

## As Introduced

124th General Assembly  
Regular Session  
2001-2002

H. B. No. 393

REPRESENTATIVES Latta, Womer Benjamin, Seitz, Gilb, Schmidt, Lendrum,  
Willamowski, Cirelli

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### A BILL

To amend sections 2151.18, 2151.28, 2151.314, 1  
2151.354, 2151.38, 2152.10, 2152.13, 2152.14, 2  
2152.16, 2152.17, 2152.18, 2152.20, 2152.22, 3  
2152.71, 2950.01, 5139.05, 5139.06, 5139.50, and 4  
5139.53 of the Revised Code to revise the Juvenile 5  
Law and to declare an emergency. 6

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

**Section 1.** That sections 2151.18, 2151.28, 2151.314, 7  
2151.354, 2151.38, 2152.10, 2152.13, 2152.14, 2152.16, 2152.17, 8  
2152.18, 2152.20, 2152.22, 2152.71, 2950.01, 5139.05, 5139.06, 9  
5139.50, and 5139.53 of the Revised Code be amended to read as 10  
follows: 11

**Sec. 2151.18.** (A) The juvenile court shall maintain records 12  
of all official cases brought before it, including, but not 13  
limited to, an appearance docket, a journal, and records of the 14  
type required by division (A)(2) of section 2151.35 of the Revised 15  
Code. The parents, guardian, or other custodian of any child 16  
affected, if living, or the nearest of kin of the child, if the 17  
parents would be entitled to inspect the records but are deceased, 18  
may inspect these records, either in person or by counsel, during 19

the hours in which the court is open. 20

(B) Not later than June of each year, the court shall prepare 21  
an annual report covering the preceding calendar year showing the 22  
number and kinds of cases that have come before it, the 23  
disposition of the cases, and any other data pertaining to the 24  
work of the court that the juvenile judge directs. The court shall 25  
file copies of the report with the board of county commissioners. 26  
With the approval of the board, the court may print or cause to be 27  
printed copies of the report for distribution to persons and 28  
agencies interested in the court or community program for 29  
dependent, neglected, abused, or delinquent children and juvenile 30  
traffic offenders. The court shall include the number of copies 31  
ordered printed and the estimated cost of each printed copy on 32  
each copy of the report printed for distribution. 33

**Sec. 2151.28.** (A) No later than seventy-two hours after the 34  
complaint is filed, the court shall fix a time for an adjudicatory 35  
hearing. The court shall conduct the adjudicatory hearing within 36  
one of the following periods of time: 37

(1) Subject to division ~~(D)~~(C) of section 2152.13 of the 38  
Revised Code, if the complaint alleged that the child violated 39  
section 2151.87 of the Revised Code or is a delinquent or unruly 40  
child or a juvenile traffic offender, the adjudicatory hearing 41  
shall be held and may be continued in accordance with the Juvenile 42  
Rules. 43

(2) If the complaint alleged that the child is an abused, 44  
neglected, or dependent child, the adjudicatory hearing shall be 45  
held no later than thirty days after the complaint is filed, 46  
except that, for good cause shown, the court may continue the 47  
adjudicatory hearing for either of the following periods of time: 48

(a) For ten days beyond the thirty-day deadline to allow any 49  
party to obtain counsel; 50

(b) For a reasonable period of time beyond the thirty-day 51  
deadline to obtain service on all parties or any necessary 52  
evaluation, except that the adjudicatory hearing shall not be held 53  
later than sixty days after the date on which the complaint was 54  
filed. 55

(B) At an adjudicatory hearing held pursuant to division 56  
(A)(2) of this section, the court, in addition to determining 57  
whether the child is an abused, neglected, or dependent child, 58  
shall determine whether the child should remain or be placed in 59  
shelter care until the dispositional hearing. When the court makes 60  
the shelter care determination, all of the following apply: 61

(1) The court shall determine whether there are any relatives 62  
of the child who are willing to be temporary custodians of the 63  
child. If any relative is willing to be a temporary custodian, the 64  
child otherwise would remain or be placed in shelter care, and the 65  
appointment is appropriate, the court shall appoint the relative 66  
as temporary custodian of the child, unless the court appoints 67  
another relative as custodian. If it determines that the 68  
appointment of a relative as custodian would not be appropriate, 69  
it shall issue a written opinion setting forth the reasons for its 70  
determination and give a copy of the opinion to all parties and 71  
the guardian ad litem of the child. 72

The court's consideration of a relative for appointment as a 73  
temporary custodian does not make that relative a party to the 74  
proceedings. 75

(2) The court shall comply with section 2151.419 of the 76  
Revised Code. 77

(3) The court shall schedule the date for the dispositional 78  
hearing to be held pursuant to section 2151.35 of the Revised 79  
Code. The parents of the child have a right to be represented by 80  
counsel; however, in no case shall the dispositional hearing be 81

held later than ninety days after the date on which the complaint  
was filed.

(C)(1) The court shall direct the issuance of a summons  
directed to the child except as provided by this section, the  
parents, guardian, custodian, or other person with whom the child  
may be, and any other persons that appear to the court to be  
proper or necessary parties to the proceedings, requiring them to  
appear before the court at the time fixed to answer the  
allegations of the complaint. The summons shall contain the name  
and telephone number of the court employee designated by the court  
pursuant to section 2151.314 of the Revised Code to arrange for  
the prompt appointment of counsel for indigent persons. A child  
alleged to be an abused, neglected, or dependent child shall not  
be summoned unless the court so directs. A summons issued for a  
child who is under fourteen years of age and who is alleged to be  
a delinquent child, unruly child, or a juvenile traffic offender  
shall be served on the parent, guardian, or custodian of the child  
in the child's behalf.

If the person who has physical custody of the child, or with  
whom the child resides, is other than the parent or guardian, then  
the parents and guardian also shall be summoned. A copy of the  
complaint shall accompany the summons.

(2) In lieu of appearing before the court at the time fixed  
in the summons and prior to the date fixed for appearance in the  
summons, a child who is alleged to have violated section 2151.87  
of the Revised Code and that child's parent, guardian, or  
custodian may sign a waiver of appearance before the clerk of the  
juvenile court and pay a fine of one hundred dollars. If the child  
and that child's parent, guardian, or custodian do not waive the  
court appearance, the court shall proceed with the adjudicatory  
hearing as provided in this section.

(D) If the complaint contains a prayer for permanent custody,

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temporary custody, whether as the preferred or an alternative 114  
disposition, or a planned permanent living arrangement in a case 115  
involving an alleged abused, neglected, or dependent child, the 116  
summons served on the parents shall contain as is appropriate an 117  
explanation that the granting of permanent custody permanently 118  
divests the parents of their parental rights and privileges, an 119  
explanation that an adjudication that the child is an abused, 120  
neglected, or dependent child may result in an order of temporary 121  
custody that will cause the removal of the child from their legal 122  
custody until the court terminates the order of temporary custody 123  
or permanently divests the parents of their parental rights, or an 124  
explanation that the issuance of an order for a planned permanent 125  
living arrangement will cause the removal of the child from the 126  
legal custody of the parents if any of the conditions listed in 127  
divisions (A)(5)(a) to (c) of section 2151.353 of the Revised Code 128  
are found to exist. 129

(E)(1) Except as otherwise provided in division (E)(2) of 130  
this section, the court may endorse upon the summons an order 131  
directing the parents, guardian, or other person with whom the 132  
child may be to appear personally at the hearing and directing the 133  
person having the physical custody or control of the child to 134  
bring the child to the hearing. 135

(2) In cases in which the complaint alleges that a child is 136  
an unruly or delinquent child for being an habitual or chronic 137  
truant and that the parent, guardian, or other person having care 138  
of the child has failed to cause the child's attendance at school, 139  
the court shall endorse upon the summons an order directing the 140  
parent, guardian, or other person having care of the child to 141  
appear personally at the hearing and directing the person having 142  
the physical custody or control of the child to bring the child to 143  
the hearing. 144

(F)(1) The summons shall contain a statement advising that 145

any party is entitled to counsel in the proceedings and that the  
court will appoint counsel or designate a county public defender  
or joint county public defender to provide legal representation if  
the party is indigent.

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(2) In cases in which the complaint alleges a child to be an  
abused, neglected, or dependent child and no hearing has been  
conducted pursuant to division (A) of section 2151.314 of the  
Revised Code with respect to the child or a parent, guardian, or  
custodian of the child does not attend the hearing, the summons  
also shall contain a statement advising that a case plan may be  
prepared for the child, the general requirements usually contained  
in case plans, and the possible consequences of failure to comply  
with a journalized case plan.

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(G) If it appears from an affidavit filed or from sworn  
testimony before the court that the conduct, condition, or  
surroundings of the child are endangering the child's health or  
welfare or those of others, that the child may abscond or be  
removed from the jurisdiction of the court, or that the child will  
not be brought to the court, notwithstanding the service of the  
summons, the court may endorse upon the summons an order that a  
law enforcement officer serve the summons and take the child into  
immediate custody and bring the child forthwith to the court.

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(H) A party, other than the child, may waive service of  
summons by written stipulation.

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(I) Before any temporary commitment is made permanent, the  
court shall fix a time for hearing in accordance with section  
2151.414 of the Revised Code and shall cause notice by summons to  
be served upon the parent or guardian of the child and the  
guardian ad litem of the child, or published, as provided in  
section 2151.29 of the Revised Code. The summons shall contain an  
explanation that the granting of permanent custody permanently  
divests the parents of their parental rights and privileges.

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(J) Any person whose presence is considered necessary and who 178  
is not summoned may be subpoenaed to appear and testify at the 179  
hearing. Anyone summoned or subpoenaed to appear who fails to do 180  
so may be punished, as in other cases in the court of common 181  
pleas, for contempt of court. Persons subpoenaed shall be paid the 182  
same witness fees as are allowed in the court of common pleas. 183

(K) The failure of the court to hold an adjudicatory hearing 184  
within any time period set forth in division (A)(2) of this 185  
section does not affect the ability of the court to issue any 186  
order under this chapter and does not provide any basis for 187  
attacking the jurisdiction of the court or the validity of any 188  
order of the court. 189

(L) If the court, at an adjudicatory hearing held pursuant to 190  
division (A) of this section upon a complaint alleging that a 191  
child is an abused, neglected, dependent, delinquent, or unruly 192  
child or a juvenile traffic offender, determines that the child is 193  
a dependent child, the court shall incorporate that determination 194  
into written findings of fact and conclusions of law and enter 195  
those findings of fact and conclusions of law in the record of the 196  
case. The court shall include in those findings of fact and 197  
conclusions of law specific findings as to the existence of any 198  
danger to the child and any underlying family problems that are 199  
the basis for the court's determination that the child is a 200  
dependent child. 201

**Sec. 2151.314.** (A) When a child is brought before the court 202  
or delivered to a place of detention or shelter care designated by 203  
the court, the intake or other authorized officer of the court 204  
shall immediately make an investigation and shall release the 205  
child unless it appears that the child's detention or shelter care 206  
is warranted or required under section 2151.31 of the Revised 207  
Code. 208

If the child is not so released, a complaint under section 209  
2151.27 or 2152.021 or an information under section 2152.13 of the 210  
Revised Code shall be filed or an indictment under division ~~(C)~~(B) 211  
of section 2152.13 of the Revised Code shall be sought and an 212  
informal detention or shelter care hearing held promptly, not 213  
later than seventy-two hours after the child is placed in 214  
detention or shelter care, to determine whether detention or 215  
shelter care is required. Reasonable oral or written notice of the 216  
time, place, and purpose of the detention or shelter care hearing 217  
shall be given to the child and, if they can be found, to the 218  
child's parents, guardian, or custodian. In cases in which the 219  
complaint alleges a child to be an abused, neglected, or dependent 220  
child, the notice given the parents, guardian, or custodian shall 221  
inform them that a case plan may be prepared for the child, the 222  
general requirements usually contained in case plans, and the 223  
possible consequences of the failure to comply with a journalized 224  
case plan. 225

Prior to the hearing, the court shall inform the parties of 226  
their right to counsel and to appointed counsel or to the services 227  
of the county public defender or joint county public defender, if 228  
they are indigent, of the child's right to remain silent with 229  
respect to any allegation of delinquency, and of the name and 230  
telephone number of a court employee who can be contacted during 231  
the normal business hours of the court to arrange for the prompt 232  
appointment of counsel for any party who is indigent. Unless it 233  
appears from the hearing that the child's detention or shelter 234  
care is required under the provisions of section 2151.31 of the 235  
Revised Code, the court shall order the child's release as 236  
provided by section 2151.311 of the Revised Code. If a parent, 237  
guardian, or custodian has not been so notified and did not appear 238  
or waive appearance at the hearing, upon the filing of an 239  
affidavit stating these facts, the court shall rehear the matter 240



without unnecessary delay.

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(B) When the court conducts a hearing pursuant to division  
(A) of this section, all of the following apply:

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(1) The court shall determine whether an alleged abused,  
neglected, or dependent child should remain or be placed in  
shelter care;

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(2) The court shall determine whether there are any relatives  
of the child who are willing to be temporary custodians of the  
child. If any relative is willing to be a temporary custodian, the  
child would otherwise be placed or retained in shelter care, and  
the appointment is appropriate, the court shall appoint the  
relative as temporary custodian of the child, unless the court  
appoints another relative as temporary custodian. If it determines  
that the appointment of a relative as custodian would not be  
appropriate, it shall issue a written opinion setting forth the  
reasons for its determination and give a copy of the opinion to  
all parties and to the guardian ad litem of the child.

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The court's consideration of a relative for appointment as a  
temporary custodian does not make that relative a party to the  
proceedings.

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(3) The court shall comply with section 2151.419 of the  
Revised Code.

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(C) If a child is in shelter care following the filing of a  
complaint pursuant to section 2151.27 or 2152.021 of the Revised  
Code, the filing of an information, or the obtaining of an  
indictment or following a hearing held pursuant to division (A) of  
this section, any party, including the public children services  
agency, and the guardian ad litem of the child may file a motion  
with the court requesting that the child be released from shelter  
care. The motion shall state the reasons why the child should be  
released from shelter care and, if a hearing has been held

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pursuant to division (A) of this section, any changes in the  
situation of the child or the parents, guardian, or custodian of  
the child that have occurred since that hearing and that justify  
the release of the child from shelter care. Upon the filing of the  
motion, the court shall hold a hearing in the same manner as under  
division (A) of this section.

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(D) Each juvenile court shall designate at least one court  
employee to assist persons who are indigent in obtaining appointed  
counsel. The court shall include in each notice given pursuant to  
division (A) or (C) of this section and in each summons served  
upon a party pursuant to this chapter, the name and telephone  
number at which each designated employee can be contacted during  
the normal business hours of the court to arrange for prompt  
appointment of counsel for indigent persons.

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**Sec. 2151.354.** (A) If the child is adjudicated an unruly  
child, the court may:

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(1) Make any of the dispositions authorized under section  
2151.353 of the Revised Code;

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(2) Place the child on community control under any sanctions,  
services, and conditions that the court prescribes, as described  
in division (A)(3) of section 2152.19 of the Revised Code,  
provided that, if the court imposes a period of community service  
upon the child, the period of community service shall not exceed  
thirty hours;

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

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shall not be reissued a license or permit until the child has paid 303  
any applicable reinstatement fee and complied with all 304  
requirements governing license reinstatement. 305

(4) Commit the child to the temporary or permanent custody of 306  
the court; 307

(5) If, after making a disposition under division (A)(1), 308  
(2), or (3) of this section, the court finds upon further hearing 309  
that the child is not amenable to treatment or rehabilitation 310  
under that disposition, make a disposition otherwise authorized 311  
under divisions (A)(1), (3), (4), and (7) of section 2152.19 of 312  
the Revised Code, except that the child may not be committed to or 313  
placed in a secure correctional facility, and commitment to or 314  
placement in a detention facility may not exceed twenty-four hours 315  
unless authorized by division (B)(3) of section 2151.312 or 316  
sections 2151.56 to 2151.61 of the Revised Code. 317

(B) If a child is adjudicated an unruly child for committing 318  
any act that, if committed by an adult, would be a drug abuse 319  
offense, as defined in section 2925.01 of the Revised Code, or a 320  
violation of division (B) of section 2917.11 of the Revised Code, 321  
then, in addition to imposing, in its discretion, any other order 322  
of disposition authorized by this section, the court shall do both 323  
of the following: 324

(1) Require the child to participate in a drug abuse or 325  
alcohol abuse counseling program; 326

(2) Suspend or revoke the temporary instruction permit, 327  
probationary driver's license, or driver's license issued to the 328  
child for a period of time prescribed by the court or, at the 329  
discretion of the court, until the child attends and 330  
satisfactorily completes a drug abuse or alcohol abuse education, 331  
intervention, or treatment program specified by the court. During 332  
the time the child is attending the program, the court shall 333

retain any temporary instruction permit, probationary driver's license, or driver's license issued to the child and shall return the permit or license when the child satisfactorily completes the program. 334  
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(C)(1) If a child is adjudicated an unruly child for being an habitual truant, in addition to or in lieu of imposing any other order of disposition authorized by this section, the court may do any of the following: 338  
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(a) Order the board of education of the child's school district or the governing board of the educational service center in the child's school district to require the child to attend an alternative school if an alternative school has been established pursuant to section 3313.533 of the Revised Code in the school district in which the child is entitled to attend school; 342  
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(b) Require the child to participate in any academic program or community service program; 348  
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(c) Require the child to participate in a drug abuse or alcohol abuse counseling program; 350  
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(d) Require that the child receive appropriate medical or psychological treatment or counseling; 352  
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(e) Make any other order that the court finds proper to address the child's habitual truancy, including an order requiring the child to not be absent without legitimate excuse from the public school the child is supposed to attend for five or more consecutive days, seven or more school days in one school month, or twelve or more school days in a school year and including an order requiring the child to participate in a truancy prevention mediation program. 354  
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(2) If a child is 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 362  
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cause the child's attendance at school in violation of section 3321.38 of the Revised Code, in addition to any order of disposition authorized by this section, all of the following apply:

(a) The court may require the parent, guardian, or other person having care of the child to participate in any community service program, preferably a community service program that requires the involvement of the parent, guardian, or other person having care of the child in the school attended by the child.

(b) The court may require the parent, guardian, or other person having care of the child to participate in a truancy prevention mediation program.

(c) 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.

**Sec. 2151.38.** (A) Subject to sections 2151.353 and 2151.412 to 2151.421 of the Revised Code, and any other provision of law that specifies a different duration for a dispositional order, all dispositional orders made by the court under this chapter shall be temporary and shall continue for a period that is designated by the court in its order, until terminated or modified by the court or until the child attains twenty-one years of age.

~~The release authority of the department of youth services shall not release the child from institutional care or institutional care in a secure facility and as a result shall not discharge the child or order the child's release on supervised release prior to the expiration of the prescribed minimum period~~

~~of institutionalization or institutionalization in a secure 396  
facility or prior to the child's attainment of twenty-one years of 397  
age, whichever is applicable under the order of commitment. 398~~

**Sec. 2152.10.** (A) A child who is alleged to be a delinquent 399  
child is eligible for mandatory transfer and shall be transferred 400  
as provided in section 2152.12 of the Revised Code in any of the 401  
following circumstances: 402

(1) The child is charged with a category one offense and 403  
either of the following apply: 404

(a) The child was sixteen years of age or older at the time 405  
of the act charged. 406

(b) The child was fourteen or fifteen years of age at the 407  
time of the act charged and previously was adjudicated a 408  
delinquent child for committing an act that is a category one or 409  
category two offense and was committed to the legal custody of the 410  
department of youth services upon the basis of that adjudication. 411

(2) The child is charged with a category two offense, other 412  
than a violation of section 2905.01 of the Revised Code, the child 413  
was sixteen years of age or older at the time of the commission of 414  
the act charged, and either or both of the following apply: 415

(a) The child previously was adjudicated a delinquent child 416  
for committing an act that is a category one or a category two 417  
offense and was committed to the legal custody of the department 418  
of youth services on the basis of that adjudication. 419

(b) The child is alleged to have had a firearm on or about 420  
the child's person or under the child's control while committing 421  
the act charged and to have displayed the firearm, brandished the 422  
firearm, indicated possession of the firearm, or used the firearm 423  
to facilitate the commission of the act charged. 424

(3) Division (A)(2) of section 2152.12 of the Revised Code 425

applies.

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(B) Unless the child is subject to mandatory transfer, if a  
child is fourteen years of age or older at the time of the act  
charged and if the child is charged with an act that would be a  
felony if committed by an adult, the child is eligible for  
discretionary transfer to the appropriate court for criminal  
prosecution. In determining whether to transfer the child for  
criminal prosecution, the juvenile court shall follow the  
procedures in section 2152.12 of the Revised Code. If the court  
does not transfer the child and if the court adjudicates the child  
to be a delinquent child for the act charged, the court shall  
issue an order of disposition in accordance with section 2152.11  
of the Revised Code.

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**Sec. 2152.13.** (A) A juvenile court may impose a serious  
youthful offender dispositional sentence on a child only if the  
prosecuting attorney of the county in which the delinquent act  
allegedly occurred initiates the process against the child in  
accordance with this division ~~or division (B) of this section~~, and  
the child is an alleged delinquent child who is eligible for the  
dispositional sentence. The prosecuting attorney may initiate the  
process in any of the following ways:

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(1) The Obtaining an indictment of the child ~~is indicted~~ as a  
serious youthful offender ~~or is charged;~~

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(2) The child waives the right to indictment, charging the  
child in a bill of information as a serious youthful offender-

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~~(2) The;~~

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(3) Pending indictment or information, requesting a serious  
youthful offender dispositional sentence in the original complaint  
alleging that the child is a delinquent child ~~requests a serious  
youthful offender dispositional sentence.~~

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~~(B) Unless;~~ 456

~~(4) Pending indictment or information, if the original~~ 457  
~~complaint includes a notice of intent to seek that type of~~ 458  
~~does~~ 459  
~~not request a serious youthful offender dispositional~~ 459  
~~sentence, the prosecuting attorney shall file~~ 460  
~~filing~~ with the juvenile court 460  
a written notice of intent to seek a serious youthful offender 461  
dispositional sentence within twenty days after the later of the 462  
following, unless the time is extended by the juvenile court for 463  
good cause shown: 464

~~(1)(a)~~ The date of the child's first juvenile court hearing 465  
regarding the complaint; 466

~~(2)(b)~~ The date the juvenile court determines not to transfer 467  
the case under section 2152.12 of the Revised Code. 468

After a written notice is filed under ~~this~~ division (A)(4) of 469  
this section, the juvenile court shall serve a copy of the notice 470  
on the child and advise the child of the prosecuting attorney's 471  
intent to seek a serious youthful offender dispositional sentence 472  
in the case. 473

~~(C)(B)~~ If an alleged delinquent child is not indicted or 474  
charged by information as described in division (A)(1) or (2) of 475  
this section and if a notice or complaint as described in division 476  
(A)(3) or ~~(B)(4)~~ of this section indicates that the prosecuting 477  
attorney intends to pursue a serious youthful offender 478  
dispositional sentence in the case, the juvenile court shall hold 479  
a preliminary hearing to determine if there is probable cause that 480  
the child committed the act charged and is by age eligible for, or 481  
required to receive, a serious youthful offender dispositional 482  
sentence. 483

~~(D)(C)(1)~~ A child for whom a serious youthful offender 484  
dispositional sentence is sought has the right to a grand jury 485  
determination of probable cause that the child committed the act 486



charged and that the child is eligible by age for a serious 487  
youthful offender dispositional sentence. The grand jury may be 488  
impaneled by the court of common pleas or the juvenile court. 489

Once a child is indicted, or charged by information or the 490  
juvenile court determines that the child is eligible for a serious 491  
youthful offender dispositional sentence, the child is entitled to 492  
an open and speedy trial by jury in juvenile court and to be 493  
provided with a transcript of the proceedings. The time within 494  
which the trial is to be held under Title XXIX of the Revised Code 495  
commences on whichever of the following dates is applicable: 496

(a) If the child is indicted or charged by information, on 497  
the date of the filing of the indictment or information. 498

(b) If the child is charged by an original complaint that 499  
requests a serious youthful offender dispositional sentence, on 500  
the date of the filing of the complaint. 501

(c) If the child is not charged by an original complaint that 502  
requests a serious youthful offender dispositional sentence, on 503  
the date that the prosecuting attorney files the written notice of 504  
intent to seek a serious youthful offender dispositional sentence. 505

(2) If the child is detained awaiting adjudication, upon 506  
indictment or being charged by information, the child has the same 507  
right to bail as an adult charged with the offense the alleged 508  
delinquent act would be if committed by an adult. Except as 509  
provided in division (D) of section 2152.14 of the Revised Code, 510  
all provisions of Title XXIX of the Revised Code and the ~~criminal~~ 511  
~~rules~~ Criminal Rules shall apply in the case and to the child. The 512  
juvenile court shall afford the child all rights afforded a person 513  
who is prosecuted for committing a crime including the right to 514  
counsel and the right to raise the issue of competency. The child 515  
may not waive the right to counsel. 516

~~(E)~~(D)(1) If a child is adjudicated a delinquent child for 517

committing an act under circumstances that require the juvenile 518  
court to impose upon the child a serious youthful offender 519  
dispositional sentence under section 2152.11 of the ~~revised code~~ 520  
Revised Code, all of the following apply: 521

(a) The juvenile court shall impose upon the child a sentence 522  
available for the violation, as if the child were an adult, under 523  
Chapter 2929. of the Revised Code, except that the juvenile court 524  
shall not impose on the child a sentence of death or life 525  
imprisonment without parole. 526

(b) The juvenile court also shall impose upon the child one 527  
or more traditional juvenile dispositions under sections 2152.16 528  
~~and, 2152.19, and 2152.20, and, if applicable, section 2152.17~~ of 529  
the Revised Code. 530

(c) The juvenile court shall stay the adult portion of the 531  
serious youthful offender dispositional sentence pending the 532  
successful completion of the traditional juvenile dispositions 533  
imposed. 534

(2)(a) If a child is adjudicated a delinquent child for 535  
committing an act under circumstances that allow, but do not 536  
require, the juvenile court to impose on the child a serious 537  
youthful offender dispositional sentence under section 2152.11 of 538  
the Revised Code, all of the following apply: 539

(i) If the juvenile court on the record makes a finding that, 540  
given the nature and circumstances of the violation and the 541  
history of the child, the length of time, level of security, and 542  
types of programming and resources available in the juvenile 543  
system alone are not adequate to provide the juvenile court with a 544  
reasonable expectation that the purposes set forth in section 545  
2152.01 of the Revised Code will be met, the juvenile court may 546  
impose upon the child a sentence available for the violation, as 547  
if the child were an adult, under Chapter 2929. of the Revised 548  
Code, except that the juvenile court shall not impose on the child 549

a sentence of death or life imprisonment without parole. 550

(ii) If a sentence is imposed under division ~~(E)~~(D)(2)(a)(i) 551  
of this section, the juvenile court also shall impose upon the 552  
child one or more traditional juvenile dispositions under sections 553  
2152.16, 2152.19, and 2152.20 and, if applicable, section 2152.17 554  
of the Revised Code. 555

(iii) The juvenile court shall stay the adult portion of the 556  
serious youthful offender dispositional sentence pending the 557  
successful completion of the traditional juvenile dispositions 558  
imposed. 559

(b) If the juvenile court does not find that a sentence 560  
should be imposed under division ~~(E)~~(D)(2)(a)(i) of this section, 561  
the juvenile court may impose one or more traditional juvenile 562  
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 563  
applicable, section 2152.17 of the Revised Code. 564

(3) A child upon whom a serious youthful offender 565  
dispositional sentence is imposed under division ~~(E)~~(D)(1) or (2) 566  
of this section has a right to appeal under division (A)(1), (3), 567  
(4), (5), or (6) of section 2953.08 of the Revised Code the adult 568  
portion of the serious youthful offender dispositional sentence 569  
when any of those divisions apply. The child may appeal the adult 570  
portion, and the court shall consider the appeal as if the adult 571  
portion were not stayed. 572

**Sec. 2152.14.** (A)(1) The director of youth services may 573  
request the prosecuting attorney of the county in which is located 574  
the juvenile court that imposed a serious youthful offender 575  
dispositional sentence upon a person to file a motion with that 576  
juvenile court to invoke the adult portion of the dispositional 577  
sentence if all of the following apply to the person: 578

(a) The person is at least fourteen years of age. 579

(b) The person is in the institutional custody, or an escapee 580  
from the custody, of the department of youth services. 581

(c) The person is serving the juvenile portion of the serious 582  
youthful offender dispositional sentence. 583

(2) The motion shall state that there is reasonable cause to 584  
believe that either of the following misconduct has occurred and 585  
shall state that at least one incident of misconduct of that 586  
nature occurred after the person reached fourteen years of age: 587

(a) The person committed an act that is a violation of the 588  
rules of the institution and that could be charged as any felony 589  
or as a first degree misdemeanor offense of violence if committed 590  
by an adult. 591

(b) The person has engaged in conduct that creates a 592  
substantial risk to the safety or security of the institution, the 593  
community, or the victim. 594

(B) If a person is at least fourteen years of age, is serving 595  
the juvenile portion of a serious youthful offender dispositional 596  
sentence, and is on parole or aftercare from a department of youth 597  
services facility, or on community control, the director of youth 598  
services, the juvenile court that imposed the serious youthful 599  
offender dispositional sentence on the person, or the probation 600  
department supervising the person may request the prosecuting 601  
attorney of the county in which is located the juvenile court to 602  
file a motion with the juvenile court to invoke the adult portion 603  
of the dispositional sentence. The prosecuting attorney may file a 604  
motion to invoke the adult portion of the dispositional sentence 605  
even if no request is made. The motion shall state that there is 606  
reasonable cause to believe that either of the following occurred 607  
and shall state that at least one incident of misconduct of that 608  
nature occurred after the person reached fourteen years of age: 609

(1) The person committed an act that is a violation of the conditions of supervision and that could be charged as any felony or as a first degree misdemeanor offense of violence if committed by an adult.

(2) The person has engaged in conduct that creates a substantial risk to the safety or security of the community or of the victim.

(C) If the prosecuting attorney declines a request to file a motion that was made by the department of youth services or the supervising probation department under division (A) or (B) of this section or fails to act on a request made under either division by the department within a reasonable time, the department of youth services or the supervising probation department may file a motion of the type described in division (A) or (B) of this section with the juvenile court to invoke the adult portion of the serious youthful offender dispositional sentence. If the prosecuting attorney declines a request to file a motion that was made by the juvenile court under division (B) of this section or fails to act on a request from the court under that division within a reasonable time, the juvenile court may hold the hearing described in division (D) of this section on its own motion.

(D) Upon the filing of a motion described in division (A), (B), or (C) of this section, the juvenile court may hold a hearing to determine whether to invoke the adult portion of a person's serious juvenile offender dispositional sentence. The juvenile court shall not invoke the adult portion of the dispositional sentence without a hearing. At the hearing the person who is the subject of the serious youthful offender disposition has the right to be present, to receive notice of the grounds upon which the adult sentence portion is sought to be invoked, to be represented by counsel including counsel appointed under Juvenile Rule 4(A), to be advised on the procedures and protections set forth in the

Juvenile Rules, and to present evidence on the person's own behalf, including evidence that the person has a mental illness or is a mentally retarded person. The person may not waive the right to counsel. The hearing shall be open to the public. If the person presents evidence that the person has a mental illness or is a mentally retarded person, the juvenile court shall consider that evidence in determining whether to invoke the adult portion of the serious youthful offender dispositional sentence.

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(E)(1) The juvenile court may invoke the adult portion of a person's serious youthful offender dispositional sentence if the juvenile court finds all of the following on the record by clear and convincing evidence:

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~~(1)(a)~~ The person is serving the juvenile portion of a serious youthful offender dispositional sentence.

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~~(2)(b)~~ The person is at least fourteen years of age and has been admitted to a department of youth services facility, or criminal charges are pending against the person.

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~~(3)(c)~~ The person engaged in the conduct or acts charged under division (A), (B), or (C) of this section, and the person's conduct demonstrates that the person is unlikely to be rehabilitated during the remaining period of juvenile jurisdiction.

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(2) The court may modify the adult sentence the court invokes to consist of any lesser prison term that could be imposed for the offense and, in addition to the prison term or in lieu of the prison term if the prison term was not mandatory, any community control sanction that the offender was eligible to receive at sentencing.

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(F) If a juvenile court issues an order invoking the adult portion of a serious youthful offender dispositional sentence under division (E) of this section, the juvenile portion of the

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dispositional sentence shall terminate, and the department of  
youth services shall transfer the person to the department of  
rehabilitation and correction or place the person under another  
sanction imposed as part of the sentence. The juvenile court shall  
state in its order the total number of days that the person has  
been held in detention or in a facility operated by, or under  
contract with, the department of youth services under the juvenile  
portion of the dispositional sentence. The time the person must  
serve on a prison term imposed under the adult portion of the  
dispositional sentence shall be reduced by the total number of  
days specified in the order plus any additional days the person is  
held in a juvenile facility or in detention after the order is  
issued and before the person is transferred to the custody of the  
department of rehabilitation and correction. In no case shall the  
total prison term as calculated under this division exceed the  
maximum prison term available for an adult who is convicted of  
violating the same sections of the Revised Code.

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Any community control imposed as part of the adult sentence  
or as a condition of a judicial release from prison shall be under  
the supervision of the entity that provides adult probation  
services in the county. Any post-release control imposed after the  
offender otherwise is released from prison shall be supervised by  
the adult parole authority.

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**Sec. 2152.16.** (A)(1) If a child is adjudicated a delinquent  
child for committing an act that would be a felony if committed by  
an adult, the juvenile court may commit the child to the legal  
custody of the department of youth services for secure confinement  
as follows:

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(a) For an act that would be aggravated murder or murder if  
committed by an adult, until the offender attains twenty-one years  
of age;

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(b) For a violation of section 2923.02 of the Revised Code 705  
that involves an attempt to commit an act that would be aggravated 706  
murder or murder if committed by an adult, a minimum period of six 707  
to seven years as prescribed by the court and a maximum period not 708  
to exceed the child's attainment of twenty-one years of age; 709

(c) For a violation of section 2903.03, 2905.01, 2909.02, or 710  
2911.01 or division (A) of section 2903.04 of the Revised Code or 711  
for a violation of any provision of section 2907.02 of the Revised 712  
Code other than division (A)(1)(b) of that section when the sexual 713  
conduct or insertion involved was consensual and when the victim 714  
of the violation of division (A)(1)(b) of that section was older 715  
than the delinquent child, was the same age as the delinquent 716  
child, or was less than three years younger than the delinquent 717  
child, for an indefinite term consisting of a minimum period of 718  
one to three years, as prescribed by the court, and a maximum 719  
period not to exceed the child's attainment of twenty-one years of 720  
age; 721

(d) If the child is adjudicated a delinquent child for 722  
committing an act that is not described in division (A)(1)(b) or 723  
(c) of this section and that would be a felony of the first or 724  
second degree if committed by an adult, for an indefinite term 725  
consisting of a minimum period of one year and a maximum period 726  
not to exceed the child's attainment of twenty-one years of age. 727

(e) For committing an act that would be a felony of the 728  
third, fourth, or fifth degree if committed by an adult or for a 729  
violation of division (A) of section 2923.211 of the Revised Code, 730  
for an indefinite term consisting of a minimum period of six 731  
months and a maximum period not to exceed the child's attainment 732  
of twenty-one years of age. 733

(2) In each case in which a court makes a disposition under 734  
this section, the court retains control over the commitment for 735  
the minimum period specified by the court in divisions (A)(1)(a) 736



to (e) of this section. During the period of court control, the  
department of youth services shall not move the child to a  
nonsecure setting without the permission of the court that imposed  
the disposition.

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(B) If (1) Subject to division (B)(2) of this section, if a  
delinquent child is committed to the department of youth services  
under this section, the department may release the child at any  
time after the period of court control imposed under division  
(A)(1) of this section ends.

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(2) A commitment under this section is subject to a  
supervised release or to a discharge of the child from the custody  
of the department for medical reasons pursuant to section 5139.54  
of the Revised Code.

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(C) If a child is adjudicated a delinquent child, at the  
dispositional hearing and prior to making any disposition pursuant  
to this section, the court shall determine whether the delinquent  
child previously has been adjudicated a delinquent child for a  
violation of a law or ordinance. If the delinquent child  
previously has been adjudicated a delinquent child for a violation  
of a law or ordinance, the court, for purposes of entering an  
order of disposition of the delinquent child under this section,  
shall consider the previous delinquent child adjudication as a  
conviction of a violation of the law or ordinance in determining  
the degree of the offense the current act would be had it been  
committed by an adult. This division also shall apply in relation  
to the imposition of any financial sanction under section 2152.19  
of the Revised Code.

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**Sec. 2152.17.** (A) Subject to division (D) of this section, if  
a child is adjudicated a delinquent child for committing an act,  
other than a violation of section 2923.12 of the Revised Code,  
that would be a felony if committed by an adult and if the court

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determines that, if the child was an adult, the child would be 768  
guilty of a specification of the type set forth in section 769  
2941.141, 2941.144, 2941.145, or 2941.146 of the Revised Code, in 770  
addition to any commitment or other disposition the court imposes 771  
for the underlying delinquent act, all of the following apply: 772

(1) If the court determines that the child would be guilty of 773  
a specification of the type set forth in section 2941.141 of the 774  
Revised Code, the court may commit the child to the department of 775  
youth services for the specification for a definite period of up 776  
to one year. 777

(2) If the court determines that the child would be guilty of 778  
a specification of the type set forth in section 2941.145 of the 779  
Revised Code, the court shall commit the child to the department 780  
of youth services for the specification for a definite period of 781  
not less than one and not more than three years, and the court 782  
also shall commit the child to the department for the underlying 783  
delinquent act under sections 2152.11 to 2152.16 of the Revised 784  
Code. 785

(3) If the court determines that the child would be guilty of 786  
a specification of the type set forth in section 2941.144 or 787  
2941.146 of the Revised Code, the court shall commit the child to 788  
the department of youth services for the specification for a 789  
definite period of not less than one and not more than five years, 790  
and the court also shall commit the child to the department for 791  
the underlying delinquent act under sections 2152.11 to 2152.16 of 792  
the Revised Code. 793

(B) Division (A) of this section also applies to a child who 794  
is an accomplice to the same extent the firearm specifications 795  
would apply to an adult accomplice in a criminal proceeding. 796

(C) If a child is adjudicated a delinquent child for 797  
committing an act that would be aggravated murder, murder, or a 798  
first, second, or third degree felony offense of violence if 799

committed by an adult and if the court determines that, if the  
child was an adult, the child would be guilty of a specification  
of the type set forth in section 2941.142 of the Revised Code in  
relation to the act for which the child was adjudicated a  
delinquent child, the court shall commit the child for the  
specification to the legal custody of the department of youth  
services for institutionalization in a secure facility for a  
definite period of not less than one and not more than three  
years, subject to division (D)(2) of this section, and the court  
also shall commit the child to the department for the underlying  
delinquent act.

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

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

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of commitment under division (A)~~(7)(a)~~ or ~~(b)~~(C) of this section. 832

(E) The court shall not commit a child to the legal custody 833  
of the department of youth services for ~~a specification~~ two or 834  
more specifications pursuant to this section for a period that 835  
exceeds five years ~~for~~ in relation to any one delinquent act. Any 836  
commitment imposed pursuant to division (A), (B), ~~or~~ (C), or 837  
(D)(1) of this section shall be in addition to, and shall be 838  
served consecutively with and prior to, a period of commitment 839  
ordered under this chapter for the underlying delinquent act, and 840  
each commitment imposed pursuant to division (A), (B), ~~or~~ (C), or 841  
(D)(1) of this section shall be in addition to, and shall be 842  
served consecutively with, any other period of commitment imposed 843  
under those divisions. If a commitment is imposed under division 844  
(A) or (B) of this section and a commitment also is imposed under 845  
division (C) of this section, the period imposed under division 846  
(A) or (B) of this section shall be served prior to the period 847  
imposed under division (C) of this section. 848

The total of all the periods of commitment imposed for any 849  
specification under this section and for the underlying offense 850  
shall not exceed the child's attainment of twenty-one years of 851  
age. 852

~~(E)~~(F) If a child is adjudicated a delinquent child for 853  
committing two or more acts that would be felonies if committed by 854  
an adult and if the court entering the delinquent child 855  
adjudication orders the commitment of the child for two or more of 856  
those acts to the legal custody of the department of youth 857  
services for institutionalization in a secure facility pursuant to 858  
section 2152.13 or 2152.16 ~~or~~ of the Revised Code, the court may 859  
order that all of the periods of commitment imposed under those 860  
sections for those acts be served consecutively in the legal 861  
custody of the department of youth services, provided that those 862  
periods of commitment shall be in addition to and commence 863

immediately following the expiration of a period of commitment 864  
that the court imposes pursuant to division (A), (B), ~~or~~ (C), or 865  
(D)(1) of this section. A court shall not commit a delinquent 866  
child to the legal custody of the department of youth services 867  
under this division for a period that exceeds the child's 868  
attainment of twenty-one years of age. 869

~~(F)~~(G) If a child is adjudicated a delinquent child for 870  
committing an act that if committed by an adult would be 871  
aggravated murder, murder, rape, felonious sexual penetration in 872  
violation of former section 2907.12 of the Revised Code, 873  
involuntary manslaughter, a felony of the first or second degree 874  
resulting in the death of or physical harm to a person, complicity 875  
in or an attempt to commit any of those offenses, or an offense 876  
under an existing or former law of this state that is or was 877  
substantially equivalent to any of those offenses and if the court 878  
in its order of disposition for that act commits the child to the 879  
custody of the department of youth services, the adjudication 880  
shall be considered a conviction for purposes of a future 881  
determination pursuant to Chapter 2929. of the Revised Code as to 882  
whether the child, as an adult, is a repeat violent offender. 883

**Sec. 2152.18.** (A) When a juvenile court commits a delinquent 884  
child to the custody of the department of youth services pursuant 885  
to this chapter, the court shall not designate the specific 886  
institution in which the department is to place the child but 887  
instead shall specify that the child is to be institutionalized in 888  
a secure facility. 889

(B) When a juvenile court commits a delinquent child to the 890  
custody of the department of youth services pursuant to this 891  
chapter, the court shall state in the order of commitment the 892  
total number of days that the child has been held in detention in 893  
connection with the delinquent child complaint upon which the 894  
order of commitment is based. The department shall reduce the 895

minimum period of institutionalization that was ordered by both 896  
the total number of days that the child has been so held in 897  
detention as stated by the court in the order of commitment and 898  
the total number of any additional days that the child has been 899  
held in detention subsequent to the order of commitment but prior 900  
to the transfer of physical custody of the child to the 901  
department. 902

(C)(1) When a juvenile court commits a delinquent child to 903  
the custody of the department of youth services pursuant to this 904  
chapter, the court shall provide the department with the child's 905  
medical records, a copy of the report of any mental examination of 906  
the child ordered by the court, the Revised Code section or 907  
sections the child violated and the degree of each violation, the 908  
warrant to convey the child to the department, a copy of the 909  
court's journal entry ordering the commitment of the child to the 910  
legal custody of the department, a copy of the arrest record 911  
pertaining to the act for which the child was adjudicated a 912  
delinquent child, a copy of any victim impact statement pertaining 913  
to the act, and any other information concerning the child that 914  
the department reasonably requests. The court also shall complete 915  
the form for the standard predisposition investigation report that 916  
the department furnishes pursuant to section 5139.04 of the 917  
Revised Code and provide the department with the completed form. 918

The department may refuse to accept physical custody of a 919  
delinquent child who is committed to the legal custody of the 920  
department until the court provides to the department the 921  
documents specified in this division. No officer or employee of 922  
the department who refuses to accept physical custody of a 923  
delinquent child who is committed to the legal custody of the 924  
department shall be subject to prosecution or contempt of court 925  
for the refusal if the court fails to provide the documents 926  
specified in this division at the time the court transfers the 927

physical custody of the child to the department. 928

(2) Within twenty working days after the department of youth 929  
services receives physical custody of a delinquent child from a 930  
juvenile court, the court shall provide the department with a 931  
certified copy of the child's birth certificate and the child's 932  
social security number or, if the court made all reasonable 933  
efforts to obtain the information but was unsuccessful, with 934  
documentation of the efforts it made to obtain the information. 935

(D)(1) Within ten days after an adjudication that a child is 936  
a delinquent child, the court shall give written notice of the 937  
adjudication to the superintendent of a city, local, exempted 938  
village, or joint vocational school district, and to the principal 939  
of the school the child attends, if the basis of the adjudication 940  
was the commission of an act that would be a criminal offense if 941  
committed by an adult, if the act was committed by the delinquent 942  
child when the child was fourteen years of age or older, and if 943  
the act is any of the following: 944

(a) An act that would be a felony or an offense of violence 945  
if committed by an adult, an act in the commission of which the 946  
child used or brandished a firearm, or an act that is a violation 947  
of section 2907.04, 2907.06, 2907.07, 2907.08, 2907.09, 2907.24, 948  
or 2907.241 of the Revised Code and that would be a misdemeanor if 949  
committed by an adult; 950

(b) A violation of section 2923.12 of the Revised Code or of 951  
a substantially similar municipal ordinance that would be a 952  
misdemeanor if committed by an adult and that was committed on 953  
property owned or controlled by, or at an activity held under the 954  
auspices of, the board of education of that school district; 955

(c) A violation of division (A) of section 2925.03 or 2925.11 956  
of the Revised Code that would be a misdemeanor if committed by an 957  
adult, that was committed on property owned or controlled by, or 958

at an activity held under the auspices of, the board of education  
of that school district, and that is not a minor drug possession  
offense;

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(d) 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;

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(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.

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(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.

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(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

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failure to provide the school transcript that it is required to  
provide under this division.

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(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.

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(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.

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**Sec. 2152.20.** (A) If a child is adjudicated a delinquent  
child or a juvenile traffic offender, the court may order any of  
the following dispositions, in addition to any other disposition  
authorized or required by this chapter:

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(1) Impose a fine in accordance with the following schedule:

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(a) For an act that would be a minor misdemeanor or an  
unclassified misdemeanor if committed by an adult, a fine not to  
exceed fifty dollars;

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(b) For an act that would be a misdemeanor of the fourth

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degree if committed by an adult, a fine not to exceed one hundred dollars;	1021 1022
(c) For an act that would be a misdemeanor of the third degree if committed by an adult, a fine not to exceed one hundred fifty dollars;	1023 1024 1025
(d) For an act that would be a misdemeanor of the second degree if committed by an adult, a fine not to exceed two hundred dollars;	1026 1027 1028
(e) For an act that would be a misdemeanor of the first degree if committed by an adult, a fine not to exceed two hundred fifty dollars;	1029 1030 1031
(f) For an act that would be a felony of the fifth degree or an unclassified felony if committed by an adult, a fine not to exceed three hundred dollars;	1032 1033 1034
(g) For an act that would be a felony of the fourth degree if committed by an adult, a fine not to exceed four hundred dollars;	1035 1036 1037
(h) For an act that would be a felony of the third degree if committed by an adult, a fine not to exceed seven hundred fifty dollars;	1038 1039 1040
(i) For an act that would be a felony of the second degree if committed by an adult, a fine not to exceed one thousand dollars;	1041 1042 1043
(j) For an act that would be a felony of the first degree if committed by an adult, a fine not to exceed one thousand five hundred dollars;	1044 1045 1046
(k) For an act that would be aggravated murder or murder if committed by an adult, a fine not to exceed two thousand dollars.	1047 1048
(2) Require the child to pay costs;	1049

(3) Require the child to make restitution to the victim of 1050  
the child's delinquent act or, if the victim is deceased, to a 1051  
survivor of the victim in an amount based upon the victim's 1052  
economic loss caused by or related to the delinquent act. 1053  
~~Restitution required under this division shall be made directly to 1054  
the victim in open court or to the probation department that 1055  
serves the jurisdiction or the clerk of courts on behalf of the 1056  
victim. The restitution may include reimbursement to third 1057  
parties, other than the delinquent child's insurer, for amounts 1058  
paid to the victim or to any survivor of the victim for economic 1059  
loss resulting from the delinquent act. If reimbursement to a 1060  
third party is required, the reimbursement shall be made to any 1061  
governmental agency to repay any amounts the agency paid to the 1062  
victim or any survivor of the victim before any reimbursement is 1063  
made to any other person. 1064~~

~~Restitution required under this division may be in the form 1065  
of a cash reimbursement paid in a lump sum or in installments, the 1066  
performance of repair work to restore any damaged property to its 1067  
original condition, the performance of a reasonable amount of 1068  
labor for the victim or survivor of the victim, the performance of 1069  
community service work, any other form of restitution devised by 1070  
the court, or any combination of the previously described forms of 1071  
restitution. 1072~~

~~The court may base the restitution order under this division 1073  
on an amount recommended by the victim or survivor of the victim, 1074  
the delinquent child, a presentence investigation report, 1075  
estimates or receipts indicating the cost of repairing or 1076  
replacing property, and any other information. If the amount of 1077  
the restitution is disputed by the victim or survivor or by the 1078  
delinquent child, the court shall hold a hearing on the 1079  
restitution. The court shall determine, or order the determination 1080  
of, the amount of restitution to be paid by the delinquent child. 1081~~

~~All restitution payments shall be credited against any recovery of economic loss in a civil action brought by or on behalf of the victim against the delinquent child or the delinquent child's parent, guardian, or other custodian.~~

~~The court may order that the delinquent child pay a surcharge, in an amount not exceeding five per cent of the amount of restitution otherwise ordered under this division, to the entity responsible for collecting and processing the restitution payments.~~

~~The victim or the survivor of the victim may request that the prosecuting authority file a motion, or the delinquent child may file a motion, for modification of the payment terms of any restitution ordered under this division, based on a substantial change in the delinquent child's ability to pay. and in accordance with division (F) of this section;~~

(4) Require the child to reimburse any or all of the costs incurred for services or sanctions provided or imposed, including, but not limited to, the following:

(a) All or part of the costs of implementing any community control imposed as a disposition under section 2152.19 of the Revised Code, including a supervision fee;

(b) All or part of the costs of confinement in a residential facility described in section 2152.19 of the Revised Code or in a department of youth services institution, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment provided, and the costs of repairing property the delinquent child damaged while so confined. The amount of reimbursement ordered for a child under this division shall not exceed the total amount of reimbursement the child is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement. The court may collect any

reimbursement ordered under this division. If the court does not  
order reimbursement under this division, confinement costs may be  
assessed pursuant to a repayment policy adopted under division (E)  
of section 307.93, division (A) of section 341.06, division (D) of  
section 341.23, or division (C) of section 753.02, 753.04,  
2301.56, or 2947.19 of the Revised Code.

(5) Order the parent of the child to pay restitution to the  
victim of the child's delinquent act or, if the victim is  
deceased, to a survivor of the victim in an amount based on the  
victim's economic loss caused by or related to the delinquent act,  
in the circumstances and subject to the limits described in  
section 2307.70 of the Revised Code, and in accordance with  
division (F) of this section.

(B)(1) If a child is adjudicated a delinquent child for  
violating section 2923.32 of the Revised Code, the court shall  
enter an order of criminal forfeiture against the child in  
accordance with divisions (B)(3), (4), (5), and (6) and (C) to (F)  
of section 2923.32 of the Revised Code.

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

(3) Sections 2923.44 to 2923.47 of the Revised Code apply to  
children who are adjudicated or could be adjudicated by a juvenile  
court to be delinquent children for an act in violation of section

2923.42 of the Revised Code. Subject to division (B) of section 1145  
2923.44 and division (E) of section 2923.45 of the Revised Code, a 1146  
delinquent child of that nature loses any right to the possession 1147  
of, and forfeits to the state any right, title, and interest that 1148  
the delinquent child may have in, property as defined in section 1149  
2923.41 of the Revised Code and further described in section 1150  
2923.44 or 2923.45 of the Revised Code. 1151

(C) The court may hold a hearing if necessary to determine 1152  
whether a child is able to pay a sanction under this section. 1153

(D) If a child who is adjudicated a delinquent child is 1154  
indigent, the court shall consider imposing a term of community 1155  
service under division (A) of section 2152.19 of the Revised Code 1156  
in lieu of imposing a financial sanction under this section. If a 1157  
child who is adjudicated a delinquent child is not indigent, the 1158  
court may impose a term of community service under that division 1159  
in lieu of, or in addition to, imposing a financial sanction under 1160  
this section. The court may order community service for an act 1161  
that if committed by an adult would be a minor misdemeanor. 1162

If a child fails to pay a financial sanction imposed under 1163  
this section, the court may impose a term of community service in 1164  
lieu of the sanction. 1165

(E) The clerk of the court, or another person authorized by 1166  
law or by the court to collect a financial sanction imposed under 1167  
this section, may do any of the following: 1168

(1) Enter into contracts with one or more public agencies or 1169  
private vendors for the collection of the amounts due under the 1170  
financial sanction, which amounts may include interest from the 1171  
date of imposition of the financial sanction; 1172

(2) Permit payment of all, or any portion of, the financial 1173  
sanction in installments, by credit or debit card, by another type 1174  
of electronic transfer, or by any other reasonable method, within 1175

any period of time, and on any terms that the court considers 1176  
just, except that the maximum time permitted for payment shall not 1177  
exceed five years. The clerk may pay any fee associated with 1178  
processing an electronic transfer out of public money and may 1179  
charge the fee to the delinquent child. 1180

(3) To defray administrative costs, charge a reasonable fee 1181  
to a child who elects a payment plan rather than a lump sum 1182  
payment of a financial sanction. 1183

(F) The restitution ordered in division (A)(3) or (5) of this 1184  
section may include reimbursement to third parties, other than the 1185  
delinquent child's insurer, for amounts paid to the victim or to 1186  
any survivor of the victim for economic loss resulting from the 1187  
delinquent act. If reimbursement to a third party is required, the 1188  
reimbursement shall be made to any governmental agency to repay 1189  
any amounts the agency paid to the victim or any survivor of the 1190  
victim before any reimbursement is made to any other person. 1191

Restitution required under division (A)(3) of this section 1193  
may be in the form of a cash reimbursement paid in a lump sum or 1194  
in installments, the performance of repair work to restore any 1195  
damaged property to its original condition, the performance of a 1196  
reasonable amount of labor for the victim or survivor of the 1197  
victim, the performance of community service work, any other form 1198  
of restitution devised by the court, or any combination of the 1199  
previously described forms of restitution. Restitution required 1200  
under division (A)(5) of this section shall be in the form of a 1201  
cash reimbursement paid in a lump sum or in installments. 1202

The court may base the restitution order under division 1203  
(A)(3) or (5) of this section on an amount recommended by the 1204  
victim or survivor of the victim, the delinquent child, the parent 1205  
of the delinquent child, a presentence investigation report, 1206  
estimates or receipts indicating the cost of repairing or 1207

replacing property, and any other information. If the amount of  
the restitution is disputed by the victim or survivor or by the  
delinquent child or parent of the delinquent child, the court  
shall hold a hearing on the restitution. The court shall  
determine, or order the determination of, the amount of  
restitution to be paid by the delinquent child or parent. All  
restitution payments made by the delinquent child or parent shall  
be credited against any recovery of economic loss in a civil  
action brought by or on behalf of the victim against the  
delinquent child or the delinquent child's parent, guardian, or  
other custodian.

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The court may order that the delinquent child or parent pay a  
surcharge, in an amount not exceeding five per cent of the amount  
of restitution otherwise ordered, to the entity responsible for  
collecting and processing the restitution payments.

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The victim or the survivor of the victim may request that the  
prosecuting authority file a motion, or the delinquent child or  
parent may file a motion, for modification of the payment terms of  
any restitution ordered, based on a substantial change in the  
delinquent child's or parent's ability to pay.

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**Sec. 2152.22.** (A) When a child is committed to the legal  
custody of the department of youth services under this chapter,  
the juvenile court relinquishes control with respect to the child  
so committed, except as provided in divisions (B), (C), and (G) of  
this section or in sections 2152.82 to 2152.85 of the Revised  
Code. Subject to divisions (B) and (C) of this section, sections  
2151.353 and 2151.412 to 2151.421 of the Revised Code, sections  
2152.82 to 2152.85 of the Revised Code, and any other provision of  
law that specifies a different duration for a dispositional order,  
all other dispositional orders made by the court under this  
chapter shall be temporary and shall continue for a period that is

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designated by the court in its order, until terminated or modified 1239  
by the court or until the child attains twenty-one years of age. 1240

The department shall not release the child from a department 1241  
facility and as a result shall not discharge the child or order 1242  
the child's release on supervised release prior to the expiration 1243  
of the period of court control over the child or prior to the 1244  
child's attainment of twenty-one years of age, except upon the 1245  
order of a court pursuant to division (B) or (C) of this section 1246  
or in accordance with section 5139.54 of the Revised Code. 1247

(B)(1) The court that commits a delinquent child to the 1248  
department may grant judicial release of the child to court 1249  
supervision under this division, ~~during any of the following~~ 1250  
~~periods that are applicable during the first half of the~~ 1251  
prescribed minimum term for which the child was committed to the 1252  
department or, if the child was committed to the department until 1253  
the child attains twenty-one years of age, during the first half 1254  
of the prescribed period of commitment that begins on the first 1255  
day of commitment and ends on the child's twenty-first birthday, 1256  
provided any commitment imposed under division (A), (B), ~~or (C),~~ 1257  
~~or (D)~~ of section 2152.17 of the Revised Code has ended+ 1258

~~(a) If the child was given a disposition under section~~ 1259  
~~2152.16 of the Revised Code for committing an act that would be a~~ 1260  
~~felony of the third, fourth, or fifth degree if committed by an~~ 1261  
~~adult, at any time during the first ninety days of the period of~~ 1262  
~~court control over the child;~~ 1263

~~(b) If the child was given a disposition under section~~ 1264  
~~2152.13 or 2152.16 of the Revised Code, or both of those sections,~~ 1265  
~~for committing an act that would be a felony of the first or~~ 1266  
~~second degree if committed by an adult, at any time during the~~ 1267  
~~first one hundred eighty days of the period of court control over~~ 1268  
~~the child;~~ 1269

~~(c) If the child was committed to the department until the~~ 1270

~~child attains twenty-one years of age for an act that would be 1271  
aggravated murder or murder if committed by an adult, at any time 1272  
during the first half of the prescribed period of that commitment 1273  
of the child. 1274~~

(2) If the department of youth services desires to release a 1275  
child during a period specified in division (B)(1) of this 1276  
section, it shall request the court that committed the child to 1277  
grant a judicial release of the child to court supervision. During 1278  
whichever of those periods is applicable, the child or the parents 1279  
of the child also may request that court to grant a judicial 1280  
release of the child to court supervision. Upon receipt of a 1281  
request for a judicial release to court supervision from the 1282  
department, the child, or the child's parent, or upon its own 1283  
motion, the court that committed the child shall do one of the 1284  
following: approve the release by journal entry; schedule within 1285  
thirty days after the request is received a time for a hearing on 1286  
whether the child is to be released; or reject the request by 1287  
journal entry without conducting a hearing. 1288

If the court rejects an initial request for a release under 1289  
this division by the child or the child's parent, the child or the 1290  
child's parent may make one additional request for a judicial 1291  
release to court supervision within the applicable period. The 1292  
additional request may be made no earlier than thirty days after 1293  
the filing of the prior request for a judicial release to court 1294  
supervision. Upon the filing of a second request for a judicial 1295  
release to court supervision, the court shall either approve or 1296  
disapprove the release by journal entry or schedule within thirty 1297  
days after the request is received a time for a hearing on whether 1298  
the child is to be released. 1299

(3) If a court schedules a hearing under division (B)(2) of 1300  
this section, it may order the department to deliver the child to 1301  
the court on the date set for the hearing and may order the 1302

department to present to the court a report on the child's  
progress in the institution to which the child was committed and  
recommendations for conditions of supervision of the child by the  
court after release. The court may conduct the hearing without the  
child being present. The court shall determine at the hearing  
whether the child should be granted a judicial release to court  
supervision.

If the court approves the release, it shall order its staff  
to prepare a written treatment and rehabilitation plan for the  
child that may include any conditions of the child's release that  
were recommended by the department and approved by the court. The  
committing court shall send the juvenile court of the county in  
which the child is placed a copy of the recommended plan. The  
court of the county in which the child is placed may adopt the  
recommended conditions set by the committing court as an order of  
the court and may add any additional consistent conditions it  
considers appropriate. If a child is granted a judicial release to  
court supervision, the release discharges the child from the  
custody of the department of youth services.

(C)(1) The court that commits a delinquent child to the  
department may grant judicial release of the child to department  
of youth services supervision under this division, ~~during any of~~  
~~the following periods that are applicable~~ during the second half  
of the prescribed minimum term for which the child was committed  
to the department or, if the child was committed to the department  
until the child attains twenty-one years of age, during the second  
half of the prescribed period of commitment that begins on the  
first day of commitment and ends on the child's twenty-first  
birthday, provided any commitment imposed under division (A), (B),  
~~or (C), or (D)~~ of section 2152.17 of the Revised Code has ended+

~~(a) If the child was given a disposition under section~~  
~~2152.16 of the Revised Code for an act that would be a felony of~~

~~the third, fourth, or fifth degree if committed by an adult, at  
any time during the period of court control over the child,  
provided that at least ninety days of that period have elapsed;~~

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~~(b) If the child was given a disposition under section  
2152.13 or 2152.16 of the Revised Code, or both of those sections,  
for an act that would be a felony of the first or second degree if  
committed by an adult, at any time during the period of court  
control over the child, provided that at least one hundred eighty  
days of that period have elapsed;~~

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~~(c) If the child was committed to the department for an act  
that would be aggravated murder or murder if committed by an adult  
until the child attains twenty one years of age, at any time  
during the second half of the prescribed period of that commitment  
of the child.~~

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(2) If the department of youth services desires to release a  
child during a period specified in division (C)(1) of this  
section, it shall request the court that committed the child to  
grant a judicial release to department of youth services  
supervision. During whichever of those periods is applicable, the  
child or the child's parent also may request the court that  
committed the child to grant a judicial release to department of  
youth services supervision. Upon receipt of a request for judicial  
release to department of youth services supervision, the child, or  
the child's parent, or upon its own motion at any time during that  
period, the court shall do one of the following: approve the  
release by journal entry; schedule a time within thirty days after  
receipt of the request for a hearing on whether the child is to be  
released; or reject the request by journal entry without  
conducting a hearing.

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If the court rejects an initial request for release under  
this division by the child or the child's parent, the child or the  
child's parent may make one or more subsequent requests for a

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release within the applicable period, but may make no more than 1367  
one request during each period of ninety days that the child is in 1368  
a secure department facility after the filing of a prior request 1369  
for early release. Upon the filing of a request for release under 1370  
this division subsequent to an initial request, the court shall 1371  
either approve or disapprove the release by journal entry or 1372  
schedule a time within thirty days after receipt of the request 1373  
for a hearing on whether the child is to be released. 1374

(3) If a court schedules a hearing under division (C)(2) of 1375  
this section, it may order the department to deliver the child to 1376  
the court on the date set for the hearing and shall order the 1377  
department to present to the court at that time a treatment plan 1378  
for the child's post-institutional care. The court may conduct the 1379  
hearing without the child being present. The court shall determine 1380  
at the hearing whether the child should be granted a judicial 1381  
release to department of youth services supervision. 1382

If the court approves the judicial release to department of 1383  
youth services supervision, the department shall prepare a written 1384  
treatment and rehabilitation plan for the child pursuant to 1385  
division (E) of this section that shall include the conditions of 1386  
the child's release. It shall send the committing court and the 1387  
juvenile court of the county in which the child is placed a copy 1388  
of the plan. The court of the county in which the child is placed 1389  
may adopt the conditions set by the department as an order of the 1390  
court and may add any additional consistent conditions it 1391  
considers appropriate, provided that the court may not add any 1392  
condition that decreases the level or degree of supervision 1393  
specified by the department in its plan, that substantially 1394  
increases the financial burden of supervision that will be 1395  
experienced by the department, or that alters the placement 1396  
specified by the department in its plan. If the court of the 1397  
county in which the child is placed adds to the department's plan 1398

any additional conditions, it shall enter those additional 1399  
conditions in its journal and shall send to the department a copy 1400  
of the journal entry of the additional conditions. 1401

If the court approves the judicial release to department of 1402  
youth services supervision, the actual date on which the 1403  
department shall release the child is contingent upon the 1404  
department finding a suitable placement for the child. If the 1405  
child is to be returned to the child's home, the department shall 1406  
return the child on the date that the court schedules for the 1407  
child's release or shall bear the expense of any additional time 1408  
that the child remains in a department facility. If the child is 1409  
unable to return to the child's home, the department shall 1410  
exercise reasonable diligence in finding a suitable placement for 1411  
the child, and the child shall remain in a department facility 1412  
while the department finds the suitable placement. 1413

(D) If a child is released under division (B) or (C) of this 1414  
section and the court of the county in which the child is placed 1415  
has reason to believe that the child's department is not in 1416  
accordance with the conditions of the child's judicial release, 1417  
the court of the county in which the child is placed shall 1418  
schedule a time for a hearing to determine whether the child 1419  
violated any of the post-release conditions, and, if the child was 1420  
released under division (C) of this section, divisions (A) to (E) 1421  
of section 5139.52 of the Revised Code apply regarding the child. 1422

If that court determines at the hearing that the child 1423  
violated any of the post-release conditions, the court, if it 1424  
determines that the violation was a serious violation, may order 1425  
the child to be returned to the department for 1426  
institutionalization, consistent with the original order of 1427  
commitment of the child, or in any case may make any other 1428  
disposition of the child authorized by law that the court 1429  
considers proper. If the court of the county in which the child is 1430

placed orders the child to be returned to a department of youth 1431  
services institution, the time during which the child was held in 1432  
a secure department facility prior to the child's judicial release 1433  
shall be considered as time served in fulfilling the prescribed 1434  
period of institutionalization that is applicable to the child 1435  
under the child's original order of commitment. If the court 1436  
orders the child returned to a department institution, the child 1437  
shall remain in institutional care for a minimum of three months 1438  
or until the child successfully completes a revocation program of 1439  
a duration of not less than thirty days operated either by the 1440  
department or by an entity with which the department has 1441  
contracted to provide a revocation program. 1442

(E) The department of youth services, prior to the release of 1443  
a child pursuant to division (C) of this section, shall do all of 1444  
the following: 1445

(1) After reviewing the child's rehabilitative progress 1446  
history and medical and educational records, prepare a written 1447  
treatment and rehabilitation plan for the child that includes 1448  
conditions of the release; 1449

(2) Completely discuss the conditions of the plan prepared 1450  
pursuant to division (E)(1) of this section and the possible 1451  
penalties for violation of the plan with the child and the child's 1452  
parents, guardian, or legal custodian; 1453

(3) Have the plan prepared pursuant to division (E)(1) of 1454  
this section signed by the child, the child's parents, legal 1455  
guardian, or custodian, and any authority or person that is to 1456  
supervise, control, and provide supportive assistance to the child 1457  
at the time of the child's release pursuant to division (C) of 1458  
this section; 1459

(4) Prior to the child's release, file a copy of the 1460  
treatment plan prepared pursuant to division (E)(1) of this 1461

section with the committing court and the juvenile court of the 1462  
county in which the child is to be placed. 1463

(F) The department of youth services shall file a written 1464  
progress report with the committing court regarding each child 1465  
released pursuant to division (C) of this section at least once 1466  
every thirty days unless specifically directed otherwise by the 1467  
court. The report shall indicate the treatment and rehabilitative 1468  
progress of the child and the child's family, if applicable, and 1469  
shall include any suggestions for altering the program, custody, 1470  
living arrangements, or treatment. The department shall retain 1471  
legal custody of a child so released until it discharges the child 1472  
or until the custody is terminated as otherwise provided by law. 1473

(G) When a child is committed to the legal custody of the 1474  
department of youth services, the court retains jurisdiction to 1475  
perform the functions specified in section 5139.51 of the Revised 1476  
Code with respect to the granting of supervised release by the 1477  
release authority and to perform the functions specified in 1478  
section 5139.52 of the Revised Code with respect to violations of 1479  
the conditions of supervised release granted by the release 1480  
authority and to the revocation of supervised release granted by 1481  
the release authority. 1482

**Sec. 2152.71.** (A)(1) The juvenile court shall maintain 1483  
records of all official cases brought before it, including, but 1484  
not limited to, an appearance docket, a journal, and, in cases 1485  
pertaining to an alleged delinquent child, arrest and custody 1486  
records, complaints, journal entries, and hearing summaries. The 1487  
court shall maintain a separate docket for traffic cases and shall 1488  
record all traffic cases on the separate docket instead of on the 1489  
general appearance docket. The parents of any child affected, if 1490  
they are living, or the nearest of kin of the child, if the 1491  
parents are deceased, may inspect these records, either in person 1492



or by counsel, during the hours in which the court is open. 1493

(2) The juvenile court shall send to the superintendent of 1494  
the bureau of criminal identification and investigation, pursuant 1495  
to section 109.57 of the Revised Code, a weekly report containing 1496  
a summary of each case that has come before it and that involves 1497  
the disposition of a child who is a delinquent child for 1498  
committing an act that would be a felony or an offense of violence 1499  
if committed by an adult. 1500

(B) The clerk of the court shall maintain a statistical 1501  
record that includes all of the following: 1502

(1) The number of complaints that are filed with, or 1503  
indictments or information made to, the court that allege that a 1504  
child is a delinquent child, in relation to which the court 1505  
determines under division (D) of section 2151.27 of the Revised 1506  
Code that the victim of the alleged delinquent act was sixty-five 1507  
years of age or older or permanently and totally disabled at the 1508  
time of the alleged commission of the act; 1509

(2) The number of complaints, indictments, or information 1510  
described in division (B)(1) of this section that result in the 1511  
child being adjudicated a delinquent child; 1512

(3) The number of complaints, indictments, or information 1513  
described in division (B)(2) of this section in which the act upon 1514  
which the delinquent child adjudication is based caused property 1515  
damage or would be a theft offense, as defined in division (K) of 1516  
section 2913.01 of the Revised Code, if committed by an adult; 1517

(4) The number of complaints, indictments, or information 1518  
described in division (B)(3) of this section that result in the 1519  
delinquent child being required as an order of disposition made 1520  
under division (A) of section 2152.20 of the Revised Code to make 1521  
restitution for all or part of the property damage caused by the 1522  
child's delinquent act or for all or part of the value of the 1523

property that was the subject of the delinquent act that would be 1524  
a theft offense if committed by an adult; 1525

(5) The number of complaints, indictments, or information 1526  
described in division (B)(2) of this section in which the act upon 1527  
which the delinquent child adjudication is based would have been 1528  
an offense of violence if committed by an adult; 1529

(6) The number of complaints, indictments, or information 1530  
described in division (B)(5) of this section that result in the 1531  
delinquent child being committed as an order of disposition made 1532  
under section 2152.16, divisions (A) and (B) of section 2152.17, 1533  
or division (A)(2) of section 2159.19 of the Revised Code to any 1534  
facility for delinquent children operated by the county, a 1535  
district, or a private agency or organization or to the department 1536  
of youth services; 1537

(7) The number of complaints, indictments, or information 1538  
described in division (B)(1) of this section that result in the 1539  
case being transferred for criminal prosecution to an appropriate 1540  
court having jurisdiction of the offense under section 2152.12 of 1541  
the Revised Code. 1542

(C) The clerk of the court shall compile an annual summary 1543  
covering the preceding calendar year showing all of the 1544  
information for that year contained in the statistical record 1545  
maintained under division (B) of this section. The statistical 1546  
record and the annual summary shall be public records open for 1547  
inspection. Neither the statistical record nor the annual summary 1548  
shall include the identity of any party to a case. 1549

(D) Not later than June of each year, the court shall prepare 1550  
an annual report covering the preceding calendar year showing the 1551  
number and kinds of cases that have come before it, the 1552  
disposition of the cases, and any other data pertaining to the 1553  
work of the court that the juvenile judge directs. The court shall 1554

file copies of the report with the board of county commissioners. 1555  
With the approval of the board, the court may print or cause to be 1556  
printed copies of the report for distribution to persons and 1557  
agencies interested in the court or community program for 1558  
dependent, neglected, abused, or delinquent children and juvenile 1559  
traffic offenders. The court shall include the number of copies 1560  
ordered printed and the estimated cost of each printed copy on 1561  
each copy of the report printed for distribution. 1562

**Sec. 2950.01.** As used in this chapter, unless the context 1563  
clearly requires otherwise: 1564

(A) "Confinement" includes, but is not limited to, a 1565  
community residential sanction imposed pursuant to section 2929.16 1566  
of the Revised Code. 1567

(B) "Habitual sex offender" means, except when a juvenile 1568  
judge removes this classification pursuant to division (A)(2) of 1569  
section 2152.84 or division (C)(2) of section 2152.85 of the 1570  
Revised Code, a person to whom both of the following apply: 1571

(1) The person is convicted of or pleads guilty to a sexually 1572  
oriented offense, or the person is adjudicated a delinquent child 1573  
for committing on or after ~~the effective date of this amendment~~ 1574  
January 1, 2002, a sexually oriented offense, was fourteen years 1575  
of age or older at the time of committing the offense, and is 1576  
classified a juvenile sex offender registrant based on that 1577  
adjudication. 1578

(2) The person previously has been convicted of or pleaded 1579  
guilty to one or more sexually oriented offenses or, regarding a 1580  
delinquent child, previously has been adjudicated a delinquent 1581  
child for committing one or more sexually oriented offenses. 1582

(C) "Prosecutor" has the same meaning as in section 2935.01 1583  
of the Revised Code. 1584

(D) "Sexually oriented offense" means any of the following: 1585

(1) Subject to division (D)(2) of this section, any of the 1586  
following violations or offenses: 1587

(a) Regardless of the age of the victim of the offense, a 1588  
violation of section 2907.02, 2907.03, or 2907.05 of the Revised 1589  
Code; 1590

(b) Any of the following offenses involving a minor, in the 1591  
circumstances specified: 1592

(i) A violation of section 2905.01, 2905.02, 2905.03, 1593  
2905.04, 2905.05, or 2907.04 of the Revised Code when the victim 1594  
of the offense is under eighteen years of age; 1595

(ii) A violation of section 2907.21 of the Revised Code when 1596  
the person who is compelled, induced, procured, encouraged, 1597  
solicited, requested, or facilitated to engage in, paid or agreed 1598  
to be paid for, or allowed to engage in the sexual activity in 1599  
question is under eighteen years of age; 1600

(iii) A violation of division (A)(1) or (3) of section 1601  
2907.321 or 2907.322 of the Revised Code; 1602

(iv) A violation of division (A)(1) or (2) of section 1603  
2907.323 of the Revised Code; 1604

(v) A violation of division (B)(5) of section 2919.22 of the 1605  
Revised Code when the child who is involved in the offense is 1606  
under eighteen years of age. 1607

(c) Regardless of the age of the victim of the offense, a 1608  
violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the 1609  
Revised Code, or of division (A) of section 2903.04 of the Revised 1610  
Code, that is committed with a purpose to gratify the sexual needs 1611  
or desires of the offender; 1612

(d) A sexually violent offense; 1613

(e) A violation of any former law of this state that was 1614  
substantially equivalent to any offense listed in division 1615  
(D)(1)(a), (b), (c), or (d) of this section; 1616

(f) A violation of an existing or former municipal ordinance 1617  
or law of another state or the United States, a violation under 1618  
the law applicable in a military court, or a violation under the 1619  
law applicable in an Indian tribal court that is or was 1620  
substantially equivalent to any offense listed in division 1621  
(D)(1)(a), (b), (c), or (d) of this section; 1622

(g) An attempt to commit, conspiracy to commit, or complicity 1623  
in committing any offense listed in division (D)(1)(a), (b), (c), 1624  
(d), (e), or (f) of this section. 1625

(2) An act committed by a person under eighteen years of age 1626  
that is any of the following: 1627

(a) Except for the violations specifically described in 1628  
divisions (D)(2)(b) and (c) of this section and subject to 1629  
division (D)(2)(d) of this section, any violation listed in 1630  
division (D)(1) of this section that, if committed by an adult, 1631  
would be a felony of the first, second, third, or fourth degree; 1632

(b) Subject to division (A)(2)(d) of this section, a 1633  
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 1634  
2905.02 of the Revised Code, a violation of division (A) of 1635  
section 2903.04 of the Revised Code, or an attempt to violate any 1636  
of those sections or that division that is committed with a 1637  
purpose to gratify the sexual needs or desires of the child 1638  
committing the violation; 1639

(c) Subject to division (A)(2)(d) of this section, a 1640  
violation of division (A)(1) or (3) of section 2907.321, division 1641  
(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of 1642  
section 2907.323 of the Revised Code, or an attempt to violate any 1643  
of those divisions, if the person who violates or attempts to 1644

violate the division is four or more years older than the minor  
who is the victim of the offense;

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(d) If the child's case has been transferred for criminal  
prosecution under section 2152.12 of the Revised Code, the act is  
any violation listed in division (D)(1)(a), (b), (c), (d), (e),  
(f), or (g) of this section or would be any offense listed in any  
of those divisions if committed by an adult.

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(E) "Sexual predator" means a person to whom either of the  
following applies:

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(1) The person has been convicted of or pleaded guilty to  
committing a sexually oriented offense and is likely to engage in  
the future in one or more sexually oriented offenses.

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(2) The person has been adjudicated a delinquent child for  
committing a sexually oriented offense, was fourteen years of age  
or older at the time of committing the offense, was classified a  
juvenile sex offender registrant based on that adjudication, and  
is likely to engage in the future in one or more sexually oriented  
offenses.

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(F) "Supervised release" means a release of an offender from  
a prison term, a term of imprisonment, or another type of  
confinement that satisfies either of the following conditions:

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(1) The release is on parole, a conditional pardon, or  
probation, under transitional control, or under a post-release  
control sanction, and it requires the person to report to or be  
supervised by a parole officer, probation officer, field officer,  
or another type of supervising officer.

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(2) The release is any type of release that is not described  
in division (F)(1) of this section and that requires the person to  
report to or be supervised by a probation officer, a parole  
officer, a field officer, or another type of supervising officer.

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(G) An offender or delinquent child is "adjudicated as being a sexual predator" if any of the following applies and if that status has not been removed pursuant to section 2152.84, 2152.85, or 2950.09 of the Revised Code:

(1) The offender is convicted of or pleads guilty to committing, on or after January 1, 1997, a sexually oriented offense that is a sexually violent offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information that charged the sexually violent offense.

(2) Regardless of when the sexually oriented offense was committed, on or after January 1, 1997, the offender is sentenced for a sexually oriented offense, and the sentencing judge determines pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator.

(3) The delinquent child is adjudicated a delinquent child for committing a sexually oriented offense, was fourteen years of age or older at the time of committing the offense, and has been classified a juvenile sex offender registrant based on that adjudication, and the adjudicating judge or that judge's successor in office determines pursuant to division (B) of section 2950.09 or pursuant to division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code that the delinquent child is a sexual predator.

(4) Prior to January 1, 1997, the offender was convicted of or pleaded guilty to, and was sentenced for, a sexually oriented offense, the offender is imprisoned in a state correctional institution on or after January 1, 1997, and the court determines pursuant to division (C) of section 2950.09 of the Revised Code that the offender is a sexual predator.

(5) Regardless of when the sexually oriented offense was

committed, the offender or delinquent child is convicted of or  
pleads guilty to, has been convicted of or pleaded guilty to, or  
is adjudicated a delinquent child for committing a sexually  
oriented offense in another state or in a federal court, military  
court, or an Indian tribal court, as a result of that conviction,  
plea of guilty, or adjudication, the offender or delinquent child  
is required, under the law of the jurisdiction in which the  
offender was convicted or pleaded guilty or the delinquent child  
was adjudicated, to register as a sex offender until the  
offender's or delinquent child's death and to verify the  
offender's or delinquent child's address on at least a quarterly  
basis each year, and, on or after July 1, 1997, for offenders or  
~~the effective date of this amendment~~ January 1, 2002, for  
delinquent children the offender or delinquent child moves to and  
resides in this state or temporarily is domiciled in this state  
for more than seven days, unless a court of common pleas or  
juvenile court determines that the offender or delinquent child is  
not a sexual predator pursuant to division (F) of section 2950.09  
of the Revised Code.

(H) "Sexually violent predator specification" and "sexually  
violent offense" have the same meanings as in section 2971.01 of  
the Revised Code.

(I) "Post-release control sanction" and "transitional  
control" have the same meanings as in section 2967.01 of the  
Revised Code.

(J) "Juvenile sex offender registrant" means a person who is  
adjudicated a delinquent child for committing on or after ~~the  
effective date of this amendment~~ January 1, 2002, a sexually  
oriented offense, who is fourteen years of age or older at the  
time of committing the offense, and who a juvenile court judge,  
pursuant to an order issued under section 2152.82, 2152.83,  
2152.84, or 2152.85 of the Revised Code, classifies as a juvenile



sex offender registrant and specifies has a duty to register under 1738  
section 2950.04 of the Revised Code. 1739

(K) "Secure facility" means any facility that is designed and 1740  
operated to ensure that all of its entrances and exits are locked 1741  
and under the exclusive control of its staff and to ensure that, 1742  
because of that exclusive control, no person who is 1743  
institutionalized or confined in the facility may leave the 1744  
facility without permission or supervision. 1745

(L) "Out-of-state juvenile sex offender registrant" means a 1746  
person who is adjudicated a delinquent child for committing a 1747  
sexually oriented offense in another state or in a federal court, 1748  
military court, or Indian tribal court, who on or after ~~the~~ 1749  
~~effective date of this amendment~~ January 1, 2002, moves to and 1750  
resides in this state or temporarily is domiciled in this state 1751  
for more than seven days, and who under section 2950.04 of the 1752  
Revised Code has a duty to register in this state as described in 1753  
that section. 1754

(M) "Juvenile court judge" includes a magistrate to whom the 1755  
juvenile court judge confers duties pursuant to division (A)(15) 1756  
of section 2151.23 of the Revised Code. 1757

(N) "Adjudicated a delinquent child for committing a sexually 1758  
oriented offense" includes a child who receives a serious youthful 1759  
offender dispositional sentence under section 2152.13 of the 1760  
Revised Code for committing a sexually oriented offense. 1761

**Sec. 5139.05.** (A) The juvenile court may commit any child to 1762  
the department of youth services as authorized in Chapter 2152. of 1763  
the Revised Code, provided that any child so committed shall be at 1764  
least ten years of age at the time of the child's delinquent act, 1765  
and, if the child is ten or eleven years of age, the delinquent 1766  
act is a violation of section 2909.03 of the Revised Code or would 1767  
be aggravated murder, murder, or a first or second degree felony 1768

offense of violence if committed by an adult. Any order to commit 1769  
a child to an institution under the control and management of the 1770  
department shall have the effect of ordering that the child be 1771  
committed to the department and assigned to an institution as 1772  
follows: 1773

(1) For an indefinite term consisting of the prescribed 1774  
minimum period of court control set by the court and a maximum 1775  
period not to exceed the child's attainment of twenty-one years of 1776  
age, if the child was committed pursuant to section 2152.16 of the 1777  
Revised Code; 1778

(2) Until the child's attainment of twenty-one years of age, 1779  
if the child was committed for aggravated murder or murder 1780  
pursuant to section 2152.16 of the Revised Code; 1781

(3) For a period of commitment that shall be in addition to, 1782  
and shall be served consecutively with and prior to, a period of 1783  
commitment described in division (A)(1) or (2) of this section, if 1784  
the child was committed pursuant to section 2152.17 of the Revised 1785  
Code; 1786

(4) If the child is ten or eleven years of age, to an 1787  
institution, a residential care facility, a residential facility, 1788  
or a facility licensed by the department of job and family 1789  
services that the department of youth services considers best 1790  
designated for the training and rehabilitation of the child and 1791  
protection of the public. The child shall be housed separately 1792  
from children who are twelve years of age or older until the child 1793  
is released or discharged or until the child attains twelve years 1794  
of age, whichever occurs first. Upon the child's attainment of 1795  
twelve years of age, if the child has not been released or 1796  
discharged, the department is not required to house the child 1797  
separately. 1798

(B)(1) ~~The~~ Except as otherwise provided in section 5139.54 of 1799

the Revised Code, the release authority of the department of youth 1800  
services, in accordance with section 5139.51 of the Revised Code 1801  
and at any time after the end of the period of court control 1802  
imposed under section 2152.16 of the Revised Code, may grant the 1803  
release from custody of any child committed to the department. 1804

The order committing a child to the department of youth 1805  
services shall state that the child has been adjudicated a 1806  
delinquent child and state the period of court control over the 1807  
commitment under section 2152.12 or 2152.13 of the Revised Code. 1808  
The jurisdiction of the court terminates at the end of the period 1809  
of court control except as follows: 1810

(a) In relation to judicial release procedures, supervision, 1811  
and violations; 1812

(b) With respect to functions of the court related to the 1813  
revocation of supervised release that are specified in sections 1814  
5139.51 and 5139.52 of the Revised Code; 1815

(c) In relation to its duties relating to serious youthful 1816  
offender dispositional sentences under sections 2152.13 and 1817  
2152.14 of the Revised Code. 1818

(2) When a child has been committed to the department under 1819  
section 2152.16 of the Revised Code, the department shall retain 1820  
legal custody of the child until one of the following: 1821

(a) The department discharges the child to the exclusive 1822  
management, control, and custody of the child's parent or the 1823  
guardian of the child's person or, if the child is eighteen years 1824  
of age or older, discharges the child. 1825

(b) The committing court, upon its own motion, upon petition 1826  
of the parent, guardian of the person, or next friend of a child, 1827  
or upon petition of the department, terminates the department's 1828  
legal custody of the child. 1829

(c) The committing court grants the child a judicial release 1830

to court supervision under section 2152.22 of the Revised Code. 1831

(d) The department's legal custody of the child is terminated 1832  
automatically by the child attaining twenty-one years of age. 1833  
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(e) If the child is subject to a serious youthful offender 1835  
dispositional sentence, the adult portion of that dispositional 1836  
sentence is imposed under section 2152.14 of the Revised Code. 1837

(C) When a child is committed to the department of youth 1838  
services, the department may assign the child to a hospital for 1839  
mental, physical, and other examination, inquiry, or treatment for 1840  
the period of time that is necessary. The department may remove 1841  
any child in its custody to a hospital for observation, and a 1842  
complete report of every observation at the hospital shall be made 1843  
in writing and shall include a record of observation, treatment, 1844  
and medical history and a recommendation for future treatment, 1845  
custody, and maintenance. The department shall thereupon order the 1846  
placement and treatment that it determines to be most conducive to 1847  
the purposes of Chapters 2151. and 5139. of the Revised Code. The 1848  
committing court and all public authorities shall make available 1849  
to the department all pertinent data in their possession with 1850  
respect to the case. 1851

(D) Records maintained by the department of youth services 1852  
pertaining to the children in its custody shall be accessible only 1853  
to department employees, except by consent of the department or 1854  
upon the order of the judge of a court of record. These records 1855  
shall not be considered "public records," as defined in section 1856  
149.43 of the Revised Code. 1857

Except as otherwise provided by a law of this state or the 1858  
United States, the department of youth services may release 1859  
records that are maintained by the department of youth services 1860  
and that pertain to children in its custody to the department of 1861

rehabilitation and correction regarding persons who are under the  
jurisdiction of the department of rehabilitation and correction  
and who have previously been committed to the department of youth  
services. The department of rehabilitation and correction may use  
those records for the limited purpose of carrying out the duties  
of the department of rehabilitation and correction. Records  
released by the department of youth services to the department of  
rehabilitation and correction shall remain confidential and shall  
not be considered public records as defined in section 149.43 of  
the Revised Code.

(E)(1) When a child is committed to the department of youth  
services, the department, orally or in writing, shall notify the  
parent, guardian, or custodian of a child that the parent,  
guardian, or custodian may request at any time from the  
superintendent of the institution in which the child is located  
any of the information described in divisions (E)(1)(a), (b), (c),  
and (d) of this section. The parent, guardian, or custodian may  
provide the department with the name, address, and telephone  
number of the parent, guardian, or custodian, and, until the  
department is notified of a change of name, address, or telephone  
number, the department shall use the name, address, and telephone  
number provided by the parent, guardian, or custodian to provide  
notices or answer inquiries concerning the following information:

(a) When the department of youth services makes a permanent  
assignment of the child to a facility, the department, orally or  
in writing and on or before the third business day after the day  
the permanent assignment is made, shall notify the parent,  
guardian, or custodian of the child of the name of the facility to  
which the child has been permanently assigned.

If a parent, guardian, or custodian of a child who is  
committed to the department of youth services requests, orally or  
in writing, the department to provide the parent, guardian, or

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custodian with the name of the facility in which the child is 1894  
currently located, the department, orally or in writing and on or 1895  
before the next business day after the day on which the request is 1896  
made, shall provide the name of that facility to the parent, 1897  
guardian, or custodian. 1898

(b) If a parent, guardian, or custodian of a child who is 1899  
committed to the department of youth services, orally or in 1900  
writing, asks the superintendent of the institution in which the 1901  
child is located whether the child is being disciplined by the 1902  
personnel of the institution, what disciplinary measure the 1903  
personnel of the institution are using for the child, or why the 1904  
child is being disciplined, the superintendent or the 1905  
superintendent's designee, on or before the next business day 1906  
after the day on which the request is made, shall provide the 1907  
parent, guardian, or custodian with written or oral responses to 1908  
the questions. 1909

(c) If a parent, guardian, or custodian of a child who is 1910  
committed to the department of youth services, orally or in 1911  
writing, asks the superintendent of the institution in which the 1912  
child is held whether the child is receiving any medication from 1913  
personnel of the institution, what type of medication the child is 1914  
receiving, or what condition of the child the medication is 1915  
intended to treat, the superintendent or the superintendent's 1916  
designee, on or before the next business day after the day on 1917  
which the request is made, shall provide the parent, guardian, or 1918  
custodian with oral or written responses to the questions. 1919

(d) When a major incident occurs with respect to a child who 1920  
is committed to the department of youth services, the department, 1921  
as soon as reasonably possible after the major incident occurs, 1922  
shall notify the parent, guardian, or custodian of the child that 1923  
a major incident has occurred with respect to the child and of all 1924  
the details of that incident that the department has ascertained. 1925

(2) The failure of the department of youth services to 1926  
provide any notification required by or answer any requests made 1927  
pursuant to division (E) of this section does not create a cause 1928  
of action against the state. 1929

(F) The department of youth services, as a means of 1930  
punishment while the child is in its custody, shall not prohibit a 1931  
child who is committed to the department from seeing that child's 1932  
parent, guardian, or custodian during standard visitation periods 1933  
allowed by the department of youth services unless the 1934  
superintendent of the institution in which the child is held 1935  
determines that permitting that child to visit with the child's 1936  
parent, guardian, or custodian would create a safety risk to that 1937  
child, that child's parents, guardian, or custodian, the personnel 1938  
of the institution, or other children held in that institution. 1939

(G) As used in this section: 1940

(1) "Permanent assignment" means the assignment or transfer 1941  
for an extended period of time of a child who is committed to the 1942  
department of youth services to a facility in which the child will 1943  
receive training or participate in activities that are directed 1944  
toward the child's successful rehabilitation. "Permanent 1945  
assignment" does not include the transfer of a child to a facility 1946  
for judicial release hearings pursuant to section 2152.22 of the 1947  
Revised Code or for any other temporary assignment or transfer to 1948  
a facility. 1949

(2) "Major incident" means the escape or attempted escape of 1950  
a child who has been committed to the department of youth services 1951  
from the facility to which the child is assigned; the return to 1952  
the custody of the department of a child who has escaped or 1953  
otherwise fled the custody and control of the department without 1954  
authorization; the allegation of any sexual activity with a child 1955  
committed to the department; physical injury to a child committed 1956  
to the department as a result of alleged abuse by department 1957

staff; an accident resulting in injury to a child committed to the 1958  
department that requires medical care or treatment outside the 1959  
institution in which the child is located; the discovery of a 1960  
controlled substance upon the person or in the property of a child 1961  
committed to the department; a suicide attempt by a child 1962  
committed to the department; a suicide attempt by a child 1963  
committed to the department that results in injury to the child 1964  
requiring emergency medical services outside the institution in 1965  
which the child is located; the death of a child committed to the 1966  
department; an injury to a visitor at an institution under the 1967  
control of the department that is caused by a child committed to 1968  
the department; and the commission or suspected commission of an 1969  
act by a child committed to the department that would be an 1970  
offense if committed by an adult. 1971

(3) "Sexual activity" has the same meaning as in section 1972  
2907.01 of the Revised Code. 1973

(4) "Controlled substance" has the same meaning as in section 1974  
3719.01 of the Revised Code. 1975

(5) "Residential care facility" and "residential facility" 1976  
have the same meanings as in section 2151.011 of the Revised Code. 1977

**Sec. 5139.06.** (A) When a child has been committed to the 1978  
department of youth services, the department shall do both of the 1979  
following: 1980

(1) Place the child in an appropriate institution under the 1981  
condition that it considers best designed for the training and 1982  
rehabilitation of the child and the protection of the public, 1983  
provided that the institutional placement shall be consistent with 1984  
the order committing the child to its custody; 1985

(2) Maintain the child in institutional care or institutional 1986  
care in a secure facility for the required period of 1987



institutionalization in a manner consistent with division (A)(1) 1988  
of section 2152.16 and divisions (A) to ~~(E)~~(F) of section 2152.17 1989  
of the Revised Code, whichever are applicable, and with section 1990  
5139.38 or division (B) or (C) of section 2152.22 of the Revised 1991  
Code. 1992

(B) When a child has been committed to the department of 1993  
youth services and has not been institutionalized or 1994  
institutionalized in a secure facility for the prescribed minimum 1995  
period of time, including, but not limited to, a prescribed period 1996  
of time under division (A)(1)(a) of section 2152.16 of the Revised 1997  
Code, the department, the child, or the child's parent may request 1998  
the court that committed the child to order a judicial release to 1999  
court supervision or a judicial release to department of youth 2000  
services supervision in accordance with division (B) or (C) of 2001  
section 2152.22 of the Revised Code, and the child may be released 2002  
from institutionalization or institutionalization in a secure 2003  
facility in accordance with the applicable division. A child in 2004  
those circumstances shall not be released from 2005  
institutionalization or institutionalization in a secure facility 2006  
except in accordance with section 2152.22 or 5139.38 of the 2007  
Revised Code. When a child is released pursuant to a judicial 2008  
release to court supervision under division (B) of section 2152.22 2009  
of the Revised Code, the department shall comply with division 2010  
(B)(3) of that section and, if the court requests, shall send the 2011  
committing court a report on the child's progress in the 2012  
institution and recommendations for conditions of supervision by 2013  
the court after release. When a child is released pursuant to a 2014  
judicial release to department of youth services supervision under 2015  
division (C) of section 2152.22 of the Revised Code, the 2016  
department shall comply with division (C)(3) of that section 2017  
relative to the child and shall send the committing court and the 2018  
juvenile court of the county in which the child is placed a copy 2019

of the treatment and rehabilitation plan described in that 2020  
division and the conditions that it fixed. The court of the county 2021  
in which the child is placed may adopt the conditions as an order 2022  
of the court and may add any additional consistent conditions it 2023  
considers appropriate, provided that the court may not add any 2024  
condition that decreases the level or degree of supervision 2025  
specified by the department in its plan, that substantially 2026  
increases the financial burden of supervision that will be 2027  
experienced by the department, or that alters the placement 2028  
specified by the department in its plan. Any violations of the 2029  
conditions of the child's judicial release or early release shall 2030  
be handled pursuant to division (D) of section 2152.22 of the 2031  
Revised Code. 2032

(C) When a child has been committed to the department of 2033  
youth services, the department may do any of the following: 2034

(1) Notwithstanding the provisions of this chapter, Chapter 2035  
2151., or Chapter 2152. of the Revised Code that prescribe 2036  
required periods of institutionalization, transfer the child to 2037  
any other state institution, whenever it appears that the child by 2038  
reason of mental illness, mental retardation, or other 2039  
developmental disability ought to be in another state institution. 2040  
Before transferring a child to any other state institution, the 2041  
department shall include in the minutes a record of the order of 2042  
transfer and the reason for the transfer and, at least seven days 2043  
prior to the transfer, shall send a certified copy of the order to 2044  
the person shown by its record to have had the care or custody of 2045  
the child immediately prior to the child's commitment. Except as 2046  
provided in division (C)(2) of this section, no person shall be 2047  
transferred from a benevolent institution to a correctional 2048  
institution or to a facility or institution operated by the 2049  
department of youth services. 2050

(2) Notwithstanding the provisions of this chapter, Chapter 2051

2151., or Chapter 2152. of the Revised Code that prescribe 2052  
required periods of institutionalization, transfer the child under 2053  
section 5120.162 of the Revised Code to a correctional medical 2054  
center established by the department of rehabilitation and 2055  
correction, whenever the child has an illness, physical condition, 2056  
or other medical problem and it appears that the child would 2057  
benefit from diagnosis or treatment at the center for that 2058  
illness, condition, or problem. Before transferring a child to a 2059  
center, the department of youth services shall include in the 2060  
minutes a record of the order of transfer and the reason for the 2061  
transfer and, except in emergency situations, at least seven days 2062  
prior to the transfer, shall send a certified copy of the order to 2063  
the person shown by its records to have had the care or custody of 2064  
the child immediately prior to the child's commitment. If the 2065  
transfer of the child occurs in an emergency situation, as soon as 2066  
possible after the decision is made to make the transfer, the 2067  
department of youth services shall send a certified copy of the 2068  
order to the person shown by its records to have had the care or 2069  
custody of the child immediately prior to the child's commitment. 2070  
A transfer under this division shall be in accordance with the 2071  
terms of the agreement the department of youth services enters 2072  
into with the department of rehabilitation and correction under 2073  
section 5120.162 of the Revised Code and shall continue only as 2074  
long as the child reasonably appears to receive benefit from 2075  
diagnosis or treatment at the center for an illness, physical 2076  
condition, or other medical problem. 2077

(3) Revoke or modify any order of the department except an 2078  
order of discharge as often as conditions indicate it to be 2079  
desirable; 2080

(4) If the child was committed pursuant to division 2081  
(A)(1)(b), (c), (d), or (e) of section 2152.16 of the Revised Code 2082  
and has been institutionalized or institutionalized in a secure 2083

facility for the prescribed minimum periods of time under those 2084  
divisions, assign the child to a family home, a group care 2085  
facility, or other place maintained under public or private 2086  
auspices, within or without this state, for necessary treatment 2087  
and rehabilitation, the costs of which may be paid by the 2088  
department, provided that the department shall notify the 2089  
committing court, in writing, of the place and terms of the 2090  
assignment at least fifteen days prior to the scheduled date of 2091  
the assignment; 2092

(5) Release the child from an institution in accordance with 2093  
sections 5139.51 to 5139.54 of the Revised Code in the 2094  
circumstances described in those sections. 2095

(D) The department of youth services shall notify the 2096  
committing court of any order transferring the physical location 2097  
of any child committed to it in accordance with section 5139.35 of 2098  
the Revised Code. Upon the discharge from its custody and control, 2099  
the department may petition the court for an order terminating its 2100  
custody and control. 2101

**Sec. 5139.50.** (A) The release authority of the department of 2102  
youth services is hereby created as a bureau in the department. 2103  
The release authority shall consist of five members who are 2104  
appointed by the director of youth services and who have the 2105  
qualifications specified in division (B) of this section. The 2106  
members of the release authority shall devote their full time to 2107  
the duties of the release authority and shall neither seek nor 2108  
hold other public office. The members shall be in the unclassified 2109  
civil service. 2110

(B) A person appointed as a member of the release authority 2111  
shall have a bachelor's degree from an accredited college or 2112  
university or equivalent relevant experience and shall have the 2113  
skills, training, or experience necessary to analyze issues of 2114

law, administration, and public policy. The membership of the  
release authority shall represent, insofar as practicable, the  
diversity found in the children in the legal custody of the  
department of youth services.

In appointing the five members, the director shall ensure  
that the appointments include all of the following:

(1) At least four members who have five or more years of  
experience in criminal justice, juvenile justice, or an equivalent  
relevant profession;

(2) At least one member who has experience in victim services  
or advocacy or who has been a victim of a crime or is a family  
member of a victim;

(3) At least one member who has experience in direct care  
services to delinquent children;

(4) At least one member who holds a juris doctor degree from  
an accredited college or university.

(C) The initial appointments of members of the release  
authority shall be for a term of six years for the chairperson and  
one member, a term of four years for two members, and a term of  
two years for one member. Thereafter, members shall be appointed  
for six-year terms. At the conclusion of a term, a member shall  
hold office until the appointment and qualification of the  
member's successor. The director shall fill a vacancy occurring  
before the expiration of a term for the remainder of that term  
and, if a member is on extended leave or disability status for  
more than thirty work days, may appoint an interim member to  
fulfill the duties of that member. A member may be reappointed,  
but a member may serve no more than two consecutive terms  
regardless of the length of the member's initial term. A member  
may be removed for good cause by the director.

(D) The director of youth services shall designate as

chairperson of the release authority one of the members who has 2146  
experience in criminal justice, juvenile justice, or an equivalent 2147  
relevant profession. The chairperson shall be a managing officer 2148  
of the department, shall supervise the members of the board and 2149  
the other staff in the bureau, and shall perform all duties and 2150  
functions necessary to ensure that the release authority 2151  
discharges its responsibilities. The chairperson shall serve as 2152  
the official spokesperson for the release authority. 2153

~~For the purposes of transacting the official business of the 2154  
release authority, a majority of the members of the release 2155  
authority shall constitute a quorum. A majority vote of the quorum 2156  
shall determine the actions of the release authority. 2157~~

(E) The release authority shall do all of the following: 2158

(1) Serve as the final and sole authority for making 2159  
decisions, in the interests of public safety and the children 2160  
involved, regarding the release and discharge of all children 2161  
committed to the legal custody of the department of youth 2162  
services, except children placed by a juvenile court on judicial 2163  
release to court supervision or on judicial release to department 2164  
of youth services supervision, children who have not completed a 2165  
prescribed minimum period of time or prescribed period of time in 2166  
a secure facility, or children who are required to remain in a 2167  
secure facility until they attain twenty-one years of age; 2168

(2) Establish written policies and procedures for conducting 2170  
reviews of the status for all youth in the custody of the 2171  
department, setting or modifying dates of release and discharge, 2172  
specifying the duration, terms, and conditions of release to be 2173  
carried out in supervised release subject to the addition of 2174  
additional consistent terms and conditions by a court in 2175  
accordance with section 5139.51 of the Revised Code, and giving a 2176  
child notice of all reviews; 2177

(3) Maintain records of its official actions, decisions, orders, and hearing summaries and make the records accessible in accordance with division (D) of section 5139.05 of the Revised Code;	2178 2179 2180 2181
(4) Cooperate with public and private agencies, communities, private groups, and individuals for the development and improvement of its services;	2182 2183 2184
(5) Collect, develop, and maintain statistical information regarding its services and decisions;	2185 2186
(6) Submit to the director an annual report that includes a description of the operations of the release authority, an evaluation of its effectiveness, recommendations for statutory, budgetary, or other changes necessary to improve its effectiveness, and any other information required by the director.	2187 2188 2189 2190 2191
(F) The release authority may do any of the following:	2192
(1) Conduct inquiries, investigations, and reviews and hold hearings and other proceedings necessary to properly discharge its responsibilities;	2193 2194 2195
(2) Issue subpoenas, enforceable in a court of law, to compel a person to appear, give testimony, or produce documentary information or other tangible items relating to a matter under inquiry, investigation, review, or hearing;	2196 2197 2198 2199
(3) Administer oaths and receive testimony of persons under oath;	2200 2201
(4) Request assistance, services, and information from a public agency to enable the authority to discharge its responsibilities and receive the assistance, services, and information from the public agency in a reasonable period of time;	2202 2203 2204 2205
(5) Request from a public agency or any other entity that provides or has provided services to a child committed to the	2206 2207

department's legal custody information to enable the release 2208  
authority to properly discharge its responsibilities with respect 2209  
to that child and receive the information from the public agency 2210  
or other entity in a reasonable period of time. 2211

~~(G) The release authority shall not delegate its authority to 2212  
make final decisions regarding policy or the release of a child. 2213~~

~~(H)~~ The release authority shall adopt a written policy and 2214  
procedures governing appeals of its release and discharge 2215  
decisions. 2216

~~(I)~~(H) The legal staff of the department of youth services 2217  
shall provide assistance to the release authority in the 2218  
formulation of policy and in its handling of individual cases. 2219

**Sec. 5139.53.** (A)(1) The director of youth services shall 2220  
designate certain employees of the department of youth services, 2221  
including regional administrators, as persons who are authorized, 2222  
in accordance with section 5139.52 of the Revised Code, to execute 2223  
an order of apprehension or a warrant for, or otherwise to arrest, 2224  
children in the custody of the department who are violating or are 2225  
alleged to have violated the terms and conditions of supervised 2226  
release or judicial release to department of youth services 2227  
supervision. 2228

(2) The director of youth services ~~shall~~ may designate some 2229  
of the employees designated under division (A)(1) of this section 2230  
as employees authorized to carry a firearm issued by the 2231  
department while on duty for their protection in carrying out 2232  
official duties. 2233

(B)(1) An employee of the department designated by the 2234  
director pursuant to division (A)(1) of this section as having the 2235  
authority to execute orders of apprehension or warrants and to 2236  
arrest children as described in that division shall not undertake 2237



an arrest until the employee has successfully completed training 2238  
courses regarding the making of arrests by employees of that 2239  
nature that are developed in cooperation with and approved by the 2240  
executive director of the Ohio peace officer training commission. 2241  
The courses shall include, but shall not be limited to, training 2242  
in arrest tactics, defensive tactics, the use of force, and 2243  
response tactics. 2244

(2) The director of youth services shall develop, and shall 2245  
submit to the governor for the governor's approval, a deadly force 2246  
policy for the department. The deadly force policy shall require 2247  
each employee who is designated under division (A)(2) of this 2248  
section to carry a firearm in the discharge of official duties to 2249  
receive training in the use of deadly force, shall specify the 2250  
number of hours and the general content of the training in the use 2251  
of deadly force that each of the designated employees must 2252  
receive, and shall specify the procedures that must be followed 2253  
after the use of deadly force by any of the designated employees. 2254  
Upon receipt of the policy developed by the director under this 2255  
division, the governor, in writing, promptly shall approve or 2256  
disapprove the policy. If the governor, in writing, disapproves 2257  
the policy, the director shall develop and resubmit a new policy 2258  
under this division, and no employee shall be trained under the 2259  
disapproved policy. If the governor, in writing, approves the 2260  
policy, the director shall adopt it as a department policy and 2261  
shall distribute it to each employee designated under (A)(2) of 2262  
this section to carry a firearm in the discharge of official 2263  
duties. An employee designated by the director pursuant to 2264  
division (A)(2) of this section to carry a firearm in the 2265  
discharge of official duties shall not carry a firearm until the 2266  
employee has successfully completed both of the following: 2267

(a) Training in the use of deadly force that comports with 2268  
the policy approved by the governor and developed and adopted by 2269

the director under division (B)(2) of this section. The training 2270  
required by this division shall be conducted at a training school 2271  
approved by the Ohio peace officer training commission and shall 2272  
be in addition to the training described in divisions (B)(1) and 2273  
(2)(b) of this section that the employee must complete prior to 2274  
undertaking an arrest and separate from and independent of the 2275  
training required by division (B)(2)(b) of this section. 2276

(b) A basic firearm training program that is conducted at a 2277  
training school approved by the Ohio peace officer training 2278  
commission and that is substantially similar to the basic firearm 2279  
training program for peace officers conducted at the Ohio peace 2280  
officer training academy and has received a certificate of 2281  
satisfactory completion of that program from the executive 2282  
director of the Ohio peace officer training commission. The 2283  
training described in this division that an employee must complete 2284  
prior to carrying a firearm shall be in addition to the training 2285  
described in division (B)(1) of this section that the employee 2286  
must complete prior to undertaking an arrest. 2287

(C) After receipt of a certificate of satisfactory completion 2288  
of a basic firearm training program, to maintain the right to 2289  
carry a firearm in the discharge of official duties, an employee 2290  
authorized under this section to carry a firearm shall 2291  
successfully complete a firearms requalification program in 2292  
accordance with section 109.801 of the Revised Code. 2293

(D) Each employee authorized to carry a firearm shall give 2294  
bond to the state to be approved by the clerk of the court of 2295  
common pleas in the county of that employee's residence. The bond 2296  
shall be in the sum of one thousand dollars, conditioned to save 2297  
the public harmless by reason of the unlawful use of a firearm. A 2298  
person injured or the family of a person killed by the employee's 2299  
improper use of a firearm may have recourse on the bond. 2300

(E) In addition to the deadly force policy adopted under 2301

division (B)(2) of this section, the director of youth services 2302  
shall establish policies for the carrying and use of firearms by 2303  
the employees that the director designates under this section. 2304

**Section 2.** That existing sections 2151.18, 2151.28, 2151.314, 2305  
2151.354, 2151.38, 2152.10, 2152.13, 2152.14, 2152.16, 2152.17, 2306  
2152.18, 2152.20, 2152.22, 2152.71, 2950.01, 5139.05, 5139.06, 2307  
5139.50, and 5139.53 of the Revised Code are hereby repealed. 2308

**Section 3.** Sections 1 and 2 of this act shall take effect on 2309  
the later of January 1, 2002, or the earliest time permitted by 2310  
law. 2311

**Section 4.** The General Assembly hereby encourages the Supreme 2312  
Court to amend the Juvenile Rules to do both of the following: 2313

(A) Make clear that, while a magistrate may not try or 2314  
sentence a case involving an alleged or adjudicated serious 2315  
youthful offender, a magistrate may handle ministerial duties in 2316  
that type of case, including arraignment and setting bail; 2317

(B) Make clear that juvenile courts may establish traffic 2318  
bureaus. 2319

**Section 5.** (A) Section 2151.28 of the Revised Code is 2320  
presented in this act as a composite of the section as amended by 2321  
both Am. Sub. S.B. 179 and Sub. S.B. 218 of the 123rd General 2322  
Assembly. The General Assembly, applying the principle stated in 2323  
division (B) of section 1.52 of the Revised Code that amendments 2324  
are to be harmonized if reasonably capable of simultaneous 2325  
operation, finds that the composite is the resulting version of 2326  
the section in effect prior to the effective date of the section 2327  
as presented in this act. 2328

(B) Section 2152.17 of the Revised Code, as presented in this 2329

act, includes matter that was amended into former section 2151.355 2330  
of the Revised Code by Am. Sub. S.B. 222 of the 123rd General 2331  
Assembly. Paragraphs of former section 2151.355 of the Revised 2332  
Code containing S.B. 222 amendments were transferred to section 2333  
2152.17 of the Revised Code by Am. Sub. S.B. 179 of the 123rd 2334  
General Assembly as part of its general revision of the juvenile 2335  
sentencing laws. The General Assembly, applying the principle 2336  
stated in division (B) of section 1.52 of the Revised Code that 2337  
amendments are to be harmonized if reasonably capable of 2338  
simultaneous operation, finds that the version of section 2152.17 2339  
of the Revised Code presented in this act is the resulting version 2340  
of the section in effect prior to the effective date of the 2341  
section as presented in this act. 2342

(C) Section 2152.18 of the Revised Code, as presented in this 2343  
act, includes matter that was amended into former section 2151.355 2344  
of the Revised Code by Am. Sub. S.B. 222 of the 123rd General 2345  
Assembly. Paragraphs of former section 2151.355 of the Revised 2346  
Code containing S.B. 222 amendments were transferred to section 2347  
2152.18 of the Revised Code by S.B. 179 of the 123rd General 2348  
Assembly as part of its general revision of the juvenile 2349  
sentencing laws. The General Assembly, applying the principle 2350  
stated in division (B) of section 1.52 of the Revised Code that 2351  
amendments are to be harmonized if reasonably capable of 2352  
simultaneous operation, finds that the version of section 2152.18 2353  
of the Revised Code presented in this act is the resulting version 2354  
of the section in effect prior to the effective date of the 2355  
section as presented in this act. 2356

**Section 6.** This act is hereby declared to be an emergency 2357  
measure necessary for the immediate preservation of the public 2358  
peace, health, and safety. The reason for such necessity is that a 2359  
coherent system of Juvenile Law is urgently needed to fulfill the 2360  
purposes of that Law. Therefore, this act shall go into immediate 2361

effect.

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