

As Reported by the Senate Judiciary--Criminal Justice Committee

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A B I L L

To amend sections 2151.14, 2152.18, 2152.19, 2152.71,
and 2951.03 of the Revised Code to ensure that
prior delinquent child adjudication and disposition
records are available for use in preparing
presentence investigation reports for persons
convicted of a criminal offense.

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

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

Sec. 2151.14. (A) The chief probation officer, under the
direction of the juvenile judge, shall have charge of the work of
the probation department. The department shall make any
investigations that the judge directs, keep a written record of
the investigations, and submit the record to the judge or deal
with them as the judge directs. The department shall furnish to
any person placed on community control a statement of the
conditions of community control and shall instruct the person

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regarding them. The department shall keep informed concerning the
conduct and condition of each person under its supervision and
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

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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~~
2152.20 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;

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(f) A probation department of a juvenile court;	80
(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;	81 82 83 84 85
(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;	86 87 88
(i) The individual in control of a juvenile detention or rehabilitation facility to which the child has been committed;	89 90
(j) An employee of the juvenile court that found the child to be an unruly child, a delinquent child, or a juvenile traffic offender;	91 92 93
(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.	94 95 96 97
(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	98 99 100 101 102 103 104 105 106 107 108 109 110

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of one or more specified records or with specified information
contained in one or more specified records.

(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.

(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

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the court determines that the movant is required to comply with
the request for records or information, it shall identify the
specific records or information that must be supplied to the
individual or entity that requested the records or information.

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

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

Sec. 2152.18. (A) When a juvenile court commits a delinquent
child to the custody of the department of youth services pursuant
to this chapter, 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 in
a secure facility.

(B) When a juvenile court commits a delinquent child to the
custody of the department of youth services pursuant to this
chapter, the court shall state in the order of commitment the
total number of days that the child has been held 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 that was ordered 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

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held in detention subsequent to the order of commitment but prior
to the transfer of physical custody of the child to the
department.

(C)(1) When a juvenile court commits a delinquent child to
the custody of the department of youth services pursuant to this
chapter, 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 Revised Code section or
sections the child violated and the degree of each violation, the
warrant to convey the child to the department, a copy of the
court's journal entry ordering the commitment of the child to the
legal custody of the department, a copy of the arrest record
pertaining to the act for which the child was adjudicated a
delinquent child, a copy of any victim impact statement pertaining
to the act, and any other information concerning the child that
the department reasonably requests. The court also shall complete
the form for the standard predisposition investigation report that
the department furnishes 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 this division. 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 this division at the time the court transfers the
physical custody of the child to the department.

(2) 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

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certified copy of the child's birth certificate and the child's
social security number or, if the court made all reasonable
efforts to obtain the information but was unsuccessful, with
documentation of the efforts it made to obtain the information.

(3) 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 records or reports it possesses regarding that person that it
received from a juvenile court pursuant to division (C)(1) of this
section or that pertain to the treatment of that person after the
person was committed to the custody of the department as a
delinquent child.

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

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

(b) A violation of section 2923.12 of the Revised Code or of
a substantially similar municipal ordinance that would be a
misdemeanor if committed by an adult and that was committed on
property owned or controlled by, or at an activity held under the

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auspices of, the board of education of that school district;

(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)~~(D)(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

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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

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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;

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(d) A period of community service of up to five hundred hours 331
for an act that would be a felony or a misdemeanor of the first 332
degree if committed by an adult, up to two hundred hours for an 333
act that would be a misdemeanor of the second, third, or fourth 334
degree if committed by an adult, or up to thirty hours for an act 335
that would be a minor misdemeanor if committed by an adult; 336

(e) A requirement that the child obtain a high school 337
diploma, a certificate of high school equivalence, vocational 338
training, or employment; 339

(f) A period of drug and alcohol use monitoring; 340

(g) A requirement of alcohol or drug assessment or 341
counseling, or a period in an alcohol or drug treatment program 342
with a level of security for the child as determined necessary by 343
the court; 344

(h) A period in which the court orders the child to observe a 345
curfew that may involve daytime or evening hours; 346

(i) A requirement that the child serve monitored time; 347

(j) A period of house arrest with or without electronic 348
monitoring; 349

(k) A period of electronic monitoring without house arrest or 350
electronically monitored house arrest that does not exceed the 351
maximum sentence of imprisonment that could be imposed upon an 352
adult who commits the same act. 353

A period of electronically monitored house arrest imposed 354
under this division shall not extend beyond the child's 355
twenty-first birthday. If a court imposes a period of 356
electronically monitored house arrest upon a child under this 357
division, it shall require the child: to wear, otherwise have 358
attached to the child's person, or otherwise be subject to 359
monitoring by a certified electronic monitoring device or to 360

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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 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;

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(5) Require the child to not be absent without legitimate 393
excuse from the public school the child is supposed to attend for 394
five or more consecutive days, seven or more school days in one 395
school month, or twelve or more school days in a school year; 396

(6)(a) If a child is adjudicated a delinquent child for being 397
a chronic truant or an habitual truant who previously has been 398
adjudicated an unruly child for being a habitual truant, do either 399
or both of the following: 400

(i) Require the child to participate in a truancy prevention 401
mediation program; 402

(ii) Make any order of disposition as authorized by this 403
section, except that the court shall not commit the child to a 404
facility described in division (A)(2) of this section unless the 405
court determines that the child violated a lawful court order made 406
pursuant to division (C)(1)(e) of section 2151.354 of the Revised 407
Code or division (A)(5) of this section. 408

(b) If a child is adjudicated a delinquent child for being a 409
chronic truant or a habitual truant who previously has been 410
adjudicated an unruly child for being a habitual truant and the 411
court determines that the parent, guardian, or other person having 412
care of the child has failed to cause the child's attendance at 413
school in violation of section 3321.38 of the Revised Code, do 414
either or both of the following: 415

(i) Require the parent, guardian, or other person having care 416
of the child to participate in a truancy prevention mediation 417
program; 418

(ii) Require the parent, guardian, or other person having 419
care of the child to participate in any community service program, 420
preferably a community service program that requires the 421
involvement of the parent, guardian, or other person having care 422
of the child in the school attended by the child. 423

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(7) Make any further disposition that the court finds proper, 424
except that the child shall not be placed in any of the following: 425

426

(a) A state correctional institution, a county, multicounty, 427
or municipal jail or workhouse, or another place in which an adult 428
convicted of a crime, under arrest, or charged with a crime is 429
held; 430

(b) A community corrections facility, if the child would be 431
covered by the definition of public safety beds for purposes of 432
sections 5139.41 to 5139.45 of the Revised Code if the court 433
exercised its authority to commit the child to the legal custody 434
of the department of youth services for institutionalization or 435
institutionalization in a secure facility pursuant to this 436
chapter. 437

(B) If a child is adjudicated a delinquent child, in addition 438
to any order of disposition made under division (A) of this 439
section, the court, in the following situations, shall suspend the 440
child's temporary instruction permit, restricted license, 441
probationary driver's license, or nonresident operating privilege, 442
or suspend the child's ability to obtain such a permit: 443

(1) The child is adjudicated a delinquent child for violating 444
section 2923.122 of the Revised Code, with the suspension and 445
denial being in accordance with division (E)(1)(a), (c), (d), or 446
(e) of section 2923.122 of the Revised Code. 447

(2) The child is adjudicated a delinquent child for 448
committing an act that if committed by an adult would be a drug 449
abuse offense or for violating division (B) of section 2917.11 of 450
the Revised Code, with the suspension continuing until the child 451
attends and satisfactorily completes a drug abuse or alcohol abuse 452
education, intervention, or treatment program specified by the 453
court. During the time the child is attending the program, the 454

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court shall retain any temporary instruction permit, probationary driver's license, or driver's license issued to the child, and the court shall return the permit or license when the child satisfactorily completes the program.

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

(D)(1) If a child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and if the child caused, attempted to cause, threatened to cause, or created a risk of physical harm to the victim of the act, the court, prior to issuing an order of disposition under this section, shall order the preparation of a victim impact statement by the probation department of the county in which the victim of the act resides, by the court's own probation department, or by a victim assistance program that is operated by the state, a county, a municipal corporation, or another governmental entity. The court shall consider the victim impact statement in determining the order of disposition to issue for the child.

(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. However, the court may furnish copies of 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

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

(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)

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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.

(G) If a juvenile court commits a delinquent child to the
custody of any person, organization, or entity pursuant to this
section and if the delinquent act for which the child is so
committed is a sexually oriented offense, the court in the order
of disposition shall inform the person, organization, or entity
that it is the preferred course of action in this state that the
child be provided treatment as described in division (A)(2) of
section 5139.13 of the Revised Code and shall encourage the
person, organization, or entity to provide that treatment.

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

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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
years of age or older or permanently and totally disabled at the
time of the alleged commission of the act;

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

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

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

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

(6) The number of complaints, indictments, or information described in division (B)(5) of this section that result in the delinquent child being committed as an order of disposition made under section 2152.16, divisions (A) and (B) of section 2152.17, or division (A)(2) of section ~~2159.19~~ 2152.19 of the Revised Code to any facility for delinquent children operated by the county, a district, or a private agency or organization or to the department of youth services;

(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

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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.

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

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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.

(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 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

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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
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.

(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.

(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:

(a) Make a finding as to the allegation;

(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 739
division (B)(3) of this section or as to the withholding of 740
information under division (B)(1)(a), (b), (c), or (d) of this 741
section shall be considered to be within the discretion of the 742
court. No appeal can be taken from either of those decisions, and 743
neither of those decisions shall be the basis for a reversal of 744
the sentence imposed. 745

(D)(1) The contents of a presentence investigation report 746
prepared pursuant to this section, section 2947.06 of the Revised 747
Code, or Criminal Rule 32.2 and the contents of any written or 748
oral summary of a presentence investigation report or of a part of 749
a presentence investigation report described in division (B)(3) of 750
this section are confidential information and are not a public 751
record. The court, an appellate court, authorized probation 752
officers, investigators, and court personnel, the defendant, the 753
defendant's counsel, the prosecutor who is handling the 754
prosecution of the case against the defendant, and authorized 755
personnel of an institution to which the defendant is committed 756
may inspect, receive copies of, retain copies of, and use a 757
presentence investigation report or a written or oral summary of a 758
presentence investigation only for the purposes of or only as 759
authorized by Criminal Rule 32.2 or this section, division (F)(1) 760
of section 2953.08, section 2947.06, or another section of the 761
Revised Code. 762

(2) Immediately following the imposition of sentence upon the 763
defendant, the defendant or the defendant's counsel and the 764
prosecutor shall return to the court all copies of a presentence 765
investigation report and of any written summary of a presentence 766
investigation report or part of a presentence investigation report 767
that the court made available to the defendant or the defendant's 768
counsel and to the prosecutor pursuant to this section. The 769
defendant or the defendant's counsel and the prosecutor shall not 770

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make any copies of the presentence investigation report or of any
written summary of a presentence investigation report or part of a
presentence investigation report that the court made available to
them pursuant to this section.

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

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

(F) As used in this section:

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

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

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

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

Section 3. Section 2152.18 of the Revised Code, as presented

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in this act, includes matter that was amended into former section 800
2151.355 of the Revised Code by Am. Sub. S.B. 181 of the 123rd 801
General Assembly. Paragraphs of former section 2151.355 of the 802
Revised Code containing S.B. 181 amendments were transferred to 803
section 2152.18 of the Revised Code by S.B. 179 of the 123rd 804
General Assembly as part of its general revision of the juvenile 805
sentencing laws. The General Assembly, applying the principle 806
stated in division (B) of section 1.52 of the Revised Code that 807
amendments are to be harmonized if reasonably capable of 808
simultaneous operation, finds that the version of section 2152.18 809
of the Revised Code presented in this act is the resulting version 810
of the section in effect prior to the effective date of the 811
section as presented in this act. 812