

As Introduced

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Regular Session
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H. B. No. 247

REPRESENTATIVES Core, Willamowski, Webster, Seitz, Williams, Jerse,
Otterman, Latta, DePiero, Coates, Lendrum

A BILL

To amend sections 2151.14, 2152.18, 2152.19, 2152.71, 1
and 2951.03 of the Revised Code, effective January 2
1, 2002, to ensure that prior delinquent child 3
adjudication and disposition records are available 4
for use in preparing presentence investigation 5
reports for persons convicted of a criminal 6
offense. 7

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

Section 1. That sections 2151.14, 2152.18, 2152.19, 2152.71, 8
and 2951.03 of the Revised Code be amended to read as follows: 9

Sec. 2151.14. (A) The chief probation officer, under the 10
direction of the juvenile judge, shall have charge of the work of 11
the probation department. The department shall make any 12
investigations that the judge directs, keep a written record of 13
the investigations, and submit the record to the judge or deal 14
with them as the judge directs. The department shall furnish to 15
any person placed on community control a statement of the 16
conditions of community control and shall instruct the person 17
regarding them. The department shall keep informed concerning the 18
conduct and condition of each person under its supervision and 19

shall report on their conduct and condition to the judge as the judge directs. Each probation officer shall use all suitable methods to aid persons on community control and to bring about improvement in their conduct and condition. The department shall keep full records of its work, keep accurate and complete accounts of money collected from persons under its supervision, give receipts for the money, and make reports on the money as the judge directs.

(B) Except as provided in this division or in division (C) or (D) of this section, the reports and records of the department shall be considered confidential information and shall not be made public. If an officer is preparing pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a presentence investigation report pertaining to a person, the department shall make available to the officer, for use in preparing the report, any reports and records it possesses regarding any adjudications of that person as a delinquent child or regarding the dispositions made relative to those adjudications. A probation officer may serve the process of the court within or without the county, make arrests without warrant upon reasonable information or upon view of the violation of this chapter or Chapter 2152. of the Revised Code, detain the person arrested pending the issuance of a warrant, and perform any other duties, incident to the office, that the judge directs. All sheriffs, deputy sheriffs, constables, marshals, deputy marshals, chiefs of police, municipal corporation and township police officers, and other peace officers shall render assistance to probation officers in the performance of their duties when requested to do so by any probation officer.

(C) When a complaint has been filed alleging that a child is delinquent by reason of having committed an act that would constitute a violation of section 2907.02, 2907.03, 2907.05, or 2907.06 of the Revised Code if committed by an adult and the

arresting authority, a court, or a probation officer discovers
that the child or a person whom the child caused to engage in
sexual activity, as defined in section 2907.01 of the Revised
Code, has a communicable disease, the arresting authority, court,
or probation officer immediately shall notify the victim of the
delinquent act of the nature of the disease.

(D)(1) In accordance with division (D)(2) of this section,
subject to the limitation specified in division (D)(4) of this
section, and in connection with a disposition pursuant to section
2151.354 of the Revised Code when a child has been found to be an
unruly child, a disposition pursuant to sections 2152.19 and
2152.20 of the Revised Code when a child has been found to be a
delinquent child, or a disposition pursuant to sections 2156.20
and 2152.21 of the Revised Code when a child has been found to be
a juvenile traffic offender, the court may issue an order
requiring boards of education, governing bodies of chartered
nonpublic schools, public children services agencies, private
child placing agencies, probation departments, law enforcement
agencies, and prosecuting attorneys that have records related to
the child in question to provide copies of one or more specified
records, or specified information in one or more specified
records, that the individual or entity has with respect to the
child to any of the following individuals or entities that request
the records in accordance with division (D)(3)(a) of this section:

(a) The child;

(b) The attorney or guardian ad litem of the child;

(c) A parent, guardian, or custodian of the child;

(d) A prosecuting attorney;

(e) A board of education of a public school district;

(f) A probation department of a juvenile court;

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(g) A public children services agency or private child placing agency that has custody of the child, is providing services to the child or the child's family, or is preparing a social history or performing any other function for the juvenile court;

(h) The department of youth services when the department has custody of the child or is performing any services for the child that are required by the juvenile court or by statute;

(i) The individual in control of a juvenile detention or rehabilitation facility to which the child has been committed;

(j) An employee of the juvenile court that found the child to be an unruly child, a delinquent child, or a juvenile traffic offender;

(k) Any other entity that has custody of the child or is providing treatment, rehabilitation, or other services for the child pursuant to a court order, statutory requirement, or other arrangement.

(2) Any individual or entity listed in divisions (D)(1)(a) to (k) of this section may file a motion with the court that requests the court to issue an order as described in division (D)(1) of this section. If such a motion is filed, the court shall conduct a hearing on it. If at the hearing the movant demonstrates a need for one or more specified records, or for information in one or more specified records, related to the child in question and additionally demonstrates the relevance of the information sought to be obtained from those records, and if the court determines that the limitation specified in division (D)(4) of this section does not preclude the provision of a specified record or specified information to the movant, then the court may issue an order to a designated individual or entity to provide the movant with copies of one or more specified records or with specified information

contained in one or more specified records.

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(3)(a) Any individual or entity that is authorized by an order issued pursuant to division (D)(1) of this section to obtain copies of one or more specified records, or specified information, related to a particular child may file a written request for copies of the records or for the information with any individual or entity required by the order to provide copies of the records or the information. The request shall be in writing, describe the type of records or the information requested, explain the need for the records or the information, and be accompanied by a copy of the order.

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(b) If an individual or entity that is required by an order issued pursuant to division (D)(1) of this section to provide one or more specified records, or specified information, related to a child receives a written request for the records or information in accordance with division (D)(3)(a) of this section, the individual or entity immediately shall comply with the request to the extent it is able to do so, unless the individual or entity determines that it is unable to comply with the request because it is prohibited by law from doing so, or unless the requesting individual or entity does not have authority to obtain the requested records or information. If the individual or entity determines that it is unable to comply with the request, it shall file a motion with the court that issued the order requesting the court to determine the extent to which it is required to comply with the request for records or information. Upon the filing of the motion, the court immediately shall hold a hearing on the motion, determine the extent to which the movant is required to comply with the request for records or information, and issue findings of fact and conclusions of law in support of its determination. The determination of the court shall be final. If the court determines that the movant is required to comply with

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the request for records or information, it shall identify the 145
specific records or information that must be supplied to the 146
individual or entity that requested the records or information. 147

(c) If an individual or entity is required to provide copies 148
of one or more specified records pursuant to division (D) of this 149
section, the individual or entity may charge a fee for the copies 150
that does not exceed the cost of supplying them. 151

(4) Division (D) of this section does not require, authorize, 152
or permit the dissemination of any records or any information 153
contained in any records if the dissemination of the records or 154
information generally is prohibited by any provision of the 155
Revised Code and a specific provision of the Revised Code does not 156
specifically authorize or permit the dissemination of the records 157
or information pursuant to division (D) of this section. 158

Sec. 2152.18. (A) When a juvenile court commits a delinquent 159
child to the custody of the department of youth services pursuant 160
to this chapter, the court shall not designate the specific 161
institution in which the department is to place the child but 162
instead shall specify that the child is to be institutionalized in 163
a secure facility. 164

(B) When a juvenile court commits a delinquent child to the 165
custody of the department of youth services pursuant to this 166
chapter, the court shall state in the order of commitment the 167
total number of days that the child has been held in detention in 168
connection with the delinquent child complaint upon which the 169
order of commitment is based. The department shall reduce the 170
minimum period of institutionalization that was ordered by both 171
the total number of days that the child has been so held in 172
detention as stated by the court in the order of commitment and 173
the total number of any additional days that the child has been 174
held in detention subsequent to the order of commitment but prior 175

to the transfer of physical custody of the child to the 176
department. 177

(C)(1) When a juvenile court commits a delinquent child to 178
the custody of the department of youth services pursuant to this 179
chapter, the court shall provide the department with the child's 180
medical records, a copy of the report of any mental examination of 181
the child ordered by the court, the Revised Code section or 182
sections the child violated and the degree of each violation, the 183
warrant to convey the child to the department, a copy of the 184
court's journal entry ordering the commitment of the child to the 185
legal custody of the department, a copy of the arrest record 186
pertaining to the act for which the child was adjudicated a 187
delinquent child, a copy of any victim impact statement pertaining 188
to the act, and any other information concerning the child that 189
the department reasonably requests. The court also shall complete 190
the form for the standard predisposition investigation report that 191
the department furnishes pursuant to section 5139.04 of the 192
Revised Code and provide the department with the completed form. 193

The department may refuse to accept physical custody of a 194
delinquent child who is committed to the legal custody of the 195
department until the court provides to the department the 196
documents specified in this division. No officer or employee of 197
the department who refuses to accept physical custody of a 198
delinquent child who is committed to the legal custody of the 199
department shall be subject to prosecution or contempt of court 200
for the refusal if the court fails to provide the documents 201
specified in this division at the time the court transfers the 202
physical custody of the child to the department. 203

(2) Within twenty working days after the department of youth 204
services receives physical custody of a delinquent child from a 205
juvenile court, the court shall provide the department with a 206
certified copy of the child's birth certificate and the child's 207

social security number or, if the court made all reasonable 208
efforts to obtain the information but was unsuccessful, with 209
documentation of the efforts it made to obtain the information. 210

(3) If an officer is preparing pursuant to section 2947.06 or 211
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 212
investigation report pertaining to a person, the department shall 213
make available to the officer, for use in preparing the report, 214
any records or reports it possesses regarding that person that it 215
received from a juvenile court pursuant to division (C)(1) of this 216
section or that pertain to the treatment of that person after the 217
person was committed to the custody of the department as a 218
delinquent child. 219

(D)(1) Within ten days after an adjudication that a child is 220
a delinquent child, the court shall give written notice of the 221
adjudication to the superintendent of a city, local, exempted 222
village, or joint vocational school district, and to the principal 223
of the school the child attends, if the basis of the adjudication 224
was the commission of an act that would be a criminal offense if 225
committed by an adult, if the act was committed by the delinquent 226
child when the child was fourteen years of age or older, and if 227
the act is any of the following: 228

(a) An act that would be a felony or an offense of violence 229
if committed by an adult, an act in the commission of which the 230
child used or brandished a firearm, or an act that is a violation 231
of section 2907.06, 2907.07, 2907.08, 2907.09, 2907.24, or 232
2907.241 of the Revised Code and that would be a misdemeanor if 233
committed by an adult; 234

(b) A violation of section 2923.12 of the Revised Code or of 235
a substantially similar municipal ordinance that would be a 236
misdemeanor if committed by an adult and that was committed on 237
property owned or controlled by, or at an activity held under the 238
auspices of, the board of education of that school district; 239

(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;

(d) An act that would be a criminal offense if committed by an adult and that results in serious physical harm to persons or serious physical harm to property while the child is at school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity;

(e) Complicity in any violation described in division (D)(1)(a), (b), (c), or (d) of this section that was alleged to have been committed in the manner described in division (D)(1)(a), (b), (c), or (d) of this section, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district.

(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.

(3) Within fourteen days after committing 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 facility, because of a school's
failure to provide the school transcript that it is required to
provide under this division.

(4) Within fourteen days after releasing a child from an
institution under its control, the department of youth services
shall provide the court and the school with an updated copy of the
child's school transcript and a summary of the institutional
record of the child. 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.

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

Sec. 2152.19. (A) If a child is adjudicated a delinquent
child, the court may make any of the following orders of
disposition, in addition to any other disposition authorized or
required by this chapter:

(1) Any order that is authorized by section 2151.353 of the
Revised Code for the care and protection of an abused, neglected,
or dependent child.

(2) 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 2152.41 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;

(3) Place the child on community control under any sanctions, services, and conditions that the court prescribes. As a condition of community control in every case and in addition to any other condition that it imposes upon the child, the court shall require the child to abide by the law during the period of community control. As referred to in this division, community control includes, but is not limited to, the following sanctions and conditions:

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

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

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

(d) A period of community service of up to five hundred hours for an act that would be a felony or a misdemeanor of the first

degree if committed by an adult, up to two hundred hours for an 334
act that would be a misdemeanor of the second, third, or fourth 335
degree if committed by an adult, or up to thirty hours for an act 336
that would be a minor misdemeanor if committed by an adult; 337

(e) A requirement that the child obtain a high school 338
diploma, a certificate of high school equivalence, vocational 339
training, or employment; 340

(f) A period of drug and alcohol use monitoring; 341

(g) A requirement of alcohol or drug assessment or 342
counseling, or a period in an alcohol or drug treatment program 343
with a level of security for the child as determined necessary by 344
the court; 345

(h) A period in which the court orders the child to observe a 346
curfew that may involve daytime or evening hours; 347

(i) A requirement that the child serve monitored time; 348

(j) A period of house arrest with or without electronic 349
monitoring; 350

(k) A period of electronic monitoring without house arrest or 351
electronically monitored house arrest that does not exceed the 352
maximum sentence of imprisonment that could be imposed upon an 353
adult who commits the same act. 354

A period of electronically monitored house arrest imposed 355
under this division shall not extend beyond the child's 356
twenty-first birthday. If a court imposes a period of 357
electronically monitored house arrest upon a child under this 358
division, it shall require the child: to wear, otherwise have 359
attached to the child's person, or otherwise be subject to 360
monitoring by a certified electronic monitoring device or to 361
participate in the operation of and monitoring by a certified 362
electronic monitoring system; to remain in the child's home or 363

other specified premises for the entire period of electronically
monitored house arrest 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 can determine
the child's location at designated times; to report periodically
to a person designated by the court; and to enter into a written
contract with the court agreeing to comply with all requirements
imposed by the court, agreeing to pay any fee imposed by the court
for the costs of the electronically monitored house arrest, and
agreeing to waive the right to receive credit for any time served
on electronically monitored house arrest toward the period of any
other dispositional order imposed upon the child if the child
violates any of the requirements of the dispositional order of
electronically monitored house arrest. The court also may impose
other reasonable requirements upon the child.

Unless ordered by the court, a child shall not receive credit
for any time served on electronically monitored house arrest
toward any other dispositional order imposed upon the child for
the act for which was imposed the dispositional order of
electronically monitored house arrest.

(1) A suspension of the driver's license, probationary
driver's license, or temporary instruction permit issued to the
child or a suspension of the registration of all motor vehicles
registered in the name of the child. A child whose license or
permit is so suspended is ineligible for issuance of a license or
permit during the period of suspension. At the end of the period
of suspension, 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.

(4) Commit the child to the custody of the court;

(5) 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 396
school month, or twelve or more school days in a school year; 397

(6)(a) If a child is adjudicated a delinquent child for being 398
a chronic truant or an habitual truant who previously has been 399
adjudicated an unruly child for being a habitual truant, do either 400
or both of the following: 401

(i) Require the child to participate in a truancy prevention 402
mediation program; 403

(ii) Make any order of disposition as authorized by this 404
section, except that the court shall not commit the child to a 405
facility described in division (A)(2) of this section unless the 406
court determines that the child violated a lawful court order made 407
pursuant to division (C)(1)(e) of section 2151.354 of the Revised 408
Code or division (A)(5) of this section. 409

(b) If a child is adjudicated a delinquent child for being a 410
chronic truant or a habitual truant who previously has been 411
adjudicated an unruly child for being a habitual truant and the 412
court determines that the parent, guardian, or other person having 413
care of the child has failed to cause the child's attendance at 414
school in violation of section 3321.38 of the Revised Code, do 415
either or both of the following: 416

(i) Require the parent, guardian, or other person having care 417
of the child to participate in a truancy prevention mediation 418
program; 419

(ii) Require the parent, guardian, or other person having 420
care of the child to participate in any community service program, 421
preferably a community service program that requires the 422
involvement of the parent, guardian, or other person having care 423
of the child in the school attended by the child. 424

(7) Make any further disposition that the court finds proper, 425
except that the child shall not be placed in any of the following: 426

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(a) A state correctional institution, a county, multicounty, 428
or municipal jail or workhouse, or another place in which an adult 429
convicted of a crime, under arrest, or charged with a crime is 430
held; 431

(b) A community corrections facility, if the child would be 432
covered by the definition of public safety beds for purposes of 433
sections 5139.41 to 5139.45 of the Revised Code if the court 434
exercised its authority to commit the child to the legal custody 435
of the department of youth services for institutionalization or 436
institutionalization in a secure facility pursuant to this 437
chapter. 438

(B) If a child is adjudicated a delinquent child, in addition 439
to any order of disposition made under division (A) of this 440
section, the court, in the following situations, shall suspend the 441
child's temporary instruction permit, restricted license, 442
probationary driver's license, or nonresident operating privilege, 443
or suspend the child's ability to obtain such a permit: 444

(1) The child is adjudicated a delinquent child for violating 445
section 2923.122 of the Revised Code, with the suspension and 446
denial being in accordance with division (E)(1)(a), (c), (d), or 447
(e) of section 2923.122 of the Revised Code. 448

(2) The child is adjudicated a delinquent child for 449
committing an act that if committed by an adult would be a drug 450
abuse offense or for violating division (B) of section 2917.11 of 451
the Revised Code, with the suspension continuing until the child 452
attends and satisfactorily completes a drug abuse or alcohol abuse 453
education, intervention, or treatment program specified by the 454
court. During the time the child is attending the program, the 455
court shall retain any temporary instruction permit, probationary 456
driver's license, or driver's license issued to the child, and the 457
court shall return the permit or license when the child 458

satisfactorily completes the program. 459

(C) The court may establish a victim-offender mediation 460
program in which victims and their offenders meet to discuss the 461
offense and suggest possible restitution. If the court obtains the 462
assent of the victim of the delinquent act committed by the child, 463
the court may require the child to participate in the program. 464

(D)(1) If a child is adjudicated a delinquent child for 465
committing an act that would be a felony if committed by an adult 466
and if the child caused, attempted to cause, threatened to cause, 467
or created a risk of physical harm to the victim of the act, the 468
court, prior to issuing an order of disposition under this 469
section, shall order the preparation of a victim impact statement 470
by the probation department of the county in which the victim of 471
the act resides, by the court's own probation department, or by a 472
victim assistance program that is operated by the state, a county, 473
a municipal corporation, or another governmental entity. The court 474
shall consider the victim impact statement in determining the 475
order of disposition to issue for the child. 476
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(2) Each victim impact statement shall identify the victim of 478
the act for which the child was adjudicated a delinquent child, 479
itemize any economic loss suffered by the victim as a result of 480
the act, identify any physical injury suffered by the victim as a 481
result of the act and the seriousness and permanence of the 482
injury, identify any change in the victim's personal welfare or 483
familial relationships as a result of the act and any 484
psychological impact experienced by the victim or the victim's 485
family as a result of the act, and contain any other information 486
related to the impact of the act upon the victim that the court 487
requires. 488

(3) A victim impact statement shall be kept confidential and 489
is not a public record. However, the court may furnish copies of 490

the statement to the department of youth services if the
delinquent child is committed to the department 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
this section shall be kept confidential and is not a public
record. If an officer is preparing pursuant to section 2947.06 or
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence
investigation report pertaining to a person, the court shall make
available to the officer, for use in preparing the report, a copy
of any victim impact statement regarding that person. 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 this division
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 chapter.

The copy of a victim impact statement that is made available
pursuant to this division to an officer preparing a criminal
presentence investigation report shall be returned to the court by
the officer immediately following its use in preparing the report.

(4) The department of youth services shall work with local
probation departments and victim assistance programs to develop a
standard victim impact statement.

(E) 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

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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.

(F)(1) During the period of a delinquent child's community
control granted under this section, authorized probation officers
who are engaged within the scope of their supervisory duties or
responsibilities may search, with or without a warrant, the person
of the delinquent child, the place of residence of the delinquent
child, and a motor vehicle, another item of tangible or intangible
personal property, or other real property in which the delinquent
child has a right, title, or interest or for which the delinquent
child has the express or implied permission of a person with a
right, title, or interest to use, occupy, or possess if the
probation officers have reasonable grounds to believe that the
delinquent child is not abiding by the law or otherwise is not
complying with the conditions of the delinquent child's community
control. The court that places a delinquent child on community
control under 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 community control 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 community control. The court
also shall provide the written notice described in division (E)(2)
of this section to each parent, guardian, or custodian of the
delinquent child who is described in that division.

(2) The court that places a child on community control under

this section shall provide the child's parent, guardian, or other
custodian with a written notice that informs them that authorized
probation officers may conduct searches pursuant to division
(E)(1) of this section. The notice shall specifically state that a
permissible search might extend to a motor vehicle, another item
of tangible or intangible personal property, or a place of
residence or other real property in which a notified parent,
guardian, or custodian has a right, title, or interest and that
the parent, guardian, or custodian expressly or impliedly permits
the child to use, occupy, or possess.

Sec. 2152.71. (A)(1) The juvenile court shall maintain
records of all official cases brought before it, including, but
not limited to, an appearance docket, a journal, and, in cases
pertaining to an alleged delinquent child, arrest and custody
records, complaints, journal entries, and hearing summaries. The
court shall maintain a separate docket for traffic cases and shall
record all traffic cases on the separate docket instead of on the
general appearance docket.

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

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

(1) The number of complaints that are filed with, or
indictments or information made to, the court that allege that a
child is a delinquent child, in relation to which the court
determines under division (D) of section 2151.27 of the Revised

Code that the victim of the alleged delinquent act was sixty-five 586
years of age or older or permanently and totally disabled at the 587
time of the alleged commission of the act; 588

(2) The number of complaints, indictments, or information 589
described in division (B)(1) of this section that result in the 590
child being adjudicated a delinquent child; 591

(3) The number of complaints, indictments, or information 592
described in division (B)(2) of this section in which the act upon 593
which the delinquent child adjudication is based caused property 594
damage or would be a theft offense, as defined in division (K) of 595
section 2913.01 of the Revised Code, if committed by an adult; 596

(4) The number of complaints, indictments, or information 597
described in division (B)(3) of this section that result in the 598
delinquent child being required as an order of disposition made 599
under division (A) of section 2152.20 of the Revised Code to make 600
restitution for all or part of the property damage caused by the 601
child's delinquent act or for all or part of the value of the 602
property that was the subject of the delinquent act that would be 603
a theft offense if committed by an adult; 604

(5) The number of complaints, indictments, or information 605
described in division (B)(2) of this section in which the act upon 606
which the delinquent child adjudication is based would have been 607
an offense of violence if committed by an adult; 608

(6) The number of complaints, indictments, or information 609
described in division (B)(5) of this section that result in the 610
delinquent child being committed as an order of disposition made 611
under section 2152.16, divisions (A) and (B) of section 2152.17, 612
or division (A)(2) of section 2159.19 of the Revised Code to any 613
facility for delinquent children operated by the county, a 614
district, or a private agency or organization or to the department 615
of youth services; 616

(7) The number of complaints, indictments, or information described in division (B)(1) of this section that result in the case being transferred for criminal prosecution to an appropriate court having jurisdiction of the offense under section 2152.12 of the Revised Code.

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

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

(E) If an officer is preparing pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a presentence investigation report pertaining to a person, the court shall make available to the officer, for use in preparing the report, any records it possesses regarding any adjudications of that person as a delinquent child or regarding the dispositions made relative to those adjudications. The records to be made available pursuant to

this division include, but are not limited to, any social history
or report of a mental or physical examination regarding the person
that was prepared pursuant to Juvenile Rule 32.

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Sec. 2951.03. (A)(1) No person who has been convicted of or
pleaded guilty to a felony shall be placed under a community
control sanction until a written presentence investigation report
has been considered by the court. If a court orders the
preparation of a presentence investigation report pursuant to this
section, section 2947.06 of the Revised Code, or Criminal Rule
32.2, the officer making the report shall inquire into the
circumstances of the offense and the criminal record, social
history, and present condition of the defendant, all information
available regarding any prior adjudications of the defendant as a
delinquent child and regarding the dispositions made relative to
those adjudications, and any other matters specified in Criminal
Rule 32.2. Whenever the officer considers it advisable, the
officer's investigation may include a physical and mental
examination of the defendant. A physical examination of the
defendant may include a drug test consisting of a chemical
analysis of a blood or urine specimen of the defendant to
determine whether the defendant ingested or was injected with a
drug of abuse. If, pursuant to section 2930.13 of the Revised
Code, the victim of the offense of which the defendant has been
convicted wishes to make a statement regarding the impact of the
offense for the officer's use in preparing the presentence
investigation report, the officer shall comply with the
requirements of that section.

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(2) If a defendant is committed to any institution, the
presentence investigation report shall be sent to the institution
with the entry of commitment. If a defendant is committed to any
institution and a presentence investigation report is not prepared
regarding that defendant pursuant to this section, section 2947.06

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of the Revised Code, or Criminal Rule 32.2, the director of the
department of rehabilitation and correction or the director's
designee may order that an offender background investigation and
report be conducted and prepared regarding the defendant pursuant
to section 5120.16 of the Revised Code.

(B)(1) If a presentence investigation report is prepared
pursuant to this section, section 2947.06 of the Revised Code, or
Criminal Rule 32.2, the court, at a reasonable time before
imposing sentence, shall permit the defendant or the defendant's
counsel to read the report, except that the court shall not permit
the defendant or the defendant's counsel to read any of the
following:

(a) Any recommendation as to sentence;

(b) Any diagnostic opinions that, if disclosed, the court
believes might seriously disrupt a program of rehabilitation for
the defendant;

(c) Any sources of information obtained upon a promise of
confidentiality;

(d) Any other information that, if disclosed, the court
believes might result in physical harm or some other type of harm
to the defendant or to any other person.

(2) Prior to sentencing, the court shall permit the defendant
and the defendant's counsel to comment on the presentence
investigation report and, in its discretion, may permit the
defendant and the defendant's counsel to introduce testimony or
other information that relates to any alleged factual inaccuracy
contained in the report.

(3) If the court believes that any information in the
presentence investigation report should not be disclosed pursuant
to division (B)(1) of this section, the court, in lieu of making
the report or any part of the report available, shall state orally

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or in writing a summary of the factual information contained in
the report that will be relied upon in determining the defendant's
sentence. The court shall permit the defendant and the defendant's
counsel to comment upon the oral or written summary of the report.

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(4) Any material that is disclosed to the defendant or the
defendant's counsel pursuant to this section shall be disclosed to
the prosecutor who is handling the prosecution of the case against
the defendant.

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(5) If the comments of the defendant or the defendant's
counsel, the testimony they introduce, or any of the other
information they introduce alleges any factual inaccuracy in the
presentence investigation report or the summary of the report, the
court shall do either of the following with respect to each
alleged factual inaccuracy:

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(a) Make a finding as to the allegation;

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(b) Make a determination that no finding is necessary with
respect to the allegation, because the factual matter will not be
taken into account in the sentencing of the defendant.

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(C) A court's decision as to the content of a summary under
division (B)(3) of this section or as to the withholding of
information under division (B)(1)(a), (b), (c), or (d) of this
section shall be considered to be within the discretion of the
court. No appeal can be taken from either of those decisions, and
neither of those decisions shall be the basis for a reversal of
the sentence imposed.

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(D)(1) The contents of a presentence investigation report
prepared pursuant to this section, section 2947.06 of the Revised
Code, or Criminal Rule 32.2 and the contents of any written or
oral summary of a presentence investigation report or of a part of
a presentence investigation report described in division (B)(3) of

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this section are confidential information and are not a public 743
record. The court, an appellate court, authorized probation 744
officers, investigators, and court personnel, the defendant, the 745
defendant's counsel, the prosecutor who is handling the 746
prosecution of the case against the defendant, and authorized 747
personnel of an institution to which the defendant is committed 748
may inspect, receive copies of, retain copies of, and use a 749
presentence investigation report or a written or oral summary of a 750
presentence investigation only for the purposes of or only as 751
authorized by Criminal Rule 32.2 or this section, division (F)(1) 752
of section 2953.08, section 2947.06, or another section of the 753
Revised Code. 754

(2) Immediately following the imposition of sentence upon the 755
defendant, the defendant or the defendant's counsel and the 756
prosecutor shall return to the court all copies of a presentence 757
investigation report and of any written summary of a presentence 758
investigation report or part of a presentence investigation report 759
that the court made available to the defendant or the defendant's 760
counsel and to the prosecutor pursuant to this section. The 761
defendant or the defendant's counsel and the prosecutor shall not 762
make any copies of the presentence investigation report or of any 763
written summary of a presentence investigation report or part of a 764
presentence investigation report that the court made available to 765
them pursuant to this section. 766

(3) Except when a presentence investigation report or a 767
written or oral summary of a presentence investigation report is 768
being used for the purposes of or as authorized by Criminal Rule 769
32.2 or this section, division (F)(1) of section 2953.08, section 770
2947.06, or another section of the Revised Code, the court or 771
other authorized holder of the report or summary shall retain the 772
report or summary under seal. 773

(E) In inquiring into the information available regarding any 774

prior adjudications of the defendant as a delinquent child and 775
regarding the dispositions made relative to those adjudications, 776
the officer making the report shall consider all information that 777
is relevant, including, but not limited to, the materials 778
described in division (B) of section 2151.14, division (C)(3) of 779
section 2152.18, division (D)(3) of section 2152.19, and division 780
(E) of section 2152.71 of the Revised Code. 781

(F) As used in this section: 782

(1) "Prosecutor" has the same meaning as in section 2935.01 783
of the Revised Code. 784

(2) "Community control sanction" has the same meaning as in 785
section 2929.01 of the Revised Code. 786

(3) "Public record" has the same meaning as in section 149.43 787
of the Revised Code. 788

Section 2. That all existing versions of sections 2151.14, 789
2152.18, 2152.19, 2152.71, and 2951.03 of the Revised Code are 790
hereby repealed. 791

Section 3. Sections 1 and 2 of this act shall take effect on 792
January 1, 2002. 793