence 291
immediately following the expiration of a period of commitment 292
that the court imposes pursuant to division (A)(7) of this 293
section. A court shall not commit a delinquent child to the legal 294
custody of the department of youth services under division (B)(2) 295
of this section for a period that exceeds the child's attainment 296
of twenty-one years of age. 297

(C) If a child is adjudicated a delinquent child for 298
committing an act that, if committed by an adult, would be a drug 299
abuse offense, as defined in section 2925.01 of the Revised Code, 300
or for violating division (B) of section 2917.11 of the Revised 301
Code, in addition to imposing in its discretion any other order of 302

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
(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
(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

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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.

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(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.

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(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.

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(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

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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.

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(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, 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.

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(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.

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(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) 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.

(2) 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) A juvenile court, pursuant to division (A)(11) 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

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monitored house detention, to enter into a written contract with 559
the court agreeing to comply with all restrictions and 560
requirements imposed by the court, agreeing to pay any fee imposed 561
by the court for the costs of the electronically monitored house 562
detention imposed by the court pursuant to division (E) of section 563
2929.23 of the Revised Code, and agreeing to waive the right to 564
receive credit for any time served on electronically monitored 565
house detention toward the period of any other dispositional order 566
imposed upon the child for the act for which the dispositional 567
order of electronically monitored house detention was imposed if 568
the child violates any of the restrictions or requirements of the 569
dispositional order of electronically monitored house detention. 570
The court also may impose other reasonable restrictions and 571
requirements upon the child. 572

(2) If a child violates any of the restrictions or 573
requirements imposed upon the child as part of the child's 574
dispositional order of electronically monitored house detention, 575
the child shall not receive credit for any time served on 576
electronically monitored house detention toward any other 577
dispositional order imposed upon the child for the act for which 578
the dispositional order of electronically monitored house 579
detention was imposed. 580
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(K)(1) Within ten days after completion of the adjudication, 583
the court shall give written notice of an adjudication that a 584
child is a delinquent child to the superintendent of a city, 585
local, exempted village, or joint vocational school district, and 586
to the principal of the school the child attends, if the basis of 587
the adjudication was the commission of an act that would be a 588
criminal offense if committed by an adult, if the act was 589
committed by the delinquent child when the child was fourteen 590

years of age or older, and if the act is any of the following: 591

(a) An act that would be a felony or an offense of violence 592
if committed by an adult, an act in the commission of which the 593
child used or brandished a firearm, or an act that is a violation 594
of section 2907.04, 2907.06, 2907.07, 2907.08, 2907.09, 2907.24, 595
or 2907.241 of the Revised Code and that would be a misdemeanor if 596
committed by an adult; 597

(b) A violation of section 2923.12 of the Revised Code or of 598
a substantially similar municipal ordinance that would be a 599
misdemeanor if committed by an adult and that was committed on 600
property owned or controlled by, or at an activity held under the 601
auspices of, the board of education of that school district; 602

(c) A violation of division (A) of section 2925.03 or 2925.11 603
of the Revised Code that would be a misdemeanor if committed by an 604
adult, that was committed on property owned or controlled by, or 605
at an activity held under the auspices of, the board of education 606
of that school district, and that is not a minor drug possession 607
offense; 608

(d) Complicity in any violation described in division 609
(K)(1)(a) of this section, or complicity in any violation 610
described in division (K)(1)(b) or (c) of this section that was 611
alleged to have been committed in the manner described in division 612
(K)(1)(b) or (c) of this section, and regardless of whether the 613
act of complicity was committed on property owned or controlled 614
by, or at an activity held under the auspices of, the board of 615
education of that school district. 616

(2) The notice given pursuant to division (K)(1) of this 617
section shall include the name of the child who was adjudicated to 618
be a delinquent child, the child's age at the time the child 619
committed the act that was the basis of the adjudication, and 620
identification of the violation of the law or ordinance that was 621

the basis of the adjudication.

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(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.

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(M) As used in this section:

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(1) "Certified electronic monitoring device," "certified electronic monitoring system," "electronic monitoring device," and "electronic monitoring system" have the same meanings as in

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section 2929.23 of the Revised Code.

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(2) "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:

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(a) 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.

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(b) 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.

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(c) 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.

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

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

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(3) "Felony drug abuse offense" and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code.

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(4) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

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(5) "Sexually oriented offense" has the same meaning as in

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section 2950.01 of the Revised Code. 684

(6) "Theft offense" has the same meaning as in section 685
2913.01 of the Revised Code. 686

Sec. 2151.62. (A) This section applies only to a child who is 687
or previously has been adjudicated a delinquent child for an act 688
to which any of the following applies: 689

(1) It is a violation of section 2903.01, 2903.02, 2903.03, 690
2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 2907.05 691
of the Revised Code; 692

(2) It is a violation of section 2923.01 of the Revised Code 693
and involved an attempt to commit aggravated murder or murder; 694
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(3) It would be a felony if committed by an adult, and the 696
court determined that the child, if an adult, would be guilty of a 697
specification found in section 2941.141, 2941.144, ~~or 2941.145,~~ or 698
2941.1412 of the Revised Code or in another section of the Revised 699
Code that relates to the possession or use of a firearm during the 700
commission of the act for which the child was adjudicated a 701
delinquent child; 702

(4) It would be an offense of violence that is a felony if 703
committed by an adult, and the court determined that the child, if 704
an adult, would be guilty of a specification found in section 705
2941.1411 of the Revised Code or in another section of the Revised 706
Code that relates to the wearing or carrying of body armor during 707
the commission of the act for which the child was adjudicated a 708
delinquent child. 709

(B)(1) Except as provided in division (E) of this section, a 710
public children services agency, private child placing agency, 711
private noncustodial agency, or court, the department of youth 712
services, or another private or government entity shall not place 713

a child in a certified foster home until it provides the foster
caregivers with all of the following:

(a) A written report describing the child's social history;

(b) A written report describing all the acts committed by the
child the entity knows of that resulted in the child being
adjudicated a delinquent child and the disposition made by the
court, unless the records pertaining to the acts have been sealed
pursuant to section 2151.358 of the Revised Code;

(c) A written report describing any other violent act
committed by the child of which the entity is aware;

(d) The substantial and material conclusions and
recommendations of any psychiatric or psychological examination
conducted on the child or, if no psychological or psychiatric
examination of the child is available, the substantial and
material conclusions and recommendations of an examination to
detect mental and emotional disorders conducted in compliance with
the requirements of Chapter 4757. of the Revised Code by an
independent social worker, social worker, professional clinical
counselor, or professional counselor licensed under that chapter.
The entity shall not provide any part of a psychological,
psychiatric, or mental and emotional disorder examination to the
foster caregivers other than the substantial and material
conclusions.

(2) Notwithstanding section 2151.358 of the Revised Code, if
records of an adjudication that a child is a delinquent child have
been sealed pursuant to that section and an entity knows the
records have been sealed, the entity shall provide the foster
caregivers a written statement that the records of a prior
adjudication have been sealed.

(C) The entity that places the child in a certified foster
home shall conduct a psychological examination of the child,

except that the entity is not required to conduct the examination
if such an examination was conducted no more than one year prior
to the child's placement. No later than sixty days after placing
the child, the entity shall provide the foster caregiver a written
report detailing the substantial and material conclusions and
recommendations of the examination conducted pursuant to this
division.

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(D)(1) Except as provided in divisions (D)(2) and (3) of this
section, the expenses of conducting the examinations and preparing
the reports and assessment required by division (B) or (C) of this
section shall be paid by the entity that places the child in the
certified foster home.

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(2) When a juvenile court grants temporary or permanent
custody of a child pursuant to any section of the Revised Code,
including section 2151.33, 2151.353, 2151.354, or 2151.355 of the
Revised Code, to a public children services agency or private
child placing agency, the court shall provide the agency the
information described in division (B) of this section, pay the
expenses of preparing that information, and, if a new examination
is required to be conducted, pay the expenses of conducting the
examination described in division (C) of this section. On receipt
of the information described in division (B) of this section, the
agency shall provide to the court written acknowledgment that the
agency received the information. The court shall keep the
acknowledgment and provide a copy to the agency. On the motion of
the agency, the court may terminate the order granting temporary
or permanent custody of the child to that agency, if the court
does not provide the information described in division (B) of this
section.

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(3) If one of the following entities is placing a child in a
certified foster home with the assistance of or by contracting
with a public children services agency, private child placing

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agency, or a private noncustodial agency, the entity shall provide 777
the agency with the information described in division (B) of this 778
section, pay the expenses of preparing that information, and, if a 779
new examination is required to be conducted, pay the expenses of 780
conducting the examination described in division (C) of this 781
section: 782

(a) The department of youth services if the placement is 783
pursuant to any section of the Revised Code including section 784
2151.38, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised 785
Code; 786

(b) A juvenile court with temporary or permanent custody of a 787
child pursuant to section 2151.354 or 2151.355 of the Revised 788
Code; 789

(c) A public children services agency or private child 790
placing agency with temporary or permanent custody of the child. 791

The agency receiving the information described in division 792
(B) of this section shall provide the entity described in division 793
(D)(3)(a) to (c) of this section that sent the information written 794
acknowledgment that the agency received the information and 795
provided it to the foster caregivers. The entity shall keep the 796
acknowledgment and provide a copy to the agency. An entity that 797
places a child in a certified foster home with the assistance of 798
or by contracting with an agency remains responsible to provide 799
the information described in division (B) of this section to the 800
foster caregivers unless the entity receives written 801
acknowledgment that the agency provided the information. 802

(E) If a child is placed in a certified foster home as a 803
result of an emergency removal of the child from home pursuant to 804
division (D) of section 2151.31 of the Revised Code, an emergency 805
change in the child's case plan pursuant to division (E)(3) of 806
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section 2151.412 of the Revised Code, or an emergency placement by 808
the department of youth services pursuant to this chapter or 809
Chapter 5139. of the Revised Code, the entity that places the 810
child in the certified foster home shall provide the information 811
described in division (B) of this section no later than ninety-six 812
hours after the child is placed in the certified foster home. 813
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(F) On receipt of the information described in divisions (B) 815
and (C) of this section, the foster caregiver shall provide to the 816
entity that places the child in the foster caregiver's home a 817
written acknowledgment that the foster caregiver received the 818
information. The entity shall keep the acknowledgment and provide 819
a copy to the foster caregiver. 820

(G) No person employed by an entity subject to this section 821
and made responsible by that entity for the child's placement in a 822
certified foster home shall fail to provide the foster caregivers 823
with the information required by divisions (B) and (C) of this 824
section. 825

(H) It is not a violation of any duty of confidentiality 826
provided for in the Revised Code or a code of professional 827
responsibility for a person or government entity to provide the 828
substantial and material conclusions and recommendations of a 829
psychiatric or psychological examination, or an examination to 830
detect mental and emotional disorders, in accordance with division 831
(B)(1)(d) or (C) of this section. 832

(I) As used in this section: 833

(1) "Body armor" has the same meaning as in section 2941.1411 834
of the Revised Code. 835

(2) "Firearm" has the same meaning as in section 2923.11 of 836
the Revised Code. 837

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 838
(D)(2), (D)(3), (D)(4), or (G) of this section and except in 839
relation to an offense for which a sentence of death or life 840
imprisonment is to be imposed, if the court imposing a sentence 841
upon an offender for a felony elects or is required to impose a 842
prison term on the offender pursuant to this chapter and is not 843
prohibited by division (G)(1) of section 2929.13 of the Revised 844
Code from imposing a prison term on the offender, the court shall 845
impose a definite prison term that shall be one of the following: 846

(1) For a felony of the first degree, the prison term shall 847
be three, four, five, six, seven, eight, nine, or ten years. 848

(2) For a felony of the second degree, the prison term shall 849
be two, three, four, five, six, seven, or eight years. 850

(3) For a felony of the third degree, the prison term shall 851
be one, two, three, four, or five years. 852

(4) For a felony of the fourth degree, the prison term shall 853
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 854
fourteen, fifteen, sixteen, seventeen, or eighteen months. 855

(5) For a felony of the fifth degree, the prison term shall 856
be six, seven, eight, nine, ten, eleven, or twelve months. 857

(B) Except as provided in division (C), (D)(1), (D)(2), 858
(D)(3), or (G) of this section, in section 2907.02 of the Revised 859
Code, or in Chapter 2925. of the Revised Code, if the court 860
imposing a sentence upon an offender for a felony elects or is 861
required to impose a prison term on the offender and if the 862
offender previously has not served a prison term, the court shall 863
impose the shortest prison term authorized for the offense 864
pursuant to division (A) of this section, unless the court finds 865
on the record that the shortest prison term will demean the 866
seriousness of the offender's conduct or will not adequately 867

protect the public from future crime by the offender or others. 868

(C) Except as provided in division (G) of this section or in 869
Chapter 2925. of the Revised Code, the court imposing a sentence 870
upon an offender for a felony may impose the longest prison term 871
authorized for the offense pursuant to division (A) of this 872
section only upon offenders who committed the worst forms of the 873
offense, upon offenders who pose the greatest likelihood of 874
committing future crimes, upon certain major drug offenders under 875
division (D)(3) of this section, and upon certain repeat violent 876
offenders in accordance with division (D)(2) of this section. 877

(D)(1)(a) Except as provided in division (D)(1)(e) of this 878
section, if an offender who is convicted of or pleads guilty to a 879
felony also is convicted of or pleads guilty to a specification of 880
the type described in section 2941.141, 2941.144, or 2941.145 of 881
the Revised Code, the court shall impose on the offender one of 882
the following prison terms: 883

(i) A prison term of six years if the specification is of the 884
type described in section 2941.144 of the Revised Code that 885
charges the offender with having a firearm that is an automatic 886
firearm or that was equipped with a firearm muffler or silencer on 887
or about the offender's person or under the offender's control 888
while committing the felony; 889

(ii) A prison term of three years if the specification is of 890
the type described in section 2941.145 of the Revised Code that 891
charges the offender with having a firearm on or about the 892
offender's person or under the offender's control while committing 893
the offense and displaying the firearm, brandishing the firearm, 894
indicating that the offender possessed the firearm, or using it to 895
facilitate the offense; 896

(iii) A prison term of one year if the specification is of 897
the type described in section 2941.141 of the Revised Code that 898

charges the offender with having a firearm on or about the 899
offender's person or under the offender's control while committing 900
the felony. 901

(b) If a court imposes a prison term on an offender under 902
division (D)(1)(a) of this section, the prison term shall not be 903
reduced pursuant to section 2929.20, section 2967.193, or any 904
other provision of Chapter 2967. or Chapter 5120. of the Revised 905
Code. A court shall not impose more than one prison term on an 906
offender under division (D)(1)(a) of this section for felonies 907
committed as part of the same act or transaction. 908

(c) Except as provided in division (D)(1)(e) of this section, 909
if an offender who is convicted of or pleads guilty to a violation 910
of section 2923.161 of the Revised Code or to a felony that 911
includes, as an essential element, purposely or knowingly causing 912
or attempting to cause the death of or physical harm to another, 913
also is convicted of or pleads guilty to a specification of the 914
type described in section 2941.146 of the Revised Code that 915
charges the offender with committing the offense by discharging a 916
firearm from a motor vehicle other than a manufactured home, the 917
court, after imposing a prison term on the offender for the 918
violation of section 2923.161 of the Revised Code or for the other 919
felony offense under division (A), (D)(2), or (D)(3) of this 920
section, shall impose an additional prison term of five years upon 921
the offender that shall not be reduced pursuant to section 922
2929.20, section 2967.193, or any other provision of Chapter 2967. 923
or Chapter 5120. of the Revised Code. A court shall not impose 924
more than one additional prison term on an offender under division 925
(D)(1)(c) of this section for felonies committed as part of the 926
same act or transaction. If a court imposes an additional prison 927
term on an offender under division (D)(1)(c) of this section 928
relative to an offense, the court also shall impose a prison term 929
under division (D)(1)(a) of this section relative to the same 930

offense, provided the criteria specified in that division for 931
imposing an additional prison term are satisfied relative to the 932
offender and the offense. 933
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(d) If an offender who is convicted of or pleads guilty to an 935
offense of violence that is a felony also is convicted of or 936
pleads guilty to a specification of the type described in section 937
2941.1411 of the Revised Code that charges the offender with 938
wearing or carrying body armor while committing the felony offense 939
of violence, the court shall impose on the offender a prison term 940
of two years. The prison term so imposed shall not be reduced 941
pursuant to section 2929.20, section 2967.193, or any other 942
provision of ~~chapter~~ Chapter 2967. or ~~chapter~~ Chapter 5120. of the 943
Revised Code. A court shall not impose more than one prison term 944
on an offender under division (D)(1)(d) of this section for 945
felonies committed as part of the same act or transaction. If a 946
court imposes an additional prison term under division (D)(1)(a) 947
or (c) of this section, the court is not precluded from imposing 948
an additional prison term under division (D)(1)(d) of this 949
section. 950

(e) The court shall not impose any of the prison terms 951
described in division (D)(1)(a) of this section or any of the 952
additional prison terms described in division (D)(1)(c) of this 953
section upon an offender for a violation of section 2923.12 or 954
2923.123 of the Revised Code. The court shall not impose any of 955
the prison terms described in division (D)(1)(a) of this section 956
or any of the additional prison terms described in division 957
(D)(1)(c) of this section upon an offender for a violation of 958
section 2923.13 of the Revised Code unless all of the following 959
apply: 960

(i) The offender previously has been convicted of aggravated 961
murder, murder, or any felony of the first or second degree. 962

(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.

(f) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (D)(2), or (D)(3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one additional prison term on an offender under division (D)(1)(f) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under division (D)(1)(f) of this section relative to an offense, the court also shall impose a prison term under division (D)(1)(a) or (c) of this section relative to the same offense if the criteria specified in those divisions for imposing additional prison terms are satisfied relative to the offender and the offense.

(2)(a) If an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender, the court shall impose a prison term from the range of terms authorized for the offense under division (A) of this section that may be the longest term in

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the range and that shall not be reduced pursuant to section 995
2929.20, section 2967.193, or any other provision of Chapter 2967. 996
or Chapter 5120. of the Revised Code. If the court finds that the 997
repeat violent offender, in committing the offense, caused any 998
physical harm that carried a substantial risk of death to a person 999
or that involved substantial permanent incapacity or substantial 1000
permanent disfigurement of a person, the court shall impose the 1001
longest prison term from the range of terms authorized for the 1002
offense under division (A) of this section. 1003
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(b) If the court imposing a prison term on a repeat violent 1005
offender imposes the longest prison term from the range of terms 1006
authorized for the offense under division (A) of this section, the 1007
court may impose on the offender an additional definite prison 1008
term of one, two, three, four, five, six, seven, eight, nine, or 1009
ten years if the court finds that both of the following apply with 1010
respect to the prison terms imposed on the offender pursuant to 1011
division (D)(2)(a) of this section and, if applicable, divisions 1012
(D)(1) and (3) of this section: 1013

(i) The terms so imposed are inadequate to punish the 1014
offender and protect the public from future crime, because the 1015
applicable factors under section 2929.12 of the Revised Code 1016
indicating a greater likelihood of recidivism outweigh the 1017
applicable factors under that section indicating a lesser 1018
likelihood of recidivism. 1019

(ii) The terms so imposed are demeaning to the seriousness of 1020
the offense, because one or more of the factors under section 1021
2929.12 of the Revised Code indicating that the offender's conduct 1022
is more serious than conduct normally constituting the offense are 1023
present, and they outweigh the applicable factors under that 1024
section indicating that the offender's conduct is less serious 1025
than conduct normally constituting the offense. 1026

(3)(a) Except when an offender commits a violation of section 1027
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 1028
the violation is life imprisonment or commits a violation of 1029
section 2903.02 of the Revised Code, if the offender commits a 1030
violation of section 2925.03 or 2925.11 of the Revised Code and 1031
that section classifies the offender as a major drug offender and 1032
requires the imposition of a ten-year prison term on the offender, 1033
if the offender commits a felony violation of section 2925.02, 1034
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1035
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1036
division (C) of section 4729.51, or division (J) of section 1037
4729.54 of the Revised Code that includes the sale, offer to sell, 1038
or possession of a schedule I or II controlled substance, with the 1039
exception of marihuana, and the court imposing sentence upon the 1040
offender finds that the offender is guilty of a specification of 1041
the type described in section 2941.1410 of the Revised Code 1042
charging that the offender is a major drug offender, or if the 1043
court imposing sentence upon an offender for a felony finds that 1044
the offender is guilty of corrupt activity with the most serious 1045
offense in the pattern of corrupt activity being a felony of the 1046
first degree or is guilty of an attempted forcible violation of 1047
section 2907.02 of the Revised Code with the victim being under 1048
thirteen years of age and that attempted violation is the felony 1049
for which sentence is being imposed, the court shall impose upon 1050
the offender for the felony violation a ten-year prison term that 1051
cannot be reduced pursuant to section 2929.20 or Chapter 2967. or 1052
5120. of the Revised Code. 1053

(b) The court imposing a prison term on an offender under 1055
division (D)(3)(a) of this section may impose an additional prison 1056
term of one, two, three, four, five, six, seven, eight, nine, or 1057
ten years, if the court, with respect to the term imposed under 1058

division (D)(3)(a) of this section and, if applicable, divisions 1059
(D)(1) and (2) of this section, makes both of the findings set 1060
forth in divisions (D)(2)(b)(i) and (ii) of this section. 1061
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(4) If the offender is being sentenced for a third or fourth 1063
degree felony OMVI offense under division (G)(2) of section 1064
2929.13 of the Revised Code, the sentencing court shall impose 1065
upon the offender a mandatory prison term in accordance with that 1066
division. In addition to the mandatory prison term, the sentencing 1067
court may sentence the offender to an additional prison term of 1068
any duration specified in division (A)(3) of this section minus 1069
the sixty or one hundred twenty days imposed upon the offender as 1070
the mandatory prison term. The total of the additional prison term 1071
imposed under division (D)(4) of this section plus the sixty or 1072
one hundred twenty days imposed as the mandatory prison term shall 1073
equal one of the authorized prison terms specified in division 1074
(A)(3) of this section. If the court imposes an additional prison 1075
term under division (D)(4) of this section, the offender shall 1076
serve the additional prison term after the offender has served the 1077
mandatory prison term required for the offense. The court shall 1078
not sentence the offender to a community control sanction under 1079
section 2929.16 or 2929.17 of the Revised Code. 1080
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(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 1082
mandatory prison term is imposed upon an offender pursuant to 1083
division (D)(1)(a) of this section for having a firearm on or 1084
about the offender's person or under the offender's control while 1085
committing a felony, if a mandatory prison term is imposed upon an 1086
offender pursuant to division (D)(1)(c) of this section for 1087
committing a felony specified in that division by discharging a 1088
firearm from a motor vehicle, or if both types of mandatory prison 1089
terms are imposed, the offender shall serve any mandatory prison 1090

term imposed under either division consecutively to any other 1091
mandatory prison term imposed under either division or under 1092
division (D)(1)(d) of this section, consecutively to and prior to 1093
any prison term imposed for the underlying felony pursuant to 1094
division (A), (D)(2), or (D)(3) of this section or any other 1095
section of the Revised Code, and consecutively to any other prison 1096
term or mandatory prison term previously or subsequently imposed 1097
upon the offender. 1098

(b) If a mandatory prison term is imposed upon an offender 1099
pursuant to division (D)(1)(d) of this section for wearing or 1100
carrying body armor while committing an offense of violence that 1101
is a felony, the offender shall serve the mandatory term so 1102
imposed consecutively to any other mandatory prison term imposed 1103
under that division or under division (D)(1)(a) or (c) of this 1104
section, consecutively to and prior to any prison term imposed for 1105
the underlying felony under division (A), (D)(2), or (D)(3) of 1106
this section or any other section of the Revised Code, and 1107
consecutively to any other prison term or mandatory prison term 1108
previously or subsequently imposed upon the offender. 1109

(2) If an offender who is an inmate in a jail, prison, or 1110
other residential detention facility violates section 2917.02, 1111
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 1112
who is under detention at a detention facility commits a felony 1113
violation of section 2923.131 of the Revised Code, or if an 1114
offender who is an inmate in a jail, prison, or other residential 1115
detention facility or is under detention at a detention facility 1116
commits another felony while the offender is an escapee in 1117
violation of section 2921.34 of the Revised Code, any prison term 1118
imposed upon the offender for one of those violations shall be 1119
served by the offender consecutively to the prison term or term of 1120
imprisonment the offender was serving when the offender committed 1121
that offense and to any other prison term previously or 1122

subsequently imposed upon the offender. 1123

(3) If a prison term is imposed for a violation of division 1124
(B) of section 2911.01 of the Revised Code or if a prison term is 1125
imposed for a felony violation of division (B) of section 2921.331 1126
of the Revised Code, the offender shall serve that prison term 1127
consecutively to any other prison term or mandatory prison term 1128
previously or subsequently imposed upon the offender. 1129

(4) If multiple prison terms are imposed on an offender for 1131
convictions of multiple offenses, the court may require the 1132
offender to serve the prison terms consecutively if the court 1133
finds that the consecutive service is necessary to protect the 1134
public from future crime or to punish the offender and that 1135
consecutive sentences are not disproportionate to the seriousness 1136
of the offender's conduct and to the danger the offender poses to 1137
the public, and if the court also finds any of the following: 1138

(a) The offender committed the multiple offenses while the 1139
offender was awaiting trial or sentencing, was under a sanction 1140
imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the 1141
Revised Code, or was under post-release control for a prior 1142
offense. 1143

(b) The harm caused by the multiple offenses was so great or 1144
unusual that no single prison term for any of the offenses 1145
committed as part of a single course of conduct adequately 1146
reflects the seriousness of the offender's conduct. 1147

(c) The offender's history of criminal conduct demonstrates 1148
that consecutive sentences are necessary to protect the public 1149
from future crime by the offender. 1150

(5) When consecutive prison terms are imposed pursuant to 1151
division (E)(1), (2), (3), or (4) of this section, the term to be 1152
served is the aggregate of all of the terms so imposed. 1153

(F) If a court imposes a prison term of a type described in 1154
division (B) of section 2967.28 of the Revised Code, it shall 1155
include in the sentence a requirement that the offender be subject 1156
to a period of post-release control after the offender's release 1157
from imprisonment, in accordance with that division. If a court 1158
imposes a prison term of a type described in division (C) of that 1159
section, it shall include in the sentence a requirement that the 1160
offender be subject to a period of post-release control after the 1161
offender's release from imprisonment, in accordance with that 1162
division, if the parole board determines that a period of 1163
post-release control is necessary. 1164

(G) If a person is convicted of or pleads guilty to a 1166
sexually violent offense and also is convicted of or pleads guilty 1167
to a sexually violent predator specification that was included in 1168
the indictment, count in the indictment, or information charging 1169
that offense, the court shall impose sentence upon the offender in 1170
accordance with section 2971.03 of the Revised Code, and Chapter 1171
2971. of the Revised Code applies regarding the prison term or 1172
term of life imprisonment without parole imposed upon the offender 1173
and the service of that term of imprisonment. 1174

(H) If a person who has been convicted of or pleaded guilty 1176
to a felony is sentenced to a prison term or term of imprisonment 1177
under this section, sections 2929.02 to 2929.06 of the Revised 1178
Code, section 2971.03 of the Revised Code, or any other provision 1179
of law, section 5120.163 of the Revised Code applies regarding the 1180
person while the person is confined in a state correctional 1181
institution. 1182

(I) If an offender who is convicted of or pleads guilty to a 1183
felony that is an offense of violence also is convicted of or 1184
pleads guilty to a specification of the type described in section 1185

2941.142 of the Revised Code that charges the offender with having
committed the felony while participating in a criminal gang, the
court shall impose upon the offender an additional prison term of
one, two, or three years.

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(J) If an offender who is convicted of or pleads guilty to
aggravated murder, murder, or a felony of the first, second, or
third degree that is an offense of violence also is convicted of
or pleads guilty to a specification of the type described in
section 2941.143 of the Revised Code that charges the offender
with having committed the offense in a school safety zone or
towards a person in a school safety zone, the court shall impose
upon the offender an additional prison term of two years. The
offender shall serve the additional two years consecutively to and
prior to the prison term imposed for the underlying offense.

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(K) At the time of sentencing, the court shall determine if
an offender is eligible for placement in a program of shock
incarceration under section 5120.031 of the Revised Code or is
eligible for placement in an intensive program prison under
section 5120.032 of the Revised Code. The court may recommend the
offender for placement in a program of shock incarceration, if
eligible, or for placement in an intensive program prison, if
eligible, disapprove placement of the offender in a program of
shock incarceration or in an intensive program prison, regardless
of eligibility, or make no recommendation on placement of the
offender.

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If the court disapproves placement of the offender in a
program or prison of that nature, the department of rehabilitation
and correction shall not place the offender in any program of
shock incarceration or intensive program prison.

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If the court approves placement of the offender in a program
of shock incarceration or in an intensive program prison, the
department shall notify the court if the offender is subsequently

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placed in the recommended program or prison and shall include with
the notice a brief description of the placement.

If the court approves placement of the offender in a program
of shock incarceration or in an intensive program prison and the
department does not subsequently place the offender in the
recommended program or prison, the department shall send a notice
to the court indicating why the offender was not placed in the
recommended program or prison.

If the court does not make a recommendation under this
division with respect to an eligible offender, the department
shall screen the offender and determine if there is an available
program of shock incarceration or an intensive program prison for
which the offender is suited. If there is an available program of
shock incarceration or an intensive program prison for which the
offender is suited, the department shall notify the court of the
proposed placement of the offender and shall include with the
notice a brief description of the placement. The court shall have
ten days from receipt of the notice to disapprove the placement.

Sec. 2941.1412. (A) Imposition of a seven-year mandatory
prison term upon an offender under division (D)(1)(f) of section
2929.14 of the Revised Code is precluded unless the indictment,
count in the indictment, or information charging the offense
specifies that the offender discharged a firearm at a peace
officer while committing the offense. The specification shall be
stated at the end of the body of the indictment, count, or
information and shall be in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT).

The Grand Jurors (or insert the person's or the prosecuting
attorney's name when appropriate) further find and specify that
(set forth that the offender discharged a firearm at a peace

<u>officer while committing the offense).</u> "	1249
<u>(B) As used in this section:</u>	1250
<u>(1) "Firearm" has the same meaning as in section 2923.11 of</u> <u>the Revised Code.</u>	1251 1252
<u>(2) "Peace officer" has the same meaning as in section</u> <u>2935.01 of the Revised Code.</u>	1253 1254
Section 2. That existing sections 2151.355, 2151.62, and 2929.14 of the Revised Code are hereby repealed.	1255 1256
Section 3. That the version of section 2152.72 of the Revised Code that is scheduled to take effect January 1, 2002, be amended to read as follows:	1258 1259 1260
Sec. 2152.72. (A) This section applies only to a child who is or previously has been adjudicated a delinquent child for an act to which any of the following applies:	1261 1262 1263
(1) The act is a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 2907.05 of the Revised Code;	1264 1265 1266
(2) The act is a violation of section 2923.01 of the Revised Code and involved an attempt to commit aggravated murder or murder;	1267 1268 1269
(3) The act would be a felony if committed by an adult, and the court determined that the child, if an adult, would be guilty of a specification found in section 2941.141, 2941.144, or 2941.145, <u>or 2941.1412</u> of the Revised Code or in another section of the Revised Code that relates to the possession or use of a firearm during the commission of the act for which the child was adjudicated a delinquent child;	1270 1271 1272 1273 1274 1275 1276

(4) It would be an offense of violence that is a felony if 1277
committed by an adult, and the court determined that the child, if 1278
an adult, would be guilty of a specification found in section 1279
2941.1411 of the Revised Code or in another section of the Revised 1280
Code that relates to the wearing or carrying of body armor during 1281
the commission of the act for which the child was adjudicated a 1282
delinquent child. 1283

(B)(1) Except as provided in division (E) of this section, a 1284
public children services agency, private child placing agency, 1285
private noncustodial agency, or court, the department of youth 1286
services, or another private or government entity shall not place 1287
a child in a certified foster home until it provides the foster 1288
caregivers with all of the following: 1289

(a) A written report describing the child's social history; 1290

(b) A written report describing all the acts committed by the 1291
child the entity knows of that resulted in the child being 1292
adjudicated a delinquent child and the disposition made by the 1293
court, unless the records pertaining to the acts have been sealed 1294
pursuant to section 2151.358 of the Revised Code; 1295

(c) A written report describing any other violent act 1296
committed by the child of which the entity is aware; 1297

(d) The substantial and material conclusions and 1298
recommendations of any psychiatric or psychological examination 1299
conducted on the child or, if no psychological or psychiatric 1300
examination of the child is available, the substantial and 1301
material conclusions and recommendations of an examination to 1302
detect mental and emotional disorders conducted in compliance with 1303
the requirements of Chapter 4757. of the Revised Code by an 1304
independent social worker, social worker, professional clinical 1305
counselor, or professional counselor licensed under that chapter. 1306
The entity shall not provide any part of a psychological, 1307

psychiatric, or mental and emotional disorder examination to the 1308
foster caregivers other than the substantial and material 1309
conclusions. 1310

(2) Notwithstanding section 2151.358 of the Revised Code, if 1311
records of an adjudication that a child is a delinquent child have 1312
been sealed pursuant to that section and an entity knows the 1313
records have been sealed, the entity shall provide the foster 1314
caregivers a written statement that the records of a prior 1315
adjudication have been sealed. 1316

(C) The entity that places the child in a certified foster 1317
home shall conduct a psychological examination of the child, 1318
except that the entity is not required to conduct the examination 1319
if such an examination was conducted no more than one year prior 1320
to the child's placement. No later than sixty days after placing 1321
the child, the entity shall provide the foster caregiver a written 1322
report detailing the substantial and material conclusions and 1323
recommendations of the examination conducted pursuant to this 1324
division. 1325

(D)(1) Except as provided in divisions (D)(2) and (3) of this 1326
section, the expenses of conducting the examinations and preparing 1327
the reports and assessment required by division (B) or (C) of this 1328
section shall be paid by the entity that places the child in the 1329
certified foster home. 1330

(2) When a juvenile court grants temporary or permanent 1331
custody of a child pursuant to any section of the Revised Code, 1332
including section 2151.33, 2151.353, 2151.354, or 2152.19 of the 1333
Revised Code, to a public children services agency or private 1334
child placing agency, the court shall provide the agency the 1335
information described in division (B) of this section, pay the 1336
expenses of preparing that information, and, if a new examination 1337
is required to be conducted, pay the expenses of conducting the 1338
examination described in division (C) of this section. On receipt 1339

of the information described in division (B) of this section, the
agency shall provide to the court written acknowledgment that the
agency received the information. The court shall keep the
acknowledgment and provide a copy to the agency. On the motion of
the agency, the court may terminate the order granting temporary
or permanent custody of the child to that agency, if the court
does not provide the information described in division (B) of this
section.

(3) If one of the following entities is placing a child in a
certified foster home with the assistance of or by contracting
with a public children services agency, private child placing
agency, or a private noncustodial agency, the entity shall provide
the agency with the information described in division (B) of this
section, pay the expenses of preparing that information, and, if a
new examination is required to be conducted, pay the expenses of
conducting the examination described in division (C) of this
section:

(a) The department of youth services if the placement is
pursuant to any section of the Revised Code including section
2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised
Code;

(b) A juvenile court with temporary or permanent custody of a
child pursuant to section 2151.354 or 2152.19 of the Revised Code;

(c) A public children services agency or private child
placing agency with temporary or permanent custody of the child.

The agency receiving the information described in division
(B) of this section shall provide the entity described in division
(D)(3)(a) to (c) of this section that sent the information written
acknowledgment that the agency received the information and
provided it to the foster caregivers. The entity shall keep the

acknowledgment and provide a copy to the agency. An entity that
places a child in a certified foster home with the assistance of
or by contracting with an agency remains responsible to provide
the information described in division (B) of this section to the
foster caregivers unless the entity receives written
acknowledgment that the agency provided the information.

(E) If a child is placed in a certified foster home as a
result of an emergency removal of the child from home pursuant to
division (D) of section 2151.31 of the Revised Code, an emergency
change in the child's case plan pursuant to division (E)(3) of
section 2151.412 of the Revised Code, or an emergency placement by
the department of youth services pursuant to this chapter or
Chapter 5139. of the Revised Code, the entity that places the
child in the certified foster home shall provide the information
described in division (B) of this section no later than ninety-six
hours after the child is placed in the certified foster home.

(F) On receipt of the information described in divisions (B)
and (C) of this section, the foster caregiver shall provide to the
entity that places the child in the foster caregiver's home a
written acknowledgment that the foster caregiver received the
information. The entity shall keep the acknowledgment and provide
a copy to the foster caregiver.

(G) No person employed by an entity subject to this section
and made responsible by that entity for the child's placement in a
certified foster home shall fail to provide the foster caregivers
with the information required by divisions (B) and (C) of this
section.

(H) It is not a violation of any duty of confidentiality
provided for in the Revised Code or a code of professional
responsibility for a person or government entity to provide the

substantial and material conclusions and recommendations of a 1403
psychiatric or psychological examination, or an examination to 1404
detect mental and emotional disorders, in accordance with division 1405
(B)(1)(d) or (C) of this section. 1406

(I) As used in this section: 1407

(1) "Body armor" has the same meaning as in section 2941.1411 1408
of the Revised Code. 1409

(2) "Firearm" has the same meaning as in section 2923.11 of 1410
the Revised Code. 1411

Section 4. That the existing version of section 2152.72 of 1412
the Revised Code that is scheduled to take effect on January 1, 1413
2002, is hereby repealed. 1414

Section 5. Sections 3 and 4 of this act shall take effect on 1415
January 1, 2002. 1416

Section 6. (A) Section 2151.62 of the Revised Code is 1417
presented in Section 1 of this act as a composite of the section 1418
as amended by both Sub. H.B. 448 and Am. Sub. S.B. 222 of the 1419
123rd General Assembly. The General Assembly, applying the 1420
principle stated in division (B) of section 1.52 of the Revised 1421
Code that amendments are to be harmonized if reasonably capable of 1422
simultaneous operation, finds that the composite is the resulting 1423
version of the section in effect prior to the effective date of 1424
the section as presented in Section 1 of this act. 1425

(B) Section 2152.72 of the Revised Code is presented in 1427
Section 3 of this act as a composite of the section as amended by 1428
Sub. H.B. 448, Am. Sub. S.B. 222, and Am. Sub. S.B. 179 of the 1429
123rd General Assembly. The General Assembly, applying the 1430
principle stated in division (B) of section 1.52 of the Revised 1431

Code that amendments are to be harmonized if reasonably capable of	1432
simultaneous operation, finds that the composite is the resulting	1433
version of the section in effect prior to the effective date of	1434
the section as presented in Section 3 of this act.	1435