

# As Reported by the House Criminal Justice Committee

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REPRESENTATIVES DePiero, Hughes, Jones, Hartnett, Olman, Britton,  
Allen, Goodman, Sullivan, Redfern, Rhine, Distel, Womer Benjamin,  
Krupinski, Seaver, Cirelli, Jerse, Flowers, Lendrum, Evans, Latta, Seitz,  
Callender, Reidelbach, Young, Faber, Perry

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## A BILL

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 13  
Revised Code; 14

(2) Place the child on probation under any conditions that 15  
the court prescribes. If the child is adjudicated a delinquent 16  
child for violating section 2909.05, 2909.06, or 2909.07 of the 17

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

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provisions of Chapter 2923. of the Revised Code relating to the  
possession, sale, furnishing, transfer, disposition, purchase,  
acquisition, carrying, conveying, or use of, or other conduct  
involving, a firearm or dangerous ordnance, as defined in section  
2923.11 of the Revised Code.

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

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

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(5)(a) If the child is adjudicated a delinquent child for  
violating section 2903.03, 2905.01, 2909.02, or 2911.01 or  
division (A) of section 2903.04 of the Revised Code or for  
violating any provision of section 2907.02 of the Revised Code  
other than division (A)(1)(b) of that section when the sexual  
conduct or insertion involved was consensual and when the victim  
of the violation of division (A)(1)(b) of that section was older  
than the delinquent child, was the same age as the delinquent  
child, or was less than three years younger than the delinquent  
child, commit the child to the legal custody of the department of  
youth services for institutionalization in a secure facility for  
an indefinite term consisting of a minimum period of one to three

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years, as prescribed by the court, and a maximum period not to exceed the child's attainment of twenty-one years of age;

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

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

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

(7)(a) If the child is adjudicated a delinquent child for committing an act, other than a violation of section 2923.12 of the Revised Code, that would be a felony if committed by an adult and is committed to the legal custody of the department of youth services pursuant to division (A)(4), (5), or (6) of this section and if the court determines that the child, if the child was an adult, would be guilty of a specification of the type set forth in section 2941.141, 2941.144, 2941.145, ~~or~~ 2941.146, or 2941.1412 of

the Revised Code in relation to the act for which the child was 114  
adjudicated a delinquent child, commit the child to the legal 115  
custody of the department of youth services for 116  
institutionalization in a secure facility for the following period 117  
of time, subject to division (A)(7)(d) of this section: 118

(i) If the child would be guilty of a specification of the 119  
type set forth in section 2941.141 of the Revised Code, a period 120  
of one year; 121

(ii) If the child would be guilty of a specification of the 122  
type set forth in section 2941.144, 2941.145, ~~or~~ 2941.146, or 123  
2941.1412 of the Revised Code, a period of three years. 124

(b) If the child is adjudicated a delinquent child for 125  
committing a category one offense or a category two offense and is 126  
committed to the legal custody of the department of youth services 127  
pursuant to division (A)(5) or (6) of this section and if the 128  
court determines that the child, if the child was an adult, would 129  
be guilty of a specification of the type set forth in section 130  
2941.142 of the Revised Code in relation to the act for which the 131  
child was adjudicated a delinquent child, the court shall commit 132  
the child to the legal custody of the department of youth services 133  
for institutionalization in a secure facility for a period of not 134  
less than one year or more than three years, subject to division 135  
(A)(7)(d) of this section. 136

(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; 169

(9) Require the child to make restitution for all or part of 170  
the property damage caused by the child's delinquent act and for 171  
all or part of the value of the property that was the subject of 172  
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  
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.

(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.

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

(12) Impose a period of day reporting in which the child is  
required each day to report to and leave a center or other

approved reporting location at specified times in order to	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 of the court;	240 241
(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;	242 243 244 245
(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:	246 247 248 249
(i) Require the child to participate in a truancy prevention mediation program;	250 251
(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.	252 253 254 255 256 257
(b) If a child is adjudicated a delinquent child for being a chronic truant or an habitual truant who previously has been adjudicated an unruly child for being an habitual truant and the court determines that the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code, do either or both of the following:	258 259 260 261 262 263 264
(i) Require the parent, guardian, or other person having care of the child to participate in a truancy prevention mediation program;	265 266 267
(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	268 269 270

involvement of the parent, guardian, or other person having care 271  
of the child in the school attended by the child. 272

(25) Make any further disposition that the court finds 273  
proper, except that the child shall not be placed in any state 274  
correctional institution, county, multicounty, or municipal jail 275  
or workhouse, or other place in which an adult convicted of a 276  
crime, under arrest, or charged with a crime is held. 277

(B)(1) If a child is adjudicated a delinquent child for 278  
violating section 2923.32 of the Revised Code, the court, in 279  
addition to any order of disposition it makes for the child under 280  
division (A) of this section, shall enter an order of criminal 281  
forfeiture against the child in accordance with divisions (B)(3), 282  
(4), (5), and (6) and (C) to (F) of section 2923.32 of the Revised 283  
Code. 284

(2) If a child is adjudicated a delinquent child for being a 285  
chronic truant or an habitual truant who previously has been 286  
adjudicated an unruly child for being an habitual truant and the 287  
court determines that the parent, guardian, or other person having 288  
care of the child has failed to cause the child's attendance at 289  
school in violation of section 3321.38 of the Revised Code, in 290  
addition to any order of disposition it makes under this section, 291  
the court shall warn the parent, guardian, or other person having 292  
care of the child that any subsequent adjudication of the child as 293  
an unruly or delinquent child for being an habitual or chronic 294  
truant may result in a criminal charge against the parent, 295  
guardian, or other person having care of the child for a violation 296  
of division (C) of section 2919.21 or section 2919.24 of the 297  
Revised Code. 298

(3) If a child is adjudicated a delinquent child for 299  
committing two or more acts that would be felonies if committed by 300  
an adult and if the court entering the delinquent child 301  
adjudication orders the commitment of the child, for two or more 302

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,  
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

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completes the program. 335

(D) If a child is adjudicated a delinquent child for 336  
violating section 2923.122 of the Revised Code, the court, in 337  
addition to any order of disposition it makes for the child under 338  
division (A), (B), or (C) of this section, shall revoke the 339  
temporary instruction permit and deny the child the issuance of 340  
another temporary instruction permit in accordance with division 341  
(F)(1)(b) of section 2923.122 of the Revised Code or shall suspend 342  
the probationary driver's license, restricted license, or 343  
nonresident operating privilege of the child or deny the child the 344  
issuance of a probationary driver's license, restricted license, 345  
or temporary instruction permit in accordance with division 346  
(F)(1)(a), (c), (d), or (e) of section 2923.122 of the Revised 347  
Code. 348

(E)(1) At the dispositional hearing and prior to making any 349  
disposition pursuant to division (A) of this section, the court 350  
shall determine whether a victim of the delinquent act committed 351  
by the child was five years of age or younger at the time the 352  
delinquent act was committed, whether a victim of the delinquent 353  
act sustained physical harm to the victim's person during the 354  
commission of or otherwise as a result of the delinquent act, 355  
whether a victim of the delinquent act was sixty-five years of age 356  
or older or permanently and totally disabled at the time the 357  
delinquent act was committed, and whether the delinquent act would 358  
have been an offense of violence if committed by an adult. If the 359  
victim was five years of age or younger at the time the delinquent 360  
act was committed, sustained physical harm to the victim's person 361  
during the commission of or otherwise as a result of the 362  
delinquent act, or was sixty-five years of age or older or 363  
permanently and totally disabled at the time the act was 364  
committed, regardless of whether the child knew the age of the 365  
victim, and if the act would have been an offense of violence if 366

committed by an adult, the court shall consider those facts in  
favor of imposing commitment under division (A)(3), (4), (5), or  
(6) of this section, but those facts shall not control the court's  
decision.

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

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

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

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

(3) Within twenty working days after the department of youth  
services receives physical custody of a delinquent child from a  
juvenile court, the court shall provide the department with a  
certified copy of the child's birth certificate or the child's  
social security number, or, if the court made all reasonable  
efforts to obtain the information but was unsuccessful, the court  
shall provide the department with documentation of the efforts it  
made to obtain the information.

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

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

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

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

(G)(1) At any hearing at which a child is adjudicated a  
delinquent child or as soon as possible after the hearing, the  
court shall notify all victims of the delinquent act, who may be

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entitled to a recovery under any of the following sections, of the  
right of the victims to recover, pursuant to section 3109.09 of  
the Revised Code, compensatory damages from the child's parents;  
of the right of the victims to recover, pursuant to section  
3109.10 of the Revised Code, compensatory damages from the child's  
parents for willful and malicious assaults committed by the child;  
and of the right of the victims to recover an award of reparations  
pursuant to sections 2743.51 to 2743.72 of the Revised Code.

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

(H)(1) If a child is adjudicated a delinquent child for  
committing an act that would be a felony or offense of violence if  
committed by an adult, 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

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probation department, or by a victim assistance program that is  
operated by the state, a county, a municipal corporation, or  
another governmental entity. The court shall consider the victim  
impact statement in determining the order of disposition to issue  
for the child.

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

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

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

(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 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 613  
property owned or controlled by, or at an activity held under the 614  
auspices of, the board of education of that school district; 615

(c) A violation of division (A) of section 2925.03 or 2925.11 616  
of the Revised Code that would be a misdemeanor if committed by an 617  
adult, that was committed on property owned or controlled by, or 618  
at an activity held under the auspices of, the board of education 619  
of that school district, and that is not a minor drug possession 620  
offense; 621

(d) Complicity in any violation described in division 622  
(K)(1)(a) of this section, or complicity in any violation 623  
described in division (K)(1)(b) or (c) of this section that was 624  
alleged to have been committed in the manner described in division 625  
(K)(1)(b) or (c) of this section, and regardless of whether the 626  
act of complicity was committed on property owned or controlled 627  
by, or at an activity held under the auspices of, the board of 628  
education of that school district. 629

(2) The notice given pursuant to division (K)(1) of this 630  
section shall include the name of the child who was adjudicated to 631  
be a delinquent child, the child's age at the time the child 632  
committed the act that was the basis of the adjudication, and 633  
identification of the violation of the law or ordinance that was 634  
the basis of the adjudication. 635

(L) During the period of a delinquent child's probation 636  
granted under division (A)(2) of this section, authorized 637  
probation officers who are engaged within the scope of their 638  
supervisory duties or responsibilities may search, with or without 639  
a warrant, the person of the delinquent child, the place of 640  
residence of the delinquent child, and a motor vehicle, another 641  
item of tangible or intangible personal property, or other real 642  
property in which the delinquent child has a right, title, or 643  
interest or for which the delinquent child has the express or 644  
implied permission of a person with a right, title, or interest to 645  
use, occupy, or possess if the probation officers have reasonable 646  
grounds to believe that the delinquent child is not abiding by the 647  
law or otherwise is not complying with the conditions of the 648  
delinquent child's probation. The court that places a delinquent 649  
child on probation under division (A)(2) of this section shall 650  
provide the delinquent child with a written notice that informs 651  
the delinquent child that authorized probation officers who are 652  
engaged within the scope of their supervisory duties or 653

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  
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

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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 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.

(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.

(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.

(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 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. 746

(D)(1) If the child is adjudicated a delinquent child for 747  
committing an act that would be an offense of violence that is a 748  
felony if committed by an adult and is committed to the legal 749  
custody of the department of youth services pursuant to division 750  
(A)(4), (5), or (6)(1) of this section 2152.16 of the Revised Code 751  
and if the court determines that the child, if the child was an 752  
adult, would be guilty of a specification of the type set forth in 753  
section 2941.1411 of the Revised Code in relation to the act for 754  
which the child was adjudicated a delinquent child, the court may 755  
commit the child to the custody of the department of youth 756  
services for institutionalization in a secure facility for two 757  
years, subject to division ~~(A)(7)(d)~~(D)(2) of this section. 758

~~(d)~~(2) A court that imposes a period of commitment under 759  
division (A)(7)(a) of this section is not precluded from imposing 760  
an additional period of commitment under division ~~(A)(7)(b)(C)~~ or 761  
~~(e)~~(D)(1) of this section, a court that imposes a period of 762  
commitment under division ~~(A)(7)(b)(C)~~ of this section is not 763  
precluded from imposing an additional period of commitment under 764  
division (A)(7)(a) or ~~(e)~~(D)(1) of this section, and a court that 765  
imposes a period of commitment under division ~~(A)(7)(e)~~(D)(1) of 766  
this section is not precluded from imposing an additional period 767  
of commitment under division (A)(7)(a) or ~~(b)~~(C) of this section. 768

(E) The court shall not commit a child to the legal custody 769  
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 Code, or in Chapter 2925. of the Revised Code, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender and if the offender previously has not served a prison term, the court shall impose the shortest prison term authorized for the offense pursuant to division (A) of this section, unless the court finds on the record that the shortest prison term will demean the seriousness of the offender's conduct or will not adequately protect the public from future crime by the offender or others.

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

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

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(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;

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(ii) A prison term of three years if the specification is of

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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;

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(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.

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(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.

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(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  
or attempting to cause the death of or physical harm to another,  
also is convicted of or pleads guilty to a specification of the  
type described in section 2941.146 of the Revised Code that  
charges the offender with committing the offense by discharging a  
firearm from a motor vehicle other than a manufactured home, the  
court, after imposing a prison term on the offender for the  
violation of section 2923.161 of the Revised Code or for the other  
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

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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.

(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  
section.

(e) 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 2923.12 or

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

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(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 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.

(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 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  
(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

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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.

(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  
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.

(c) If a mandatory prison term is imposed upon an offender  
pursuant to division (D)(1)(f) of this section, the offender shall  
serve the mandatory prison term so imposed consecutively to and  
prior to any prison term imposed for the underlying felony under  
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 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 1119  
convictions of multiple offenses, the court may require the 1120  
offender to serve the prison terms consecutively if the court 1121  
finds that the consecutive service is necessary to protect the 1122  
public from future crime or to punish the offender and that 1123  
consecutive sentences are not disproportionate to the seriousness 1124  
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 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  
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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 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