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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 child, the court may make any of the following orders of disposition:

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

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

If the child is adjudicated a delinquent child for violating

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

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

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

(5)(a) If the child is adjudicated a delinquent child for
violating section 2903.03, 2905.01, 2909.02, or 2911.01 or
division (A) of section 2903.04 of the Revised Code or for

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

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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

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facility until the child's attainment of twenty-one years of age;

(7)(a) If the child is adjudicated a delinquent child for committing an act, other than a violation of section 2923.12 of the Revised Code, that would be a felony if committed by an adult and is committed to the legal custody of the department of youth services pursuant to division (A)(4), (5), or (6) of this section and if the court determines that the child, if the child was an adult, would be guilty of a specification of the type set forth in section 2941.141, 2941.144, 2941.145, ~~or~~ 2941.146, 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 137
committing an act that would be an offense of violence that is a 138
felony if committed by an adult and is committed to the legal 139
custody of the department of youth services pursuant to division 140
(A)(4), (5), or (6) of this section and if the court determines 141
that the child, if the child was an adult, would be guilty of a 142
specification of the type set forth in section 2941.1411 of the 143
Revised Code in relation to the act for which the child was 144
adjudicated a delinquent child, the court may commit the child to 145
the custody of the department of youth services for 146
institutionalization in a secure facility for two years, subject 147
to division (A)(7)(d) of this section. 148

(d) A court that imposes a period of commitment under 149
division (A)(7)(a) of this section is not precluded from imposing 150
an additional period of commitment under division (A)(7)(b) or (c) 151
of this section, a court that imposes a period of commitment under 152
division (A)(7)(b) of this section is not precluded from imposing 153
an additional period of commitment under division (A)(7)(a) or (c) 154
of this section, and a court that imposes a period of commitment 155
under division (A)(7)(c) of this section is not precluded from 156
imposing an additional period of commitment under division 157
(A)(7)(a) or (b) of this section. The court shall not commit a 158
child to the legal custody of the department of youth services 159
pursuant to division (A)(7)(a), (b), or (c) of this section for a 160
period of time that exceeds three years. The period of commitment 161
imposed pursuant to division (A)(7)(a), (b), or (c) of this 162
section shall be in addition to, and shall be served consecutively 163
with and prior to, a period of commitment ordered pursuant to 164
division (A)(4), (5), or (6) of this section, provided that the 165
total of all the periods of commitment shall not exceed the 166
child's attainment of twenty-one years of age. 167

(8) Impose a fine and costs in accordance with the schedule 168

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

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(11) If the child is adjudicated a delinquent child for

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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 certificate of high school equivalence, or employment;	232
(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;	233
(22) Commit the child to the temporary or permanent custody of the court;	234
(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;	235
(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:	236
(i) Require the child to participate in a truancy prevention mediation program;	237
(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.	238
(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	239

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
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
Revised Code.

(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.

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

(1) Require the child to participate in a drug abuse or

alcohol abuse counseling program;

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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,
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.

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(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.

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(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,

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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.

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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

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institutionalization is to be in a secure facility if that is 388
required by division (A) of this section. 389

(2) When a juvenile court commits a delinquent child to the 390
custody of the department of youth services, the court shall 391
provide the department with the child's medical records, a copy of 392
the report of any mental examination of the child ordered by the 393
court, the section or sections of the Revised Code violated by the 394
child and the degree of the violation, the warrant to convey the 395
child to the department, a copy of the court's journal entry 396
ordering the commitment of the child to the legal custody of the 397
department, a copy of the arrest record pertaining to the act for 398
which the child was adjudicated a delinquent child, a copy of any 399
victim impact statement pertaining to the act, and any other 400
information concerning the child that the department reasonably 401
requests. The court also shall complete the form for the standard 402
disposition investigation report that is developed and furnished 403
by the department of youth services pursuant to section 5139.04 of 404
the Revised Code and provide the department with the completed 405
form. The department may refuse to accept physical custody of a 406
delinquent child who is committed to the legal custody of the 407
department until the court provides to the department the 408
documents specified in division (F)(2) of this section. No officer 409
or employee of the department who refuses to accept physical 410
custody of a delinquent child who is committed to the legal 411
custody of the department shall be subject to prosecution or 412
contempt of court for the refusal if the court fails to provide 413
the documents specified in division (F)(2) of this section at the 414
time the court transfers the physical custody of the child to the 415
department. 416

(3) Within twenty working days after the department of youth 417
services receives physical custody of a delinquent child from a 418
juvenile court, the court shall provide the department with a 419

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
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

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minimum period of institutionalization or minimum period of 452
institutionalization in a secure facility specified in division 453
(A)(4) or (5) of this section by both the total number of days 454
that the child has been so held in detention as stated by the 455
court in the order of commitment and the total number of any 456
additional days that the child has been held in detention 457
subsequent to the order of commitment but prior to the transfer of 458
physical custody of the child to the department. 459

(G)(1) At any hearing at which a child is adjudicated a 460
delinquent child or as soon as possible after the hearing, the 461
court shall notify all victims of the delinquent act, who may be 462
entitled to a recovery under any of the following sections, of the 463
right of the victims to recover, pursuant to section 3109.09 of 464
the Revised Code, compensatory damages from the child's parents; 465
of the right of the victims to recover, pursuant to section 466
3109.10 of the Revised Code, compensatory damages from the child's 467
parents for willful and malicious assaults committed by the child; 468
and of the right of the victims to recover an award of reparations 469
pursuant to sections 2743.51 to 2743.72 of the Revised Code. 470

(2) If a child is adjudicated a delinquent child for 471
committing an act that, if committed by an adult, would be 472
aggravated murder, murder, rape, felonious sexual penetration in 473
violation of former section 2907.12 of the Revised Code, 474
involuntary manslaughter, a felony of the first or second degree 475
resulting in the death of or physical harm to a person, complicity 476
in or an attempt to commit any of those offenses, or an offense 477
under an existing or former law of this state that is or was 478
substantially equivalent to any of those offenses and if the court 479
in its order of disposition for that act commits the child to the 480
custody of the department of youth services, the court may make a 481
specific finding that the adjudication should be considered a 482
conviction for purposes of a determination in the future, pursuant 483

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

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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.

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(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.

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(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.

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(J)(1) A juvenile court, pursuant to division (A)(11) of this

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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. 587

(2) If a child violates any of the restrictions or 588
requirements imposed upon the child as part of the child's 589
dispositional order of electronically monitored house detention, 590
the child shall not receive credit for any time served on 591
electronically monitored house detention toward any other 592
dispositional order imposed upon the child for the act for which 593
the dispositional order of electronically monitored house 594
detention was imposed. 595

(K)(1) Within ten days after completion of the adjudication, 596
the court shall give written notice of an adjudication that a 597
child is a delinquent child to the superintendent of a city, 598
local, exempted village, or joint vocational school district, and 599
to the principal of the school the child attends, if the basis of 600
the adjudication was the commission of an act that would be a 601
criminal offense if committed by an adult, if the act was 602
committed by the delinquent child when the child was fourteen 603
years of age or older, and if the act is any of the following: 604

(a) An act that would be a felony or an offense of violence 605
if committed by an adult, an act in the commission of which the 606
child used or brandished a firearm, or an act that is a violation 607
of section 2907.04, 2907.06, 2907.07, 2907.08, 2907.09, 2907.24, 608
or 2907.241 of the Revised Code and that would be a misdemeanor if 609
committed by an adult; 610

(b) A violation of section 2923.12 of the Revised Code or of 611
a substantially similar municipal ordinance that would be a 612

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
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

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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 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

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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
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

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Revised Code, in addition to any commitment or other disposition 706
the court imposes for the underlying delinquent act, all of the 707
following apply: 708

(1) If the court determines that the child would be guilty of 709
a specification of the type set forth in section 2941.141 of the 710
Revised Code, the court may commit the child to the department of 711
youth services for the specification for a definite period of up 712
to one year. 713

(2) If the court determines that the child would be guilty of 714
a specification of the type set forth in section 2941.145 of the 715
Revised Code, the court shall commit the child to the department 716
of youth services for the specification for a definite period of 717
not less than one and not more than three years, and the court 718
also shall commit the child to the department for the underlying 719
delinquent act under sections 2152.11 to 2152.16 of the Revised 720
Code. 721

(3) If the court determines that the child would be guilty of 722
a specification of the type set forth in section 2941.144 ~~or~~, 723
2941.146, or 2941.1412 of the Revised Code, the court shall commit 724
the child to the department of youth services for the 725
specification for a definite period of not less than one and not 726
more than five years, and the court also shall commit the child to 727
the department for the underlying delinquent act under sections 728
2152.11 to 2152.16 of the Revised Code. 729

(B) Division (A) of this section also applies to a child who 730
is an accomplice to the same extent the firearm specifications 731
would apply to an adult accomplice in a criminal proceeding. 732

(C) If a child is adjudicated a delinquent child for 733
committing an act that would be aggravated murder, murder, or a 734
first, second, or third degree felony offense of violence if 735
committed by an adult and if the court determines that, if the 736
child was an adult, the child would be guilty of a specification 737

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
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
~~(e)~~(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 ~~(e)~~(D)(1) of this section, and a court that
imposes a period of commitment under division ~~(A)(7)(e)~~(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

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of the department of youth services for a specification pursuant 770
to this section for a period that exceeds five years for any one 771
delinquent act. Any commitment imposed pursuant to division (A), 772
(B), ~~or~~ (C), or (D)(1) of this section shall be in addition to, 773
and shall be served consecutively with and prior to, a period of 774
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
the following prison terms:

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

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

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

(b) If a court imposes a prison term on an offender under
division (D)(1)(a) of this section, the prison term 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 prison term on an
offender under division (D)(1)(a) of this section for felonies
committed as part of the same act or transaction.

(c) Except as provided in division (D)(1)(e) of this section,
if an offender who is convicted of or pleads guilty to a violation
of section 2923.161 of the Revised Code or to a felony that
includes, as an essential element, purposely or knowingly causing

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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 901
section, shall impose an additional prison term of five years upon 902
the offender that shall not be reduced pursuant to section 903
2929.20, section 2967.193, or any other provision of Chapter 2967. 904
or Chapter 5120. of the Revised Code. A court shall not impose 905
more than one additional prison term on an offender under division 906
(D)(1)(c) of this section for felonies committed as part of the 907
same act or transaction. If a court imposes an additional prison 908
term on an offender under division (D)(1)(c) of this section 909
relative to an offense, the court also shall impose a prison term 910
under division (D)(1)(a) of this section relative to the same 911
offense, provided the criteria specified in that division for 912
imposing an additional prison term are satisfied relative to the 913
offender and the offense. 914

(d) If an offender who is convicted of or pleads guilty to an 915
offense of violence that is a felony also is convicted of or 916
pleads guilty to a specification of the type described in section 917
2941.1411 of the Revised Code that charges the offender with 918
wearing or carrying body armor while committing the felony offense 919
of violence, the court shall impose on the offender a prison term 920
of two years. The prison term so imposed shall not be reduced 921
pursuant to section 2929.20, section 2967.193, or any other 922
provision of ~~chapter~~ Chapter 2967. or ~~chapter~~ Chapter 5120. of the 923
Revised Code. A court shall not impose more than one prison term 924
on an offender under division (D)(1)(d) of this section for 925
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felonies committed as part of the same act or transaction. If a 927
court imposes an additional prison term under division (D)(1)(a) 928
or (c) of this section, the court is not precluded from imposing 929
an additional prison term under division (D)(1)(d) of this 930
section. 931

(e) The court shall not impose any of the prison terms 932
described in division (D)(1)(a) of this section or any of the 933
additional prison terms described in division (D)(1)(c) of this 934
section upon an offender for a violation of section 2923.12 or 935
2923.123 of the Revised Code. The court shall not impose any of 936
the prison terms described in division (D)(1)(a) of this section 937
or any of the additional prison terms described in division 938
(D)(1)(c) of this section upon an offender for a violation of 939
section 2923.13 of the Revised Code unless all of the following 940
apply: 941

(i) The offender previously has been convicted of aggravated 942
murder, murder, or any felony of the first or second degree. 943

(ii) Less than five years have passed since the offender was 944
released from prison or post-release control, whichever is later, 945
for the prior offense. 946
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(f) If an offender is convicted of or pleads guilty to a 948
felony that includes, as an essential element, causing or 949
attempting to cause the death of or physical harm to another and 950
also is convicted of or pleads guilty to a specification of the 951
type described in section 2941.1412 of the Revised Code that 952
charges the offender with committing the offense by discharging a 953
firearm at a peace officer as defined in section 2935.01 of the 954
Revised Code or a corrections officer as defined in section 955
2941.1412 of the Revised Code, the court, after imposing a prison 956
term on the offender for the felony offense under division (A), 957
(D)(2), or (D)(3) of this section, shall impose an additional 958

prison term of seven years upon the offender that shall not be 959
reduced pursuant to section 2929.20, section 2967.193, or any 960
other provision of Chapter 2967. or Chapter 5120. of the Revised 961
Code. A court shall not impose more than one additional prison 962
term on an offender under division (D)(1)(f) of this section for 963
felonies committed as part of the same act or transaction. If a 964
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
division (D)(2)(a) of this section and, if applicable, divisions
(D)(1) and (3) of this section:

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

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

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(3)(a) Except when an offender commits a violation of section
2903.01 or 2907.02 of the Revised Code and the penalty imposed for
the violation is life imprisonment or commits a violation of
section 2903.02 of the Revised Code, if the offender commits a
violation of section 2925.03 or 2925.11 of the Revised Code and
that section classifies the offender as a major drug offender and
requires the imposition of a ten-year prison term on the offender,
if the offender commits a felony violation of section 2925.02,
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161,
4729.37, or 4729.61, division (C) or (D) of section 3719.172,
division (C) of section 4729.51, or division (J) of section
4729.54 of the Revised Code that includes the sale, offer to sell,
or possession of a schedule I or II controlled substance, with the
exception of marihuana, and the court imposing sentence upon the
offender finds that the offender is guilty of a specification of
the type described in section 2941.1410 of the Revised Code

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charging that the offender is a major drug offender, or if the
court imposing sentence upon an offender for a felony finds that
the offender is guilty of corrupt activity with the most serious
offense in the pattern of corrupt activity being a felony of the
first degree or is guilty of an attempted forcible violation of
section 2907.02 of the Revised Code with the victim being under
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

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

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(b) If a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(d) of this section for wearing or carrying body armor while committing an offense of violence that is a felony, the offender shall serve the mandatory term so imposed consecutively to any other mandatory prison term imposed under that division or under division (D)(1)(a) or (c) of this section, consecutively to and prior to any prison term imposed for the underlying felony under division (A), (D)(2), or (D)(3) of

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this section or any other section of the Revised Code, and 1087
consecutively to any other prison term or mandatory prison term 1088
previously or subsequently imposed upon the offender. 1089

(c) If a mandatory prison term is imposed upon an offender 1090
pursuant to division (D)(1)(f) of this section, the offender shall 1091
serve the mandatory prison term so imposed consecutively to and 1092
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 convictions of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

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

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

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

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

(F) If a court imposes a prison term of a type described in division (B) of section 2967.28 of the Revised Code, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division. If a court imposes a prison term of a type described in division (C) of that section, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the

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
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(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 1156
the indictment, count in the indictment, or information charging 1157
that offense, the court shall impose sentence upon the offender in 1158
accordance with section 2971.03 of the Revised Code, and Chapter 1159
2971. of the Revised Code applies regarding the prison term or 1160
term of life imprisonment without parole imposed upon the offender 1161
and the service of that term of imprisonment. 1162
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(H) If a person who has been convicted of or pleaded guilty 1164
to a felony is sentenced to a prison term or term of imprisonment 1165
under this section, sections 2929.02 to 2929.06 of the Revised 1166
Code, section 2971.03 of the Revised Code, or any other provision 1167
of law, section 5120.163 of the Revised Code applies regarding the 1168
person while the person is confined in a state correctional 1169
institution. 1170

(I) If an offender who is convicted of or pleads guilty to a 1171
felony that is an offense of violence also is convicted of or 1172
pleads guilty to a specification of the type described in section 1173
2941.142 of the Revised Code that charges the offender with having 1174
committed the felony while participating in a criminal gang, the 1175
court shall impose upon the offender an additional prison term of 1176
one, two, or three years. 1177

(J) If an offender who is convicted of or pleads guilty to 1178
aggravated murder, murder, or a felony of the first, second, or 1179
third degree that is an offense of violence also is convicted of 1180
or pleads guilty to a specification of the type described in 1181

section 2941.143 of the Revised Code that charges the offender 1182
with having committed the offense in a school safety zone or 1183
towards a person in a school safety zone, the court shall impose 1184
upon the offender an additional prison term of two years. The 1185
offender shall serve the additional two years consecutively to and 1186
prior to the prison term imposed for the underlying offense. 1187

(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 1220
proposed placement of the offender and shall include with the 1221
notice a brief description of the placement. The court shall have 1222
ten days from receipt of the notice to disapprove the placement. 1223

Sec. 2941.1412. (A) Imposition of a seven-year mandatory 1225
prison term upon an offender under division (D)(1)(f) of section 1226
2929.14 of the Revised Code is precluded unless the indictment, 1227
count in the indictment, or information charging the offense 1228
specifies that the offender discharged a firearm at a peace 1229
officer or a corrections officer while committing the offense. The 1230
specification shall be stated at the end of the body of the 1231
indictment, count, or information and shall be in substantially 1232
the following form: 1233

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 1234

The Grand Jurors (or insert the person's or the prosecuting 1235
attorney's name when appropriate) further find and specify that 1236
(set forth that the offender discharged a firearm at a peace 1237
officer or a corrections officer while committing the offense)." 1238

(B) As used in this section: 1239

(1) "Firearm" has the same meaning as in section 2923.11 of 1240
the Revised Code. 1241

(2) "Peace officer" has the same meaning as in section 1242
2935.01 of the Revised Code. 1243

(3) "Corrections officer" means a person employed by a 1244
detention facility as a corrections officer. 1245

(4) "Detention facility" has the same meaning as in section 1246
2921.01 of the Revised Code. 1247

Section 2. That existing sections 2151.355, 2152.17, and 1248
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 Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the version of section 2152.17 of the Revised Code presented in this act is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

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