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Latell, Gilb, Collier, Webster, Buehrer, Coates, Fedor, Salerno, Schmidt,
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Kearns**

A B I L L

To amend sections 2151.355, 2152.17, and 2929.14 and 1
to enact section 2941.1412 of the Revised Code to 2
require a mandatory prison term or a commitment to 3
the Department of Youth Services for discharging a 4
firearm at a peace officer or a corrections 5
officer. 6

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

Section 1. That sections 2151.355, 2152.17, and 2929.14 be 7
amended and section 2941.1412 of the Revised Code be enacted to 8
read as follows: 9

Sec. 2151.355. (A) If a child is adjudicated a delinquent 10
child, the court may make any of the following orders of 11
disposition: 12

(1) Any order that is authorized by section 2151.353 of the Revised Code; 13
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(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. 15
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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 40
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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

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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;

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(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;

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(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.

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(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;

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(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

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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,~~ 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)(d) 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)(d) of this section.

(c) If the child is adjudicated a delinquent child for
committing an act that would be an offense of violence that is a
felony if committed by an adult and is committed to the legal
custody of the department of youth services pursuant to division

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(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 2941.1411 of the
Revised Code in relation to the act for which the child was
adjudicated a delinquent child, the court may commit the child to
the custody of the department of youth services for
institutionalization in a secure facility for two years, subject
to division (A)(7)(d) of this section.

(d) A court that imposes a period of commitment under
division (A)(7)(a) of this section is not precluded from imposing
an additional period of commitment under division (A)(7)(b) or (c)
of this section, a court that imposes a period of commitment under
division (A)(7)(b) of this section is not precluded from imposing
an additional period of commitment under division (A)(7)(a) or (c)
of this section, and a court that imposes a period of commitment
under division (A)(7)(c) of this section is not precluded from
imposing an additional period of commitment under division
(A)(7)(a) or (b) of this section. The court shall not commit a
child to the legal custody of the department of youth services
pursuant to division (A)(7)(a), (b), or (c) of this section for a
period of time that exceeds three years. The period of commitment
imposed pursuant to division (A)(7)(a), (b), or (c) 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) Impose a fine and costs in accordance with the schedule
set forth in section 2151.3512 of the Revised Code;

(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 173
offense, as defined in division (K) of section 2913.01 of the 174
Revised Code, if committed by an adult. If the court determines 175
that the victim of the child's delinquent act was sixty-five years 176
of age or older or permanently and totally disabled at the time of 177
the commission of the act, the court, regardless of whether or not 178
the child knew the age of the victim, shall consider that fact in 179
favor of imposing restitution, but that fact shall not control the 180
decision of the court. The restitution may be in the form of a 181
cash reimbursement paid in a lump sum or in installments, the 182
performance of repair work to restore any damaged property to its 183
original condition, the performance of a reasonable amount of 184
labor for the victim, the performance of community service or 185
community work, any other form of restitution devised by the 186
court, or any combination of the previously described forms of 187
restitution. 188

(10) Subject to division (D) of this section, suspend or 189
revoke the driver's license, probationary driver's license, or 190
temporary instruction permit issued to the child or suspend or 191
revoke the registration of all motor vehicles registered in the 192
name of the child. A child whose license or permit is so suspended 193
or revoked is ineligible for issuance of a license or permit 194
during the period of suspension or revocation. At the end of the 195
period of suspension or revocation, the child shall not be 196
reissued a license or permit until the child has paid any 197
applicable reinstatement fee and complied with all requirements 198
governing license reinstatement. 199

(11) If the child is adjudicated a delinquent child for 200
committing an act that, if committed by an adult, would be a 201
criminal offense that would qualify the adult as an eligible 202
offender pursuant to division (A)(3) of section 2929.23 of the 203
Revised Code, impose a period of electronically monitored house 204

detention in accordance with division (J) of this section that	205
does not exceed the maximum sentence of imprisonment that could be	206
imposed upon an adult who commits the same act;	207
(12) Impose a period of day reporting in which the child is	208
required each day to report to and leave a center or other	209
approved reporting location at specified times in order to	210
participate in work, education or training, treatment, and other	211
approved programs at the center or outside the center;	212
(13) Impose a period of electronically monitored house arrest	213
in accordance with division (J) of this section;	214
(14) Impose a period of community service of up to five	215
hundred hours;	216
(15) Impose a period in an alcohol or drug treatment program	217
with a level of security for the child as determined necessary by	218
the court;	219
(16) Impose a period of intensive supervision, in which the	220
child is required to maintain frequent contact with a person	221
appointed by the court to supervise the child while the child is	222
seeking or maintaining employment and participating in training,	223
education, and treatment programs as the order of disposition;	224
(17) Impose a period of basic supervision, in which the child	225
is required to maintain contact with a person appointed to	226
supervise the child in accordance with sanctions imposed by the	227
court;	228
(18) Impose a period of drug and alcohol use monitoring;	229
(19) Impose a period in which the court orders the child to	230
observe a curfew that may involve daytime or evening hours;	231
(20) Require the child to obtain a high school diploma, a	232
certificate of high school equivalence, or employment;	233
(21) If the court obtains the assent of the victim of the	234

criminal act committed by the child, require the child to 235
participate in a reconciliation or mediation program that includes 236
a meeting in which the child and the victim may discuss the 237
criminal act, discuss restitution, and consider other sanctions 238
for the criminal act; 239

(22) Commit the child to the temporary or permanent custody 240
of the court; 241

(23) Require the child to not be absent without legitimate 242
excuse from the public school the child is supposed to attend for 243
five or more consecutive days, seven or more school days in one 244
school month, or twelve or more school days in a school year; 245

(24)(a) If a child is adjudicated a delinquent child for 246
being a chronic truant or an habitual truant who previously has 247
been adjudicated an unruly child for being an habitual truant, do 248
either or both of the following: 249

(i) Require the child to participate in a truancy prevention 250
mediation program; 251

(ii) Make any order of disposition as authorized by this 252
section, except that the court shall not commit the child to a 253
facility described in division (A)(3) of this section unless the 254
court determines that the child violated a lawful court order made 255
pursuant to division (C)(1)(e) of section 2151.354 of the Revised 256
Code or division (A)(23) of this section. 257

(b) If a child is adjudicated a delinquent child for being a 258
chronic truant or an habitual truant who previously has been 259
adjudicated an unruly child for being an habitual truant and the 260
court determines that the parent, guardian, or other person having 261
care of the child has failed to cause the child's attendance at 262
school in violation of section 3321.38 of the Revised Code, do 263
either or both of the following: 264

(i) Require the parent, guardian, or other person having care 265

of the child to participate in a truancy prevention mediation program; 266
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(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. 268
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(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. 273
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(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. 278
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(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 school in violation of section 3321.38 of the Revised Code, in addition to any order of disposition it makes under this section, the court shall warn the parent, guardian, or other person having care of the child that any subsequent adjudication of the child as an unruly or delinquent child for being an habitual or chronic truant may result in a criminal charge against the parent, guardian, or other person having care of the child for a violation of division (C) of section 2919.21 or section 2919.24 of the 285
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Revised Code.

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(3) 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 all periods of commitment that the court imposes pursuant to division (A)(7)(a), (b), or (c) 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.

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(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:

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

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(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,

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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

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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.

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(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.

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(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.

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(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

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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.

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(4) When a juvenile court commits a delinquent child to the

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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.

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(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.

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(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

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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
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

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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

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delinquent child or the adjudicated delinquent child's counsel and 522
the prosecuting attorney pursuant to division (H)(3) of this 523
section shall be returned to the court by the person to whom they 524
were made available immediately following the imposition of an 525
order of disposition for the child under this section. 526

(I)(1) Sections 2925.41 to 2925.45 of the Revised Code apply 527
to children who are adjudicated or could be adjudicated by a 528
juvenile court to be delinquent children for an act that, if 529
committed by an adult, would be a felony drug abuse offense. 530
Subject to division (B) of section 2925.42 and division (E) of 531
section 2925.43 of the Revised Code, a delinquent child of that 532
nature loses any right to the possession of, and forfeits to the 533
state any right, title, and interest that the delinquent child may 534
have in, property as defined in section 2925.41 and further 535
described in section 2925.42 or 2925.43 of the Revised Code. 536

(2) Sections 2923.44 to 2923.47 of the Revised Code apply to 537
children who are adjudicated or could be adjudicated by a juvenile 538
court to be delinquent children for an act in violation of section 539
2923.42 of the Revised Code. Subject to division (B) of section 540
2923.44 and division (E) of section 2923.45 of the Revised Code, a 541
delinquent child of that nature loses any right to the possession 542
of, and forfeits to the state any right, title, and interest that 543
the delinquent child may have in, property as defined in section 544
2923.41 of the Revised Code and further described in section 545
2923.44 or 2923.45 of the Revised Code. 546

(J)(1) A juvenile court, pursuant to division (A)(11) of this 547
section, may impose a period of electronically monitored house 548
detention upon a child who is adjudicated a delinquent child for 549
committing an act that, if committed by an adult, would be a 550
criminal offense that would qualify the adult as an eligible 551
offender pursuant to division (A)(3) of section 2929.23 of the 552
Revised Code. The court may impose a period of electronically 553

monitored house detention in addition to or in lieu of any other 554
dispositional order imposed upon the child, except that any period 555
of electronically monitored house detention shall not extend 556
beyond the child's eighteenth birthday. If a court imposes a 557
period of electronically monitored house detention upon a child, 558
it shall require the child to wear, otherwise have attached to the 559
child's person, or otherwise be subject to monitoring by a 560
certified electronic monitoring device or to participate in the 561
operation of and monitoring by a certified electronic monitoring 562
system; to remain in the child's home or other specified premises 563
for the entire period of electronically monitored house detention 564
except when the court permits the child to leave those premises to 565
go to school or to other specified premises; to be monitored by a 566
central system that monitors the certified electronic monitoring 567
device that is attached to the child's person or that otherwise is 568
being used to monitor the child and that can monitor and determine 569
the child's location at any time or at a designated point in time 570
or to be monitored by the certified electronic monitoring system; 571
to report periodically to a person designated by the court; and, 572
in return for receiving a dispositional order of electronically 573
monitored house detention, to enter into a written contract with 574
the court agreeing to comply with all restrictions and 575
requirements imposed by the court, agreeing to pay any fee imposed 576
by the court for the costs of the electronically monitored house 577
detention imposed by the court pursuant to division (E) of section 578
2929.23 of the Revised Code, and agreeing to waive the right to 579
receive credit for any time served on electronically monitored 580
house detention toward the period of any other dispositional order 581
imposed upon the child for the act for which the dispositional 582
order of electronically monitored house detention was imposed if 583
the child violates any of the restrictions or requirements of the 584
dispositional order of electronically monitored house detention. 585
The court also may impose other reasonable restrictions and 586

requirements upon the child.

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(2) 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.

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(K)(1) 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, and to the principal of the school the child attends, if the basis of the adjudication was the commission of an act that would be a criminal offense if committed by an adult, if the act was committed by the delinquent child when the child was fourteen years of age or older, and if the act is any of the following:

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

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(b) A violation of section 2923.12 of the Revised Code or of a substantially similar municipal ordinance that would be a misdemeanor if committed by an adult and 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;

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(c) A violation of division (A) of section 2925.03 or 2925.11 of the Revised Code that would be a misdemeanor if committed by an

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adult, 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;

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(d) Complicity in any violation described in division
(K)(1)(a) of this section, or complicity in any violation
described in division (K)(1)(b) or (c) of this section that was
alleged to have been committed in the manner described in division
(K)(1)(b) or (c) of this section, and 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.

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

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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
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

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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
section 2950.01 of the Revised Code.

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

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Sec. 2152.17. (A) Subject to division (D) of this section, if
a 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 if the court
determines that, if the child was an adult, the child 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 addition to any commitment or other disposition
the court imposes for the underlying delinquent act, all of the
following apply:

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(1) If the court determines that the child would be guilty of
a specification of the type set forth in section 2941.141 of the

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Revised Code, the court may commit the child to the department of youth services for the specification for a definite period of up to one year.

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(2) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.145 of the Revised Code, the court shall commit the child to the department of youth services for the specification for a definite period of not less than one and not more than three years, and the court also shall commit the child to the department for the underlying delinquent act under sections 2152.11 to 2152.16 of the Revised Code.

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(3) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.144 ~~or~~, 2941.146, or 2941.1412 of the Revised Code, the court shall commit the child to the department of youth services for the specification for a definite period of not less than one and not more than five years, and the court also shall commit the child to the department for the underlying delinquent act under sections 2152.11 to 2152.16 of the Revised Code.

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(B) Division (A) of this section also applies to a child who is an accomplice to the same extent the firearm specifications would apply to an adult accomplice in a criminal proceeding.

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(C) If a child is adjudicated a delinquent child for committing an act that would be aggravated murder, murder, or a first, second, or third degree felony offense of violence if committed by an adult and if the court determines that, if the child was an adult, the child 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 for the specification to the legal custody of the department of youth services for institutionalization in a secure facility for a

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definite period of not less than one and not more than three
years, subject to division (D)(2) of this section, and the court
also shall commit the child to the department for the underlying
delinquent act.

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(D)(1) If the child is adjudicated a delinquent child for
committing an act that would be an offense of violence that is 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)(1) of this section 2152.16 of the Revised Code
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 2941.1411 of the Revised Code in relation to the act for
which the child was adjudicated a delinquent child, the court may
commit the child to the custody of the department of youth
services for institutionalization in a secure facility for two
years, subject to division (A)(7)(d)(D)(2) of this section.

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(d)(2) A court that imposes a period of commitment under
division (A)(7)(a) of this section is not precluded from imposing
an additional period of commitment under division (A)(7)(b)(C) or
(c)(D)(1) of this section, a court that imposes a period of
commitment under division (A)(7)(b)(C) of this section is not
precluded from imposing an additional period of commitment under
division (A)(7)(a) or (c)(D)(1) of this section, and a court that
imposes a period of commitment under division (A)(7)(c)(D)(1) of
this section is not precluded from imposing an additional period
of commitment under division (A)(7)(a) or (b)(C) of this section.

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(E) The court shall not commit a child to the legal custody
of the department of youth services for a specification pursuant
to this section for a period that exceeds five years for any one
delinquent act. Any commitment imposed pursuant to division (A),
(B), or (C), or (D)(1) of this section shall be in addition to,
and shall be served consecutively with and prior to, a period of

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commitment ordered under this chapter for the underlying 775
delinquent act, and each commitment imposed pursuant to division 776
(A), (B), ~~or~~ (C), or (D)(1) of this section shall be in addition 777
to, and shall be served consecutively with, any other period of 778
commitment imposed under those divisions. If a commitment is 779
imposed under division (A) or (B) of this section and a commitment 780
also is imposed under division (C) of this section, the period 781
imposed under division (A) or (B) of this section shall be served 782
prior to the period imposed under division (C) of this section. 783

The total of all the periods of commitment imposed for any 784
specification under this section and for the underlying offense 785
shall not exceed the child's attainment of twenty-one years of 786
age. 787

~~(E)~~(F) If a child is adjudicated a delinquent child for 788
committing two or more acts that would be felonies if committed by 789
an adult and if the court entering the delinquent child 790
adjudication orders the commitment of the child for two or more of 791
those acts to the legal custody of the department of youth 792
services for institutionalization in a secure facility pursuant to 793
section 2152.13 or 2152.16 ~~or~~ of the Revised Code, the court may 794
order that all of the periods of commitment imposed under those 795
sections for those acts be served consecutively in the legal 796
custody of the department of youth services, provided that those 797
periods of commitment shall be in addition to and commence 798
immediately following the expiration of a period of commitment 799
that the court imposes pursuant to division (A), (B), ~~or~~ (C), or 800
(D)(1) of this section. A court shall not commit a delinquent 801
child to the legal custody of the department of youth services 802
under this division for a period that exceeds the child's 803
attainment of twenty-one years of age. 804

~~(F)~~(G) If a child is adjudicated a delinquent child for 805
committing an act that if committed by an adult would be 806

aggravated murder, murder, rape, felonious sexual penetration in 807
violation of former section 2907.12 of the Revised Code, 808
involuntary manslaughter, a felony of the first or second degree 809
resulting in the death of or physical harm to a person, complicity 810
in or an attempt to commit any of those offenses, or an offense 811
under an existing or former law of this state that is or was 812
substantially equivalent to any of those offenses and if the court 813
in its order of disposition for that act commits the child to the 814
custody of the department of youth services, the adjudication 815
shall be considered a conviction for purposes of a future 816
determination pursuant to Chapter 2929. of the Revised Code as to 817
whether the child, as an adult, is a repeat violent offender. 818

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 819
(D)(2), (D)(3), (D)(4), or (G) of this section and except in 820
relation to an offense for which a sentence of death or life 821
imprisonment is to be imposed, if the court imposing a sentence 822
upon an offender for a felony elects or is required to impose a 823
prison term on the offender pursuant to this chapter and is not 824
prohibited by division (G)(1) of section 2929.13 of the Revised 825
Code from imposing a prison term on the offender, the court shall 826
impose a definite prison term that shall be one of the following: 827

(1) For a felony of the first degree, the prison term shall 828
be three, four, five, six, seven, eight, nine, or ten years. 829

(2) For a felony of the second degree, the prison term shall 830
be two, three, four, five, six, seven, or eight years. 831

(3) For a felony of the third degree, the prison term shall 832
be one, two, three, four, or five years. 833

(4) For a felony of the fourth degree, the prison term shall 834
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 835
fourteen, fifteen, sixteen, seventeen, or eighteen months. 836

(5) For a felony of the fifth degree, the prison term shall 837
be six, seven, eight, nine, ten, eleven, or twelve months. 838

(B) Except as provided in division (C), (D)(1), (D)(2), 839
(D)(3), or (G) of this section, in section 2907.02 of the Revised 840
Code, or in Chapter 2925. of the Revised Code, if the court 841
imposing a sentence upon an offender for a felony elects or is 842
required to impose a prison term on the offender and if the 843
offender previously has not served a prison term, the court shall 844
impose the shortest prison term authorized for the offense 845
pursuant to division (A) of this section, unless the court finds 846
on the record that the shortest prison term will demean the 847
seriousness of the offender's conduct or will not adequately 848
protect the public from future crime by the offender or others. 849

(C) Except as provided in division (G) of this section or in 850
Chapter 2925. of the Revised Code, the court imposing a sentence 851
upon an offender for a felony may impose the longest prison term 852
authorized for the offense pursuant to division (A) of this 853
section only upon offenders who committed the worst forms of the 854
offense, upon offenders who pose the greatest likelihood of 855
committing future crimes, upon certain major drug offenders under 856
division (D)(3) of this section, and upon certain repeat violent 857
offenders in accordance with division (D)(2) of this section. 858

(D)(1)(a) Except as provided in division (D)(1)(e) of this 859
section, if an offender who is convicted of or pleads guilty to a 860
felony also is convicted of or pleads guilty to a specification of 861
the type described in section 2941.141, 2941.144, or 2941.145 of 862
the Revised Code, the court shall impose on the offender one of 863
the following prison terms: 864

(i) A prison term of six years if the specification is of the 865
type described in section 2941.144 of the Revised Code that 866
charges the offender with having a firearm that is an automatic 867
firearm or that was equipped with a firearm muffler or silencer on 868

or about the offender's person or under the offender's control 869
while committing the felony; 870

(ii) A prison term of three years if the specification is of 871
the type described in section 2941.145 of the Revised Code that 872
charges the offender with having a firearm on or about the 873
offender's person or under the offender's control while committing 874
the offense and displaying the firearm, brandishing the firearm, 875
indicating that the offender possessed the firearm, or using it to 876
facilitate the offense; 877

(iii) A prison term of one year if the specification is of 878
the type described in section 2941.141 of the Revised Code that 879
charges the offender with having a firearm on or about the 880
offender's person or under the offender's control while committing 881
the felony. 882

(b) If a court imposes a prison term on an offender under 883
division (D)(1)(a) of this section, the prison term shall not be 884
reduced pursuant to section 2929.20, section 2967.193, or any 885
other provision of Chapter 2967. or Chapter 5120. of the Revised 886
Code. A court shall not impose more than one prison term on an 887
offender under division (D)(1)(a) of this section for felonies 888
committed as part of the same act or transaction. 889

(c) Except as provided in division (D)(1)(e) of this section, 890
if an offender who is convicted of or pleads guilty to a violation 891
of section 2923.161 of the Revised Code or to a felony that 892
includes, as an essential element, purposely or knowingly causing 893
or attempting to cause the death of or physical harm to another, 894
also is convicted of or pleads guilty to a specification of the 895
type described in section 2941.146 of the Revised Code that 896
charges the offender with committing the offense by discharging a 897
firearm from a motor vehicle other than a manufactured home, the 898
court, after imposing a prison term on the offender for the 899
violation of section 2923.161 of the Revised Code or for the other 900

felony offense under division (A), (D)(2), or (D)(3) of this
section, shall impose an additional prison term of five 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)(c) 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)(c) of this section
relative to an offense, the court also shall impose a prison term
under division (D)(1)(a) of this section relative to the same
offense, provided the criteria specified in that division for
imposing an additional prison term are satisfied relative to the
offender and the offense.

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(d) If an offender who is convicted of or pleads guilty to an
offense of violence that is a felony also is convicted of or
pleads guilty to a specification of the type described in section
2941.1411 of the Revised Code that charges the offender with
wearing or carrying body armor while committing the felony offense
of violence, the court shall impose on the offender a prison term
of two years. The prison term so imposed shall not be reduced
pursuant to section 2929.20, section 2967.193, or any other
provision of ~~chapter~~ Chapter 2967. or ~~chapter~~ Chapter 5120. of the
Revised Code. A court shall not impose more than one prison term
on an offender under division (D)(1)(d) of this section for
felonies committed as part of the same act or transaction. If a
court imposes an additional prison term under division (D)(1)(a)
or (c) of this section, the court is not precluded from imposing
an additional prison term under division (D)(1)(d) of this
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(e) The court shall not impose any of the prison terms

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described in division (D)(1)(a) of this section or any of the
additional prison terms described in division (D)(1)(c) of this
section upon an offender for a violation of section 2923.12 or
2923.123 of the Revised Code. The court shall not impose any of
the prison terms described in division (D)(1)(a) of this section
or any of the additional prison terms described in division
(D)(1)(c) of this section upon an offender for a violation of
section 2923.13 of the Revised Code unless all of the following
apply:

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

(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 or a corrections officer as defined in section
2941.1412 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

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court imposes an additional prison term on an offender under 965
division (D)(1)(f) of this section relative to an offense, the 966
court shall not impose a prison term under division (D)(1)(a) or 967
(c) of this section relative to the same offense. 968

(2)(a) If an offender who is convicted of or pleads guilty to 969
a felony also is convicted of or pleads guilty to a specification 970
of the type described in section 2941.149 of the Revised Code that 971
the offender is a repeat violent offender, the court shall impose 972
a prison term from the range of terms authorized for the offense 973
under division (A) of this section that may be the longest term in 974
the range and that shall not be reduced pursuant to section 975
2929.20, section 2967.193, or any other provision of Chapter 2967. 976
or Chapter 5120. of the Revised Code. If the court finds that the 977
repeat violent offender, in committing the offense, caused any 978
physical harm that carried a substantial risk of death to a person 979
or that involved substantial permanent incapacity or substantial 980
permanent disfigurement of a person, the court shall impose the 981
longest prison term from the range of terms authorized for the 982
offense under division (A) of this section. 983

(b) If the court imposing a prison term on a repeat violent 985
offender imposes the longest prison term from the range of terms 986
authorized for the offense under division (A) of this section, the 987
court may impose on the offender an additional definite prison 988
term of one, two, three, four, five, six, seven, eight, nine, or 989
ten years if the court finds that both of the following apply with 990
respect to the prison terms imposed on the offender pursuant to 991
division (D)(2)(a) of this section and, if applicable, divisions 992
(D)(1) and (3) of this section: 993

(i) The terms so imposed are inadequate to punish the 994
offender and protect the public from future crime, because the 995
applicable factors under section 2929.12 of the Revised Code 996

indicating a greater likelihood of recidivism outweigh the 997
applicable factors under that section indicating a lesser 998
likelihood of recidivism. 999

(ii) The terms so imposed are demeaning to the seriousness of 1000
the offense, because one or more of the factors under section 1001
2929.12 of the Revised Code indicating that the offender's conduct 1002
is more serious than conduct normally constituting the offense are 1003
present, and they outweigh the applicable factors under that 1004
section indicating that the offender's conduct is less serious 1005
than conduct normally constituting the offense. 1006

(3)(a) Except when an offender commits a violation of section 1007
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 1008
the violation is life imprisonment or commits a violation of 1009
section 2903.02 of the Revised Code, if the offender commits a 1010
violation of section 2925.03 or 2925.11 of the Revised Code and 1011
that section classifies the offender as a major drug offender and 1012
requires the imposition of a ten-year prison term on the offender, 1013
if the offender commits a felony violation of section 2925.02, 1014
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1015
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1016
division (C) of section 4729.51, or division (J) of section 1017
4729.54 of the Revised Code that includes the sale, offer to sell, 1018
or possession of a schedule I or II controlled substance, with the 1019
exception of marihuana, and the court imposing sentence upon the 1020
offender finds that the offender is guilty of a specification of 1021
the type described in section 2941.1410 of the Revised Code 1022
charging that the offender is a major drug offender, or if the 1023
court imposing sentence upon an offender for a felony finds that 1024
the offender is guilty of corrupt activity with the most serious 1025
offense in the pattern of corrupt activity being a felony of the 1026
first degree or is guilty of an attempted forcible violation of 1027
section 2907.02 of the Revised Code with the victim being under 1028

thirteen years of age and that attempted violation is the felony
for which sentence is being imposed, the court shall impose upon
the offender for the felony violation a ten-year prison term that
cannot be reduced pursuant to section 2929.20 or Chapter 2967. or
5120. of the Revised Code.

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(b) The court imposing a prison term on an offender under
division (D)(3)(a) of this section may impose an additional prison
term of one, two, three, four, five, six, seven, eight, nine, or
ten years, if the court, with respect to the term imposed under
division (D)(3)(a) of this section and, if applicable, divisions
(D)(1) and (2) of this section, makes both of the findings set
forth in divisions (D)(2)(b)(i) and (ii) of this section.

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(4) If the offender is being sentenced for a third or fourth
degree felony OMVI offense under division (G)(2) of section
2929.13 of the Revised Code, the sentencing court shall impose
upon the offender a mandatory prison term in accordance with that
division. In addition to the mandatory prison term, the sentencing
court may sentence the offender to an additional prison term of
any duration specified in division (A)(3) of this section minus
the sixty or one hundred twenty days imposed upon the offender as
the mandatory prison term. The total of the additional prison term
imposed under division (D)(4) of this section plus the sixty or
one hundred twenty days imposed as the mandatory prison term shall
equal one of the authorized prison terms specified in division
(A)(3) of this section. If the court imposes an additional prison
term under division (D)(4) of this section, the offender shall
serve the additional prison term after the offender has served the
mandatory prison term required for the offense. The court shall
not sentence the offender to a community control sanction under
section 2929.16 or 2929.17 of the Revised Code.

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1062 (E)(1)(a) Subject to division (E)(1)(b) of this section, if a
1063 mandatory prison term is imposed upon an offender pursuant to
1064 division (D)(1)(a) of this section for having a firearm on or
1065 about the offender's person or under the offender's control while
1066 committing a felony, if a mandatory prison term is imposed upon an
1067 offender pursuant to division (D)(1)(c) of this section for
1068 committing a felony specified in that division by discharging a
1069 firearm from a motor vehicle, or if both types of mandatory prison
1070 terms are imposed, the offender shall serve any mandatory prison
1071 term imposed under either division consecutively to any other
1072 mandatory prison term imposed under either division or under
1073 division (D)(1)(d) of this section, consecutively to and prior to
1074 any prison term imposed for the underlying felony pursuant to
1075 division (A), (D)(2), or (D)(3) of this section or any other
1076 section of the Revised Code, and consecutively to any other prison
1077 term or mandatory prison term previously or subsequently imposed
1078 upon the offender.

1079 (b) If a mandatory prison term is imposed upon an offender
1080 pursuant to division (D)(1)(d) of this section for wearing or
1081 carrying body armor while committing an offense of violence that
1082 is a felony, the offender shall serve the mandatory term so
1083 imposed consecutively to any other mandatory prison term imposed
1084 under that division or under division (D)(1)(a) or (c) of this
1085 section, consecutively to and prior to any prison term imposed for
1086 the underlying felony under division (A), (D)(2), or (D)(3) of
1087 this section or any other section of the Revised Code, and
1088 consecutively to any other prison term or mandatory prison term
1089 previously or subsequently imposed upon the offender.

1090 (c) If a mandatory prison term is imposed upon an offender
1091 pursuant to division (D)(1)(f) of this section, the offender shall
1092 serve the mandatory prison term so imposed consecutively to and

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

(2) If an offender who is an inmate in a jail, prison, or 1098
other residential detention facility violates section 2917.02, 1099
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 1100
who is under detention at a detention facility commits a felony 1101
violation of section 2923.131 of the Revised Code, or if an 1102
offender who is an inmate in a jail, prison, or other residential 1103
detention facility or is under detention at a detention facility 1104
commits another felony while the offender is an escapee in 1105
violation of section 2921.34 of the Revised Code, any prison term 1106
imposed upon the offender for one of those violations shall be 1107
served by the offender consecutively to the prison term or term of 1108
imprisonment the offender was serving when the offender committed 1109
that offense and to any other prison term previously or 1110
subsequently imposed upon the offender. 1111

(3) If a prison term is imposed for a violation of division 1112
(B) of section 2911.01 of the Revised Code or if a prison term is 1113
imposed for a felony violation of division (B) of section 2921.331 1114
of the Revised Code, the offender shall serve that prison term 1115
consecutively to any other prison term or mandatory prison term 1116
previously or subsequently imposed upon the offender. 1117

(4) If multiple prison terms are imposed on an offender for 1118
convictions of multiple offenses, the court may require the 1119
offender to serve the prison terms consecutively if the court 1120
finds that the consecutive service is necessary to protect the 1121
public from future crime or to punish the offender and that 1122
consecutive sentences are not disproportionate to the seriousness 1123
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of the offender's conduct and to the danger the offender poses to 1125
the public, and if the court also finds any of the following: 1126

(a) The offender committed the multiple offenses while the 1127
offender was awaiting trial or sentencing, was under a sanction 1128
imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the 1129
Revised Code, or was under post-release control for a prior 1130
offense. 1131

(b) The harm caused by the multiple offenses was so great or 1132
unusual that no single prison term for any of the offenses 1133
committed as part of a single course of conduct adequately 1134
reflects the seriousness of the offender's conduct. 1135

(c) The offender's history of criminal conduct demonstrates 1136
that consecutive sentences are necessary to protect the public 1137
from future crime by the offender. 1138

(5) When consecutive prison terms are imposed pursuant to 1139
division (E)(1), (2), (3), or (4) of this section, the term to be 1140
served is the aggregate of all of the terms so imposed. 1141

(F) If a court imposes a prison term of a type described in 1142
division (B) of section 2967.28 of the Revised Code, it shall 1143
include in the sentence a requirement that the offender be subject 1144
to a period of post-release control after the offender's release 1145
from imprisonment, in accordance with that division. If a court 1146
imposes a prison term of a type described in division (C) of that 1147
section, it shall include in the sentence a requirement that the 1148
offender be subject to a period of post-release control after the 1149
offender's release from imprisonment, in accordance with that 1150
division, if the parole board determines that a period of 1151
post-release control is necessary. 1152

(G) If a person is convicted of or pleads guilty to a 1154
sexually violent offense and also is convicted of or pleads guilty 1155

to a sexually violent predator specification that was included in
the indictment, count in the indictment, or information charging
that offense, the court shall impose sentence upon the offender in
accordance with section 2971.03 of the Revised Code, and Chapter
2971. of the Revised Code applies regarding the prison term or
term of life imprisonment without parole imposed upon the offender
and the service of that term of imprisonment.

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

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(I) If an offender who is convicted of or pleads guilty to a
felony that is an offense of violence also is convicted of or
pleads guilty to a specification of the type described in section
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 1188
an offender is eligible for placement in a program of shock 1189
incarceration under section 5120.031 of the Revised Code or is 1190
eligible for placement in an intensive program prison under 1191
section 5120.032 of the Revised Code. The court may recommend the 1192
offender for placement in a program of shock incarceration, if 1193
eligible, or for placement in an intensive program prison, if 1194
eligible, disapprove placement of the offender in a program of 1195
shock incarceration or in an intensive program prison, regardless 1196
of eligibility, or make no recommendation on placement of the 1197
offender. 1198

If the court disapproves placement of the offender in a 1199
program or prison of that nature, the department of rehabilitation 1200
and correction shall not place the offender in any program of 1201
shock incarceration or intensive program prison. 1202

If the court approves placement of the offender in a program 1203
of shock incarceration or in an intensive program prison, the 1204
department shall notify the court if the offender is subsequently 1205
placed in the recommended program or prison and shall include with 1206
the notice a brief description of the placement. 1207

If the court approves placement of the offender in a program 1208
of shock incarceration or in an intensive program prison and the 1209
department does not subsequently place the offender in the 1210
recommended program or prison, the department shall send a notice 1211
to the court indicating why the offender was not placed in the 1212
recommended program or prison. 1213

If the court does not make a recommendation under this 1214
division with respect to an eligible offender, the department 1215
shall screen the offender and determine if there is an available 1216
program of shock incarceration or an intensive program prison for 1217
which the offender is suited. If there is an available program of 1218
shock incarceration or an intensive program prison for which the 1219

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.

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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 or a corrections 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:

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

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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
officer or a corrections officer while committing the offense)."

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(B) As used in this section:

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

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(2) "Peace officer" has the same meaning as in section
2935.01 of the Revised Code.

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(3) "Corrections officer" means a person employed by a
detention facility as a corrections officer.

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(4) "Detention facility" has the same meaning as in section
2921.01 of the Revised Code.

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Section 2. That existing sections 2151.355, 2152.17, and

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2929.14 of the Revised Code are hereby repealed. 1249

Section 3. Section 2152.17 of the Revised Code, as amended by 1251
this act, shall take effect January 1, 2002. 1252

Section 4. The amendment of section 2151.355 of the Revised 1253
Code is not intended to supersede the earlier repeal, with delayed 1254
effective date, of that section. 1255

Section 5. (A) Section 2151.355 of the Revised Code is 1256
presented in this act as a composite of the section as amended by 1257
both Am. Sub. S.B. 181 and Am. Sub. S.B. 222 of the 123rd General 1258
Assembly. The General Assembly, applying the principle stated in 1259
division (B) of section 1.52 of the Revised Code that amendments 1260
are to be harmonized if reasonably capable of simultaneous 1261
operation, finds that the composite is the resulting version of 1262
the section in effect prior to the effective date of the section 1263
as presented in this act. 1264

(B) Section 2152.17 of the Revised Code, as presented in this 1265
act, includes matter that was amended into former section 2151.355 1266
of the Revised Code by Am. Sub. S.B. 222 of the 123rd General 1267
Assembly. Paragraphs of former section 2151.355 of the Revised 1268
Code containing Am. Sub. S.B. 222 amendments were transferred to 1269
section 2152.17 of the Revised Code by Am. Sub. S.B. 179 of the 1270
123rd General Assembly as part of its general revision of the 1271
juvenile sentencing laws. The General Assembly, applying the 1272
principle stated in division (B) of section 1.52 of the Revised 1273
Code that amendments are to be harmonized if reasonably capable of 1274
simultaneous operation, finds that the version of section 2152.17 1275
of the Revised Code presented in this act is the resulting version 1276
of the section in effect prior to the effective date of the 1277
section as presented in this act. 1278