

**As Passed by the Senate**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Sub. H. B. No. 393**

**REPRESENTATIVES Latta, Womer Benjamin, Seitz, Gilb, Schmidt, Lendrum,**

**Willamowski, Cirelli, Flowers, Salerno, Manning, Niehaus, Roman, Coates,**

**Webster, Carmichael**

**SENATORS Oelslager, Hottinger**

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**A BILL**

To amend sections 2151.18, 2151.28, 2151.314, 1  
2151.354, 2151.38, 2151.87, 2152.10, 2152.13, 2  
2152.14, 2152.16, 2152.17, 2152.18, 2152.19, 3  
2152.22, 2152.71, 2152.82, 2152.83, 2152.84, 4  
2301.03, 2927.02, 2950.01, 2950.04, 2950.09, 5  
2950.14, 5139.05, 5139.06, 5139.50, and 5139.53 of 6  
the Revised Code to revise the Juvenile Law to 7  
revise the Sex Offender Registration and 8  
Notification Law as it applies to delinquent 9  
children, to revise the duties of the Muskingum 10  
County domestic relations judge to be elected in 11  
2002. 12

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

**Section 1.** That sections 2151.18, 2151.28, 2151.314, 13  
2151.354, 2151.38, 2151.87, 2152.10, 2152.13, 2152.14, 2152.16, 14  
2152.17, 2152.18, 2152.19, 2152.22, 2152.71, 2152.82, 2152.83, 15  
2152.84, 2301.03, 2927.02, 2950.01, 2950.04, 2950.09, 2950.14, 16  
5139.05, 5139.06, 5139.50, and 5139.53 of the Revised Code be 17  
amended to read as follows: 18

**Sec. 2151.18.** (A) The juvenile court shall maintain records 19  
of all official cases brought before it, including, but not 20  
limited to, an appearance docket, a journal, and records of the 21  
type required by division (A)(2) of section 2151.35 of the Revised 22  
Code. The parents, guardian, or other custodian of any child 23  
affected, if living, or the nearest of kin of the child, if the 24  
parents would be entitled to inspect the records but are deceased, 25  
may inspect these records, either in person or by counsel, during 26  
the hours in which the court is open. 27

(B) Not later than June of each year, the court shall prepare 28  
an annual report covering the preceding calendar year showing the 29  
number and kinds of cases that have come before it, the 30  
disposition of the cases, and any other data pertaining to the 31  
work of the court that the juvenile judge directs. The court shall 32  
file copies of the report with the board of county commissioners. 33  
With the approval of the board, the court may print or cause to be 34  
printed copies of the report for distribution to persons and 35  
agencies interested in the court or community program for 36  
dependent, neglected, abused, or delinquent children and juvenile 37  
traffic offenders. The court shall include the number of copies 38  
ordered printed and the estimated cost of each printed copy on 39  
each copy of the report printed for distribution. 40

**Sec. 2151.28.** (A) No later than seventy-two hours after the 41  
complaint is filed, the court shall fix a time for an adjudicatory 42  
hearing. The court shall conduct the adjudicatory hearing within 43  
one of the following periods of time: 44

(1) Subject to division ~~(D)~~ (C) of section 2152.13 of the 45  
Revised Code and division (A)(3) of this section, if the complaint 46  
alleged that the child violated section 2151.87 of the Revised 47  
Code or is a delinquent or unruly child or a juvenile traffic 48

offender, the adjudicatory hearing shall be held and may be 49  
continued in accordance with the Juvenile Rules. 50

(2) If the complaint alleged that the child is an abused, 51  
neglected, or dependent child, the adjudicatory hearing shall be 52  
held no later than thirty days after the complaint is filed, 53  
except that, for good cause shown, the court may continue the 54  
adjudicatory hearing for either of the following periods of time: 55

(a) For ten days beyond the thirty-day deadline to allow any 56  
party to obtain counsel; 57

(b) For a reasonable period of time beyond the thirty-day 58  
deadline to obtain service on all parties or any necessary 59  
evaluation, except that the adjudicatory hearing shall not be held 60  
later than sixty days after the date on which the complaint was 61  
filed. 62

(3) If the child who is the subject of the complaint is in 63  
detention and is charged with violating a section of the Revised 64  
Code that may be violated by an adult, the hearing shall be held 65  
not later than fifteen days after the filing of the complaint. 66  
Upon a showing of good cause, the adjudicatory hearing may be 67  
continued and detention extended. 68

(B) At an adjudicatory hearing held pursuant to division 69  
(A)(2) of this section, the court, in addition to determining 70  
whether the child is an abused, neglected, or dependent child, 71  
shall determine whether the child should remain or be placed in 72  
shelter care until the dispositional hearing. When the court makes 73  
the shelter care determination, all of the following apply: 74

(1) The court shall determine whether there are any relatives 75  
of the child who are willing to be temporary custodians of the 76  
child. If any relative is willing to be a temporary custodian, the 77  
child otherwise would remain or be placed in shelter care, and the 78  
appointment is appropriate, the court shall appoint the relative 79

as temporary custodian of the child, unless the court appoints  
another relative as 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  
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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(2) The court shall comply with section 2151.419 of the  
Revised Code.

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(3) The court shall schedule the date for the dispositional  
hearing to be held pursuant to section 2151.35 of the Revised  
Code. The parents of the child have a right to be represented by  
counsel; however, in no case shall the dispositional hearing be  
held later than ninety days after the date on which the complaint  
was filed.

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(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

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in the child's behalf. 112

If the person who has physical custody of the child, or with 113  
whom the child resides, is other than the parent or guardian, then 114  
the parents and guardian also shall be summoned. A copy of the 115  
complaint shall accompany the summons. 116

(2) In lieu of appearing before the court at the time fixed 117  
in the summons and prior to the date fixed for appearance in the 118  
summons, a child who is alleged to have violated section 2151.87 119  
of the Revised Code and that child's parent, guardian, or 120  
custodian may sign a waiver of appearance before the clerk of the 121  
juvenile court and pay a fine of one hundred dollars. If the child 122  
and that child's parent, guardian, or custodian do not waive the 123  
court appearance, the court shall proceed with the adjudicatory 124  
hearing as provided in this section. 125

(D) If the complaint contains a prayer for permanent custody, 126  
temporary custody, whether as the preferred or an alternative 127  
disposition, or a planned permanent living arrangement in a case 128  
involving an alleged abused, neglected, or dependent child, the 129  
summons served on the parents shall contain as is appropriate an 130  
explanation that the granting of permanent custody permanently 131  
divests the parents of their parental rights and privileges, an 132  
explanation that an adjudication that the child is an abused, 133  
neglected, or dependent child may result in an order of temporary 134  
custody that will cause the removal of the child from their legal 135  
custody until the court terminates the order of temporary custody 136  
or permanently divests the parents of their parental rights, or an 137  
explanation that the issuance of an order for a planned permanent 138  
living arrangement will cause the removal of the child from the 139  
legal custody of the parents if any of the conditions listed in 140  
divisions (A)(5)(a) to (c) of section 2151.353 of the Revised Code 141  
are found to exist. 142

(E)(1) Except as otherwise provided in division (E)(2) of 143

this section, the court may endorse upon the summons an order directing the parents, guardian, or other person with whom the child may be to appear personally at the hearing and directing the person having the physical custody or control of the child to bring the child to the hearing.

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

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

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removed from the jurisdiction of the court, or that the child will 176  
not be brought to the court, notwithstanding the service of the 177  
summons, the court may endorse upon the summons an order that a 178  
law enforcement officer serve the summons and take the child into 179  
immediate custody and bring the child forthwith to the court. 180

(H) A party, other than the child, may waive service of 181  
summons by written stipulation. 182

(I) Before any temporary commitment is made permanent, the 183  
court shall fix a time for hearing in accordance with section 184  
2151.414 of the Revised Code and shall cause notice by summons to 185  
be served upon the parent or guardian of the child and the 186  
guardian ad litem of the child, or published, as provided in 187  
section 2151.29 of the Revised Code. The summons shall contain an 188  
explanation that the granting of permanent custody permanently 189  
divests the parents of their parental rights and privileges. 190

(J) Any person whose presence is considered necessary and who 191  
is not summoned may be subpoenaed to appear and testify at the 192  
hearing. Anyone summoned or subpoenaed to appear who fails to do 193  
so may be punished, as in other cases in the court of common 194  
pleas, for contempt of court. Persons subpoenaed shall be paid the 195  
same witness fees as are allowed in the court of common pleas. 196

(K) The failure of the court to hold an adjudicatory hearing 197  
within any time period set forth in division (A)(2) of this 198  
section does not affect the ability of the court to issue any 199  
order under this chapter and does not provide any basis for 200  
attacking the jurisdiction of the court or the validity of any 201  
order of the court. 202

(L) If the court, at an adjudicatory hearing held pursuant to 203  
division (A) of this section upon a complaint alleging that a 204  
child is an abused, neglected, dependent, delinquent, or unruly 205  
child or a juvenile traffic offender, determines that the child is 206

a dependent child, the court shall incorporate that determination  
into written findings of fact and conclusions of law and enter  
those findings of fact and conclusions of law in the record of the  
case. The court shall include in those findings of fact and  
conclusions of law specific findings as to the existence of any  
danger to the child and any underlying family problems that are  
the basis for the court's determination that the child is a  
dependent child.

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

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

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Prior to the hearing, the court shall inform the parties of their right to counsel and to appointed counsel or to the services of the county public defender or joint county public defender, if they are indigent, of the child's right to remain silent with respect to any allegation of delinquency, and of the name and telephone number of a court employee who can be contacted during the normal business hours of the court to arrange for the prompt appointment of counsel for any party who is indigent. Unless it appears from the hearing that the child's detention or shelter care is required under the provisions of section 2151.31 of the Revised Code, the court shall order the child's release as provided by section 2151.311 of the Revised Code. If a parent, guardian, or custodian has not been so notified and did not appear or waive appearance at the hearing, upon the filing of an affidavit stating these facts, the court shall rehear the matter without unnecessary delay.

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

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

(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.

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

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

(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 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.

(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.

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

(1) Make any of the dispositions authorized under section

2151.353 of the Revised Code; 302

(2) Place the child on community control under any sanctions, 303  
services, and conditions that the court prescribes, as described 304  
in division (A)(3) of section 2152.19 of the Revised Code, 305  
provided that, if the court imposes a period of community service 306  
upon the child, the period of community service shall not exceed 307  
one hundred seventy-five hours; 308

(3) Suspend or revoke the driver's license, probationary 309  
driver's license, or temporary instruction permit issued to the 310  
child and suspend or revoke the registration of all motor vehicles 311  
registered in the name of the child. A child whose license or 312  
permit is so suspended or revoked is ineligible for issuance of a 313  
license or permit during the period of suspension or revocation. 314  
At the end of the period of suspension or revocation, the child 315  
shall not be reissued a license or permit until the child has paid 316  
any applicable reinstatement fee and complied with all 317  
requirements governing license reinstatement. 318

(4) Commit the child to the temporary or permanent custody of 319  
the court; 320

(5) Make any further disposition the court finds proper that 321  
is consistent with sections 2151.312 and 2151.56 to 2151.61 of the 322  
Revised Code; 323

(6) If, after making a disposition under division (A)(1), 324  
(2), or (3) of this section, the court finds upon further hearing 325  
that the child is not amenable to treatment or rehabilitation 326  
under that disposition, make a disposition otherwise authorized 327  
under divisions (A)(1), (3), (4), and (7) of section 2152.19 of 328  
the Revised Code that is consistent with sections 2151.312 and 329  
2151.56 to 2151.61 of the Revised Code. 330

(B) If a child is adjudicated an unruly child for committing 331  
any act that, if committed by an adult, would be a drug abuse 332

offense, as defined in section 2925.01 of the Revised Code, or a  
violation of division (B) of section 2917.11 of the Revised Code,  
then, in addition to imposing, in its discretion, any other order  
of disposition authorized by this section, the court shall do both  
of the following:

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

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

(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:

(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;

(b) Require the child to participate in any academic program  
or community service program;

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

alcohol abuse counseling program; 364

(d) Require that the child receive appropriate medical or 365  
psychological treatment or counseling; 366

(e) Make any other order that the court finds proper to 367  
address the child's habitual truancy, including an order requiring 368  
the child to not be absent without legitimate excuse from the 369  
public school the child is supposed to attend for five or more 370  
consecutive days, seven or more school days in one school month, 371  
or twelve or more school days in a school year and including an 372  
order requiring the child to participate in a truancy prevention 373  
mediation program. 374

(2) If a child is adjudicated an unruly child for being an 375  
habitual truant and the court determines that the parent, 376  
guardian, or other person having care of the child has failed to 377  
cause the child's attendance at school in violation of section 378  
3321.38 of the Revised Code, in addition to any order of 379  
disposition authorized by this section, all of the following 380  
apply: 381

(a) The court may require the parent, guardian, or other 382  
person having care of the child to participate in any community 383  
service program, preferably a community service program that 384  
requires the involvement of the parent, guardian, or other person 385  
having care of the child in the school attended by the child. 386

(b) The court may require the parent, guardian, or other 387  
person having care of the child to participate in a truancy 388  
prevention mediation program. 389

(c) The court shall warn the parent, guardian, or other 390  
person having care of the child that any subsequent adjudication 391  
of the child as an unruly or delinquent child for being an 392  
habitual or chronic truant may result in a criminal charge against 393  
the parent, guardian, or other person having care of the child for 394

a violation of division (C) of section 2919.21 or section 2919.24  
of the Revised Code.

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**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.

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~~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  
facility or prior to the child's attainment of twenty-one years of  
age, whichever is applicable under the order of commitment.~~

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**Sec. 2151.87.** (A) As used in this section:

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(1) "Cigarette" and "tobacco product" have the same meanings  
as in section 2927.02 of the Revised Code.

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(2) "Youth smoking education program" means a private or  
public agency program that is related to tobacco use, prevention,  
and cessation, that is carried out or funded by the tobacco use  
prevention and control foundation pursuant to section 183.07 of  
the Revised Code, that utilizes educational methods focusing on  
the negative health effects of smoking and using tobacco products,  
and that is not more than twelve hours in duration.

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(B) No child shall do any of the following unless accompanied  
by a parent, spouse who is eighteen years of age or older, or  
legal guardian of the child:

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(1) Use, consume, or possess cigarettes, other tobacco products, or papers used to roll cigarettes;	425 426
(2) Purchase or attempt to purchase cigarettes, other tobacco products, or papers used to roll cigarettes;	427 428
(3) Order, pay for, or share the cost of cigarettes, other tobacco products, or papers used to roll cigarettes;	429 430
(4) Except as provided in division (E) of this section, accept or receive cigarettes, other tobacco products, or papers used to roll cigarettes.	431 432 433
(C) No child shall knowingly furnish false information concerning that child's name, age, or other identification for the purpose of obtaining cigarettes, other tobacco products, or papers used to roll cigarettes.	434 435 436 437
(D) A juvenile court shall not adjudicate a child a delinquent or unruly child for a violation of division (B)(1), (2), (3), or (4) or (C) of this section.	438 439 440
(E)(1) It is not a violation of division (B)(4) of this section for a child to accept or receive cigarettes, other tobacco products, or papers used to roll cigarettes if the child is required to do so in the performance of the child's duties as an employee of that child's employer and the child's acceptance or receipt of cigarettes, other tobacco products, or papers used to roll cigarettes occurs exclusively within the scope of the child's employment.	441 442 443 444 445 446 447 448
(2) It is not a violation of division (B)(1), (2), (3), or (4) of this section if the child possesses, purchases or attempts to purchase, orders, pays for, shares the cost of, or accepts or receives cigarettes, other tobacco products, or papers used to roll cigarettes while participating in an inspection or compliance check conducted by a federal, state, local, or corporate entity at a location at which cigarettes, other tobacco products, or papers	449 450 451 452 453 454 455

used to roll cigarettes are sold or distributed.

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(3) It is not a violation of division (B)(1) or (4) of this section for a child to accept, receive, use, consume, or possess cigarettes, other tobacco products, or papers used to roll cigarettes while participating in a research protocol if all of the following apply:

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(a) The parent, guardian, or legal custodian of the child has consented in writing to the child participating in the research protocol.

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(b) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.

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(c) The child is participating in the research protocol at the facility or location specified in the research protocol.

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(F) If a juvenile court finds that a child violated division (B)(1), (2), (3), or (4) or (C) of this section, the court may do either or both of the following:

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(1) Require the child to attend a youth smoking education program or other smoking treatment program approved by the court, if one is available;

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(2) Impose a fine of not more than one hundred dollars.

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(G) If a child disobeys a juvenile court order issued pursuant to division (F) of this section, the court may do any or all of the following:

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(1) Increase the fine imposed upon the child under division (F)(2) of this section;

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(2) Require the child to perform not more than twenty hours of community service;

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(3) Suspend for a period of thirty days the temporary instruction permit, probationary driver's license, or driver's

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license issued to the child.

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(H) A child alleged or found to have violated division (B) or  
(C) of this section shall not be detained under any provision of  
this chapter or any other provision of the Revised Code.

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

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

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

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

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

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

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

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(3) Division (A)(2) of section 2152.12 of the Revised Code applies. 515  
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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. 517  
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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: 529  
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(1) ~~The~~ Obtaining an indictment of the child is indicted as a serious youthful offender ~~or is charged;~~ 537  
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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- 539  
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~~(2) The;~~ 541

(3) Until an indictment or information is obtained, requesting a serious youthful offender dispositional sentence in the original complaint alleging that the child is a delinquent 542  
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child requests a serious youthful offender dispositional sentence. 545

~~(B) Unless;~~ 546

(4) Until an indictment or information is obtained, if the 547  
original complaint includes a notice of intent to seek that type 548  
of does not request a serious youthful offender dispositional 549  
sentence, ~~the prosecuting attorney shall file~~ filing with the 550  
juvenile court a written notice of intent to seek a serious 551  
youthful offender dispositional sentence within twenty days after 552  
the later of the following, unless the time is extended by the 553  
juvenile court for good cause shown: 554

~~(1)~~(a) The date of the child's first juvenile court hearing 555  
regarding the complaint; 556

~~(2)~~(b) The date the juvenile court determines not to transfer 557  
the case under section 2152.12 of the Revised Code. 558

After a written notice is filed under ~~this~~ division (A)(4) of 559  
this section, the juvenile court shall serve a copy of the notice 560  
on the child and advise the child of the prosecuting attorney's 561  
intent to seek a serious youthful offender dispositional sentence 562  
in the case. 563

~~(C)~~(B) If an alleged delinquent child is not indicted or 564  
charged by information as described in division (A)(1) or (2) of 565  
this section and if a notice or complaint as described in division 566  
(A)(3) or ~~(B)~~(4) of this section indicates that the prosecuting 567  
attorney intends to pursue a serious youthful offender 568  
dispositional sentence in the case, the juvenile court shall hold 569  
a preliminary hearing to determine if there is probable cause that 570  
the child committed the act charged and is by age eligible for, or 571  
required to receive, a serious youthful offender dispositional 572  
sentence. 573

~~(D)~~(C)(1) A child for whom a serious youthful offender 574  
dispositional sentence is sought has the right to a grand jury 575

determination of probable cause that the child committed the act 576  
charged and that the child is eligible by age for a serious 577  
youthful offender dispositional sentence. The grand jury may be 578  
impaneled by the court of common pleas or the juvenile court. 579

Once a child is indicted, or charged by information or the 580  
juvenile court determines that the child is eligible for a serious 581  
youthful offender dispositional sentence, the child is entitled to 582  
an open and speedy trial by jury in juvenile court and to be 583  
provided with a transcript of the proceedings. The time within 584  
which the trial is to be held under Title XXIX of the Revised Code 585  
commences on whichever of the following dates is applicable: 586

(a) If the child is indicted or charged by information, on 587  
the date of the filing of the indictment or information. 588

(b) If the child is charged by an original complaint that 589  
requests a serious youthful offender dispositional sentence, on 590  
the date of the filing of the complaint. 591

(c) If the child is not charged by an original complaint that 592  
requests a serious youthful offender dispositional sentence, on 593  
the date that the prosecuting attorney files the written notice of 594  
intent to seek a serious youthful offender dispositional sentence. 595

(2) If the child is detained awaiting adjudication, upon 596  
indictment or being charged by information, the child has the same 597  
right to bail as an adult charged with the offense the alleged 598  
delinquent act would be if committed by an adult. Except as 599  
provided in division (D) of section 2152.14 of the Revised Code, 600  
all provisions of Title XXIX of the Revised Code and the ~~criminal~~ 601  
~~rules~~ Criminal Rules shall apply in the case and to the child. The 602  
juvenile court shall afford the child all rights afforded a person 603  
who is prosecuted for committing a crime including the right to 604  
counsel and the right to raise the issue of competency. The child 605  
may not waive the right to counsel. 606

~~(E)~~(D)(1) If a child is adjudicated a delinquent child for committing an act under circumstances that require the juvenile court to impose upon the child a serious youthful offender dispositional sentence under section 2152.11 of the ~~revised code~~ Revised Code, all of the following apply:

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

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

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

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

(i) If the juvenile court on the record makes a finding that, given the nature and circumstances of the violation and the history of the child, the length of time, level of security, and types of programming and resources available in the juvenile system alone are not adequate to provide the juvenile court with a reasonable expectation that the purposes set forth in section 2152.01 of the Revised Code will be met, the juvenile court may impose upon the child a sentence available for the violation, as

if the child were an adult, under Chapter 2929. of the Revised Code, except that the juvenile court shall not impose on the child a sentence of death or life imprisonment without parole.

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

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

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

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

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

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(a) The person is at least fourteen years of age. 669

(b) The person is in the institutional custody, or an escapee 670  
from the custody, of the department of youth services. 671

(c) The person is serving the juvenile portion of the serious 672  
youthful offender dispositional sentence. 673

(2) The motion shall state that there is reasonable cause to 674  
believe that either of the following misconduct has occurred and 675  
shall state that at least one incident of misconduct of that 676  
nature occurred after the person reached fourteen years of age: 677

(a) The person committed an act that is a violation of the 678  
rules of the institution and that could be charged as any felony 679  
or as a first degree misdemeanor offense of violence if committed 680  
by an adult. 681

(b) The person has engaged in conduct that creates a 682  
substantial risk to the safety or security of the institution, the 683  
community, or the victim. 684

(B) If a person is at least fourteen years of age, is serving 685  
the juvenile portion of a serious youthful offender dispositional 686  
sentence, and is on parole or aftercare from a department of youth 687  
services facility, or on community control, the director of youth 688  
services, the juvenile court that imposed the serious youthful 689  
offender dispositional sentence on the person, or the probation 690  
department supervising the person may request the prosecuting 691  
attorney of the county in which is located the juvenile court to 692  
file a motion with the juvenile court to invoke the adult portion 693  
of the dispositional sentence. The prosecuting attorney may file a 694  
motion to invoke the adult portion of the dispositional sentence 695  
even if no request is made. The motion shall state that there is 696  
reasonable cause to believe that either of the following occurred 697  
and shall state that at least one incident of misconduct of that 698  
nature occurred after the person reached fourteen years of age: 699

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(1) The person committed an act that is a violation of the 701  
conditions of supervision and that could be charged as any felony 702  
or as a first degree misdemeanor offense of violence if committed 703  
by an adult. 704

(2) The person has engaged in conduct that creates a 705  
substantial risk to the safety or security of the community or of 706  
the victim. 707

(C) If the prosecuting attorney declines a request to file a 708  
motion that was made by the department of youth services or the 709  
supervising probation department under division (A) or (B) of this 710  
section or fails to act on a request made under either division by 711  
the department within a reasonable time, the department of youth 712  
services or the supervising probation department may file a motion 713  
of the type described in division (A) or (B) of this section with 714  
the juvenile court to invoke the adult portion of the serious 715  
youthful offender dispositional sentence. If the prosecuting 716  
attorney declines a request to file a motion that was made by the 717  
juvenile court under division (B) of this section or fails to act 718  
on a request from the court under that division within a 719  
reasonable time, the juvenile court may hold the hearing described 720  
in division (D) of this section on its own motion. 721

(D) Upon the filing of a motion described in division (A), 722  
(B), or (C) of this section, the juvenile court may hold a hearing 723  
to determine whether to invoke the adult portion of a person's 724  
serious juvenile offender dispositional sentence. The juvenile 725  
court shall not invoke the adult portion of the dispositional 726  
sentence without a hearing. At the hearing the person who is the 727  
subject of the serious youthful offender disposition has the right 728  
to be present, to receive notice of the grounds upon which the 729  
adult sentence portion is sought to be invoked, to be represented 730  
by counsel including counsel appointed under Juvenile Rule 4(A), 731

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

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under division (E) of this section, the juvenile portion of the  
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

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of age;

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

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

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

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

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(2) In each case in which a court makes a disposition under

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this section, the court retains control over the commitment for  
the minimum period specified by the court in divisions (A)(1)(a)  
to (e) of this section. During the minimum 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 minimum period ~~of specified by the court control~~  
~~imposed under in~~ 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, but, during the minimum period specified by  
the court in division (A)(1) of this section, the department shall  
obtain court approval of a supervised release or discharge under  
that section.

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

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

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

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

(B) Division (A) of this section also applies to a child who

is an accomplice to the same extent the firearm specifications 888  
would apply to an adult accomplice in a criminal proceeding. 889

(C) If a child is adjudicated a delinquent child for 890  
committing an act that would be aggravated murder, murder, or a 891  
first, second, or third degree felony offense of violence if 892  
committed by an adult and if the court determines that, if the 893  
child was an adult, the child would be guilty of a specification 894  
of the type set forth in section 2941.142 of the Revised Code in 895  
relation to the act for which the child was adjudicated a 896  
delinquent child, the court shall commit the child for the 897  
specification to the legal custody of the department of youth 898  
services for institutionalization in a secure facility for a 899  
definite period of not less than one and not more than three 900  
years, subject to division (D)(2) of this section, and the court 901  
also shall commit the child to the department for the underlying 902  
delinquent act. 903

(D)(1) If the child is adjudicated a delinquent child for 904  
committing an act that would be an offense of violence that is a 905  
felony if committed by an adult and is committed to the legal 906  
custody of the department of youth services pursuant to division 907  
(A)(4), (5), or (6)(1) of this section 2152.16 of the Revised Code 908  
and if the court determines that the child, if the child was an 909  
adult, would be guilty of a specification of the type set forth in 910  
section 2941.1411 of the Revised Code in relation to the act for 911  
which the child was adjudicated a delinquent child, the court may 912  
commit the child to the custody of the department of youth 913  
services for institutionalization in a secure facility for up to 914  
two years, subject to division ~~(A)(7)(d)~~(D)(2) of this section. 915

~~(d)~~(2) A court that imposes a period of commitment under 916  
division (A)(7)(a) of this section is not precluded from imposing 917  
an additional period of commitment under division ~~(A)(7)(b)~~(C) or 918  
~~(e)~~(D)(1) of this section, a court that imposes a period of 919

commitment under division ~~(A)(7)(b)~~(C) of this section is not 920  
precluded from imposing an additional period of commitment under 921  
division ~~(A)(7)(a)~~ or ~~(c)~~(D)(1) of this section, and a court that 922  
imposes a period of commitment under division ~~(A)(7)(c)~~(D)(1) of 923  
this section is not precluded from imposing an additional period 924  
of commitment under division ~~(A)(7)(a)~~ or ~~(b)~~(C) of this section. 925

(E) The court shall not commit a child to the legal custody 926  
of the department of youth services for a specification pursuant 927  
to this section for a period that exceeds five years for any one 928  
delinquent act. Any commitment imposed pursuant to division (A), 929  
~~(B), or (C),~~ or (D)(1) of this section shall be in addition to, 930  
and shall be served consecutively with and prior to, a period of 931  
commitment ordered under this chapter for the underlying 932  
delinquent act, and each commitment imposed pursuant to division 933  
~~(A), (B), or (C),~~ or (D)(1) of this section shall be in addition 934  
to, and shall be served consecutively with, any other period of 935  
commitment imposed under those divisions. If a commitment is 936  
imposed under division (A) or (B) of this section and a commitment 937  
also is imposed under division (C) of this section, the period 938  
imposed under division (A) or (B) of this section shall be served 939  
prior to the period imposed under division (C) of this section. 940

In each case in which a court makes a disposition under this 941  
section, the court retains control over the commitment for the 942  
entire period of the commitment. 943

The total of all the periods of commitment imposed for any 944  
specification under this section and for the underlying offense 945  
shall not exceed the child's attainment of twenty-one years of 946  
age. 947

~~(E)~~(F) If a child is adjudicated a delinquent child for 948  
committing two or more acts that would be felonies if committed by 949  
an adult and if the court entering the delinquent child 950  
adjudication orders the commitment of the child for two or more of 951

those acts to the legal custody of the department of youth 952  
services for institutionalization in a secure facility pursuant to 953  
section 2152.13 or 2152.16 ~~or~~ of the Revised Code, the court may 954  
order that all of the periods of commitment imposed under those 955  
sections for those acts be served consecutively in the legal 956  
custody of the department of youth services, provided that those 957  
periods of commitment shall be in addition to and commence 958  
immediately following the expiration of a period of commitment 959  
that the court imposes pursuant to division (A), (B), ~~or~~ (C), or 960  
(D)(1) of this section. A court shall not commit a delinquent 961  
child to the legal custody of the department of youth services 962  
under this division for a period that exceeds the child's 963  
attainment of twenty-one years of age. 964

~~(F)~~(G) If a child is adjudicated a delinquent child for 965  
committing an act that if committed by an adult would be 966  
aggravated murder, murder, rape, felonious sexual penetration in 967  
violation of former section 2907.12 of the Revised Code, 968  
involuntary manslaughter, a felony of the first or second degree 969  
resulting in the death of or physical harm to a person, complicity 970  
in or an attempt to commit any of those offenses, or an offense 971  
under an existing or former law of this state that is or was 972  
substantially equivalent to any of those offenses and if the court 973  
in its order of disposition for that act commits the child to the 974  
custody of the department of youth services, the adjudication 975  
shall be considered a conviction for purposes of a future 976  
determination pursuant to Chapter 2929. of the Revised Code as to 977  
whether the child, as an adult, is a repeat violent offender. 978

**Sec. 2152.18.** (A) When a juvenile court commits a delinquent 979  
child to the custody of the department of youth services pursuant 980  
to this chapter, the court shall not designate the specific 981  
institution in which the department is to place the child but 982  
instead shall specify that the child is to be institutionalized in 983

a secure facility. 984

(B) When a juvenile court commits a delinquent child to the 985  
custody of the department of youth services pursuant to this 986  
chapter, the court shall state in the order of commitment the 987  
total number of days that the child has been held in detention in 988  
connection with the delinquent child complaint upon which the 989  
order of commitment is based. The department shall reduce the 990  
minimum period of institutionalization that was ordered by both 991  
the total number of days that the child has been so held in 992  
detention as stated by the court in the order of commitment and 993  
the total number of any additional days that the child has been 994  
held in detention subsequent to the order of commitment but prior 995  
to the transfer of physical custody of the child to the 996  
department. 997

(C)(1) When a juvenile court commits a delinquent child to 998  
the custody of the department of youth services pursuant to this 999  
chapter, the court shall provide the department with the child's 1000  
medical records, a copy of the report of any mental examination of 1001  
the child ordered by the court, the Revised Code section or 1002  
sections the child violated and the degree of each violation, the 1003  
warrant to convey the child to the department, a copy of the 1004  
court's journal entry ordering the commitment of the child to the 1005  
legal custody of the department, a copy of the arrest record 1006  
pertaining to the act for which the child was adjudicated a 1007  
delinquent child, a copy of any victim impact statement pertaining 1008  
to the act, and any other information concerning the child that 1009  
the department reasonably requests. The court also shall complete 1010  
the form for the standard predisposition investigation report that 1011  
the department furnishes pursuant to section 5139.04 of the 1012  
Revised Code and provide the department with the completed form. 1013

The department may refuse to accept physical custody of a 1014  
delinquent child who is committed to the legal custody of the 1015

department until the court provides to the department the 1016  
documents specified in this division. No officer or employee of 1017  
the department who refuses to accept physical custody of a 1018  
delinquent child who is committed to the legal custody of the 1019  
department shall be subject to prosecution or contempt of court 1020  
for the refusal if the court fails to provide the documents 1021  
specified in this division at the time the court transfers the 1022  
physical custody of the child to the department. 1023

(2) Within twenty working days after the department of youth 1024  
services receives physical custody of a delinquent child from a 1025  
juvenile court, the court shall provide the department with a 1026  
certified copy of the child's birth certificate and the child's 1027  
social security number or, if the court made all reasonable 1028  
efforts to obtain the information but was unsuccessful, with 1029  
documentation of the efforts it made to obtain the information. 1030

(D)(1) Within ten days after an adjudication that a child is 1031  
a delinquent child, the court shall give written notice of the 1032  
adjudication to the superintendent of a city, local, exempted 1033  
village, or joint vocational school district, and to the principal 1034  
of the school the child attends, if the basis of the adjudication 1035  
was the commission of an act that would be a criminal offense if 1036  
committed by an adult, if the act was committed by the delinquent 1037  
child when the child was fourteen years of age or older, and if 1038  
the act is any of the following: 1039

(a) An act that would be a felony or an offense of violence 1040  
if committed by an adult, an act in the commission of which the 1041  
child used or brandished a firearm, or an act that is a violation 1042  
of section ~~2907.04~~, 2907.06, 2907.07, 2907.08, 2907.09, 2907.24, 1043  
or 2907.241 of the Revised Code and that would be a misdemeanor if 1044  
committed by an adult; 1045

(b) A violation of section 2923.12 of the Revised Code or of 1046  
a substantially similar municipal ordinance that would be a 1047

misdemeanor if committed by an adult and that was committed on 1048  
property owned or controlled by, or at an activity held under the 1049  
auspices of, the board of education of that school district; 1050

(c) A violation of division (A) of section 2925.03 or 2925.11 1051  
of the Revised Code that would be a misdemeanor if committed by an 1052  
adult, that was committed on property owned or controlled by, or 1053  
at an activity held under the auspices of, the board of education 1054  
of that school district, and that is not a minor drug possession 1055  
offense; 1056

(d) An act that would be a criminal offense if committed by 1057  
an adult and that results in serious physical harm to persons or 1058  
serious physical harm to property while the child is at school, on 1059  
any other property owned or controlled by the board, or at an 1060  
interscholastic competition, an extracurricular event, or any 1061  
other school program or activity; 1062

(e) Complicity in any violation described in division 1063  
(D)(1)(a), (b), (c), or (d) of this section that was alleged to 1064  
have been committed in the manner described in division (D)(1)(a), 1065  
(b), (c), or (d) of this section, regardless of whether the act of 1066  
complicity was committed on property owned or controlled by, or at 1067  
an activity held under the auspices of, the board of education of 1068  
that school district. 1069

(2) The notice given pursuant to division ~~(K)~~(D)(1) of this 1070  
section shall include the name of the child who was adjudicated to 1071  
be a delinquent child, the child's age at the time the child 1072  
committed the act that was the basis of the adjudication, and 1073  
identification of the violation of the law or ordinance that was 1074  
the basis of the adjudication. 1075

(3) Within fourteen days after committing a delinquent child 1076  
to the custody of the department of youth services, the court 1077  
shall give notice to the school attended by the child of the 1078

child's commitment by sending to that school a copy of the court's 1079  
journal entry ordering the commitment. As soon as possible after 1080  
receipt of the notice described in this division, the school shall 1081  
provide the department with the child's school transcript. 1082  
However, the department shall not refuse to accept a child 1083  
committed to it, and a child committed to it shall not be held in 1084  
a county or district detention facility, because of a school's 1085  
failure to provide the school transcript that it is required to 1086  
provide under this division. 1087

(4) Within fourteen days after releasing a child from an 1088  
institution under its control, the department of youth services 1089  
shall provide the court and the school with an updated copy of the 1090  
child's school transcript and a summary of the institutional 1091  
record of the child. The department also shall provide the court 1092  
with a copy of any portion of the child's institutional record 1093  
that the court specifically requests, within five working days of 1094  
the request. 1095

(E) At any hearing at which a child is adjudicated a 1096  
delinquent child or as soon as possible after the hearing, the 1097  
court shall notify all victims of the delinquent act who may be 1098  
entitled to a recovery under any of the following sections of the 1099  
right of the victims to recover, pursuant to section 3109.09 of 1100  
the Revised Code, compensatory damages from the child's parents; 1101  
of the right of the victims to recover, pursuant to section 1102  
3109.10 of the Revised Code, compensatory damages from the child's 1103  
parents for willful and malicious assaults committed by the child; 1104  
and of the right of the victims to recover an award of reparations 1105  
pursuant to sections 2743.51 to 2743.72 of the Revised Code. 1106

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 1107  
child, the court may make any of the following orders of 1108  
disposition, in addition to any other disposition authorized or 1109

required by this chapter: 1110

(1) Any order that is authorized by section 2151.353 of the 1111  
Revised Code for the care and protection of an abused, neglected, 1112  
or dependent child. 1113

(2) Commit the child to the temporary custody of any school, 1114  
camp, institution, or other facility operated for the care of 1115  
delinquent children by the county, by a district organized under 1116  
section 2152.41 or 2151.65 of the Revised Code, or by a private 1117  
agency or organization, within or without the state, that is 1118  
authorized and qualified to provide the care, treatment, or 1119  
placement required; 1120

(3) Place the child on community control under any sanctions, 1121  
services, and conditions that the court prescribes. As a condition 1122  
of community control in every case and in addition to any other 1123  
condition that it imposes upon the child, the court shall require 1124  
the child to abide by the law during the period of community 1125  
control. As referred to in this division, community control 1126  
includes, but is not limited to, the following sanctions and 1127  
conditions: 1128

(a) A period of basic probation supervision in which the 1129  
child is required to maintain contact with a person appointed to 1130  
supervise the child in accordance with sanctions imposed by the 1131  
court; 1132

(b) A period of intensive probation supervision in which the 1133  
child is required to maintain frequent contact with a person 1134  
appointed by the court to supervise the child while the child is 1135  
seeking or maintaining employment and participating in training, 1136  
education, and treatment programs as the order of disposition; 1137

(c) A period of day reporting in which the child is required 1138  
each day to report to and leave a center or another approved 1139  
reporting location at specified times in order to participate in 1140

work, education or training, treatment, and other approved 1141  
programs at the center or outside the center; 1142

(d) A period of community service of up to five hundred hours 1143  
for an act that would be a felony or a misdemeanor of the first 1144  
degree if committed by an adult, up to two hundred hours for an 1145  
act that would be a misdemeanor of the second, third, or fourth 1146  
degree if committed by an adult, or up to thirty hours for an act 1147  
that would be a minor misdemeanor if committed by an adult; 1148

(e) A requirement that the child obtain a high school 1149  
diploma, a certificate of high school equivalence, vocational 1150  
training, or employment; 1151

(f) A period of drug and alcohol use monitoring; 1152

(g) A requirement of alcohol or drug assessment or 1153  
counseling, or a period in an alcohol or drug treatment program 1154  
with a level of security for the child as determined necessary by 1155  
the court; 1156

(h) A period in which the court orders the child to observe a 1157  
curfew that may involve daytime or evening hours; 1158

(i) A requirement that the child serve monitored time; 1159

(j) A period of house arrest with or without electronic 1160  
monitoring; 1161

(k) A period of electronic monitoring without house arrest or 1162  
electronically monitored house arrest that does not exceed the 1163  
maximum sentence of imprisonment that could be imposed upon an 1164  
adult who commits the same act. 1165

A period of electronically monitored house arrest imposed 1166  
under this division shall not extend beyond the child's 1167  
twenty-first birthday. If a court imposes a period of 1168  
electronically monitored house arrest upon a child under this 1169  
division, it shall require the child: to wear, otherwise have 1170

attached to the child's person, or otherwise be subject to 1171  
monitoring by a certified electronic monitoring device or to 1172  
participate in the operation of and monitoring by a certified 1173  
electronic monitoring system; to remain in the child's home or 1174  
other specified premises for the entire period of electronically 1175  
monitored house arrest except when the court permits the child to 1176  
leave those premises to go to school or to other specified 1177  
premises; to be monitored by a central system that can determine 1178  
the child's location at designated times; to report periodically 1179  
to a person designated by the court; and to enter into a written 1180  
contract with the court agreeing to comply with all requirements 1181  
imposed by the court, agreeing to pay any fee imposed by the court 1182  
for the costs of the electronically monitored house arrest, and 1183  
agreeing to waive the right to receive credit for any time served 1184  
on electronically monitored house arrest toward the period of any 1185  
other dispositional order imposed upon the child if the child 1186  
violates any of the requirements of the dispositional order of 1187  
electronically monitored house arrest. The court also may impose 1188  
other reasonable requirements upon the child. 1189

Unless ordered by the court, a child shall not receive credit 1190  
for any time served on electronically monitored house arrest 1191  
toward any other dispositional order imposed upon the child for 1192  
the act for which was imposed the dispositional order of 1193  
electronically monitored house arrest. 1194

(1) A suspension of the driver's license, probationary 1195  
driver's license, or temporary instruction permit issued to the 1196  
child or a suspension of the registration of all motor vehicles 1197  
registered in the name of the child. A child whose license or 1198  
permit is so suspended is ineligible for issuance of a license or 1199  
permit during the period of suspension. At the end of the period 1200  
of suspension, the child shall not be reissued a license or permit 1201  
until the child has paid any applicable reinstatement fee and 1202

complied with all requirements governing license reinstatement.	1203
(4) Commit the child to the custody of the court;	1204
(5) Require the child to not be absent without legitimate excuse from the public school the child is supposed to attend for five or more consecutive days, seven or more school days in one school month, or twelve or more school days in a school year;	1205 1206 1207 1208
(6)(a) If a child is adjudicated a delinquent child for being a chronic truant or an habitual truant who previously has been adjudicated an unruly child for being a habitual truant, do either or both of the following:	1209 1210 1211 1212
(i) Require the child to participate in a truancy prevention mediation program;	1213 1214
(ii) Make any order of disposition as authorized by this section, except that the court shall not commit the child to a facility described in division (A)(2) of this section unless the court determines that the child violated a lawful court order made pursuant to division (C)(1)(e) of section 2151.354 of the Revised Code or division (A)(5) of this section.	1215 1216 1217 1218 1219 1220
(b) If a child is adjudicated a delinquent child for being a chronic truant or a habitual truant who previously has been adjudicated an unruly child for being a habitual truant and the court determines that the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code, do either or both of the following:	1221 1222 1223 1224 1225 1226 1227
(i) Require the parent, guardian, or other person having care of the child to participate in a truancy prevention mediation program;	1228 1229 1230
(ii) Require the parent, guardian, or other person having care of the child to participate in any community service program,	1231 1232

preferably a community service program that requires the 1233  
involvement of the parent, guardian, or other person having care 1234  
of the child in the school attended by the child. 1235

(7) Make any further disposition that the court finds proper, 1236  
except that the child shall not be placed in any of the following: 1237  
1238

(a) A state correctional institution, a county, multicounty, 1239  
or municipal jail or workhouse, or another place in which an adult 1240  
convicted of a crime, under arrest, or charged with a crime is 1241  
held; 1242

(b) A community corrections facility, if the child would be 1243  
covered by the definition of public safety beds for purposes of 1244  
sections 5139.41 to 5139.45 of the Revised Code if the court 1245  
exercised its authority to commit the child to the legal custody 1246  
of the department of youth services for institutionalization or 1247  
institutionalization in a secure facility pursuant to this 1248  
chapter. 1249

(B) If a child is adjudicated a delinquent child, in addition 1250  
to any order of disposition made under division (A) of this 1251  
section, the court, in the following situations, shall suspend the 1252  
child's temporary instruction permit, restricted license, 1253  
probationary driver's license, or nonresident operating privilege, 1254  
or suspend the child's ability to obtain such a permit: 1255

(1) The child is adjudicated a delinquent child for violating 1256  
section 2923.122 of the Revised Code, with the suspension and 1257  
denial being in accordance with division (E)(1)(a), (c), (d), or 1258  
(e) of section 2923.122 of the Revised Code. 1259

(2) The child is adjudicated a delinquent child for 1260  
committing an act that if committed by an adult would be a drug 1261  
abuse offense or for violating division (B) of section 2917.11 of 1262  
the Revised Code, with the suspension continuing until the child 1263

attends and satisfactorily completes a drug abuse or alcohol abuse 1264  
education, intervention, or treatment program specified by the 1265  
court. During the time the child is attending the program, the 1266  
court shall retain any temporary instruction permit, probationary 1267  
driver's license, or driver's license issued to the child, and the 1268  
court shall return the permit or license when the child 1269  
satisfactorily completes the program. 1270

(C) The court may establish a victim-offender mediation 1271  
program in which victims and their offenders meet to discuss the 1272  
offense and suggest possible restitution. If the court obtains the 1273  
assent of the victim of the delinquent act committed by the child, 1274  
the court may require the child to participate in the program. 1275  
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(D)(1) If a child is adjudicated a delinquent child for 1277  
committing an act that would be a felony if committed by an adult 1278  
and if the child caused, attempted to cause, threatened to cause, 1279  
or created a risk of physical harm to the victim of the act, the 1280  
court, prior to issuing an order of disposition under this 1281  
section, shall order the preparation of a victim impact statement 1282  
by the probation department of the county in which the victim of 1283  
the act resides, by the court's own probation department, or by a 1284  
victim assistance program that is operated by the state, a county, 1285  
a municipal corporation, or another governmental entity. The court 1286  
shall consider the victim impact statement in determining the 1287  
order of disposition to issue for the child. 1288

(2) Each victim impact statement shall identify the victim of 1289  
the act for which the child was adjudicated a delinquent child, 1290  
itemize any economic loss suffered by the victim as a result of 1291  
the act, identify any physical injury suffered by the victim as a 1292  
result of the act and the seriousness and permanence of the 1293  
injury, identify any change in the victim's personal welfare or 1294  
familial relationships as a result of the act and any 1295

psychological impact experienced by the victim or the victim's 1296  
family as a result of the act, and contain any other information 1297  
related to the impact of the act upon the victim that the court 1298  
requires. 1299

(3) A victim impact statement shall be kept confidential and 1300  
is not a public record. However, the court may furnish copies of 1301  
the statement to the department of youth services if the 1302  
delinquent child is committed to the department or to both the 1303  
adjudicated delinquent child or the adjudicated delinquent child's 1304  
counsel and the prosecuting attorney. The copy of a victim impact 1305  
statement furnished by the court to the department pursuant to 1306  
this section shall be kept confidential and is not a public 1307  
record. The copies of a victim impact statement that are made 1308  
available to the adjudicated delinquent child or the adjudicated 1309  
delinquent child's counsel and the prosecuting attorney pursuant 1310  
to this division shall be returned to the court by the person to 1311  
whom they were made available immediately following the imposition 1312  
of an order of disposition for the child under this chapter. 1313

(4) The department of youth services shall work with local 1314  
probation departments and victim assistance programs to develop a 1315  
standard victim impact statement. 1316

(E) If a child is adjudicated a delinquent child for being a 1317  
chronic truant or an habitual truant who previously has been 1318  
adjudicated an unruly child for being an habitual truant and the 1319  
court determines that the parent, guardian, or other person having 1320  
care of the child has failed to cause the child's attendance at 1321  
school in violation of section 3321.38 of the Revised Code, in 1322  
addition to any order of disposition it makes under this section, 1323  
the court shall warn the parent, guardian, or other person having 1324  
care of the child that any subsequent adjudication of the child as 1325  
an unruly or delinquent child for being an habitual or chronic 1326  
truant may result in a criminal charge against the parent, 1327

guardian, or other person having care of the child for a violation 1328  
of division (C) of section 2919.21 or section 2919.24 of the 1329  
Revised Code. 1330

(F)(1) During the period of a delinquent child's community 1331  
control granted under this section, authorized probation officers 1332  
who are engaged within the scope of their supervisory duties or 1333  
responsibilities may search, with or without a warrant, the person 1334  
of the delinquent child, the place of residence of the delinquent 1335  
child, and a motor vehicle, another item of tangible or intangible 1336  
personal property, or other real property in which the delinquent 1337  
child has a right, title, or interest or for which the delinquent 1338  
child has the express or implied permission of a person with a 1339  
right, title, or interest to use, occupy, or possess if the 1340  
probation officers have reasonable grounds to believe that the 1341  
delinquent child is not abiding by the law or otherwise is not 1342  
complying with the conditions of the delinquent child's community 1343  
control. The court that places a delinquent child on community 1344  
control under this section shall provide the delinquent child with 1345  
a written notice that informs the delinquent child that authorized 1346  
probation officers who are engaged within the scope of their 1347  
supervisory duties or responsibilities may conduct those types of 1348  
searches during the period of community control if they have 1349  
reasonable grounds to believe that the delinquent child is not 1350  
abiding by the law or otherwise is not complying with the 1351  
conditions of the delinquent child's community control. The court 1352  
also shall provide the written notice described in division (E)(2) 1353  
of this section to each parent, guardian, or custodian of the 1354  
delinquent child who is described in that division. 1355

(2) The court that places a child on community control under 1356  
this section shall provide the child's parent, guardian, or other 1357  
custodian with a written notice that informs them that authorized 1358  
probation officers may conduct searches pursuant to division 1359

(E)(1) of this section. The notice shall specifically state that a permissible search might extend to a motor vehicle, another item of tangible or intangible personal property, or a place of residence or other real property in which a notified parent, guardian, or custodian has a right, title, or interest and that the parent, guardian, or custodian expressly or impliedly permits the child to use, occupy, or possess.

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(G) If a juvenile court commits a delinquent child to the custody of any person, organization, or entity pursuant to this section and if the delinquent act for which the child is so committed is a sexually oriented offense, the court in the order of disposition shall inform do one of the following:

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(1) Require that the child be provided treatment as described in division (A)(2) of section 5139.13 of the Revised Code;

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(2) Inform the person, organization, or entity that it is the preferred course of action in this state that the child be provided treatment as described in division (A)(2) of section 5139.13 of the Revised Code and ~~shall~~ encourage the person, organization, or entity to provide that treatment.

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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 designated by the court in its order, until terminated or modified

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by the court or until the child attains twenty-one years of age. 1391

The department shall not release the child from a department 1392  
facility and as a result shall not discharge the child or order 1393  
the child's release on supervised release prior to the expiration 1394  
of the minimum period of court control over the child specified by 1395  
the court in division (A)(1) of section 2152.16 of the Revised 1396  
Code and any term of commitment imposed under section 2152.17 of 1397  
the Revised Code or prior to the child's attainment of twenty-one 1398  
years of age, except upon the order of a court pursuant to 1399  
division (B) or (C) of this section or in accordance with section 1400  
5139.54 of the Revised Code. 1401

(B)(1) The court that commits a delinquent child to the 1402  
department may grant judicial release of the child to court 1403  
supervision under this division, ~~during any of the following~~ 1404  
~~periods that are applicable during the first half of the~~ 1405  
~~prescribed minimum term for which the child was committed to the~~ 1406  
~~department or, if the child was committed to the department until~~ 1407  
~~the child attains twenty-one years of age, during the first half~~ 1408  
~~of the prescribed period of commitment that begins on the first~~ 1409  
~~day of commitment and ends on the child's twenty-first birthday,~~ 1410  
provided any commitment imposed under division (A), (B), ~~or~~ (C), 1411  
~~or (D) of section 2152.17 of the Revised Code has ended.~~ 1412

~~(a) If the child was given a disposition under section~~ 1413  
~~2152.16 of the Revised Code for committing an act that would be a~~ 1414  
~~felony of the third, fourth, or fifth degree if committed by an~~ 1415  
~~adult, at any time during the first ninety days of the period of~~ 1416  
~~court control over the child;~~ 1417

~~(b) If the child was given a disposition under section~~ 1418  
~~2152.13 or 2152.16 of the Revised Code, or both of those sections,~~ 1419  
~~for committing an act that would be a felony of the first or~~ 1420  
~~second degree if committed by an adult, at any time during the~~ 1421  
~~first one hundred eighty days of the period of court control over~~ 1422

~~the child;~~ 1423

~~(c) If the child was committed to the department until the 1424  
child attains twenty-one years of age for an act that would be 1425  
aggravated murder or murder if committed by an adult, at any time 1426  
during the first half of the prescribed period of that commitment 1427  
of the child. 1428~~

(2) If the department of youth services desires to release a 1429  
child during a period specified in division (B)(1) of this 1430  
section, it shall request the court that committed the child to 1431  
grant a judicial release of the child to court supervision. During 1432  
whichever of those periods is applicable, the child or the parents 1433  
of the child also may request that court to grant a judicial 1434  
release of the child to court supervision. Upon receipt of a 1435  
request for a judicial release to court supervision from the 1436  
department, the child, or the child's parent, or upon its own 1437  
motion, the court that committed the child shall do one of the 1438  
following: approve the release by journal entry; schedule within 1439  
thirty days after the request is received a time for a hearing on 1440  
whether the child is to be released; or reject the request by 1441  
journal entry without conducting a hearing. 1442

If the court rejects an initial request for a release under 1443  
this division by the child or the child's parent, the child or the 1444  
child's parent may make one additional request for a judicial 1445  
release to court supervision within the applicable period. The 1446  
additional request may be made no earlier than thirty days after 1447  
the filing of the prior request for a judicial release to court 1448  
supervision. Upon the filing of a second request for a judicial 1449  
release to court supervision, the court shall either approve or 1450  
disapprove the release by journal entry or schedule within thirty 1451  
days after the request is received a time for a hearing on whether 1452  
the child is to be released. 1453

(3) If a court schedules a hearing under division (B)(2) of 1454

this section, it may order the department to deliver the child to  
the court on the date set for the hearing and may order the  
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.

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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.

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(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+

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~~(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;~~

~~(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;~~

~~(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.~~

(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.

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

(3) If a court schedules a hearing under division (C)(2) of  
this section, it may order the department to deliver the child to  
the court on the date set for the hearing and shall order the  
department to present to the court at that time a treatment plan  
for the child's post-institutional care. 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 department of youth services supervision.

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

specified by the department in its plan. If the court of the  
county in which the child is placed adds to the department's plan  
any additional conditions, it shall enter those additional  
conditions in its journal and shall send to the department a copy  
of the journal entry of the additional conditions.

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

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

If that court determines at the hearing that the child  
violated any of the post-release conditions, the court, if it  
determines that the violation was a serious violation, may order  
the child to be returned to the department for  
institutionalization, consistent with the original order of  
commitment of the child, or in any case may make any other

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disposition of the child authorized by law that the court 1583  
considers proper. If the court of the county in which the child is 1584  
placed orders the child to be returned to a department of youth 1585  
services institution, the time during which the child was held in 1586  
a secure department facility prior to the child's judicial release 1587  
shall be considered as time served in fulfilling the prescribed 1588  
period of institutionalization that is applicable to the child 1589  
under the child's original order of commitment. If the court 1590  
orders the child returned to a department institution, the child 1591  
shall remain in institutional care for a minimum of three months 1592  
or until the child successfully completes a revocation program of 1593  
a duration of not less than thirty days operated either by the 1594  
department or by an entity with which the department has 1595  
contracted to provide a revocation program. 1596

(E) The department of youth services, prior to the release of 1597  
a child pursuant to division (C) of this section, shall do all of 1598  
the following: 1599

(1) After reviewing the child's rehabilitative progress 1600  
history and medical and educational records, prepare a written 1601  
treatment and rehabilitation plan for the child that includes 1602  
conditions of the release; 1603

(2) Completely discuss the conditions of the plan prepared 1604  
pursuant to division (E)(1) of this section and the possible 1605  
penalties for violation of the plan with the child and the child's 1606  
parents, guardian, or legal custodian; 1607

(3) Have the plan prepared pursuant to division (E)(1) of 1608  
this section signed by the child, the child's parents, legal 1609  
guardian, or custodian, and any authority or person that is to 1610  
supervise, control, and provide supportive assistance to the child 1611  
at the time of the child's release pursuant to division (C) of 1612  
this section; 1613

(4) Prior to the child's release, file a copy of the treatment plan prepared pursuant to division (E)(1) of this section with the committing court and the juvenile court of the county in which the child is to be placed.

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

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

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

custodian of any child affected, if they are living, or the 1645  
nearest of kin of the child, if the parents are deceased, may 1646  
inspect these records, either in person or by counsel, during the 1647  
hours in which the court is open. Division (A)(1) of this section 1648  
does not require the release or authorize the inspection of arrest 1649  
or incident reports, law enforcement investigatory reports or 1650  
records, or witness statements. 1651

(2) The juvenile court shall send to the superintendent of 1652  
the bureau of criminal identification and investigation, pursuant 1653  
to section 109.57 of the Revised Code, a weekly report containing 1654  
a summary of each case that has come before it and that involves 1655  
the disposition of a child who is a delinquent child for 1656  
committing an act that would be a felony or an offense of violence 1657  
if committed by an adult. 1658

(B) The clerk of the court shall maintain a statistical 1659  
record that includes all of the following: 1660

(1) The number of complaints that are filed with, or 1661  
indictments or information made to, the court that allege that a 1662  
child is a delinquent child, in relation to which the court 1663  
determines under division (D) of section 2151.27 of the Revised 1664  
Code that the victim of the alleged delinquent act was sixty-five 1665  
years of age or older or permanently and totally disabled at the 1666  
time of the alleged commission of the act; 1667

(2) The number of complaints, indictments, or information 1668  
described in division (B)(1) of this section that result in the 1669  
child being adjudicated a delinquent child; 1670

(3) The number of complaints, indictments, or information 1671  
described in division (B)(2) of this section in which the act upon 1672  
which the delinquent child adjudication is based caused property 1673  
damage or would be a theft offense, as defined in division (K) of 1674  
section 2913.01 of the Revised Code, if committed by an adult; 1675

(4) The number of complaints, indictments, or information 1676  
described in division (B)(3) of this section that result in the 1677  
delinquent child being required as an order of disposition made 1678  
under division (A) of section 2152.20 of the Revised Code to make 1679  
restitution for all or part of the property damage caused by the 1680  
child's delinquent act or for all or part of the value of the 1681  
property that was the subject of the delinquent act that would be 1682  
a theft offense if committed by an adult; 1683

(5) The number of complaints, indictments, or information 1684  
described in division (B)(2) of this section in which the act upon 1685  
which the delinquent child adjudication is based would have been 1686  
an offense of violence if committed by an adult; 1687

(6) The number of complaints, indictments, or information 1688  
described in division (B)(5) of this section that result in the 1689  
delinquent child being committed as an order of disposition made 1690  
under section 2152.16, divisions (A) and (B) of section 2152.17, 1691  
or division (A)(2) of section ~~2159.19~~ 2152.19 of the Revised Code 1692  
to any facility for delinquent children operated by the county, a 1693  
district, or a private agency or organization or to the department 1694  
of youth services; 1695

(7) The number of complaints, indictments, or information 1696  
described in division (B)(1) of this section that result in the 1697  
case being transferred for criminal prosecution to an appropriate 1698  
court having jurisdiction of the offense under section 2152.12 of 1699  
the Revised Code. 1700

(C) The clerk of the court shall compile an annual summary 1701  
covering the preceding calendar year showing all of the 1702  
information for that year contained in the statistical record 1703  
maintained under division (B) of this section. The statistical 1704  
record and the annual summary shall be public records open for 1705  
inspection. Neither the statistical record nor the annual summary 1706  
shall include the identity of any party to a case. 1707

(D) Not later than June of each year, the court shall prepare 1708  
an annual report covering the preceding calendar year showing the 1709  
number and kinds of cases that have come before it, the 1710  
disposition of the cases, and any other data pertaining to the 1711  
work of the court that the juvenile judge directs. The court shall 1712  
file copies of the report with the board of county commissioners. 1713  
With the approval of the board, the court may print or cause to be 1714  
printed copies of the report for distribution to persons and 1715  
agencies interested in the court or community program for 1716  
dependent, neglected, abused, or delinquent children and juvenile 1717  
traffic offenders. The court shall include the number of copies 1718  
ordered printed and the estimated cost of each printed copy on 1719  
each copy of the report printed for distribution. 1720

**Sec. 2152.82.** (A) ~~If~~ The court that adjudicates a child ~~is~~ 1721  
~~adjudicated~~ a delinquent child ~~for committing on or after the~~ 1722  
~~effective date of this section a sexually oriented offense, the~~ 1723  
~~juvenile court judge who adjudicates the child a delinquent child~~ 1724  
shall issue as part of the dispositional order an order that 1725  
classifies the child a juvenile sex offender registrant and 1726  
specifies that the child has a duty to register under section 1727  
2950.04 of the Revised Code if ~~the delinquent~~ all of the following 1728  
apply: 1729

(1) The act for which the child is adjudicated a delinquent 1730  
child is a sexually oriented offense that the child committed on 1731  
or after January 1, 2002. 1732

(2) The child was fourteen, fifteen, sixteen, or seventeen 1733  
years of age at the time of committing the offense, ~~and the~~ 1734  
~~delinquent.~~ 1735

(3) The court has determined that the child previously was 1736  
convicted of, pleaded guilty to, or was adjudicated a delinquent 1737  
child for committing any sexually oriented offense, regardless of 1738

when the prior offense was committed and regardless of the 1739  
delinquent child's age at the time of committing the offense. 1740

(B) An order required under division (A) of this section 1741  
shall be issued at the time the judge makes the orders of 1742  
disposition for the delinquent child. Prior to issuing the order 1743  
required by division (A) of this section, the judge shall conduct 1744  
the hearing and make the determinations required by, ~~and otherwise~~ 1745  
~~comply with, divisions~~ division (B) ~~and (E)~~ of section 2950.09 of 1746  
the Revised Code to determine if the child is to be classified a 1747  
sexual predator, shall make the determinations required by 1748  
division (E) of that section to determine if the child is to be 1749  
classified a habitual sex offender, and shall otherwise comply 1750  
with those divisions. When a judge issues an order under division 1751  
(A) of this section, all of the following apply: 1752

(1) The judge shall include in the order any determination 1753  
that the delinquent child is a sexual predator or is a habitual 1754  
sex offender that the judge makes pursuant to division (B) or (E) 1755  
of section 2950.09 of the Revised Code and any related information 1756  
required or authorized under the division under which the 1757  
determination is made, including, but not limited to, any 1758  
requirement imposed by the court subjecting a child who is a 1759  
habitual sex offender to community notification provisions as 1760  
described in division (E) of that section. 1761

(2) The judge shall include in the order a statement that, 1762  
upon completion of the disposition of the delinquent child that 1763  
was made for the sexually oriented offense upon which the order is 1764  
based, a hearing will be conducted, and the order and any 1765  
determinations included in the order are subject to modification 1766  
or termination pursuant to sections 2152.84 and 2152.85 of the 1767  
Revised Code. 1768

(3) The judge shall provide a copy of the order to the 1769  
delinquent child and to the delinquent child's parent, guardian, 1770

or custodian, as part of the notice provided under divisions (A) 1771  
and (B) of section 2950.03 of the Revised Code. 1772

(4) The judge shall include the order in the delinquent 1773  
child's dispositional order and shall specify in the dispositional 1774  
order that the order issued under division (A) of this section was 1775  
made pursuant to this section. 1776

(C) An order issued under division (A) of this section and 1777  
any determinations included in the order shall remain in effect 1778  
for the period of time specified in section 2950.07 of the Revised 1779  
Code, subject to a modification or termination of the order under 1780  
section 2152.84 or 2152.85 of the Revised Code. If an order is 1781  
issued under division (A) of this section, the child's attainment 1782  
of eighteen or twenty-one years of age does not affect or 1783  
terminate the order, and the order remains in effect for the 1784  
period of time described in this division. 1785

**Sec. 2152.83.** (A) ~~If a~~ (1) The court that adjudicates a child 1786  
a delinquent child shall issue as part of the dispositional order 1787  
or, if the court commits the child for the delinquent act to the 1788  
custody of a secure facility, shall issue at the time of the 1789  
child's release from the secure facility, an order that classifies 1790  
the child a juvenile sex offender registrant and specifies that 1791  
the child has a duty to register under section 2950.04 of the 1792  
Revised Code if all of the following apply: 1793

(a) The act for which the child is or was adjudicated a 1794  
delinquent child for committing on or after the effective date of 1795  
this section is a sexually oriented offense, if the that the child 1796  
committed on or after January 1, 2002. 1797

(b) The child was sixteen or seventeen years of age at the 1798  
time of committing the offense, and if the juvenile. 1799

(c) The court judge was not required to classify the child a 1800

juvenile sex offender registrant under section 2152.82 of the Revised Code, ~~upon the child's discharge or release from a secure facility or at the time of disposition if the judge does not commit the child to the custody of a secure facility, the juvenile court judge who adjudicated the child a delinquent child, or that judge's successor in office, shall issue an order that classifies the child a juvenile sex offender registrant and specifies that the child has a duty to register under section 2950.04 of the Revised Code. Prior~~

(2) Prior to issuing the order required by division (A)(2) of this section, the judge shall conduct the hearing and make the determinations required by, and otherwise comply with, divisions (B) and (E) of section 2950.09 of the Revised Code to determine if the child is to be classified as a sexual predator, shall make the determinations required by division (E) of that section to determine if the child is to be classified as a habitual sex offender, and shall otherwise comply with those divisions. When a judge issues an order under division (A)(1) of this section, the judge shall include in the order any determination that the delinquent child is a sexual predator or is a habitual sex offender that the judge makes pursuant to division (B) or (E) of section 2950.09 of the Revised Code and any related information required or authorized under the division under which the determination is made, including, but not limited to, any requirement imposed by the court subjecting a child who is a habitual sex offender to community notification provisions as described in division (E) of that section all of the determinations and information identified in division (B)(1) of section 2152.82 of the Revised Code that are relevant.

(B) If a (1) The court that adjudicates a child a delinquent child, on the judge's own motion, may conduct at the time of disposition of the child or, if the court commits the child for

the delinquent act to the custody of a secure facility, may 1833  
conduct at the time of the child's release from the secure 1834  
facility, a hearing for the purposes described in division (B)(2) 1835  
of this section if all of the following apply: 1836

(a) The act for which the child is adjudicated a delinquent 1837  
child for committing on or after the effective date of this 1838  
section is a sexually oriented offense, if the delinquent that the 1839  
child committed on or after January 1, 2002. 1840

(b) The child was fourteen or fifteen years of age at the 1841  
time of committing the offense, and if the juvenile. 1842

(c) The court judge was not required to classify the child a 1843  
juvenile sex offender registrant under section 2152.82 of the 1844  
Revised Code, upon the child's discharge or release from a secure 1845  
facility or at the time of disposition if the judge does not 1846  
commit the child to the custody of a secure facility, the juvenile 1847  
court judge who adjudicated the child a delinquent child, or that 1848  
judge's successor in office, may, on the judge's own motion, 1849  
conduct a hearing. 1850

(2) A judge shall conduct a hearing under division (B)(1) of 1851  
this section to review the effectiveness of the disposition made 1852  
of the child and of any treatment provided for a the child placed 1853  
in a secure setting and to determine whether the child should be 1854  
classified a juvenile sex offender registrant. The judge may 1855  
conduct the hearing on the judge's own initiative or based upon a 1856  
recommendation of an officer or employee of the department of 1857  
youth services, a probation officer, an employee of the court, or 1858  
a prosecutor or law enforcement officer. If the judge conducts the 1859  
hearing, upon completion of the hearing, the judge, in the judge's 1860  
discretion and after consideration of the factors listed in 1861  
division (E) of this section, shall do either of the following: 1862

(1)(a) Decline to issue an order that classifies the child a 1863  
juvenile sex offender registrant and specifies that the child has 1864

a duty to register under section 2950.04 of the Revised Code; 1865

+2)(b) Issue an order that classifies the child a juvenile 1866  
sex offender registrant and specifies that the child has a duty to 1867  
register under section 2950.04 of the Revised Code and, if the 1868  
judge determines as described in division (C) of this section that 1869  
the child is a sexual predator or a habitual sex offender, include 1870  
in the order a statement that the judge has determined that the 1871  
child is a sexual predator or a habitual sex offender, whichever 1872  
is applicable. 1873

(C) A judge may issue an order under division (B) of this 1874  
section that contains a determination that a delinquent child is a 1875  
sexual predator only if the judge, in accordance with the 1876  
procedures specified in division (B) of section 2950.09 of the 1877  
Revised Code, determines at the hearing by clear and convincing 1878  
evidence that the child is a sexual predator. A judge may issue an 1879  
order under division (B) of this section that contains a 1880  
determination that a delinquent child is a habitual sex offender 1881  
only if the judge ~~determines~~ at the hearing determines as 1882  
described in division (E) of section 2950.09 of the Revised Code 1883  
that the child is a habitual sex offender. If the judge issues an 1884  
order under division (B) of this section that contains a 1885  
determination that a delinquent child is a habitual sex offender, 1886  
the judge may impose a requirement subjecting the child to 1887  
community notification provisions as described in division (E) of 1888  
section 2950.09 of the Revised Code. 1889

(D) If a judge issues an order under division (A) or (B) of 1890  
this section, the judge shall provide to the delinquent child and 1891  
to the delinquent child's parent, guardian, or custodian a copy of 1892  
the order and a notice containing the information described in 1893  
divisions (A) and (B) of section 2950.03 of the Revised Code. The 1894  
judge shall provide the notice at the time of the issuance of the 1895  
order, shall provide the notice as described in division (B)(1)(c) 1896

of that section, and shall comply with divisions (B)(1), (B)(2), 1897  
and (C) of that section regarding that notice. 1898

The judge also shall include in the order a statement that, 1899  
upon completion of the disposition of the delinquent child that 1900  
was made for the sexually oriented offense upon which the order is 1901  
based, a hearing will be conducted and the order is subject to 1902  
modification or termination pursuant to section 2152.84 of the 1903  
Revised Code. 1904

(E) In making a decision under division (B) of this section 1905  
as to whether a delinquent child should be classified a juvenile 1906  
sex offender registrant and, if so, whether the child also is a 1907  
sexual predator or a habitual sex offender, a judge shall consider 1908  
all relevant factors, including, but not limited to, all of the 1909  
following: 1910

(1) The nature of the sexually oriented offense committed by 1911  
the child; 1912

(2) Whether the child has shown any genuine remorse or 1913  
compunction for the offense; 1914

(3) The public interest and safety; 1915

(4) The factors set forth in division (B)(3) of section 1916  
2950.09 of the Revised Code; 1917

(5) The factors set forth in divisions (B) and (C) of section 1918  
2929.12 of the Revised Code as those factors apply regarding the 1919  
delinquent child, the offense, and the victim; 1920

(6) The results of any treatment provided to the child and of 1921  
any follow-up professional assessment of the child. 1922

(F) An order issued under division (A) or (B) of this section 1923  
shall remain in effect for the period of time specified in section 1924  
2950.07 of the Revised Code, subject to a modification or 1925  
termination of the order under section 2152.84 of the Revised 1926

Code. The child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

(G) As used in the section, "secure facility" has the same meaning as in section 2950.01 of the Revised Code.

**Sec. 2152.84.** (A)(1) When a juvenile court judge issues an order under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code that classifies a delinquent child a juvenile sex offender registrant and specifies that the child has a duty to register under section 2950.04 of the Revised Code, upon completion of the disposition of that ~~delinquent child that the judge~~ made for the sexually oriented offense on which the juvenile sex offender registrant order was based, the judge or the judge's successor in office shall conduct a hearing to ~~do all of the following:~~

~~(a) Review~~ review the effectiveness of the disposition and of any treatment provided for the child;

~~(b) If the order also contains a determination that the delinquent child is a sexual predator or habitual sex offender that the court made pursuant to division (B) or (E) of section 2950.09 of the Revised Code, determine whether the classification of the child as a sexual predator, habitual sex offender, or juvenile sex offender registrant should be continued or modified or, regarding an order issued under division (B) of section 2152.83 of the Revised Code, terminated;~~

~~(c) If the order was issued under division (B) of section 2152.83 of the Revised Code and does not contain a sexual predator determination that the court makes as described in division (A)(1)(b) of this section, to determine the risks that the child might re-offend, and to determine whether the prior classification of the child as a juvenile sex offender registrant and, if~~

applicable, as a sexual predator or habitual sex offender should 1958  
be continued, modified, or terminated as provided under division 1959  
(A)(2) of this section. 1960

(2) Upon completion of a hearing under division (A)(1) of 1961  
this section, the judge, in the judge's discretion and after 1962  
consideration of the factors listed in division (E) of ~~this~~ 1963  
section 2152.83 of the Revised Code, shall do one of the 1964  
following, as applicable: 1965

(a) Enter an order that continues the classification of the 1966  
delinquent child made in the prior order issued under section 1967  
2152.82 or division (A) or (B) of section 2152.83 of the Revised 1968  
Code, and any sexual predator or habitual sex offender 1969  
determination included in the order; 1970

(b) If the prior order was issued under section 2152.82 or 1971  
division (A) of section 2152.83 of the Revised Code and includes a 1972  
determination by the judge that the delinquent child is a sexual 1973  
predator, enter an order that contains a determination that the 1974  
delinquent child no longer is a sexual predator and that also 1975  
contains either a determination that the delinquent child is a 1976  
habitual sex offender or a determination that the delinquent child 1977  
remains a juvenile sex offender registrant but is not a sexual 1978  
predator or habitual sex offender; 1979

(c) If the prior order was issued under section 2152.82 or 1980  
division (A) of section 2152.83 of the Revised Code and does not 1981  
include a sexual predator determination as described in division 1982  
(A)(2)(b) of this section but includes a determination by the 1983  
judge that the delinquent child is a habitual sex offender, enter 1984  
an order that contains a determination that the delinquent child 1985  
no longer is a habitual sex offender and that also contains a 1986  
determination that the delinquent child remains a juvenile sex 1987  
offender registrant but is not a habitual sex offender; 1988

(d) If the prior order was issued under division (B) of 1989

section 2152.83 of the Revised Code and includes a determination 1990  
by the judge that the delinquent child is a sexual predator, enter 1991  
an order that contains a determination that the delinquent child 1992  
no longer is a sexual predator and that also contains a 1993  
determination that the delinquent child is a habitual sex 1994  
offender, a determination that the delinquent child remains a 1995  
juvenile sex offender registrant but is not a sexual predator or 1996  
habitual sex offender, or a determination that specifies that the 1997  
delinquent child no longer is a juvenile sex offender registrant 1998  
and no longer has a duty to register under section 2950.04 of the 1999  
Revised Code; 2000

(e) If the prior order was issued under division (B) of 2001  
section 2152.83 of the Revised Code and does not include a sexual 2002  
predator determination as described in division (A)(2)(d) of this 2003  
section but includes a determination by the judge that the 2004  
delinquent child is a habitual sex offender, enter an order that 2005  
contains a determination that the child no longer is a habitual 2006  
sex offender and that also contains either a determination that 2007  
the child remains a juvenile sex offender registrant but is not a 2008  
sexual predator or habitual sex offender or a determination that 2009  
specifies that the child no longer is a juvenile sex offender 2010  
registrant and no longer has a duty to register under section 2011  
2950.04 of the Revised Code; 2012

(f) If the prior order was issued under division (B) of 2013  
section 2152.83 of the Revised Code and ~~the order~~ does not include 2014  
a sexual predator determination or a habitual sex offender 2015  
determination as described in divisions (A)(2)(d) and (e) of this 2016  
section, enter an order that contains a determination that the 2017  
delinquent child no longer is a juvenile sex offender registrant 2018  
and no longer has a duty to register under section 2950.04 of the 2019  
Revised Code. 2020

(B) If a judge issues an order under division (A)(2)(a) of 2021

this section that continues the prior classification of the delinquent child as a juvenile sex offender registrant and any sexual predator or habitual sex offender determination included in the order, the prior classification and the prior determination, if applicable, shall remain in effect.

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A judge may issue an order under division (A)(2) of this section that contains a determination that a child no longer is a sexual predator only if the judge, in accordance with the procedures specified in division (D)(1) of section 2950.09 of the Revised Code, determines at the hearing by clear and convincing evidence that the delinquent child is unlikely to commit a sexually oriented offense in the future. If the judge issues an order of that type, the judge shall provide the notifications described in division (D)(1) of section 2950.09 of the Revised Code, and the recipient of the notification shall comply with the provisions of that division.

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If a judge issues an order under division (A)(2) of this section that otherwise reclassifies the delinquent child, the judge shall provide a copy of the order to the bureau of criminal identification and investigation, and the bureau, upon receipt of the copy of the order, promptly shall notify the sheriff with whom the child most recently registered under section 2950.04 of the Revised Code of the reclassification.

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(C) If a judge issues an order under any provision of division (A)(2) of this section, the judge shall provide to the delinquent child and to the delinquent child's parent, guardian, or custodian a copy of the order and a notice containing the information described in divisions (A) and (B) of section 2950.03 of the Revised Code. The judge shall provide the notice at the time of the issuance of the order, shall provide the notice as described in division (B)(1)(c) of that section, and shall comply with divisions (B)(1), (B)(2), and (C) of that section regarding

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that notice. 2054

(D) In making a decision under division (A) of this section, 2055  
a judge shall consider all relevant factors, including, but not 2056  
limited to, the factors listed in division (E) of section 2152.83 2057  
of the Revised Code. 2058

(E) An order issued under division (A)(2) of this section and 2059  
any determinations included in the order shall remain in effect 2060  
for the period of time specified in section 2950.07 of the Revised 2061  
Code, subject to a modification or termination of the order under 2062  
section 2152.85 of the Revised Code. If an order is issued under 2063  
division (A)(2) of this section, the child's attainment of 2064  
eighteen or twenty-one years of age does not affect or terminate 2065  
the order, and the order remains in effect for the period of time 2066  
described in this division. 2067

**Sec. 2301.03.** (A) In Franklin county, the judges of the court 2068  
of common pleas whose terms begin on January 1, 1953, January 2, 2069  
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 2070  
successors, shall have the same qualifications, exercise the same 2071  
powers and jurisdiction, and receive the same compensation as 2072  
other judges of the court of common pleas of Franklin county and 2073  
shall be elected and designated as judges of the court of common 2074  
pleas, division of domestic relations. They shall have all the 2075  
powers relating to juvenile courts, and all cases under Chapters 2076  
2151. and 2152. of the Revised Code, all parentage proceedings 2077  
under Chapter 3111. of the Revised Code over which the juvenile 2078  
court has jurisdiction, and all divorce, dissolution of marriage, 2079  
legal separation, and annulment cases shall be assigned to them. 2080  
In addition to the judge's regular duties, the judge who is senior 2081  
in point of service shall serve on the children services board and 2082  
the county advisory board and shall be the administrator of the 2083  
domestic relations division and its subdivisions and departments. 2084

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(B) In Hamilton county:

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(1) The judge of the court of common pleas, whose term begins on January 1, 1957, and successors, and the judge of the court of common pleas, whose term begins on February 14, 1967, and successors, shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdiction conferred by those chapters.

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(2) The judges of the court of common pleas whose terms begin on January 5, 1957, January 16, 1981, and July 1, 1991, and successors, shall be elected and designated as judges of the court of common pleas, division of domestic relations, and shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. On or after the first day of July and before the first day of August of 1991 and each year thereafter, a majority of the judges of the division of domestic relations shall elect one of the judges of the division as administrative judge of that division. If a majority of the judges of the division of domestic relations are unable for any reason to elect an administrative judge for the division before the first day of August, a majority of the judges of the Hamilton county court of common pleas, as soon as possible after that date, shall elect one of the judges of the division of domestic relations as administrative judge of that division. The term of the administrative judge shall begin on the earlier of the first day of August of the year in which the administrative judge is elected or the date on which the administrative judge is elected by a majority of the judges of the Hamilton county court of common pleas and shall terminate on the date on which the administrative judge's successor is elected in the following year.

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In addition to the judge's regular duties, the administrative

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judge of the division of domestic relations shall be the 2116  
administrator of the domestic relations division and its 2117  
subdivisions and departments and shall have charge of the 2118  
employment, assignment, and supervision of the personnel of the 2119  
division engaged in handling, servicing, or investigating divorce, 2120  
dissolution of marriage, legal separation, and annulment cases, 2121  
including any referees considered necessary by the judges in the 2122  
discharge of their various duties. 2123

The administrative judge of the division of domestic 2124  
relations also shall designate the title, compensation, expense 2125  
allowances, hours, leaves of absence, and vacations of the 2126  
personnel of the division, and shall fix the duties of its 2127  
personnel. The duties of the personnel, in addition to those 2128  
provided for in other sections of the Revised Code, shall include 2129  
the handling, servicing, and investigation of divorce, dissolution 2130  
of marriage, legal separation, and annulment cases and counseling 2131  
and conciliation services that may be made available to persons 2132  
requesting them, whether or not the persons are parties to an 2133  
action pending in the division. 2134

The board of county commissioners shall appropriate the sum 2135  
of money each year as will meet all the administrative expenses of 2136  
the division of domestic relations, including reasonable expenses 2137  
of the domestic relations judges and the division counselors and 2138  
other employees designated to conduct the handling, servicing, and 2139  
investigation of divorce, dissolution of marriage, legal 2140  
separation, and annulment cases, conciliation and counseling, and 2141  
all matters relating to those cases and counseling, and the 2142  
expenses involved in the attendance of division personnel at 2143  
domestic relations and welfare conferences designated by the 2144  
division, and the further sum each year as will provide for the 2145  
adequate operation of the division of domestic relations. 2146

The compensation and expenses of all employees and the salary 2147

and expenses of the judges shall be paid by the county treasurer 2148  
from the money appropriated for the operation of the division, 2149  
upon the warrant of the county auditor, certified to by the 2150  
administrative judge of the division of domestic relations. 2151

The summonses, warrants, citations, subpoenas, and other 2152  
writs of the division may issue to a bailiff, constable, or staff 2153  
investigator of the division or to the sheriff of any county or 2154  
any marshal, constable, or police officer, and the provisions of 2155  
law relating to the subpoenaing of witnesses in other cases shall 2156  
apply insofar as they are applicable. When a summons, warrant, 2157  
citation, subpoena, or other writ is issued to an officer, other 2158  
than a bailiff, constable, or staff investigator of the division, 2159  
the expense of serving it shall be assessed as a part of the costs 2160  
in the case involved. 2161

(3) The judge of the court of common pleas of Hamilton county 2162  
whose term begins on January 3, 1997, shall be elected and 2163  
designated for one term only as the drug court judge of the court 2164  
of common pleas of Hamilton county, and the successors to that 2165  
judge shall be elected and designated as judges of the general 2166  
division of the court of common pleas of Hamilton county and shall 2167  
not have the authority granted by division (B)(3) of this section. 2168  
The drug court judge may accept or reject any case referred to the 2169  
drug court judge under division (B)(3) of this section. After the 2170  
drug court judge accepts a referred case, the drug court judge has 2171  
full authority over the case, including the authority to conduct 2172  
arraignment, accept pleas, enter findings and dispositions, 2173  
conduct trials, order treatment, and if treatment is not 2174  
successfully completed pronounce and enter sentence. 2175

A judge of the general division of the court of common pleas 2176  
of Hamilton county and a judge of the Hamilton county municipal 2177  
court may refer to the drug court judge any case, and any 2178  
companion cases, the judge determines meet the criteria described 2179

under divisions (B)(3)(a) and (b) of this section. If the drug  
court judge accepts referral of a referred case, the case, and any  
companion cases, shall be transferred to the drug court judge. A  
judge may refer a case meeting the criteria described in divisions  
(B)(3)(a) and (b) of this section that involves a violation of a  
term of probation to the drug court judge, and, if the drug court  
judge accepts the referral, the referring judge and the drug court  
judge have concurrent jurisdiction over the case.

A judge of the general division of the court of common pleas  
of Hamilton county and a judge of the Hamilton county municipal  
court may refer a case to the drug court judge under division  
(B)(3) of this section if the judge determines that both of the  
following apply:

(a) One of the following applies:

(i) The case involves a drug abuse offense, as defined in  
section 2925.01 of the Revised Code, that is a felony of the third  
or fourth degree if the offense is committed prior to July 1,  
1996, a felony of the third, fourth, or fifth degree if the  
offense is committed on or after July 1, 1996, or a misdemeanor.

(ii) The case involves a theft offense, as defined in section  
2913.01 of the Revised Code, that is a felony of the third or  
fourth degree if the offense is committed prior to July 1, 1996, a  
felony of the third, fourth, or fifth degree if the offense is  
committed on or after July 1, 1996, or a misdemeanor, and the  
defendant is drug or alcohol dependent or in danger of becoming  
drug or alcohol dependent and would benefit from treatment.

(b) All of the following apply:

(i) The case involves a probationable offense or a case in  
which a mandatory prison term is not required to be imposed.

(ii) The defendant has no history of violent behavior.

(iii) The defendant has no history of mental illness.	2211
(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.	2212 2213
(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.	2214 2215
(vi) The defendant has no acute health condition.	2216
(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.	2217 2218
(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.	2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229
(C) In Lorain county, the judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. They shall have all of the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except	2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241

cases that for some special reason are assigned to some other judge of the court of common pleas. 2242  
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(D) In Lucas county: 2244

(1) The judges of the court of common pleas whose terms begin on January 1, 1955, and January 3, 1965, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lucas county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. All divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them. 2245  
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The judge of the division of domestic relations, senior in point of service, shall be considered as the presiding judge of the court of common pleas, division of domestic relations, and shall be charged exclusively with the assignment and division of the work of the division and the employment and supervision of all other personnel of the domestic relations division. 2253  
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(2) The judges of the court of common pleas whose terms begin on January 5, 1977, and January 2, 1991, and successors shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lucas county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code with the powers and jurisdictions conferred by those chapters. In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating juvenile cases, including 2259  
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any referees considered necessary by the judges of the division in 2274  
the discharge of their various duties. 2275

The judge of the court of common pleas, juvenile division, 2276  
senior in point of service, also shall designate the title, 2277  
compensation, expense allowance, hours, leaves of absence, and 2278  
vacation of the personnel of the division and shall fix the duties 2279  
of the personnel of the division. The duties of the personnel, in 2280  
addition to other statutory duties include the handling, 2281  
servicing, and investigation of juvenile cases and counseling and 2282  
conciliation services that may be made available to persons 2283  
requesting them, whether or not the persons are parties to an 2284  
action pending in the division. 2285

(3) If one of the judges of the court of common pleas, 2286  
division of domestic relations, or one of the judges of the 2287  
juvenile division is sick, absent, or unable to perform that 2288  
judge's judicial duties or the volume of cases pending in that 2289  
judge's division necessitates it, the duties shall be performed by 2290  
the judges of the other of those divisions. 2291

(E) In Mahoning county: 2292

(1) The judge of the court of common pleas whose term began 2293  
on January 1, 1955, and successors, shall have the same 2294  
qualifications, exercise the same powers and jurisdiction, and 2295  
receive the same compensation as other judges of the court of 2296  
common pleas of Mahoning county, shall be elected and designated 2297  
as judge of the court of common pleas, division of domestic 2298  
relations, and shall be assigned all the divorce, dissolution of 2299  
marriage, legal separation, and annulment cases coming before the 2300  
court. In addition to the judge's regular duties, the judge of the 2301  
court of common pleas, division of domestic relations, shall be 2302  
the administrator of the domestic relations division and its 2303  
subdivisions and departments and shall have charge of the 2304  
employment, assignment, and supervision of the personnel of the 2305

division engaged in handling, servicing, or investigating divorce, 2306  
dissolution of marriage, legal separation, and annulment cases, 2307  
including any referees considered necessary in the discharge of 2308  
the various duties of the judge's office. 2309

The judge also shall designate the title, compensation, 2310  
expense allowances, hours, leaves of absence, and vacations of the 2311  
personnel of the division and shall fix the duties of the 2312  
personnel of the division. The duties of the personnel, in 2313  
addition to other statutory duties, include the handling, 2314  
servicing, and investigation of divorce, dissolution of marriage, 2315  
legal separation, and annulment cases and counseling and 2316  
conciliation services that may be made available to persons 2317  
requesting them, whether or not the persons are parties to an 2318  
action pending in the division. 2319

(2) The judge of the court of common pleas whose term began 2320  
on January 2, 1969, and successors, shall have the same 2321  
qualifications, exercise the same powers and jurisdiction, and 2322  
receive the same compensation as other judges of the court of 2323  
common pleas of Mahoning county, shall be elected and designated 2324  
as judge of the court of common pleas, juvenile division, and 2325  
shall be the juvenile judge as provided in Chapters 2151. and 2326  
2152. of the Revised Code, with the powers and jurisdictions 2327  
conferred by those chapters. In addition to the judge's regular 2328  
duties, the judge of the court of common pleas, juvenile division, 2329  
shall be the administrator of the juvenile division and its 2330  
subdivisions and departments and shall have charge of the 2331  
employment, assignment, and supervision of the personnel of the 2332  
division engaged in handling, servicing, or investigating juvenile 2333  
cases, including any referees considered necessary by the judge in 2334  
the discharge of the judge's various duties. 2335

The judge also shall designate the title, compensation, 2336  
expense allowances, hours, leaves of absence, and vacation of the 2337

personnel of the division and shall fix the duties of the 2338  
personnel of the division. The duties of the personnel, in 2339  
addition to other statutory duties, include the handling, 2340  
servicing, and investigation of juvenile cases and counseling and 2341  
conciliation services that may be made available to persons 2342  
requesting them, whether or not the persons are parties to an 2343  
action pending in the division. 2344

(3) If a judge of the court of common pleas, division of 2345  
domestic relations or juvenile division, is sick, absent, or 2346  
unable to perform that judge's judicial duties, or the volume of 2347  
cases pending in that judge's division necessitates it, that 2348  
judge's duties shall be performed by another judge of the court of 2349  
common pleas. 2350

(F) In Montgomery county: 2351

(1) The judges of the court of common pleas whose terms begin 2352  
on January 2, 1953, and January 4, 1977, and successors, shall 2353  
have the same qualifications, exercise the same powers and 2354  
jurisdiction, and receive the same compensation as other judges of 2355  
the court of common pleas of Montgomery county and shall be 2356  
elected and designated as judges of the court of common pleas, 2357  
division of domestic relations. These judges shall have assigned 2358  
to them all divorce, dissolution of marriage, legal separation, 2359  
and annulment cases. 2360

The judge of the division of domestic relations, senior in 2361  
point of service, shall be charged exclusively with the assignment 2362  
and division of the work of the division and shall have charge of 2363  
the employment and supervision of the personnel of the division 2364  
engaged in handling, servicing, or investigating divorce, 2365  
dissolution of marriage, legal separation, and annulment cases, 2366  
including any necessary referees, except those employees who may 2367  
be appointed by the judge, junior in point of service, under this 2368  
section and sections 2301.12, 2301.18, and 2301.19 of the Revised 2369

Code. The judge of the division of domestic relations, senior in 2370  
point of service, also shall designate the title, compensation, 2371  
expense allowances, hours, leaves of absence, and vacation of the 2372  
personnel of the division and shall fix their duties. 2373

(2) The judges of the court of common pleas whose terms begin 2374  
on January 1, 1953, and January 1, 1993, and successors, shall 2375  
have the same qualifications, exercise the same powers and 2376  
jurisdiction, and receive the same compensation as other judges of 2377  
the court of common pleas of Montgomery county, shall be elected 2378  
and designated as judges of the court of common pleas, juvenile 2379  
division, and shall be, and have the powers and jurisdiction of, 2380  
the juvenile judge as provided in Chapters 2151. and 2152. of the 2381  
Revised Code. 2382

In addition to the judge's regular duties, the judge of the 2383  
court of common pleas, juvenile division, senior in point of 2384  
service, shall be the administrator of the juvenile division and 2385  
its subdivisions and departments and shall have charge of the 2386  
employment, assignment, and supervision of the personnel of the 2387  
juvenile division, including any necessary referees, who are 2388  
engaged in handling, servicing, or investigating juvenile cases. 2389  
The judge, senior in point of service, also shall designate the 2390  
title, compensation, expense allowances, hours, leaves of absence, 2391  
and vacation of the personnel of the division and shall fix their 2392  
duties. The duties of the personnel, in addition to other 2393  
statutory duties, shall include the handling, servicing, and 2394  
investigation of juvenile cases and of any counseling and 2395  
conciliation services that are available upon request to persons, 2396  
whether or not they are parties to an action pending in the 2397  
division. 2398

If one of the judges of the court of common pleas, division 2399  
of domestic relations, or one of the judges of the court of common 2400  
pleas, juvenile division, is sick, absent, or unable to perform 2401

that judge's duties or the volume of cases pending in that judge's 2402  
division necessitates it, the duties of that judge may be 2403  
performed by the judge or judges of the other of those divisions. 2404

(G) In Richland county, the judge of the court of common 2405  
pleas whose term begins on January 1, 1957, and successors, shall 2406  
have the same qualifications, exercise the same powers and 2407  
jurisdiction, and receive the same compensation as the other 2408  
judges of the court of common pleas of Richland county and shall 2409  
be elected and designated as judge of the court of common pleas, 2410  
division of domestic relations. That judge shall have all of the 2411  
powers relating to juvenile courts, and all cases under Chapters 2412  
2151. and 2152. of the Revised Code, all parentage proceedings 2413  
over which the juvenile court has jurisdiction, and all divorce, 2414  
dissolution of marriage, legal separation, and annulment cases 2415  
shall be assigned to that judge, except in cases that for some 2416  
special reason are assigned to some other judge of the court of 2417  
common pleas. 2418

(H) In Stark county, the judges of the court of common pleas 2419  
whose terms begin on January 1, 1953, January 2, 1959, and January 2420  
1, 1993, and successors, shall have the same qualifications, 2421  
exercise the same powers and jurisdiction, and receive the same 2422  
compensation as other judges of the court of common pleas of Stark 2423  
county and shall be elected and designated as judges of the court 2424  
of common pleas, division of domestic relations. They shall have 2425  
all the powers relating to juvenile courts, and all cases under 2426  
Chapters 2151. and 2152. of the Revised Code, all parentage 2427  
proceedings over which the juvenile court has jurisdiction, and 2428  
all divorce, dissolution of marriage, legal separation, and 2429  
annulment cases, except cases that are assigned to some other 2430  
judge of the court of common pleas for some special reason, shall 2431  
be assigned to the judges. 2432

The judge of the division of domestic relations, second most 2433

senior in point of service, shall have charge of the employment 2434  
and supervision of the personnel of the division engaged in 2435  
handling, servicing, or investigating divorce, dissolution of 2436  
marriage, legal separation, and annulment cases, and necessary 2437  
referees required for the judge's respective court. 2438

The judge of the division of domestic relations, senior in 2439  
point of service, shall be charged exclusively with the 2440  
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 2441  
of the Revised Code and with the assignment and division of the 2442  
work of the division and the employment and supervision of all 2443  
other personnel of the division, including, but not limited to, 2444  
that judge's necessary referees, but excepting those employees who 2445  
may be appointed by the judge second most senior in point of 2446  
service. The senior judge further shall serve in every other 2447  
position in which the statutes permit or require a juvenile judge 2448  
to serve. 2449

(I) In Summit county: 2450

(1) The judges of the court of common pleas whose terms begin 2451  
on January 4, 1967, and January 6, 1993, and successors, shall 2452  
have the same qualifications, exercise the same powers and 2453  
jurisdiction, and receive the same compensation as other judges of 2454  
the court of common pleas of Summit county and shall be elected 2455  
and designated as judges of the court of common pleas, division of 2456  
domestic relations. The judges of the division of domestic 2457  
relations shall have assigned to them and hear all divorce, 2458  
dissolution of marriage, legal separation, and annulment cases 2459  
that come before the court. Except in cases that are subject to 2460  
the exclusive original jurisdiction of the juvenile court, the 2461  
judges of the division of domestic relations shall have assigned 2462  
to them and hear all cases pertaining to paternity, custody, 2463  
visitation, child support, or the allocation of parental rights 2464  
and responsibilities for the care of children and all post-decree 2465

proceedings arising from any case pertaining to any of those 2466  
matters. The judges of the division of domestic relations shall 2467  
have assigned to them and hear all proceedings under the uniform 2468  
interstate family support act contained in Chapter 3115. of the 2469  
Revised Code. 2470

The judge of the division of domestic relations, senior in 2471  
point of service, shall be the administrator of the domestic 2472  
relations division and its subdivisions and departments and shall 2473  
have charge of the employment, assignment, and supervision of the 2474  
personnel of the division, including any necessary referees, who 2475  
are engaged in handling, servicing, or investigating divorce, 2476  
dissolution of marriage, legal separation, and annulment cases. 2477  
That judge also shall designate the title, compensation, expense 2478  
allowances, hours, leaves of absence, and vacations of the 2479  
personnel of the division and shall fix their duties. The duties 2480  
of the personnel, in addition to other statutory duties, shall 2481  
include the handling, servicing, and investigation of divorce, 2482  
dissolution of marriage, legal separation, and annulment cases and 2483  
of any counseling and conciliation services that are available 2484  
upon request to all persons, whether or not they are parties to an 2485  
action pending in the division. 2486

(2) The judge of the court of common pleas whose term begins 2487  
on January 1, 1955, and successors, shall have the same 2488  
qualifications, exercise the same powers and jurisdiction, and 2489  
receive the same compensation as other judges of the court of 2490  
common pleas of Summit county, shall be elected and designated as 2491  
judge of the court of common pleas, juvenile division, and shall 2492  
be, and have the powers and jurisdiction of, the juvenile judge as 2493  
provided in Chapters 2151. and 2152. of the Revised Code. Except 2494  
in cases that are subject to the exclusive original jurisdiction 2495  
of the juvenile court, the judge of the juvenile division shall 2496  
not have jurisdiction or the power to hear, and shall not be 2497

assigned, any case pertaining to paternity, custody, visitation, 2498  
child support, or the allocation of parental rights and 2499  
responsibilities for the care of children or any post-decree 2500  
proceeding arising from any case pertaining to any of those 2501  
matters. The judge of the juvenile division shall not have 2502  
jurisdiction or the power to hear, and shall not be assigned, any 2503  
proceeding under the uniform interstate family support act 2504  
contained in Chapter 3115. of the Revised Code. 2505

The juvenile judge shall be the administrator of the juvenile 2506  
division and its subdivisions and departments and shall have 2507  
charge of the employment, assignment, and supervision of the 2508  
personnel of the juvenile division, including any necessary 2509  
referees, who are engaged in handling, servicing, or investigating 2510  
juvenile cases. The judge also shall designate the title, 2511  
compensation, expense allowances, hours, leaves of absence, and 2512  
vacation of the personnel of the division and shall fix their 2513  
duties. The duties of the personnel, in addition to other 2514  
statutory duties, shall include the handling, servicing, and 2515  
investigation of juvenile cases and of any counseling and 2516  
conciliation services that are available upon request to persons, 2517  
whether or not they are parties to an action pending in the 2518  
division. 2519

(J) In Trumbull county, the judges of the court of common 2520  
pleas whose terms begin on January 1, 1953, and January 2, 1977, 2521  
and successors, shall have the same qualifications, exercise the 2522  
same powers and jurisdiction, and receive the same compensation as 2523  
other judges of the court of common pleas of Trumbull county and 2524  
shall be elected and designated as judges of the court of common 2525  
pleas, division of domestic relations. They shall have all the 2526  
powers relating to juvenile courts, and all cases under Chapters 2527  
2151. and 2152. of the Revised Code, all parentage proceedings 2528  
over which the juvenile court has jurisdiction, and all divorce, 2529

dissolution of marriage, legal separation, and annulment cases 2530  
shall be assigned to them, except cases that for some special 2531  
reason are assigned to some other judge of the court of common 2532  
pleas. 2533

(K) In Butler county: 2534

(1) The judges of the court of common pleas whose terms begin 2535  
on January 1, 1957, and January 4, 1993, and successors, shall 2536  
have the same qualifications, exercise the same powers and 2537  
jurisdiction, and receive the same compensation as other judges of 2538  
the court of common pleas of Butler county and shall be elected 2539  
and designated as judges of the court of common pleas, division of 2540  
domestic relations. The judges of the division of domestic 2541  
relations shall have assigned to them all divorce, dissolution of 2542  
marriage, legal separation, and annulment cases coming before the 2543  
court, except in cases that for some special reason are assigned 2544  
to some other judge of the court of common pleas. The judge senior 2545  
in point of service shall be charged with the assignment and 2546  
division of the work of the division and with the employment and 2547  
supervision of all other personnel of the domestic relations 2548  
division. 2549

The judge senior in point of service also shall designate the 2550  
title, compensation, expense allowances, hours, leaves of absence, 2551  
and vacations of the personnel of the division and shall fix their 2552  
duties. The duties of the personnel, in addition to other 2553  
statutory duties, shall include the handling, servicing, and 2554  
investigation of divorce, dissolution of marriage, legal 2555  
separation, and annulment cases and providing any counseling and 2556  
conciliation services that the division makes available to 2557  
persons, whether or not the persons are parties to an action 2558  
pending in the division, who request the services. 2559

(2) The judges of the court of common pleas whose terms begin 2560  
on January 3, 1987, and January 2, 2003, and successors, shall 2561

have the same qualifications, exercise the same powers and  
jurisdiction, and receive the same compensation as other judges of  
the court of common pleas of Butler county, shall be elected and  
designated as judges of the court of common pleas, juvenile  
division, and shall be the juvenile judges as provided in Chapters  
2151. and 2152. of the Revised Code, with the powers and  
jurisdictions conferred by those chapters. The judge of the court  
of common pleas, juvenile division, who is senior in point of  
service, shall be the administrator of the juvenile division and  
its subdivisions and departments. The judge, senior in point of  
service, shall have charge of the employment, assignment, and  
supervision of the personnel of the juvenile division who are  
engaged in handling, servicing, or investigating juvenile cases,  
including any referees whom the judge considers necessary for the  
discharge of the judge's various duties.

The judge, senior in point of service, also shall designate  
the title, compensation, expense allowances, hours, leaves of  
absence, and vacation of the personnel of the division and shall  
fix their duties. The duties of the personnel, in addition to  
other statutory duties, include the handling, servicing, and  
investigation of juvenile cases and providing any counseling and  
conciliation services that the division makes available to  
persons, whether or not the persons are parties to an action  
pending in the division, who request the services.

(3) If a judge of the court of common pleas, division of  
domestic relations or juvenile division, is sick, absent, or  
unable to perform that judge's judicial duties or the volume of  
cases pending in the judge's division necessitates it, the duties  
of that judge shall be performed by the other judges of the  
domestic relations and juvenile divisions.

(L)(1) In Cuyahoga county, the judges of the court of common  
pleas whose terms begin on January 8, 1961, January 9, 1961,

January 18, 1975, January 19, 1975, and January 13, 1987, and  
successors, shall have the same qualifications, exercise the same  
powers and jurisdiction, and receive the same compensation as  
other judges of the court of common pleas of Cuyahoga county and  
shall be elected and designated as judges of the court of common  
pleas, division of domestic relations. They shall have all the  
powers relating to all divorce, dissolution of marriage, legal  
separation, and annulment cases, except in cases that are assigned  
to some other judge of the court of common pleas for some special  
reason.

(2) The administrative judge is administrator of the domestic  
relations division and its subdivisions and departments and has  
the following powers concerning division personnel:

(a) Full charge of the employment, assignment, and  
supervision;

(b) Sole determination of compensation, duties, expenses,  
allowances, hours, leaves, and vacations.

(3) "Division personnel" include persons employed or referees  
engaged in hearing, servicing, investigating, counseling, or  
conciliating divorce, dissolution of marriage, legal separation  
and annulment matters.

(M) In Lake county:

(1) The judge of the court of common pleas whose term begins  
on January 2, 1961, and successors, shall have the same  
qualifications, exercise the same powers and jurisdiction, and  
receive the same compensation as the other judges of the court of  
common pleas of Lake county and shall be elected and designated as  
judge of the court of common pleas, division of domestic  
relations. The judge shall be assigned all the divorce,  
dissolution of marriage, legal separation, and annulment cases  
coming before the court, except in cases that for some special

reason are assigned to some other judge of the court of common 2625  
pleas. The judge shall be charged with the assignment and division 2626  
of the work of the division and with the employment and 2627  
supervision of all other personnel of the domestic relations 2628  
division. 2629

The judge also shall designate the title, compensation, 2630  
expense allowances, hours, leaves of absence, and vacations of the 2631  
personnel of the division and shall fix their duties. The duties 2632  
of the personnel, in addition to other statutory duties, shall 2633  
include the handling, servicing, and investigation of divorce, 2634  
dissolution of marriage, legal separation, and annulment cases and 2635  
providing any counseling and conciliation services that the 2636  
division makes available to persons, whether or not the persons 2637  
are parties to an action pending in the division, who request the 2638  
services. 2639

(2) The judge of the court of common pleas whose term begins 2640  
on January 4, 1979, and successors, shall have the same 2641  
qualifications, exercise the same powers and jurisdiction, and 2642  
receive the same compensation as other judges of the court of 2643  
common pleas of Lake county, shall be elected and designated as 2644  
judge of the court of common pleas, juvenile division, and shall 2645  
be the juvenile judge as provided in Chapters 2151. and 2152. of 2646  
the Revised Code, with the powers and jurisdictions conferred by 2647  
those chapters. The judge of the court of common pleas, juvenile 2648  
division, shall be the administrator of the juvenile division and 2649  
its subdivisions and departments. The judge shall have charge of 2650  
the employment, assignment, and supervision of the personnel of 2651  
the juvenile division who are engaged in handling, servicing, or 2652  
investigating juvenile cases, including any referees whom the 2653  
judge considers necessary for the discharge of the judge's various 2654  
duties. 2655

The judge also shall designate the title, compensation, 2656

expense allowances, hours, leaves of absence, and vacation of the  
personnel of the division and shall fix their duties. The duties  
of the personnel, in addition to other statutory duties, include  
the handling, servicing, and investigation of juvenile cases and  
providing any counseling and conciliation services that the  
division makes available to persons, whether or not the persons  
are parties to an action pending in the division, who request the  
services.

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(3) If a judge of the court of common pleas, division of  
domestic relations or juvenile division, is sick, absent, or  
unable to perform that judge's judicial duties or the volume of  
cases pending in the judge's division necessitates it, the duties  
of that judge shall be performed by the other judges of the  
domestic relations and juvenile divisions.

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(N) In Erie county, the judge of the court of common pleas  
whose term begins on January 2, 1971, and successors, shall have  
the same qualifications, exercise the same powers and  
jurisdiction, and receive the same compensation as the other judge  
of the court of common pleas of Erie county and shall be elected  
and designated as judge of the court of common pleas, division of  
domestic relations. The judge shall have all the powers relating  
to juvenile courts, and shall be assigned all cases under Chapters  
2151. and 2152. of the Revised Code, parentage proceedings over  
which the juvenile court has jurisdiction, and divorce,  
dissolution of marriage, legal separation, and annulment cases,  
except cases that for some special reason are assigned to some  
other judge.

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(O) In Greene county:

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(1) The judge of the court of common pleas whose term begins  
on January 1, 1961, and successors, shall have the same  
qualifications, exercise the same powers and jurisdiction, and  
receive the same compensation as the other judges of the court of

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common pleas of Greene county and shall be elected and designated 2689  
as the judge of the court of common pleas, division of domestic 2690  
relations. The judge shall be assigned all divorce, dissolution of 2691  
marriage, legal separation, annulment, uniform reciprocal support 2692  
enforcement, and domestic violence cases and all other cases 2693  
related to domestic relations, except cases that for some special 2694  
reason are assigned to some other judge of the court of common 2695  
pleas. 2696

The judge shall be charged with the assignment and division 2697  
of the work of the division and with the employment and 2698  
supervision of all other personnel of the division. The judge also 2699  
shall designate the title, compensation, hours, leaves of absence, 2700  
and vacations of the personnel of the division and shall fix their 2701  
duties. The duties of the personnel of the division, in addition 2702  
to other statutory duties, shall include the handling, servicing, 2703  
and investigation of divorce, dissolution of marriage, legal 2704  
separation, and annulment cases and the provision of counseling 2705  
and conciliation services that the division considers necessary 2706  
and makes available to persons who request the services, whether 2707  
or not the persons are parties in an action pending in the 2708  
division. The compensation for the personnel shall be paid from 2709  
the overall court budget and shall be included in the 2710  
appropriations for the existing judges of the general division of 2711  
the court of common pleas. 2712

(2) The judge of the court of common pleas whose term begins 2713  
on January 1, 1995, and successors, shall have the same 2714  
qualifications, exercise the same powers and jurisdiction, and 2715  
receive the same compensation as the other judges of the court of 2716  
common pleas of Greene county, shall be elected and designated as 2717  
judge of the court of common pleas, juvenile division, and, on or 2718  
after January 1, 1995, shall be the juvenile judge as provided in 2719  
Chapters 2151. and 2152. of the Revised Code with the powers and 2720

jurisdiction conferred by those chapters. The judge of the court  
of common pleas, juvenile division, shall be the administrator of  
the juvenile division and its subdivisions and departments. The  
judge shall have charge of the employment, assignment, and  
supervision of the personnel of the juvenile division who are  
engaged in handling, servicing, or investigating juvenile cases,  
including any referees whom the judge considers necessary for the  
discharge of the judge's various duties.

The judge also shall designate the title, compensation,  
expense allowances, hours, leaves of absence, and vacation of the  
personnel of the division and shall fix their duties. The duties  
of the personnel, in addition to other statutory duties, include  
the handling, servicing, and investigation of juvenile cases and  
providing any counseling and conciliation services that the court  
makes available to persons, whether or not the persons are parties  
to an action pending in the court, who request the services.

(3) If one of the judges of the court of common pleas,  
general division, is sick, absent, or unable to perform that  
judge's judicial duties or the volume of cases pending in the  
general division necessitates it, the duties of that judge of the  
general division shall be performed by the judge of the division  
of domestic relations and the judge of the juvenile division.

(P) In Portage county, the judge of the court of common  
pleas, whose term begins January 2, 1987, and successors, shall  
have the same qualifications, exercise the same powers and  
jurisdiction, and receive the same compensation as the other  
judges of the court of common pleas of Portage county and shall be  
elected and designated as judge of the court of common pleas,  
division of domestic relations. The judge shall be assigned all  
divorce, dissolution of marriage, legal separation, and annulment  
cases coming before the court, except in cases that for some  
special reason are assigned to some other judge of the court of

common pleas. The judge shall be charged with the assignment and 2753  
division of the work of the division and with the employment and 2754  
supervision of all other personnel of the domestic relations 2755  
division. 2756

The judge also shall designate the title, compensation, 2757  
expense allowances, hours, leaves of absence, and vacations of the 2758  
personnel of the division and shall fix their duties. The duties 2759  
of the personnel, in addition to other statutory duties, shall 2760  
include the handling, servicing, and investigation of divorce, 2761  
dissolution of marriage, legal separation, and annulment cases and 2762  
providing any counseling and conciliation services that the 2763  
division makes available to persons, whether or not the persons 2764  
are parties to an action pending in the division, who request the 2765  
services. 2766

(Q) In Clermont county, the judge of the court of common 2767  
pleas, whose term begins January 2, 1987, and successors, shall 2768  
have the same qualifications, exercise the same powers and 2769  
jurisdiction, and receive the same compensation as the other 2770  
judges of the court of common pleas of Clermont county and shall 2771  
be elected and designated as judge of the court of common pleas, 2772  
division of domestic relations. The judge shall be assigned all 2773  
divorce, dissolution of marriage, legal separation, and annulment 2774  
cases coming before the court, except in cases that for some 2775  
special reason are assigned to some other judge of the court of 2776  
common pleas. The judge shall be charged with the assignment and 2777  
division of the work of the division and with the employment and 2778  
supervision of all other personnel of the domestic relations 2779  
division. 2780

The judge also shall designate the title, compensation, 2781  
expense allowances, hours, leaves of absence, and vacations of the 2782  
personnel of the division and shall fix their duties. The duties 2783  
of the personnel, in addition to other statutory duties, shall 2784

include the handling, servicing, and investigation of divorce, 2785  
dissolution of marriage, legal separation, and annulment cases and 2786  
providing any counseling and conciliation services that the 2787  
division makes available to persons, whether or not the persons 2788  
are parties to an action pending in the division, who request the 2789  
services. 2790

(R) In Warren county, the judge of the court of common pleas, 2791  
whose term begins January 1, 1987, and successors, shall have the 2792  
same qualifications, exercise the same powers and jurisdiction, 2793  
and receive the same compensation as the other judges of the court 2794  
of common pleas of Warren county and shall be elected and 2795  
designated as judge of the court of common pleas, division of 2796  
domestic relations. The judge shall be assigned all divorce, 2797  
dissolution of marriage, legal separation, and annulment cases 2798  
coming before the court, except in cases that for some special 2799  
reason are assigned to some other judge of the court of common 2800  
pleas. The judge shall be charged with the assignment and division 2801  
of the work of the division and with the employment and 2802  
supervision of all other personnel of the domestic relations 2803  
division. 2804

The judge also shall designate the title, compensation, 2805  
expense allowances, hours, leaves of absence, and vacations of the 2806  
personnel of the division and shall fix their duties. The duties 2807  
of the personnel, in addition to other statutory duties, shall 2808  
include the handling, servicing, and investigation of divorce, 2809  
dissolution of marriage, legal separation, and annulment cases and 2810  
providing any counseling and conciliation services that the 2811  
division makes available to persons, whether or not the persons 2812  
are parties to an action pending in the division, who request the 2813  
services. 2814

(S) In Licking county, the judge of the court of common 2815  
pleas, whose term begins January 1, 1991, and successors, shall 2816

have the same qualifications, exercise the same powers and 2817  
jurisdiction, and receive the same compensation as the other 2818  
judges of the court of common pleas of Licking county and shall be 2819  
elected and designated as judge of the court of common pleas, 2820  
division of domestic relations. The judge shall be assigned all 2821  
divorce, dissolution of marriage, legal separation, and annulment 2822  
cases, all cases arising under Chapter 3111. of the Revised Code, 2823  
all proceedings involving child support, the allocation of 2824  
parental rights and responsibilities for the care of children and 2825  
the designation for the children of a place of residence and legal 2826  
custodian, parenting time, and visitation, and all post-decree 2827  
proceedings and matters arising from those cases and proceedings, 2828  
except in cases that for some special reason are assigned to 2829  
another judge of the court of common pleas. The judge shall be 2830  
charged with the assignment and division of the work of the 2831  
division and with the employment and supervision of the personnel 2832  
of the division. 2833

The judge shall designate the title, compensation, expense 2834  
allowances, hours, leaves of absence, and vacations of the 2835  
personnel of the division and shall fix the duties of the 2836  
personnel of the division. The duties of the personnel of the 2837  
division, in addition to other statutory duties, shall include the 2838  
handling, servicing, and investigation of divorce, dissolution of 2839  
marriage, legal separation, and annulment cases, cases arising 2840  
under Chapter 3111. of the Revised Code, and proceedings involving 2841  
child support, the allocation of parental rights and 2842  
responsibilities for the care of children and the designation for 2843  
the children of a place of residence and legal custodian, 2844  
parenting time, and visitation and providing any counseling and 2845  
conciliation services that the division makes available to 2846  
persons, whether or not the persons are parties to an action 2847  
pending in the division, who request the services. 2848

(T) In Allen county, the judge of the court of common pleas, 2849  
whose term begins January 1, 1993, and successors, shall have the 2850  
same qualifications, exercise the same powers and jurisdiction, 2851  
and receive the same compensation as the other judges of the court 2852  
of common pleas of Allen county and shall be elected and 2853  
designated as judge of the court of common pleas, division of 2854  
domestic relations. The judge shall be assigned all divorce, 2855  
dissolution of marriage, legal separation, and annulment cases, 2856  
all cases arising under Chapter 3111. of the Revised Code, all 2857  
proceedings involving child support, the allocation of parental 2858  
rights and responsibilities for the care of children and the 2859  
designation for the children of a place of residence and legal 2860  
custodian, parenting time, and visitation, and all post-decree 2861  
proceedings and matters arising from those cases and proceedings, 2862  
except in cases that for some special reason are assigned to 2863  
another judge of the court of common pleas. The judge shall be 2864  
charged with the assignment and division of the work of the 2865  
division and with the employment and supervision of the personnel 2866  
of the division. 2867

The judge shall designate the title, compensation, expense 2868  
allowances, hours, leaves of absence, and vacations of the 2869  
personnel of the division and shall fix the duties of the 2870  
personnel of the division. The duties of the personnel of the 2871  
division, in addition to other statutory duties, shall include the 2872  
handling, servicing, and investigation of divorce, dissolution of 2873  
marriage, legal separation, and annulment cases, cases arising 2874  
under Chapter 3111. of the Revised Code, and proceedings involving 2875  
child support, the allocation of parental rights and 2876  
responsibilities for the care of children and the designation for 2877  
the children of a place of residence and legal custodian, 2878  
parenting time, and visitation, and providing any counseling and 2879  
conciliation services that the division makes available to 2880

persons, whether or not the persons are parties to an action 2881  
pending in the division, who request the services. 2882

(U) In Medina county, the judge of the court of common pleas 2883  
whose term begins January 1, 1995, and successors, shall have the 2884  
same qualifications, exercise the same powers and jurisdiction, 2885  
and receive the same compensation as other judges of the court of 2886  
common pleas of Medina county and shall be elected and designated 2887  
as judge of the court of common pleas, division of domestic 2888  
relations. The judge shall be assigned all divorce, dissolution of 2889  
marriage, legal separation, and annulment cases, all cases arising 2890  
under Chapter 3111. of the Revised Code, all proceedings involving 2891  
child support, the allocation of parental rights and 2892  
responsibilities for the care of children and the designation for 2893  
the children of a place of residence and legal custodian, 2894  
parenting time, and visitation, and all post-decree proceedings 2895  
and matters arising from those cases and proceedings, except in 2896  
cases that for some special reason are assigned to another judge 2897  
of the court of common pleas. The judge shall be charged with the 2898  
assignment and division of the work of the division and with the 2899  
employment and supervision of the personnel of the division. 2900

The judge shall designate the title, compensation, expense 2901  
allowances, hours, leaves of absence, and vacations of the 2902  
personnel of the division and shall fix the duties of the 2903  
personnel of the division. The duties of the personnel, in 2904  
addition to other statutory duties, include the handling, 2905  
servicing, and investigation of divorce, dissolution of marriage, 2906  
legal separation, and annulment cases, cases arising under Chapter 2907  
3111. of the Revised Code, and proceedings involving child 2908  
support, the allocation of parental rights and responsibilities 2909  
for the care of children and the designation for the children of a 2910  
place of residence and legal custodian, parenting time, and 2911  
visitation, and providing counseling and conciliation services 2912

that the division makes available to persons, whether or not the  
persons are parties to an action pending in the division, who  
request the services.

(V) In Fairfield county, the judge of the court of common  
pleas whose term begins January 2, 1995, and successors, shall  
have the same qualifications, exercise the same powers and  
jurisdiction, and receive the same compensation as the other  
judges of the court of common pleas of Fairfield county and shall  
be elected and designated as judge of the court of common pleas,  
division of domestic relations. The judge shall be assigned all  
divorce, dissolution of marriage, legal separation, and annulment  
cases, all cases arising under Chapter 3111. of the Revised Code,  
all proceedings involving child support, the allocation of  
parental rights and responsibilities for the care of children and  
the designation for the children of a place of residence and legal  
custodian, parenting time, and visitation, and all post-decree  
proceedings and matters arising from those cases and proceedings,  
except in cases that for some special reason are assigned to  
another judge of the court of common pleas. The judge also has  
concurrent jurisdiction with the probate-juvenile division of the  
court of common pleas of Fairfield county with respect to and may  
hear cases to determine the custody of a child, as defined in  
section 2151.011 of the Revised Code, who is not the ward of  
another court of this state, cases that are commenced by a parent,  
guardian, or custodian of a child, as defined in section 2151.011  
of the Revised Code, to obtain an order requiring a parent of the  
child to pay child support for that child when the request for  
that order is not ancillary to an action for divorce, dissolution  
of marriage, annulment, or legal separation, a criminal or civil  
action involving an allegation of domestic violence, an action for  
support under Chapter 3115. of the Revised Code, or an action that  
is within the exclusive original jurisdiction of the

probate-juvenile division of the court of common pleas of 2945  
Fairfield county and that involves an allegation that the child is 2946  
an abused, neglected, or dependent child, and post-decree 2947  
proceedings and matters arising from those types of cases. 2948

The judge of the domestic relations division shall be charged 2949  
with the assignment and division of the work of the division and 2950  
with the employment and supervision of the personnel of the 2951  
division. 2952

The judge shall designate the title, compensation, expense 2953  
allowances, hours, leaves of absence, and vacations of the 2954  
personnel of the division and shall fix the duties of the 2955  
personnel of the division. The duties of the personnel of the 2956  
division, in addition to other statutory duties, shall include the 2957  
handling, servicing, and investigation of divorce, dissolution of 2958  
marriage, legal separation, and annulment cases, cases arising 2959  
under Chapter 3111. of the Revised Code, and proceedings involving 2960  
child support, the allocation of parental rights and 2961  
responsibilities for the care of children and the designation for 2962  
the children of a place of residence and legal custodian, 2963  
parenting time, and visitation, and providing any counseling and 2964  
conciliation services that the division makes available to 2965  
persons, regardless of whether the persons are parties to an 2966  
action pending in the division, who request the services. When the 2967  
judge hears a case to determine the custody of a child, as defined 2968  
in section 2151.011 of the Revised Code, who is not the ward of 2969  
another court of this state or a case that is commenced by a 2970  
parent, guardian, or custodian of a child, as defined in section 2971  
2151.011 of the Revised Code, to obtain an order requiring a 2972  
parent of the child to pay child support for that child when the 2973  
request for that order is not ancillary to an action for divorce, 2974  
dissolution of marriage, annulment, or legal separation, a 2975  
criminal or civil action involving an allegation of domestic 2976

violence, an action for support under Chapter 3115. of the Revised 2977  
Code, or an action that is within the exclusive original 2978  
jurisdiction of the probate-juvenile division of the court of 2979  
common pleas of Fairfield county and that involves an allegation 2980  
that the child is an abused, neglected, or dependent child, the 2981  
duties of the personnel of the domestic relations division also 2982  
include the handling, servicing, and investigation of those types 2983  
of cases. 2984

(W)(1) In Clark county, the judge of the court of common 2985  
pleas whose term begins on January 2, 1995, and successors, shall 2986  
have the same qualifications, exercise the same powers and 2987  
jurisdiction, and receive the same compensation as other judges of 2988  
the court of common pleas of Clark county and shall be elected and 2989  
designated as judge of the court of common pleas, domestic 2990  
relations division. The judge shall have all the powers relating 2991  
to juvenile courts, and all cases under Chapters 2151. and 2152. 2992  
of the Revised Code and all parentage proceedings under Chapter 2993  
3111. of the Revised Code over which the juvenile court has 2994  
jurisdiction shall be assigned to the judge of the division of 2995  
domestic relations. All divorce, dissolution of marriage, legal 2996  
separation, annulment, uniform reciprocal support enforcement, and 2997  
other cases related to domestic relations shall be assigned to the 2998  
domestic relations division, and the presiding judge of the court 2999  
of common pleas shall assign the cases to the judge of the 3000  
domestic relations division and the judges of the general 3001  
division. 3002

(2) In addition to the judge's regular duties, the judge of 3003  
the division of domestic relations shall serve on the children 3004  
services board and the county advisory board. 3005

(3) If the judge of the court of common pleas of Clark 3006  
county, division of domestic relations, is sick, absent, or unable 3007  
to perform that judge's judicial duties or if the presiding judge 3008

of the court of common pleas of Clark county determines that the 3009  
volume of cases pending in the division of domestic relations 3010  
necessitates it, the duties of the judge of the division of 3011  
domestic relations shall be performed by the judges of the general 3012  
division or probate division of the court of common pleas of Clark 3013  
county, as assigned for that purpose by the presiding judge of 3014  
that court, and the judges so assigned shall act in conjunction 3015  
with the judge of the division of domestic relations of that 3016  
court. 3017

(X) In Scioto county, the judge of the court of common pleas 3018  
whose term begins January 2, 1995, and successors, shall have the 3019  
same qualifications, exercise the same powers and jurisdiction, 3020  
and receive the same compensation as other judges of the court of 3021  
common pleas of Scioto county and shall be elected and designated 3022  
as judge of the court of common pleas, division of domestic 3023  
relations. The judge shall be assigned all divorce, dissolution of 3024  
marriage, legal separation, and annulment cases, all cases arising 3025  
under Chapter 3111. of the Revised Code, all proceedings involving 3026  
child support, the allocation of parental rights and 3027  
responsibilities for the care of children and the designation for 3028  
the children of a place of residence and legal custodian, 3029  
parenting time, visitation, and all post-decree proceedings and 3030  
matters arising from those cases and proceedings, except in cases 3031  
that for some special reason are assigned to another judge of the 3032  
court of common pleas. The judge shall be charged with the 3033  
assignment and division of the work of the division and with the 3034  
employment and supervision of the personnel of the division. 3035

The judge shall designate the title, compensation, expense 3036  
allowances, hours, leaves of absence, and vacations of the 3037  
personnel of the division and shall fix the duties of the 3038  
personnel of the division. The duties of the personnel, in 3039  
addition to other statutory duties, include the handling, 3040

servicing, and investigation of divorce, dissolution of marriage, 3041  
legal separation, and annulment cases, cases arising under Chapter 3042  
3111. of the Revised Code, and proceedings involving child 3043  
support, the allocation of parental rights and responsibilities 3044  
for the care of children and the designation for the children of a 3045  
place of residence and legal custodian, parenting time, and 3046  
visitation, and providing counseling and conciliation services 3047  
that the division makes available to persons, whether or not the 3048  
persons are parties to an action pending in the division, who 3049  
request the services. 3050

(Y) In Auglaize county, the judge of the probate and juvenile 3051  
divisions of the Auglaize county court of common pleas also shall 3052  
be the administrative judge of the domestic relations division of 3053  
the court and shall be assigned all divorce, dissolution of 3054  
marriage, legal separation, and annulment cases coming before the 3055  
court. The judge shall have all powers as administrator of the 3056  
domestic relations division and shall have charge of the personnel 3057  
engaged in handling, servicing, or investigating divorce, 3058  
dissolution of marriage, legal separation, and annulment cases, 3059  
including any referees considered necessary for the discharge of 3060  
the judge's various duties. 3061

(Z)(1) In Marion county, the judge of the court of common 3062  
pleas whose term begins on February 9, 1999, and the successors to 3063  
that judge, shall have the same qualifications, exercise the same 3064  
powers and jurisdiction, and receive the same compensation as the 3065  
other judges of the court of common pleas of Marion county and 3066  
shall be elected and designated as judge of the court of common 3067  
pleas, domestic relations-juvenile-probate division. Except as 3068  
otherwise specified in this division, that judge, and the 3069  
successors to that judge, shall have all the powers relating to 3070  
juvenile courts, and all cases under Chapters 2151. and 2152. of 3071  
the Revised Code, all cases arising under Chapter 3111. of the 3072

Revised Code, all divorce, dissolution of marriage, legal 3073  
separation, and annulment cases, all proceedings involving child 3074  
support, the allocation of parental rights and responsibilities 3075  
for the care of children and the designation for the children of a 3076  
place of residence and legal custodian, parenting time, and 3077  
visitation, and all post-decree proceedings and matters arising 3078  
from those cases and proceedings shall be assigned to that judge 3079  
and the successors to that judge. Except as provided in division 3080  
(Z)(2) of this section and notwithstanding any other provision of 3081  
any section of the Revised Code, on and after February 9, 2003, 3082  
the judge of the court of common pleas of Marion county whose term 3083  
begins on February 9, 1999, and the successors to that judge, 3084  
shall have all the powers relating to the probate division of the 3085  
court of common pleas of Marion county in addition to the powers 3086  
previously specified in this division, and shall exercise 3087  
concurrent jurisdiction with the judge of the probate division of 3088  
that court over all matters that are within the jurisdiction of 3089  
the probate division of that court under Chapter 2101., and other 3090  
provisions, of the Revised Code in addition to the jurisdiction of 3091  
the domestic relations-juvenile-probate division of that court 3092  
otherwise specified in division (Z)(1) of this section. 3093

(2) The judge of the domestic relations-juvenile-probate 3094  
division of the court of common pleas of Marion county or the 3095  
judge of the probate division of the court of common pleas of 3096  
Marion county, whichever of those judges is senior in total length 3097  
of service on the court of common pleas of Marion county, 3098  
regardless of the division or divisions of service, shall serve as 3099  
the clerk of the probate division of the court of common pleas of 3100  
Marion county. 3101

(3) On and after February 9, 2003, all references in law to 3102  
"the probate court," "the probate judge," "the juvenile court," or 3103  
"the judge of the juvenile court" shall be construed, with respect 3104

to Marion county, as being references to both "the probate 3105  
division" and "the domestic relations-juvenile-probate division" 3106  
and as being references to both "the judge of the probate 3107  
division" and "the judge of the domestic relations- 3108  
juvenile-probate division." On and after February 9, 2003, all 3109  
references in law to "the clerk of the probate court" shall be 3110  
construed, with respect to Marion county, as being references to 3111  
the judge who is serving pursuant to division (Z)(2) of this 3112  
section as the clerk of the probate division of the court of 3113  
common pleas of Marion county. 3114

(AA) In Muskingum county, the judge of the court of common 3115  
pleas whose term begins on January 2, 2003, and successors, shall 3116  
have the same qualifications, exercise the same powers and 3117  
jurisdiction, and receive the same compensation as the other 3118  
judges of the court of common pleas of Muskingum county and shall 3119  
be elected and designated as the judge of the court of common 3120  
pleas, division of domestic relations. The judge shall ~~have all of~~ 3121  
~~the powers relating to juvenile courts and shall~~ be assigned and 3122  
hear all cases under Chapter 2151. or 2152. of the Revised Code, 3123  
~~all parentage proceedings over which the juvenile court has~~ 3124  
~~jurisdiction, all divorce, dissolution of marriage, legal~~ 3125  
~~separation, and annulment cases, all cases arising under Chapter~~ 3126  
~~3111. of the Revised Code, all proceedings involving and all~~ 3127  
proceedings under the uniform interstate family support act 3128  
contained in Chapter 3115. of the Revised Code. Except in cases 3129  
that are subject to the exclusive original jurisdiction of the 3130  
juvenile court, the judge shall be assigned and hear all cases 3131  
pertaining to paternity, visitation, child support, the allocation 3132  
of parental rights and responsibilities for the care of children, 3133  
and the designation for the children of a place of residence and 3134  
~~legal custodian, and visitation, and all post-decree proceedings~~ 3135  
~~and matters arising from those cases and proceedings, except cases~~ 3136

~~that for some special reason are assigned to some other judge of~~ 3137  
~~the court of common pleas any case pertaining to any of those~~ 3138  
~~matters.~~ 3139

(BB) If a judge of the court of common pleas, division of 3140  
domestic relations, or juvenile judge, of any of the counties 3141  
mentioned in this section is sick, absent, or unable to perform 3142  
that judge's judicial duties or the volume of cases pending in the 3143  
judge's division necessitates it, the duties of that judge shall 3144  
be performed by another judge of the court of common pleas of that 3145  
county, assigned for that purpose by the presiding judge of the 3146  
court of common pleas of that county to act in place of or in 3147  
conjunction with that judge, as the case may require. 3148

**Sec. 2927.02.** (A) As used in this section and section 3149  
2927.021 of the Revised Code: 3150

(1) "Child" has the same meaning as in section 2151.011 of 3151  
the Revised Code. 3152

(2) "Cigarette" includes clove cigarettes and hand-rolled 3153  
cigarettes. 3154

(3) "Distribute" means to furnish, give, or provide 3155  
cigarettes, other tobacco products, or papers used to roll 3156  
cigarettes to the ultimate consumer of the cigarettes, other 3157  
tobacco products, or papers used to roll cigarettes. 3158

(4) "Proof of age" means a driver's license, a commercial 3159  
driver's license, a military identification card, a passport, or 3160  
an identification card issued under sections 4507.50 to 4507.52 of 3161  
the Revised Code that shows that a person is eighteen years of age 3162  
or older. 3163

(5) "Tobacco product" means any product that is made from 3164  
tobacco, including, but not limited to, a cigarette, a cigar, pipe 3165  
tobacco, chewing tobacco, or snuff. 3166

(6) "Vending machine" has the same meaning as "coin machine" 3167  
in section 2913.01 of the Revised Code. 3168

(B) No manufacturer, producer, distributor, wholesaler, or 3169  
retailer of cigarettes, other tobacco products, or papers used to 3170  
roll cigarettes, no agent, employee, or representative of a 3171  
manufacturer, producer, distributor, wholesaler, or retailer of 3172  
cigarettes, other tobacco products, or papers used to roll 3173  
cigarettes, and no other person shall do any of the following: 3174

(1) Give, sell, or otherwise distribute cigarettes, other 3175  
tobacco products, or papers used to roll cigarettes to any child; 3176

(2) Give away, sell, or distribute cigarettes, other tobacco 3177  
products, or papers used to roll cigarettes in any place that does 3178  
not have posted in a conspicuous place a sign stating that giving, 3179  
selling, or otherwise distributing cigarettes, other tobacco 3180  
products, or papers used to roll cigarettes to a person under 3181  
eighteen years of age is prohibited by law; 3182

(3) Knowingly furnish any false information regarding the 3183  
name, age, or other identification of any child with purpose to 3184  
obtain cigarettes, other tobacco products, or papers used to roll 3185  
cigarettes for that child. 3186

(C) No person shall sell or offer to sell cigarettes or other 3187  
tobacco products by or from a vending machine, except in the 3188  
following locations: 3189

(1) An area within a factory, business, office, or other 3190  
place not open to the general public; 3191

(2) An area to which children are not generally permitted 3192  
access; 3193

(3) Any other place not identified in division (C)(1) or (2) 3194  
of this section, upon all of the following conditions: 3195

(a) The vending machine is located within the immediate 3196

vicinity, plain view, and control of the person who owns or  
operates the place, or an employee of that person, so that all  
cigarettes and other tobacco product purchases from the vending  
machine will be readily observed by the person who owns or  
operates the place or an employee of that person. For the purpose  
of this section, a vending machine located in any unmonitored  
area, including an unmonitored coatroom, restroom, hallway, or  
outer waiting area, shall not be considered located within the  
immediate vicinity, plain view, and control of the person who owns  
or operates the place, or an employee of that person.

(b) The vending machine is inaccessible to the public when  
the place is closed.

(D) The following are affirmative defenses to a charge under  
division (B)(1) of this section:

(1) The child was accompanied by a parent, spouse who is  
eighteen years of age or older, or legal guardian of the child.

(2) The person who gave, sold, or distributed cigarettes,  
other tobacco products, or papers used to roll cigarettes to a  
child under division (B)(1) of this section is a parent, spouse  
who is eighteen years of age or older, or legal guardian of the  
child.

(E) It is not a violation of division (B)(1) or (2) of this  
section for a person to give or otherwise distribute to a child  
cigarettes, other tobacco products, or papers used to roll  
cigarettes while the child is participating in a research protocol  
if all of the following apply:

(1) The parent, guardian, or legal custodian of the child has  
consented in writing to the child participating in the research  
protocol.

(2) An institutional human subjects protection review board, 3228  
or an equivalent entity, has approved the research protocol. 3229

(3) The child is participating in the research protocol at 3230  
the facility or location specified in the research protocol. 3231

(F)(1) Whoever violates division (B)(1) or (2) or (C) of this 3232  
section is guilty of illegal distribution of cigarettes or other 3233  
tobacco products, a misdemeanor of the fourth degree. If the 3234  
offender previously has been convicted of a violation of division 3235  
(B)(1) or (2) or (C) of this section, illegal distribution of 3236  
cigarettes or other tobacco products is a misdemeanor of the third 3237  
degree. 3238

(2) Whoever violates division (B)(3) of this section is 3239  
guilty of permitting children to use cigarettes or other tobacco 3240  
products, a misdemeanor of the fourth degree. If the offender 3241  
previously has been convicted of a violation of division (B)(3) of 3242  
this section, permitting children to use cigarettes or other 3243  
tobacco products is a misdemeanor of the third degree. 3244

~~(F)~~(G) Any cigarettes, other tobacco products, or papers used 3245  
to roll cigarettes that are given, sold, or otherwise distributed 3246  
to a child in violation of this section and that are used, 3247  
possessed, purchased, or received by a child in violation of 3248  
section 2151.87 of the Revised Code are subject to seizure and 3249  
forfeiture as contraband under sections 2933.42 and 2933.43 of the 3250  
Revised Code. 3251

**Sec. 2950.01.** As used in this chapter, unless the context 3252  
clearly requires otherwise: 3253

(A) "Confinement" includes, but is not limited to, a 3254  
community residential sanction imposed pursuant to section 2929.16 3255  
of the Revised Code. 3256

(B) "Habitual sex offender" means, except when a juvenile 3257

judge removes this classification pursuant to division (A)(2) of 3258  
section 2152.84 or division (C)(2) of section 2152.85 of the 3259  
Revised Code, a person to whom both of the following apply: 3260

(1) The person is convicted of or pleads guilty to a sexually 3261  
oriented offense, or the person is adjudicated a delinquent child 3262  
for committing on or after ~~the effective date of this amendment~~ 3263  
January 1, 2002, a sexually oriented offense, was fourteen years 3264  
of age or older at the time of committing the offense, and is 3265  
classified a juvenile sex offender registrant based on that 3266  
adjudication. 3267

(2) The One of the following applies to the person: 3268

(a) Regarding a person who is an offender, the person 3269  
previously ~~has been~~ was convicted of or pleaded guilty to one or 3270  
more sexually oriented offenses or, ~~regarding a delinquent child,~~ 3271  
previously ~~has been~~ was adjudicated a delinquent child for 3272  
committing one or more sexually oriented offenses and was 3273  
classified a juvenile sex offender registrant or out-of-state 3274  
juvenile sex offender registrant based on one or more of those 3275  
adjudications, regardless of when the offense was committed and 3276  
regardless of the person's age at the time of committing the 3277  
offense. 3278

(b) Regarding a delinquent child, the person previously was 3279  
convicted of, pleaded guilty to, or was adjudicated a delinquent 3280  
child for committing one or more sexually oriented offenses, 3281  
regardless of when the offense was committed and regardless of the 3282  
person's age at the time of committing the offense. 3283

(C) "Prosecutor" has the same meaning as in section 2935.01 3284  
of the Revised Code. 3285

(D) "Sexually oriented offense" means any of the following: 3286

(1) ~~Subject to division (D)(2) of this section, any~~ Any of 3287  
the following violations or offenses committed by a person 3288

<u>eighteen years of age or older:</u>	3289
(a) Regardless of the age of the victim of the offense, a violation of section 2907.02, 2907.03, or 2907.05 of the Revised Code;	3290 3291 3292
(b) Any of the following offenses involving a minor, in the circumstances specified:	3293 3294
(i) A violation of section 2905.01, 2905.02, 2905.03, <del>2905.04</del> , 2905.05, or 2907.04 <u>or former section 2905.04</u> of the Revised Code when the victim of the offense is under eighteen years of age;	3295 3296 3297 3298
(ii) A violation of section 2907.21 of the Revised Code when the person who is compelled, induced, procured, encouraged, solicited, requested, or facilitated to engage in, paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under eighteen years of age;	3299 3300 3301 3302 3303
(iii) A violation of division (A)(1) or (3) of section 2907.321 or 2907.322 of the Revised Code;	3304 3305
(iv) A violation of division (A)(1) or (2) of section 2907.323 of the Revised Code;	3306 3307
(v) A violation of division (B)(5) of section 2919.22 of the Revised Code when the child who is involved in the offense is under eighteen years of age.	3308 3309 3310
(c) Regardless of the age of the victim of the offense, a violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the Revised Code, or of division (A) of section 2903.04 of the Revised Code, that is committed with a purpose to gratify the sexual needs or desires of the offender;	3311 3312 3313 3314 3315
(d) A sexually violent offense;	3316
(e) A violation of any former law of this state <del>that was substantially equivalent to any offense listed in division</del>	3317 3318

~~(D)(1)(a), (b), (c), or (d) of this section;~~ 3319

~~(f) A violation of an, any existing or former municipal ordinance or law of another state or the United States, a violation under the or any existing or former law applicable in a military court, or a violation under the law applicable in an Indian tribal court that is or was substantially equivalent to any offense listed in division (D)(1)(a), (b), (c), or (d) of this section;~~ 3320  
3321  
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3326

~~(g)(f) An attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (D)(1)(a), (b), (c), (d), or (e), or (f) of this section.~~ 3327  
3328  
3329

(2) An act committed by a person under eighteen years of age that is any of the following: 3330  
3331

~~(a) Except for the violations specifically described in divisions (D)(2)(b) and (c) of this section and subject Subject to division (D)(2)(d)(h) of this section, any violation listed in division (D)(1) of this section regardless of the age of the victim of the violation, a violation of section 2907.02, 2907.03, or 2907.05 of the Revised Code;~~ 3332  
3333  
3334  
3335  
3336  
3337

~~(b) Subject to division (D)(2)(h) of this section, any of the following acts involving a minor in the circumstances specified:~~ 3338  
3339  
3340

~~(i) A violation of section 2905.01 or 2905.02 of the Revised Code, or of former section 2905.04 of the Revised Code, when the victim of the violation is under eighteen years of age;~~ 3341  
3342  
3343

~~(ii) A violation of section 2907.21 of the Revised Code when the person who is compelled, induced, procured, encouraged, solicited, requested, or facilitated to engage in, paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under eighteen years of age;~~ 3344  
3345  
3346  
3347  
3348

~~(iii) A violation of division (B)(5) of section 2919.22 of~~ 3349

the Revised Code when the child who is involved in the violation 3350  
is under eighteen years of age. 3351

(c) Subject to division (D)(2)(h) of this section, any 3352  
sexually violent offense that, if committed by an adult, would be 3353  
a felony of the first, second, third, or fourth degree; 3354

~~(b)~~(d) Subject to division (A)(2)(d)(h) of this section, a 3355  
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 3356  
2905.02 of the Revised Code, a violation of division (A) of 3357  
section 2903.04 of the Revised Code, or an attempt to violate any 3358  
of those sections or that division that is committed with a 3359  
purpose to gratify the sexual needs or desires of the child 3360  
committing the violation; 3361

~~(e)~~(e) Subject to division (A)(2)(d)(h) of this section, a 3362  
violation of division (A)(1) or (3) of section 2907.321, division 3363  
(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of 3364  
section 2907.323 of the Revised Code, or an attempt to violate any 3365  
of those divisions, if the person who violates or attempts to 3366  
violate the division is four or more years older than the minor 3367  
who is the victim of the ~~offense~~ violation; 3368

(f) Subject to division (D)(2)(h) of this section, any 3369  
violation of any former law of this state, any existing or former 3370  
municipal ordinance or law of another state or the United States, 3371  
or any existing or former law applicable in a military court or in 3372  
an Indian tribal court that is or was substantially equivalent to 3373  
any offense listed in division (D)(2)(a), (b), (c), (d), or (e) of 3374  
this section and that, if committed by an adult, would be a felony 3375  
of the first, second, third, or fourth degree; 3376

(g) Subject to division (D)(2)(h) of this section, any 3377  
attempt to commit, conspiracy to commit, or complicity in 3378  
committing any offense listed in division (D)(2)(a), (b), (c), 3379  
(d), (e), or (f) of this section; 3380

~~(d)~~(h) 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), or (f), ~~or (g)~~ of this section or would be any offense listed in any of those divisions if committed by an adult.

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

(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.

(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.

(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:

(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.

(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.

(G) An offender or delinquent child is "adjudicated as being a sexual predator" or "adjudicated 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: 3412  
3413

(1) The offender is convicted of or pleads guilty to 3414  
committing, on or after January 1, 1997, a sexually oriented 3415  
offense that is a sexually violent offense and also is convicted 3416  
of or pleads guilty to a sexually violent predator specification 3417  
that was included in the indictment, count in the indictment, or 3418  
information that charged the sexually violent offense. 3419

(2) Regardless of when the sexually oriented offense was 3420  
committed, on or after January 1, 1997, the offender is sentenced 3421  
for a sexually oriented offense, and the sentencing judge 3422  
determines pursuant to division (B) of section 2950.09 of the 3423  
Revised Code that the offender is a sexual predator. 3424

(3) The delinquent child is adjudicated a delinquent child 3425  
for committing a sexually oriented offense, was fourteen years of 3426  
age or older at the time of committing the offense, and has been 3427  
classified a juvenile sex offender registrant based on that 3428  
adjudication, and the adjudicating judge or that judge's successor 3429  
in office determines pursuant to division (B) of section 2950.09 3430  
or pursuant to ~~division (B) of section 2152.82,~~ 2152.83, ~~section~~ 3431  
2152.84, or ~~section~~ 2152.85 of the Revised Code that the 3432  
delinquent child is a sexual predator. 3433

(4) Prior to January 1, 1997, the offender was convicted of 3434  
or pleaded guilty to, and was sentenced for, a sexually oriented 3435  
offense, the offender is imprisoned in a state correctional 3436  
institution on or after January 1, 1997, and the court determines 3437  
pursuant to division (C) of section 2950.09 of the Revised Code 3438  
that the offender is a sexual predator. 3439

(5) Regardless of when the sexually oriented offense was 3440  
committed, the offender or delinquent child is convicted of or 3441  
pleads guilty to, has been convicted of or pleaded guilty to, or 3442  
is adjudicated a delinquent child for committing a sexually 3443

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.

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

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

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(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  
section 2950.04 of the Revised Code.

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(K) "Secure facility" means any facility that is designed and

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operated to ensure that all of its entrances and exits are locked  
and under the exclusive control of its staff and to ensure that,  
because of that exclusive control, no person who is  
institutionalized or confined in the facility may leave the  
facility without permission or supervision.

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

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

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

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**Sec. 2950.04.** (A)(1) Each of the following types of offender  
who is convicted of or pleads guilty to, or has been convicted of  
or pleaded guilty to, a sexually oriented offense shall register  
personally with the sheriff of the county within seven days of the  
offender's coming into a county in which the offender resides or  
temporarily is domiciled for more than seven days:

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(a) Regardless of when the sexually oriented offense was  
committed, an offender who is sentenced for the sexually oriented  
offense to a prison term, a term of imprisonment, or any other  
type of confinement and, on or after July 1, 1997, is released in

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any manner from the prison term, term of imprisonment, or 3507  
confinement; 3508

(b) Regardless of when the sexually oriented offense was 3509  
committed, an offender who is sentenced for a sexually oriented 3510  
offense on or after July 1, 1997, and to whom division (A)(1)(a) 3511  
of this section does not apply; 3512

(c) If the sexually oriented offense was committed prior to 3513  
July 1, 1997, and neither division (A)(1)(a) nor division 3514  
(A)(1)(b) of this section applies, an offender who, immediately 3515  
prior to July 1, 1997, was a habitual sex offender who was 3516  
required to register under Chapter 2950. of the Revised Code. 3517

(2) Each child who is adjudicated a delinquent child for 3518  
committing a sexually oriented offense, and who is classified a 3519  
juvenile sex offender registrant based on that adjudication, ~~and~~ 3520  
~~who is described in division (A)(2) of this section~~ shall register 3521  
personally with the sheriff of the county within seven days of the 3522  
delinquent child's coming into a county in which the delinquent 3523  
child resides or temporarily is domiciled for more than seven 3524  
days. If the delinquent child is committed for the sexually 3525  
oriented offense to the department of youth services or to a 3526  
secure facility that is not operated by the department, this duty 3527  
begins when the delinquent child is discharged or released in any 3528  
manner from custody in a department of youth services secure 3529  
facility or from the secure facility that is not operated by the 3530  
department, if pursuant to the discharge or release the delinquent 3531  
child is not committed to any other secure facility of the 3532  
department or any other secure facility. The delinquent child does 3533  
not have a duty to register under this division while the child is 3534  
in a department of youth services secure facility or in a secure 3535  
facility that is not operated by the department. 3536

(3) If divisions (A)(1) and (2) of this section do not apply, 3537  
each following type of offender and each following type of 3538

delinquent child shall register personally with the sheriff of the 3539  
county within seven days of the offender's or delinquent child's 3540  
coming into a county in which the offender or delinquent child 3541  
resides or temporarily is domiciled for more than seven days: 3542

(a) Regardless of when the sexually oriented offense was 3543  
committed, a person who is convicted of, pleads guilty to, or is 3544  
adjudicated a delinquent child for committing a sexually oriented 3545  
offense in another state or in a federal court, military court, or 3546  
an Indian tribal court, if, on or after July 1, 1997, for 3547  
offenders, or ~~the effective date of this amendment~~ January 1, 3548  
2002, for delinquent children, the offender or delinquent child 3549  
moves to and resides in this state or temporarily is domiciled in 3550  
this state for more than seven days, and if, at the time the 3551  
offender or delinquent child moves to and resides in this state or 3552  
temporarily is domiciled in this state for more than seven days, 3553  
the offender or delinquent child has a duty to register as a sex 3554  
offender under the law of that other jurisdiction as a result of 3555  
the conviction, guilty plea, or adjudication. 3556

(b) Regardless of when the sexually oriented offense was 3557  
committed, a person who is convicted of, pleads guilty to, or is 3558  
adjudicated a delinquent child for committing a sexually oriented 3559  
offense in another state or in a federal court, military court, or 3560  
an Indian tribal court, if, on or after July 1, 1997, for 3561  
offenders, or ~~the effective date of this amendment~~ January 1, 3562  
2002, for delinquent children, the offender or delinquent child is 3563  
released from imprisonment, confinement, or detention imposed for 3564  
that offense, and if, on or after July 1, 1997, for offenders, or 3565  
~~the effective date of this amendment~~ January 1, 2002, for 3566  
delinquent children, the offender or delinquent child moves to and 3567  
resides in this state or temporarily is domiciled in this state 3568  
for more than seven days. The duty to register as described in 3569  
this division applies to an offender regardless of whether the 3570

offender, at the time of moving to and residing in this state or 3571  
temporarily being domiciled in this state for more than seven 3572  
days, has a duty to register as a sex offender under the law of 3573  
the jurisdiction in which the conviction or guilty plea occurred. 3574  
The duty to register as described in this division applies to a 3575  
delinquent child only if the delinquent child, at the time of 3576  
moving to and residing in this state or temporarily being 3577  
domiciled in this state for more than seven days, has a duty to 3578  
register as a sex offender under the law of the jurisdiction in 3579  
which the delinquent child adjudication occurred or if, had the 3580  
delinquent child adjudication occurred in this state, the 3581  
adjudicating juvenile court judge would have been required to 3582  
issue an order classifying the delinquent child as a juvenile sex 3583  
offender registrant pursuant to section 2152.82 or division (A) of 3584  
section 2152.83 of the Revised Code. 3585

(4) If division (A)(1)(a) of this section applies and if, 3586  
subsequent to the offender's release, the offender is adjudicated 3587  
to be a sexual predator under division (C) of section 2950.09 of 3588  
the Revised Code, the offender shall register within seven days of 3589  
the adjudication with the sheriff of the county in which the 3590  
offender resides or temporarily is domiciled for more than seven 3591  
days and shall register with the sheriff of any county in which 3592  
the offender subsequently resides or temporarily is domiciled for 3593  
more than seven days within seven days of coming into that county. 3594

(5) A person who is adjudicated a delinquent child for 3595  
committing a sexually oriented offense is not required to register 3596  
under division (A)(2) of this section unless the delinquent child 3597  
committed the offense on or after ~~the effective date of this~~ 3598  
~~amendment~~ January 1, 2002, is classified a juvenile sex offender 3599  
registrant by a juvenile court judge pursuant to an order issued 3600  
under section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised 3601  
Code based on that adjudication, and has a duty to register 3602

pursuant to division (A)(2) of this section. 3603

(B) An offender or delinquent child who is required by 3604  
division (A) of this section to register personally shall obtain 3605  
from the sheriff or from a designee of the sheriff a registration 3606  
form that conforms to division (C) of this section, shall complete 3607  
and sign the form, and shall return the completed form together 3608  
with the offender's or delinquent child's photograph to the 3609  
sheriff or the designee. The sheriff or designee shall sign the 3610  
form and indicate on the form the date on which it is so returned. 3611  
The registration required under this division is complete when the 3612  
offender or delinquent child returns the form, containing the 3613  
requisite information, photograph, signatures, and date, to the 3614  
sheriff or designee. 3615

(C) The registration form to be used under divisions (A) and 3616  
(B) of this section shall contain the current residence address of 3617  
the offender or delinquent child who is registering, the name and 3618  
address of the offender's or delinquent child's employer, if the 3619  
offender or delinquent child is employed at the time of 3620  
registration or if the offender or delinquent child knows at the 3621  
time of registration that the offender or delinquent child will be 3622  
commencing employment with that employer subsequent to 3623  
registration, and any other information required by the bureau of 3624  
criminal identification and investigation and shall include the 3625  
offender's or delinquent child's photograph. Additionally, if the 3626  
offender or delinquent child has been adjudicated as being a 3627  
sexual predator relative to the sexually oriented offense in 3628  
question and the court has not subsequently determined pursuant to 3629  
division (D) of section 2950.09, section 2152.84, or section 3630  
2152.85 of the Revised Code that the offender or delinquent child 3631  
no longer is a sexual predator, or if the judge determined 3632  
pursuant to division (C) of section 2950.09, ~~division (B) of or~~ 3633  
pursuant to section 2152.82, 2152.83, section 2152.84, or section 3634

2152.85 of the Revised Code that the offender or delinquent child 3635  
is a habitual sex offender, and the determination has not been 3636  
removed pursuant to section 2152.84 or 2152.85 of the Revised 3637  
Code, the offender or delinquent child shall include on the 3638  
signed, written registration form all of the following 3639  
information: 3640

(1) A specific declaration that the person has been 3641  
adjudicated as being a sexual predator or has been determined to 3642  
be a habitual sex offender, whichever is applicable; 3643

(2) If the offender or delinquent child has been adjudicated 3644  
as being a sexual predator, the identification license plate 3645  
number of each motor vehicle the offender or delinquent child owns 3646  
and of each motor vehicle registered in the offender's or 3647  
delinquent child's name. 3648

(D) After an offender or delinquent child registers with a 3649  
sheriff pursuant to this section, the sheriff shall forward the 3650  
signed, written registration form and photograph to the bureau of 3651  
criminal identification and investigation in accordance with the 3652  
forwarding procedures adopted pursuant to section 2950.13 of the 3653  
Revised Code. The bureau shall include the information and 3654  
materials forwarded to it under this division in the state 3655  
registry of sex offenders established and maintained under section 3656  
2950.13 of the Revised Code. 3657

(E) No person who is required to register pursuant to 3658  
divisions (A) and (B) of this section shall fail to register as 3659  
required in accordance with those divisions or that division. 3660

(F) An offender or delinquent child who is required to 3661  
register pursuant to divisions (A) and (B) of this section shall 3662  
register pursuant to this section for the period of time specified 3663  
in section 2950.07 of the Revised Code. 3664

**Sec. 2950.09.** (A) If a person is convicted of or pleads 3665

guilty to committing, on or after January 1, 1997, a sexually 3666  
oriented offense that is a sexually violent offense and also is 3667  
convicted of or pleads guilty to a sexually violent predator 3668  
specification that was included in the indictment, count in the 3669  
indictment, or information charging the sexually violent offense, 3670  
the conviction of plea of guilty to the specification 3671  
automatically classifies the offender as a sexual predator for 3672  
purposes of this chapter. If a person is convicted of, pleads 3673  
guilty to, or is adjudicated a delinquent child for committing, a 3674  
sexually oriented offense in another state, or in a federal court, 3675  
military court, or an Indian tribal court and if, as a result of 3676  
that conviction, plea of guilty, or adjudication, the person is 3677  
required, under the law of the jurisdiction in which the person 3678  
was convicted, pleaded guilty, or was adjudicated, to register as 3679  
a sex offender until the person's death and is required to verify 3680  
the person's address on at least a quarterly basis each year, that 3681  
conviction, plea of guilty, or adjudication automatically 3682  
classifies the person as a sexual predator for the purposes of 3683  
this chapter, but the person may challenge that classification 3684  
pursuant to division (F) of this section. In all other cases, a 3685  
person who is convicted of or pleads guilty to, has been convicted 3686  
of or pleaded guilty to, or is adjudicated a delinquent child for 3687  
committing, a sexually oriented offense may be classified as a 3688  
sexual predator for purposes of this chapter only in accordance 3689  
with division (B) or (C) of this section or, regarding delinquent 3690  
children, divisions (B) and (C) of section 2152.83 of the Revised 3691  
Code. 3692

(B)(1)(a) The judge who is to impose sentence on a person who 3693  
is convicted of or pleads guilty to a sexually oriented offense ~~or~~ 3694  
~~the judge who is to impose or has imposed, pursuant to section~~ 3695  
~~2152.82 or division (A) of section 2152.83 of the Revised Code, an~~ 3696  
~~order of disposition upon a child who is adjudicated a delinquent~~ 3697  
~~child for committing on or after the effective date of this~~ 3698

~~amendment a sexually oriented offense shall conduct a hearing to~~ 3699  
~~determine whether the offender is a sexual predator if any either~~ 3700  
~~of the following circumstances apply:~~ 3701

~~(a)(i)~~ Regardless of when the sexually oriented offense was 3702  
committed, the offender is to be sentenced on or after January 1, 3703  
1997, for a sexually oriented offense that is not a sexually 3704  
violent offense. 3705

~~(b)(ii)~~ Regardless of when the sexually oriented offense was 3706  
committed, the offender is to be sentenced on or after January 1, 3707  
1997, for a sexually oriented offense that is a sexually violent 3708  
offense and a sexually violent predator specification was not 3709  
included in the indictment, count in the indictment, or 3710  
information charging the sexually violent offense. 3711

~~(c)(b)~~ The delinquent child was classified a juvenile sex 3712  
offender registrant pursuant to judge who is to impose or has 3713  
imposed an order of disposition upon a child who is adjudicated a 3714  
delinquent child for committing on or after January 1, 2002, a 3715  
sexually oriented offense shall conduct a hearing as provided in 3716  
this division to determine whether the child is to be classified 3717  
as a sexual predator if either of the following applies: 3718

(i) The judge is required by section 2152.82 or division (A) 3719  
of section 2152.83 of the Revised Code. A judge shall not conduct 3720  
a hearing under division (B) of this section regarding a 3721  
delinquent child unless the delinquent child is in the category of 3722  
delinquent children described in this division to classify the 3723  
child a juvenile sex offender registrant. 3724

(ii) Division (B) of section 2152.83 of the Revised Code 3725  
applies regarding the child, the judge conducts a hearing under 3726  
that division for the purposes described in that division, and the 3727  
judge determines at that hearing that the child will be classified 3728  
a juvenile sex offender registrant. 3729

(2) ~~The~~ Regarding an offender, the judge shall conduct the 3730  
hearing required by division (B)(1)(a) of this section prior to 3731  
sentencing and, if the sexually oriented offense is a felony and 3732  
if the hearing is being conducted under division (B)(1)(a) ~~or (b)~~ 3733  
of this section, the judge may conduct it as part of the 3734  
sentencing hearing required by section 2929.19 of the Revised 3735  
Code. Regarding a delinquent child, the judge may conduct the 3736  
hearing required by division (B)(1)(b) of this section at the same 3737  
time as, or separate from, the dispositional hearing, as specified 3738  
in the applicable provision of section 2152.82 or 2152.83 of the 3739  
Revised Code. The court shall give the offender or delinquent 3740  
child and the prosecutor who prosecuted the offender or handled 3741  
the case against the delinquent child for the sexually oriented 3742  
offense notice of the date, time, and location of the hearing. At 3743  
the hearing, the offender or delinquent child and the prosecutor 3744  
shall have an opportunity to testify, present evidence, call and 3745  
examine witnesses and expert witnesses, and cross-examine 3746  
witnesses and expert witnesses regarding the determination as to 3747  
whether the offender or delinquent child is a sexual predator. The 3748  
offender or delinquent child shall have the right to be 3749  
represented by counsel and, if indigent, the right to have counsel 3750  
appointed to represent the offender or delinquent child. 3751

(3) In making a determination under divisions (B)(1) and (4) 3752  
of this section as to whether an offender or delinquent child is a 3753  
sexual predator, the judge shall consider all relevant factors, 3754  
including, but not limited to, all of the following: 3755

(a) The offender's or delinquent child's age; 3756

(b) The offender's or delinquent child's prior criminal or 3757  
delinquency record regarding all offenses, including, but not 3758  
limited to, all sexual offenses; 3759

(c) The age of the victim of the sexually oriented offense 3760  
for which sentence is to be imposed or the order of disposition is 3761

to be made;	3762
(d) Whether the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made involved multiple victims;	3763 3764 3765
(e) Whether the offender or delinquent child used drugs or alcohol to impair the victim of the sexually oriented offense or to prevent the victim from resisting;	3766 3767 3768
(f) If the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be, a criminal offense, whether the offender or delinquent child completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;	3769 3770 3771 3772 3773 3774 3775 3776 3777
(g) Any mental illness or mental disability of the offender or delinquent child;	3778 3779
(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;	3780 3781 3782 3783 3784
(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;	3785 3786 3787 3788
(j) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.	3789 3790
(4) After reviewing all testimony and evidence presented at	3791

the hearing conducted under division (B)(1) of this section and  
the factors specified in division (B)(3) of this section, the  
court shall determine by clear and convincing evidence whether the  
subject offender or delinquent child is a sexual predator. If the  
court determines that the subject offender or delinquent child is  
not a sexual predator, the court shall specify in the offender's  
sentence and the judgment of conviction that contains the sentence  
or in the delinquent child's dispositional order, as appropriate,  
that the court has determined that the offender or delinquent  
child is not a sexual predator. If the court determines by clear  
and convincing evidence that the subject offender or delinquent  
child is a sexual predator, the court shall specify in the  
offender's sentence and the judgment of conviction that contains  
the sentence or in the delinquent child's dispositional order, as  
appropriate, that the court has determined that the offender or  
delinquent child is a sexual predator and shall specify that the  
determination was pursuant to division (B) of this section. The  
offender or delinquent child and the prosecutor who prosecuted the  
offender or handled the case against the delinquent child for the  
sexually oriented offense in question may appeal as a matter of  
right the court's determination under this division as to whether  
the offender or delinquent child is, or is not, a sexual predator.

(5) A hearing shall not be conducted under division (B) of  
this section regarding an offender if the sexually oriented  
offense in question is a sexually violent offense and the  
indictment, count in the indictment, or information charging the  
offense also included a sexually violent predator specification.

(C)(1) If a person was convicted of or pleaded guilty to a  
sexually oriented offense prior to January 1, 1997, if the person  
was not sentenced for the offense on or after January 1, 1997, and  
if, on or after January 1, 1997, the offender is serving a term of  
imprisonment in a state correctional institution, the department

of rehabilitation and correction shall determine whether to 3824  
recommend that the offender be adjudicated as being a sexual 3825  
predator. In making a determination under this division as to 3826  
whether to recommend that the offender be adjudicated as being a 3827  
sexual predator, the department shall consider all relevant 3828  
factors, including, but not limited to, all of the factors 3829  
specified in division (B)(2) of this section. If the department 3830  
determines that it will recommend that the offender be adjudicated 3831  
as being a sexual predator, it immediately shall send the 3832  
recommendation to the court that sentenced the offender and shall 3833  
enter its determination and recommendation in the offender's 3834  
institutional record, and the court shall proceed in accordance 3835  
with division (C)(2) of this section. 3836

(2)(a) If, pursuant to division (C)(1) of this section, the 3837  
department of rehabilitation and correction sends to a court a 3838  
recommendation that an offender who has been convicted of or 3839  
pleaded guilty to a sexually oriented offense be adjudicated as 3840  
being a sexual predator, the court is not bound by the 3841  
department's recommendation, and the court may conduct a hearing 3842  
to determine whether the offender is a sexual predator. The court 3843  
may deny the recommendation and determine that the offender is not 3844  
a sexual predator without a hearing but shall not make a 3845  
determination that the offender is a sexual predator in any case 3846  
without a hearing. The court may hold the hearing and make the 3847  
determination prior to the offender's release from imprisonment or 3848  
at any time within one year following the offender's release from 3849  
that imprisonment. If the court determines without a hearing that 3850  
the offender is not a sexual predator, it shall include its 3851  
determination in the offender's institutional record and shall 3852  
determine whether the offender previously has been convicted of or 3853  
pleaded guilty to a sexually oriented offense other than the 3854  
offense in relation to which the court determined that the 3855

offender is not a sexual predator. 3856

The court may make the determination as to whether the 3857  
offender previously has been convicted of or pleaded guilty to a 3858  
sexually oriented offense without a hearing, but, if the court 3859  
determines that the offender previously has been convicted of or 3860  
pleaded guilty to such an offense, it shall not impose a 3861  
requirement that the offender be subject to the community 3862  
notification provisions regarding the offender's place of 3863  
residence that are contained in sections 2950.10 and 2950.11 of 3864  
the Revised Code without a hearing. The court may conduct a 3865  
hearing to determine both whether the offender previously has been 3866  
convicted of or pleaded guilty to a sexually oriented offense and 3867  
whether to impose a requirement that the offender be subject to 3868  
the community notification provisions as described in this 3869  
division, or may conduct a hearing solely to make the latter 3870  
determination. The court shall include in the offender's 3871  
institutional record any determination made under this division as 3872  
to whether the offender previously has been convicted of or 3873  
pleaded guilty to a sexually oriented offense, and, as such, 3874  
whether the offender is a habitual sex offender. 3875

(b) If the court schedules a hearing under division (C)(2)(a) 3876  
of this section, the court shall give the offender and the 3877  
prosecutor who prosecuted the offender for the sexually oriented 3878  
offense, or that prosecutor's successor in office, notice of the 3879  
date, time, and place of the hearing. If the hearing is to 3880  
determine whether the offender is a sexual predator, it shall be 3881  
conducted in the manner described in division (B)(1) of this 3882  
section regarding hearings conducted under that division and, in 3883  
making a determination under this division as to whether the 3884  
offender is a sexual predator, the court shall consider all 3885  
relevant factors, including, but not limited to, all of the 3886  
factors specified in division (B)(2) of this section. After 3887

reviewing all testimony and evidence presented at the sexual 3888  
predator hearing and the factors specified in division (B)(2) of 3889  
this section, the court shall determine by clear and convincing 3890  
evidence whether the offender is a sexual predator. If the court 3891  
determines that the offender is not a sexual predator, it also 3892  
shall determine whether the offender previously has been convicted 3893  
of or pleaded guilty to a sexually oriented offense other than the 3894  
offense in relation to which the hearing is being conducted. 3895

Upon making its determinations at the hearing, the court 3896  
shall proceed as follows: 3897

(i) If the hearing is to determine whether the offender is a 3898  
sexual predator, and if the court determines that the offender is 3899  
not a sexual predator and that the offender previously has not 3900  
been convicted of or pleaded guilty to a sexually oriented offense 3901  
other than the offense in relation to which the hearing is being 3902  
conducted, it shall include its determinations in the offender's 3903  
institutional record. 3904

(ii) If the hearing is to determine whether the offender is a 3905  
sexual predator, and if the court determines that the offender is 3906  
not a sexual predator but that the offender previously has been 3907  
convicted of or pleaded guilty to a sexually oriented offense 3908  
other than the offense in relation to which the hearing is being 3909  
conducted, it shall include its determination that the offender is 3910  
not a sexual predator but is a habitual sex offender in the 3911  
offender's institutional record, shall attach the determinations 3912  
to the offender's sentence, shall specify that the determinations 3913  
were pursuant to division (C) of this section, shall provide a 3914  
copy of the determinations to the offender, to the prosecuting 3915  
attorney, and to the department of rehabilitation and correction, 3916  
and may impose a requirement that the offender be subject to the 3917  
community notification provisions regarding the offender's place 3918  
of residence that are contained in sections 2950.10 and 2950.11 of 3919

the Revised Code. The offender shall not be subject to those  
community notification provisions relative to the sexually  
oriented offense in question if the court does not so impose the  
requirement described in this division. If the court imposes those  
community notification provisions, the offender may appeal the  
judge's determination that the offender is a habitual sex  
offender.

(iii) If the hearing is to determine whether the offender  
previously has been convicted of or pleaded guilty to a sexually  
oriented offense other than the offense in relation to which the  
hearing is being conducted and whether to impose a requirement  
that the offender be subject to the specified community  
notification provisions, and if the court determines that the  
offender previously has been convicted of or pleaded guilty to  
such an offense, the court shall proceed as described in division  
(C)(2)(b)(ii) of this section and may impose a community  
notification requirement as described in that division. The  
offender shall not be subject to the specified community  
notification provisions relative to the sexually oriented offense  
in question if the court does not so impose the requirement  
described in that division. If the court imposes those community  
notification provisions, the offender may appeal the judge's  
determination that the offender is a habitual sex offender.

(iv) If the court determined without a hearing that the  
offender previously has been convicted of or pleaded guilty to a  
sexually oriented offense other than the offense in relation to  
which the court determined that the offender is not a sexual  
predator, and, as such, is a habitual sex offender, and the  
hearing is solely to determine whether to impose a requirement  
that the offender be subject to the specified community  
notification provisions, after the hearing, the court may impose a  
community notification requirement as described in division

(C)(2)(b)(ii) of this section. The offender shall not be subject to the specified community notification provisions relative to the sexually oriented offense in question if the court does not so impose the requirement described in that division. If the court imposes those community notification provisions, the offender may appeal the judge's determination that the offender is a habitual sex offender.

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(v) If the hearing is to determine whether the offender is a sexual predator, and if the court determines by clear and convincing evidence that the offender is a sexual predator, it shall enter its determination in the offender's institutional record, shall attach the determination to the offender's sentence, shall specify that the determination was pursuant to division (C) of this section, and shall provide a copy of the determination to the offender, to the prosecuting attorney, and to the department of rehabilitation and correction. The offender and the prosecutor may appeal as a matter of right the judge's determination under this division as to whether the offender is, or is not, a sexual predator.

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(D)(1) Division (D) of this section applies to persons who have been convicted of or pleaded guilty to a sexually oriented offense. ~~The procedures set forth in division (D) of this section regarding a determination of whether a person no longer is a sexual predator also apply, to the extent specified in section 2152.84 or 2152.85 of the Revised Code, to persons who have been adjudicated a delinquent child for committing a sexually oriented offense and have been determined by a juvenile court judge to be a sexual predator and also applies as provided in Chapter 2152. of the Revised Code.~~ A person who has been adjudicated a delinquent child for committing a sexually oriented offense and who has been classified by a juvenile court judge a juvenile sex offender registrant or, if applicable, additionally has been determined by

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a juvenile court judge to be a sexual predator or habitual sex 3984  
offender, may petition the adjudicating court for a 3985  
reclassification or declassification pursuant to section 2152.85 3986  
of the Revised Code. 3987

Upon the expiration of the applicable period of time 3988  
specified in division (D)(1)(a) or (b) of this section, an 3989  
offender who has been convicted of or pleaded guilty to a sexually 3990  
oriented offense and who has been adjudicated as being a sexual 3991  
predator relative to the sexually oriented offense in the manner 3992  
described in division (B) or (C) of this section may petition the 3993  
judge who made the determination that the offender was a sexual 3994  
predator, or that judge's successor in office, to enter a 3995  
determination that the offender no longer is a sexual predator. 3996  
Upon the filing of the petition, the judge may review the prior 3997  
sexual predator determination that comprises the sexually violent 3998  
predator adjudication, and, upon consideration of all relevant 3999  
evidence and information, including, but not limited to, the 4000  
factors set forth in division (B)(3) of this section, either shall 4001  
enter a determination that the offender no longer is a sexual 4002  
predator or shall enter an order denying the petition. The judge 4003  
shall not enter a determination under this division that the 4004  
offender no longer is a sexual predator unless the judge 4005  
determines by clear and convincing evidence that the offender is 4006  
unlikely to commit a sexually oriented offense in the future. If 4007  
the judge enters a determination under this division that the 4008  
offender no longer is a sexual predator, the judge shall notify 4009  
the bureau of criminal identification and investigation and the 4010  
parole board of the determination. Upon receipt of the 4011  
notification, the bureau promptly shall notify the sheriff with 4012  
whom the offender most recently registered under section 2950.04 4013  
or 2950.05 of the Revised Code of the determination that the 4014  
offender no longer is a sexual predator. If the judge enters an 4015  
order denying the petition, the prior adjudication of the offender 4016

as a sexual predator shall remain in effect. An offender  
determined to be a sexual predator in the manner described in  
division (B) or (C) of this section may file a petition under this  
division after the expiration of the following periods of time:

(a) Regardless of when the sexually oriented offense was  
committed, if, on or after January 1, 1997, the offender is  
imprisoned or sentenced to a prison term or other confinement for  
the sexually oriented offense in relation to which the  
determination was made, the offender initially may file the  
petition not earlier than one year prior to the offender's release  
from the imprisonment, prison term, or other confinement by  
discharge, parole, judicial release, or any other final release.  
If the offender is sentenced on or after January 1, 1997, for the  
sexually oriented offense in relation to which the determination  
is made and is not imprisoned or sentenced to a prison term or  
other confinement for the sexually oriented offense, the offender  
initially may file the petition upon the expiration of one year  
after the entry of the offender's judgment of conviction.

(b) After the offender's initial filing of a petition under  
division (D)(1)(a) of this section, thereafter, an offender may  
file a petition under this division upon the expiration of five  
years after the court has entered an order denying the petition  
under division (D)(1)(a) of this section or the most recent  
petition the offender has filed under this division.

(2) Except as otherwise provided in this division, division  
(D)(1) of this section does not apply to a person who is  
classified as a sexual predator pursuant to division (A) of this  
section. If a person who is so classified was sentenced to a  
prison term pursuant to division (A)(3) of section 2971.03 of the  
Revised Code and if the sentencing court terminates the offender's  
prison term as provided in division (D) of section 2971.05 of the  
Revised Code, the court's termination of the prison term

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automatically shall constitute a determination by the court that  
the offender no longer is a sexual predator. If the court so  
terminates the offender's prison term, the court shall notify the  
bureau of criminal identification and investigation and the parole  
board of the determination that the offender no longer is a sexual  
predator. Upon receipt of the notification, the bureau promptly  
shall notify the sheriff with whom the offender most recently  
registered under section 2950.04 or 2950.05 of the Revised Code  
that the offender no longer is a sexual predator. If an offender  
who is classified as a sexual predator pursuant to division (A) of  
this section is released from prison pursuant to a pardon or  
commutation, the classification of the offender as a sexual  
predator shall remain in effect after the offender's release, and  
the offender may file one or more petitions in accordance with the  
procedures and time limitations contained in division (D)(1) of  
this section for a determination that the offender no longer is a  
sexual predator.

(E)(1) If a person is convicted of or pleads guilty to  
committing, on or after January 1, 1997, a sexually oriented  
offense, the judge who is to impose sentence on the offender shall  
determine, prior to sentencing, whether the offender previously  
has been convicted of or pleaded guilty to, or adjudicated a  
delinquent child for committing, a sexually oriented offense. ~~If a  
person is classified a juvenile sex offender registrant, pursuant  
to section 2152.82 or division (A) of section 2152.83 of the  
Revised Code, the adjudicating judge and is a habitual sex  
offender. The judge who is to impose or has imposed an order of  
disposition upon a child who is adjudicated a delinquent child for  
committing on or after January 1, 2002, a sexually oriented  
offense~~ shall determine, prior to entering the order classifying  
the delinquent child a juvenile sex offender registrant, whether  
the delinquent child previously has been convicted of or pleaded

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~~guilty to, or adjudicated a delinquent child for committing, a~~ 4081  
~~sexually oriented offense. If the adjudicating judge has~~ 4082  
~~classified the delinquent child under division (A) of section~~ 4083  
~~2152.83 of the Revised Code based on that adjudication a juvenile~~ 4084  
~~sex offender registrant, the judge shall determine, prior to~~ 4085  
~~entering the classification order, whether the delinquent child~~ 4086  
~~previously has been adjudicated a delinquent child for committing~~ 4087  
~~a sexually oriented offense. If and is a habitual sex offender, if~~ 4088  
either of the following applies: 4089

(a) The judge is required by section 2152.82 or division (A) 4090  
of section 2152.83 of the Revised Code to classify the child a 4091  
juvenile sex offender registrant; 4092

(b) Division (B) of section 2152.83 of the Revised Code 4093  
applies regarding the child, the judge conducts a hearing under 4094  
that division for the purposes described in that division, and the 4095  
judge determines at that hearing that the child will be classified 4096  
a juvenile sex offender registrant. 4097

(2) If, under division (E)(1) of this section, the judge 4098  
determines that the offender or delinquent child previously has 4099  
not been convicted of or pleaded guilty to ~~a sexually oriented~~ 4100  
~~offense or that the delinquent child previously has not, or~~ 4101  
adjudicated a delinquent child for committing, a sexually oriented 4102  
~~offense or that the offender otherwise does not satisfy the~~ 4103  
criteria for being a habitual sex offender, the judge shall 4104  
specify in the offender's sentence or in the order classifying the 4105  
delinquent child a juvenile sex offender registrant that the judge 4106  
has determined that the offender or delinquent child is not a 4107  
habitual sex offender. If the judge determines that the offender 4108  
or delinquent child previously has been convicted of or pleaded 4109  
guilty to ~~a sexually oriented offense or that the delinquent child~~ 4110  
~~previously has, or~~ been adjudicated a delinquent child for 4111  
committing, a sexually oriented offense and that the offender 4112

satisfies all other criteria for being a habitual sex offender, 4113  
the judge shall specify in the offender's sentence and the 4114  
judgment of conviction that contains the sentence or in the order 4115  
classifying the delinquent child a juvenile sex offender 4116  
registrant that the judge has determined that the offender or 4117  
delinquent child is a habitual sex offender and may impose a 4118  
requirement in that sentence and judgment of conviction or in that 4119  
order that the offender or delinquent child be subject to the 4120  
community notification provisions regarding the offender's or 4121  
delinquent child's place of residence that are contained in 4122  
sections 2950.10 and 2950.11 of the Revised Code. Unless the 4123  
habitual sex offender also has been adjudicated as being a sexual 4124  
predator relative to the sexually oriented offense in question, 4125  
the offender or delinquent child shall be subject to those 4126  
community notification provisions only if the court imposes the 4127  
requirement described in this division in the offender's sentence 4128  
and the judgment of conviction or in the order classifying the 4129  
delinquent child a juvenile sex offender registrant. 4130

(F)(1) An offender or delinquent child classified as a sexual 4131  
predator may petition the court of common pleas or, for a 4132  
delinquent child, the juvenile court of the county in which the 4133  
offender or delinquent child resides or temporarily is domiciled 4134  
to enter a determination that the offender or delinquent child is 4135  
not an adjudicated sexual predator in this state for purposes of 4136  
the sex offender registration requirements of this chapter or the 4137  
community notification provisions contained in sections 2950.10 4138  
and 2950.11 of the Revised Code if all of the following apply: 4139

(a) The offender or delinquent child was convicted of, 4140  
pleaded guilty to, or was adjudicated a delinquent child for 4141  
committing, a sexually oriented offense in another state or in a 4142  
federal court, a military court, or an Indian tribal court. 4143

(b) As a result of the conviction, plea of guilty, or 4144

adjudication described in division (F)(1)(a) of this section, the  
offender or delinquent child is required under the law of the  
jurisdiction under which the offender or delinquent child was  
convicted, pleaded guilty, or was adjudicated to register as a sex  
offender until the offender's or delinquent child's death and is  
required to verify the offender's or delinquent child's address on  
at least a quarterly basis each year.

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(c) The offender or delinquent child was automatically  
classified as a sexual predator under division (A) of this section  
in relation to the conviction, guilty plea, or adjudication  
described in division (F)(1)(a) of this section.

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(2) The court may enter a determination that the offender or  
delinquent child filing the petition described in division (F)(1)  
of this section is not an adjudicated sexual predator in this  
state for purposes of the sex offender registration requirements  
of this chapter or the community notification provisions contained  
in sections 2950.10 and 2950.11 of the Revised Code only if the  
offender or delinquent child proves by clear and convincing  
evidence that the requirement of the other jurisdiction that the  
offender or delinquent child register as a sex offender until the  
offender's or delinquent child's death and the requirement that  
the offender or delinquent child verify the offender's or  
delinquent child's address on at least a quarterly basis each year  
is not substantially similar to a classification as a sexual  
predator for purposes of this chapter.

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**Sec. 2950.14.** (A) Prior to releasing an offender who is under  
the custody and control of the department of rehabilitation and  
correction and who has been convicted of or pleaded guilty to  
committing, either prior to, on, or after January 1, 1997, any  
sexually oriented offense, the department of rehabilitation and  
correction shall provide all of the information described in

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division (B) of this section to the bureau of criminal 4176  
identification and investigation regarding the offender. Prior to 4177  
releasing a delinquent child who is in the custody of the 4178  
department of youth services ~~and~~ who has been adjudicated a 4179  
delinquent child for committing on or after ~~the effective date of~~ 4180  
~~this amendment~~ January 1, 2002, a sexually oriented offense, and 4181  
who has been classified a juvenile sex offender registrant based 4182  
on that adjudication, the department of youth services shall 4183  
provide all of the information described in division (B) of this 4184  
section to the bureau of criminal identification and investigation 4185  
regarding the delinquent child. 4186

(B) The department of rehabilitation and correction and the 4187  
department of youth services shall provide all of the following 4188  
information to the bureau of criminal identification and 4189  
investigation regarding an offender or delinquent child described 4190  
in division (A) of this section: 4191

(1) The offender's or delinquent child's name and any aliases 4192  
used by the offender or delinquent child; 4193

(2) All identifying factors concerning the offender or 4194  
delinquent child; 4195

(3) The offender's or delinquent child's anticipated future 4196  
residence; 4197

(4) The offense and delinquency history of the offender or 4198  
delinquent child; 4199

(5) Whether the offender or delinquent child was treated for 4200  
a mental abnormality or personality disorder while under the 4201  
custody and control of the department; 4202

(6) Any other information that the bureau indicates is 4203  
relevant and that the department possesses. 4204

(C) Upon receipt of the information described in division (B) 4205

of this section regarding an offender or delinquent child, the 4206  
bureau immediately shall enter the information into the state 4207  
registry of sex offenders that the bureau maintains pursuant to 4208  
section 2950.13 of the Revised Code and into the records that the 4209  
bureau maintains pursuant to division (A) of section 109.57 of the 4210  
Revised Code. 4211

**Sec. 5139.05.** (A) The juvenile court may commit any child to 4212  
the department of youth services as authorized in Chapter 2152. of 4213  
the Revised Code, provided that any child so committed shall be at 4214  
least ten years of age at the time of the child's delinquent act, 4215  
and, if the child is ten or eleven years of age, the delinquent 4216  
act is a violation of section 2909.03 of the Revised Code or would 4217  
be aggravated murder, murder, or a first or second degree felony 4218  
offense of violence if committed by an adult. Any order to commit 4219  
a child to an institution under the control and management of the 4220  
department shall have the effect of ordering that the child be 4221  
committed to the department and assigned to an institution as 4222  
follows: 4223

(1) For an indefinite term consisting of the prescribed 4224  
minimum period ~~of court control set~~ specified by the court under 4225  
division (A)(1) of section 2152.16 of the Revised Code and a 4226  
maximum period not to exceed the child's attainment of twenty-one 4227  
years of age, if the child was committed pursuant to section 4228  
2152.16 of the Revised Code; 4229

(2) Until the child's attainment of twenty-one years of age, 4230  
if the child was committed for aggravated murder or murder 4231  
pursuant to section 2152.16 of the Revised Code; 4232

(3) For a period of commitment that shall be in addition to, 4233  
and shall be served consecutively with and prior to, a period of 4234  
commitment described in division (A)(1) or (2) of this section, if 4235  
the child was committed pursuant to section 2152.17 of the Revised 4236

Code; 4237

(4) If the child is ten or eleven years of age, to an 4238  
institution, a residential care facility, a residential facility, 4239  
or a facility licensed by the department of job and family 4240  
services that the department of youth services considers best 4241  
designated for the training and rehabilitation of the child and 4242  
protection of the public. The child shall be housed separately 4243  
from children who are twelve years of age or older until the child 4244  
is released or discharged or until the child attains twelve years 4245  
of age, whichever occurs first. Upon the child's attainment of 4246  
twelve years of age, if the child has not been released or 4247  
discharged, the department is not required to house the child 4248  
separately. 4249

(B)(1) ~~The Except as otherwise provided in section 5139.54 of~~ 4250  
~~the Revised Code, the~~ release authority of the department of youth 4251  
services, in accordance with section 5139.51 of the Revised Code 4252  
and at any time after the end of the minimum period ~~of court~~ 4253  
~~control imposed specified~~ under division (A)(1) of section 2152.16 4254  
of the Revised Code, may grant the release from custody of any 4255  
child committed to the department. 4256

The order committing a child to the department of youth 4257  
services shall state that the child has been adjudicated a 4258  
delinquent child and state the minimum period ~~of court control~~ 4259  
~~over the commitment under section 2152.12 or 2152.13 of the~~ 4260  
~~Revised Code.~~ The jurisdiction of the court terminates at the end 4261  
of the minimum period ~~of court control~~ except as follows: 4262

(a) In relation to judicial release procedures, supervision, 4263  
and violations; 4264

(b) With respect to functions of the court related to the 4265  
revocation of supervised release that are specified in sections 4266  
5139.51 and 5139.52 of the Revised Code; 4267

(c) In relation to its duties relating to serious youthful offender dispositional sentences under sections 2152.13 and 2152.14 of the Revised Code. 4268  
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(2) When a child has been committed to the department under section 2152.16 of the Revised Code, the department shall retain legal custody of the child until one of the following: 4271  
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(a) The department discharges the child to the exclusive management, control, and custody of the child's parent or the guardian of the child's person or, if the child is eighteen years of age or older, discharges the child. 4274  
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(b) The committing court, upon its own motion, upon petition of the parent, guardian of the person, or next friend of a child, or upon petition of the department, terminates the department's legal custody of the child. 4278  
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(c) The committing court grants the child a judicial release to court supervision under section 2152.22 of the Revised Code. 4282  
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(d) The department's legal custody of the child is terminated automatically by the child attaining twenty-one years of age. 4284  
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(e) If the child is subject to a serious youthful offender dispositional sentence, the adult portion of that dispositional sentence is imposed under section 2152.14 of the Revised Code. 4287  
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(C) When a child is committed to the department of youth services, the department may assign the child to a hospital for mental, physical, and other examination, inquiry, or treatment for the period of time that is necessary. The department may remove any child in its custody to a hospital for observation, and a complete report of every observation at the hospital shall be made in writing and shall include a record of observation, treatment, and medical history and a recommendation for future treatment, custody, and maintenance. The department shall thereupon order the 4290  
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placement and treatment that it determines to be most conducive to 4299  
the purposes of Chapters 2151. and 5139. of the Revised Code. The 4300  
committing court and all public authorities shall make available 4301  
to the department all pertinent data in their possession with 4302  
respect to the case. 4303

(D) Records maintained by the department of youth services 4304  
pertaining to the children in its custody shall be accessible only 4305  
to department employees, except by consent of the department or 4306  
upon the order of the judge of a court of record. These records 4307  
shall not be considered "public records," as defined in section 4308  
149.43 of the Revised Code. 4309

Except as otherwise provided by a law of this state or the 4310  
United States, the department of youth services may release 4311  
records that are maintained by the department of youth services 4312  
and that pertain to children in its custody to the department of 4313  
rehabilitation and correction regarding persons who are under the 4314  
jurisdiction of the department of rehabilitation and correction 4315  
and who have previously been committed to the department of youth 4316  
services. The department of rehabilitation and correction may use 4317  
those records for the limited purpose of carrying out the duties 4318  
of the department of rehabilitation and correction. Records 4319  
released by the department of youth services to the department of 4320  
rehabilitation and correction shall remain confidential and shall 4321  
not be considered public records as defined in section 149.43 of 4322  
the Revised Code. 4323

(E)(1) When a child is committed to the department of youth 4324  
services, the department, orally or in writing, shall notify the 4325  
parent, guardian, or custodian of a child that the parent, 4326  
guardian, or custodian may request at any time from the 4327  
superintendent of the institution in which the child is located 4328  
any of the information described in divisions (E)(1)(a), (b), (c), 4329  
and (d) of this section. The parent, guardian, or custodian may 4330

provide the department with the name, address, and telephone 4331  
number of the parent, guardian, or custodian, and, until the 4332  
department is notified of a change of name, address, or telephone 4333  
number, the department shall use the name, address, and telephone 4334  
number provided by the parent, guardian, or custodian to provide 4335  
notices or answer inquiries concerning the following information: 4336

(a) When the department of youth services makes a permanent 4337  
assignment of the child to a facility, the department, orally or 4338  
in writing and on or before the third business day after the day 4339  
the permanent assignment is made, shall notify the parent, 4340  
guardian, or custodian of the child of the name of the facility to 4341  
which the child has been permanently assigned. 4342

If a parent, guardian, or custodian of a child who is 4343  
committed to the department of youth services requests, orally or 4344  
in writing, the department to provide the parent, guardian, or 4345  
custodian with the name of the facility in which the child is 4346  
currently located, the department, orally or in writing and on or 4347  
before the next business day after the day on which the request is 4348  
made, shall provide the name of that facility to the parent, 4349  
guardian, or custodian. 4350

(b) If a parent, guardian, or custodian of a child who is 4351  
committed to the department of youth services, orally or in 4352  
writing, asks the superintendent of the institution in which the 4353  
child is located whether the child is being disciplined by the 4354  
personnel of the institution, what disciplinary measure the 4355  
personnel of the institution are using for the child, or why the 4356  
child is being disciplined, the superintendent or the 4357  
superintendent's designee, on or before the next business day 4358  
after the day on which the request is made, shall provide the 4359  
parent, guardian, or custodian with written or oral responses to 4360  
the questions. 4361

(c) If a parent, guardian, or custodian of a child who is 4362

committed to the department of youth services, orally or in 4363  
writing, asks the superintendent of the institution in which the 4364  
child is held whether the child is receiving any medication from 4365  
personnel of the institution, what type of medication the child is 4366  
receiving, or what condition of the child the medication is 4367  
intended to treat, the superintendent or the superintendent's 4368  
designee, on or before the next business day after the day on 4369  
which the request is made, shall provide the parent, guardian, or 4370  
custodian with oral or written responses to the questions. 4371

(d) When a major incident occurs with respect to a child who 4372  
is committed to the department of youth services, the department, 4373  
as soon as reasonably possible after the major incident occurs, 4374  
shall notify the parent, guardian, or custodian of the child that 4375  
a major incident has occurred with respect to the child and of all 4376  
the details of that incident that the department has ascertained. 4377

(2) The failure of the department of youth services to 4378  
provide any notification required by or answer any requests made 4379  
pursuant to division (E) of this section does not create a cause 4380  
of action against the state. 4381

(F) The department of youth services, as a means of 4382  
punishment while the child is in its custody, shall not prohibit a 4383  
child who is committed to the department from seeing that child's 4384  
parent, guardian, or custodian during standard visitation periods 4385  
allowed by the department of youth services unless the 4386  
superintendent of the institution in which the child is held 4387  
determines that permitting that child to visit with the child's 4388  
parent, guardian, or custodian would create a safety risk to that 4389  
child, that child's parents, guardian, or custodian, the personnel 4390  
of the institution, or other children held in that institution. 4391

(G) As used in this section: 4392

(1) "Permanent assignment" means the assignment or transfer 4393

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

(2) "Major incident" means the escape or attempted escape of  
a child who has been committed to the department of youth services  
from the facility to which the child is assigned; the return to  
the custody of the department of a child who has escaped or  
otherwise fled the custody and control of the department without  
authorization; the allegation of any sexual activity with a child  
committed to the department; physical injury to a child committed  
to the department as a result of alleged abuse by department  
staff; an accident resulting in injury to a child committed to the  
department that requires medical care or treatment outside the  
institution in which the child is located; the discovery of a  
controlled substance upon the person or in the property of a child  
committed to the department; a suicide attempt by a child  
committed to the department; a suicide attempt by a child  
committed to the department that results in injury to the child  
requiring emergency medical services outside the institution in  
which the child is located; the death of a child committed to the  
department; an injury to a visitor at an institution under the  
control of the department that is caused by a child committed to  
the department; and the commission or suspected commission of an  
act by a child committed to the department that would be an  
offense if committed by an adult.

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

(4) "Controlled substance" has the same meaning as in section 4426  
3719.01 of the Revised Code. 4427

(5) "Residential care facility" and "residential facility" 4428  
have the same meanings as in section 2151.011 of the Revised Code. 4429

**Sec. 5139.06.** (A) When a child has been committed to the 4430  
department of youth services, the department shall do both of the 4431  
following: 4432

(1) Place the child in an appropriate institution under the 4433  
condition that it considers best designed for the training and 4434  
rehabilitation of the child and the protection of the public, 4435  
provided that the institutional placement shall be consistent with 4436  
the order committing the child to its custody; 4437

(2) Maintain the child in institutional care or institutional 4438  
care in a secure facility for the required period of 4439  
institutionalization in a manner consistent with division (A)(1) 4440  
of section 2152.16 and divisions (A) to ~~(E)~~(F) of section 2152.17 4441  
of the Revised Code, whichever are applicable, and with section 4442  
5139.38 or division (B) or (C) of section 2152.22 of the Revised 4443  
Code. 4444

(B) When a child has been committed to the department of 4445  
youth services and has not been institutionalized or 4446  
institutionalized in a secure facility for the prescribed minimum 4447  
period of time, including, but not limited to, a prescribed period 4448  
of time under division (A)(1)(a) of section 2152.16 of the Revised 4449  
Code, the department, the child, or the child's parent may request 4450  
the court that committed the child to order a judicial release to 4451  
court supervision or a judicial release to department of youth 4452  
services supervision in accordance with division (B) or (C) of 4453  
section 2152.22 of the Revised Code, and the child may be released 4454  
from institutionalization or institutionalization in a secure 4455  
facility in accordance with the applicable division. A child in 4456

those circumstances shall not be released from 4457  
institutionalization or institutionalization in a secure facility 4458  
except in accordance with section 2152.22 or 5139.38 of the 4459  
Revised Code. When a child is released pursuant to a judicial 4460  
release to court supervision under division (B) of section 2152.22 4461  
of the Revised Code, the department shall comply with division 4462  
(B)(3) of that section and, if the court requests, shall send the 4463  
committing court a report on the child's progress in the 4464  
institution and recommendations for conditions of supervision by 4465  
the court after release. When a child is released pursuant to a 4466  
judicial release to department of youth services supervision under 4467  
division (C) of section 2152.22 of the Revised Code, the 4468  
department shall comply with division (C)(3) of that section 4469  
relative to the child and shall send the committing court and the 4470  
juvenile court of the county in which the child is placed a copy 4471  
of the treatment and rehabilitation plan described in that 4472  
division and the conditions that it fixed. The court of the county 4473  
in which the child is placed may adopt the conditions as an order 4474  
of the court and may add any additional consistent conditions it 4475  
considers appropriate, provided that the court may not add any 4476  
condition that decreases the level or degree of supervision 4477  
specified by the department in its plan, that substantially 4478  
increases the financial burden of supervision that will be 4479  
experienced by the department, or that alters the placement 4480  
specified by the department in its plan. Any violations of the 4481  
conditions of the child's judicial release or early release shall 4482  
be handled pursuant to division (D) of section 2152.22 of the 4483  
Revised Code. 4484

(C) When a child has been committed to the department of 4485  
youth services, the department may do any of the following: 4486

(1) Notwithstanding the provisions of this chapter, Chapter 4487  
2151., or Chapter 2152. of the Revised Code that prescribe 4488

required periods of institutionalization, transfer the child to 4489  
any other state institution, whenever it appears that the child by 4490  
reason of mental illness, mental retardation, or other 4491  
developmental disability ought to be in another state institution. 4492  
Before transferring a child to any other state institution, the 4493  
department shall include in the minutes a record of the order of 4494  
transfer and the reason for the transfer and, at least seven days 4495  
prior to the transfer, shall send a certified copy of the order to 4496  
the person shown by its record to have had the care or custody of 4497  
the child immediately prior to the child's commitment. Except as 4498  
provided in division (C)(2) of this section, no person shall be 4499  
transferred from a benevolent institution to a correctional 4500  
institution or to a facility or institution operated by the 4501  
department of youth services. 4502

(2) Notwithstanding the provisions of this chapter, Chapter 4503  
2151., or Chapter 2152. of the Revised Code that prescribe 4504  
required periods of institutionalization, transfer the child under 4505  
section 5120.162 of the Revised Code to a correctional medical 4506  
center established by the department of rehabilitation and 4507  
correction, whenever the child has an illness, physical condition, 4508  
or other medical problem and it appears that the child would 4509  
benefit from diagnosis or treatment at the center for that 4510  
illness, condition, or problem. Before transferring a child to a 4511  
center, the department of youth services shall include in the 4512  
minutes a record of the order of transfer and the reason for the 4513  
transfer and, except in emergency situations, at least seven days 4514  
prior to the transfer, shall send a certified copy of the order to 4515  
the person shown by its records to have had the care or custody of 4516  
the child immediately prior to the child's commitment. If the 4517  
transfer of the child occurs in an emergency situation, as soon as 4518  
possible after the decision is made to make the transfer, the 4519  
department of youth services shall send a certified copy of the 4520

order to the person shown by its records to have had the care or 4521  
custody of the child immediately prior to the child's commitment. 4522  
A transfer under this division shall be in accordance with the 4523  
terms of the agreement the department of youth services enters 4524  
into with the department of rehabilitation and correction under 4525  
section 5120.162 of the Revised Code and shall continue only as 4526  
long as the child reasonably appears to receive benefit from 4527  
diagnosis or treatment at the center for an illness, physical 4528  
condition, or other medical problem. 4529

(3) Revoke or modify any order of the department except an 4530  
order of discharge as often as conditions indicate it to be 4531  
desirable; 4532

(4) If the child was committed pursuant to division 4533  
(A)(1)(b), (c), (d), or (e) of section 2152.16 of the Revised Code 4534  
and has been institutionalized or institutionalized in a secure 4535  
facility for the prescribed minimum periods of time under those 4536  
divisions, assign the child to a family home, a group care 4537  
facility, or other place maintained under public or private 4538  
auspices, within or without this state, for necessary treatment 4539  
and rehabilitation, the costs of which may be paid by the 4540  
department, provided that the department shall notify the 4541  
committing court, in writing, of the place and terms of the 4542  
assignment at least fifteen days prior to the scheduled date of 4543  
the assignment; 4544

(5) Release the child from an institution in accordance with 4545  
sections 5139.51 to 5139.54 of the Revised Code in the 4546  
circumstances described in those sections. 4547

(D) The department of youth services shall notify the 4548  
committing court of any order transferring the physical location 4549  
of any child committed to it in accordance with section 5139.35 of 4550  
the Revised Code. Upon the discharge from its custody and control, 4551  
the department may petition the court for an order terminating its 4552

custody and control.

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

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

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

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

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(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;

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

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

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(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 experience in criminal justice, juvenile justice, or an equivalent relevant profession. The chairperson shall be a managing officer of the department, shall supervise the members of the board and the other staff in the bureau, and shall perform all duties and functions necessary to ensure that the release authority discharges its responsibilities. The chairperson shall serve as the official spokesperson for the release authority.

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

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

(1) Serve as the final and sole authority for making decisions, in the interests of public safety and the children involved, regarding the release and discharge of all children committed to the legal custody of the department of youth

services, except children placed by a juvenile court on judicial  
release to court supervision or on judicial release to department  
of youth services supervision, children who have not completed a  
prescribed minimum period of time or prescribed period of time in  
a secure facility, or children who are required to remain in a  
secure facility until they attain twenty-one years of age;

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

(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;

(4) Cooperate with public and private agencies, communities,  
private groups, and individuals for the development and  
improvement of its services;

(5) Collect, develop, and maintain statistical information  
regarding its services and decisions;

(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.

(F) The release authority may do any of the following:

(1) Conduct inquiries, investigations, and reviews and hold

hearings and other proceedings necessary to properly discharge its 4646  
responsibilities; 4647

(2) Issue subpoenas, enforceable in a court of law, to compel 4648  
a person to appear, give testimony, or produce documentary 4649  
information or other tangible items relating to a matter under 4650  
inquiry, investigation, review, or hearing; 4651

(3) Administer oaths and receive testimony of persons under 4652  
oath; 4653

(4) Request assistance, services, and information from a 4654  
public agency to enable the authority to discharge its 4655  
responsibilities and receive the assistance, services, and 4656  
information from the public agency in a reasonable period of time; 4657

(5) Request from a public agency or any other entity that 4658  
provides or has provided services to a child committed to the 4659  
department's legal custody information to enable the release 4660  
authority to properly discharge its responsibilities with respect 4661  
to that child and receive the information from the public agency 4662  
or other entity in a reasonable period of time. 4663

(G) The release authority may delegate responsibilities to 4664  
hearing officers or other designated staff under the release 4665  
authority's auspices. However, the release authority shall not 4666  
delegate its authority to make final decisions regarding policy or 4667  
the release of a child. 4668

~~(H)~~ The release authority shall adopt a written policy and 4669  
procedures governing appeals of its release and discharge 4670  
decisions. 4671

~~(I)~~(H) The legal staff of the department of youth services 4672  
shall provide assistance to the release authority in the 4673  
formulation of policy and in its handling of individual cases. 4674

**Sec. 5139.53.** (A)(1) The director of youth services shall 4675

designate certain employees of the department of youth services, 4676  
including regional administrators, as persons who are authorized, 4677  
in accordance with section 5139.52 of the Revised Code, to execute 4678  
an order of apprehension or a warrant for, or otherwise to arrest, 4679  
children in the custody of the department who are violating or are 4680  
alleged to have violated the terms and conditions of supervised 4681  
release or judicial release to department of youth services 4682  
supervision. 4683

(2) The director of youth services ~~shall~~ may designate some 4684  
of the employees designated under division (A)(1) of this section 4685  
as employees authorized to carry a firearm issued by the 4686  
department while on duty for their protection in carrying out 4687  
official duties. 4688

(B)(1) An employee of the department designated by the 4689  
director pursuant to division (A)(1) of this section as having the 4690  
authority to execute orders of apprehension or warrants and to 4691  
arrest children as described in that division shall not undertake 4692  
an arrest until the employee has successfully completed training 4693  
courses regarding the making of arrests by employees of that 4694  
nature that are developed in cooperation with and approved by the 4695  
executive director of the Ohio peace officer training commission. 4696  
The courses shall include, but shall not be limited to, training 4697  
in arrest tactics, defensive tactics, the use of force, and 4698  
response tactics. 4699

(2) The director of youth services shall develop, and shall 4700  
submit to the governor for the governor's approval, a deadly force 4701  
policy for the department. The deadly force policy shall require 4702  
each employee who is designated under division (A)(2) of this 4703  
section to carry a firearm in the discharge of official duties to 4704  
receive training in the use of deadly force, shall specify the 4705  
number of hours and the general content of the training in the use 4706  
of deadly force that each of the designated employees must 4707

receive, and shall specify the procedures that must be followed  
after the use of deadly force by any of the designated employees.  
Upon receipt of the policy developed by the director under this  
division, the governor, in writing, promptly shall approve or  
disapprove the policy. If the governor, in writing, disapproves  
the policy, the director shall develop and resubmit a new policy  
under this division, and no employee shall be trained under the  
disapproved policy. If the governor, in writing, approves the  
policy, the director shall adopt it as a department policy and  
shall distribute it to each employee designated under (A)(2) of  
this section to carry a firearm in the discharge of official  
duties. An employee designated by the director pursuant to  
division (A)(2) of this section to carry a firearm in the  
discharge of official duties shall not carry a firearm until the  
employee has successfully completed both of the following:

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(a) Training in the use of deadly force that comports with  
the policy approved by the governor and developed and adopted by  
the director under division (B)(2) of this section. The training  
required by this division shall be conducted at a training school  
approved by the Ohio peace officer training commission and shall  
be in addition to the training described in divisions (B)(1) and  
(2)(b) of this section that the employee must complete prior to  
undertaking an arrest and separate from and independent of the  
training required by division (B)(2)(b) of this section.

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(b) A basic firearm training program that is conducted at a  
training school approved by the Ohio peace officer training  
commission and that is substantially similar to the basic firearm  
training program for peace officers conducted at the Ohio peace  
officer training academy and has received a certificate of  
satisfactory completion of that program from the executive  
director of the Ohio peace officer training commission. The  
training described in this division that an employee must complete

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prior to carrying a firearm shall be in addition to the training 4740  
described in division (B)(1) of this section that the employee 4741  
must complete prior to undertaking an arrest. 4742

(C) After receipt of a certificate of satisfactory completion 4743  
of a basic firearm training program, to maintain the right to 4744  
carry a firearm in the discharge of official duties, an employee 4745  
authorized under this section to carry a firearm shall 4746  
successfully complete a firearms requalification program in 4747  
accordance with section 109.801 of the Revised Code. 4748

(D) Each employee authorized to carry a firearm shall give 4749  
bond to the state to be approved by the clerk of the court of 4750  
common pleas in the county of that employee's residence. The bond 4751  
shall be in the sum of one thousand dollars, conditioned to save 4752  
the public harmless by reason of the unlawful use of a firearm. A 4753  
person injured or the family of a person killed by the employee's 4754  
improper use of a firearm may have recourse on the bond. 4755

(E) In addition to the deadly force policy adopted under 4756  
division (B)(2) of this section, the director of youth services 4757  
shall establish policies for the carrying and use of firearms by 4758  
the employees that the director designates under this section. 4759

**Section 2.** That existing sections 2151.18, 2151.28, 2151.314, 4760  
2151.354, 2151.38, 2151.87, 2152.10, 2152.13, 2152.14, 2152.16, 4761  
2152.17, 2152.18, 2152.19, 2152.22, 2152.71, 2152.82, 2152.83, 4762  
2152.84, 2301.03, 2927.02, 2950.01, 2950.04, 2950.09, 2950.14, 4763  
5139.05, 5139.06, 5139.50, and 5139.53 of the Revised Code are 4764  
hereby repealed. 4765

**Section 3.** The General Assembly hereby encourages the Supreme 4766  
Court to amend the Juvenile Rules to make clear that, while a 4767  
magistrate may not try or sentence a case involving an alleged or 4768  
adjudicated serious youthful offender, a magistrate may handle 4769

ministerial duties in that type of case, including arraignment and 4770  
setting bail. 4771

**Section 4.** (A) If a person desiring to become a candidate at 4772  
the general election to be held on November 5, 2002, for election 4773  
to the judgeship of the Muskingum County Court of Common Pleas, 4774  
division of domestic relations, whose term begins on January 2, 4775  
2003, has filed a nominating petition and statement of candidacy, 4776  
as provided in section 3513.261 of the Revised Code, before the 4777  
effective date of this act, the person shall not be required to 4778  
file a new nominating petition and statement of candidacy for the 4779  
judgeship as a result of the amendment of section 2301.03 of the 4780  
Revised Code by this act that changes the powers of that 4781  
judgeship. 4782

(B) Notwithstanding sections 3513.05 and 3513.257 of the 4783  
Revised Code, a person desiring to become a candidate at the 4784  
general election to be held on November 5, 2002, for election to 4785  
the judgeship of the Muskingum County Court of Common Pleas, 4786  
division of domestic relations, whose term begins on January 2, 4787  
2003, may file a nominating petition and statement of candidacy, 4788  
as provided in section 3513.261 of the Revised Code, not later 4789  
than four p.m. on August 22, 2002. Notwithstanding section 4790  
3513.257 of the Revised Code, the nominating petition of each 4791  
candidate for this judgeship shall contain a minimum of fifty 4792  
signatures of qualified electors of Muskingum County, except that 4793  
no nominating petition shall be accepted for filing or filed if 4794  
the petition appears on its face to contain or is known to contain 4795  
signatures aggregating in number more than one hundred fifty. The 4796  
nominating petitions of candidates for this judgeship shall be 4797  
processed as set forth in section 3513.263 of the Revised Code. 4798  
The names of the candidates, whose petition papers shall be 4799  
determined by the board with which the petitions were filed to be 4800

valid, shall be printed on the ballot as set forth in section 4801  
3505.04 of the Revised Code. 4802

**Section 5.** (A) Section 2152.17 of the Revised Code, as 4803  
presented in this act, includes matter that was amended into 4804  
former section 2151.355 of the Revised Code by Am. Sub. S.B. 222 4805  
of the 123rd General Assembly. Paragraphs of former section 4806  
2151.355 of the Revised Code containing S.B. 222 amendments were 4807  
transferred to section 2152.17 of the Revised Code by Am. Sub. 4808  
S.B. 179 of the 123rd General Assembly as part of its general 4809  
revision of the juvenile sentencing laws. The General Assembly, 4810  
applying the principle stated in division (B) of section 1.52 of 4811  
the Revised Code that amendments are to be harmonized if 4812  
reasonably capable of simultaneous operation, finds that the 4813  
version of section 2152.17 of the Revised Code presented in this 4814  
act is the resulting version of the section in effect prior to the 4815  
effective date of the section as presented in this act. 4816

(B) Section 2152.18 of the Revised Code, as presented in this 4817  
act, includes matter that was amended into former section 2151.355 4818  
of the Revised Code by Am. Sub. S.B. 181 of the 123rd General 4819  
Assembly. Paragraphs of former section 2151.355 of the Revised 4820  
Code containing S.B. 181 amendments were transferred to section 4821  
2152.18 of the Revised Code by S.B. 179 of the 123rd General 4822  
Assembly as part of its general revision of the juvenile 4823  
sentencing laws. The General Assembly, applying the principle 4824  
stated in division (B) of section 1.52 of the Revised Code that 4825  
amendments are to be harmonized if reasonably capable of 4826  
simultaneous operation, finds that the version of section 2152.18 4827  
of the Revised Code presented in this act is the resulting version 4828  
of the section in effect prior to the effective date of the 4829  
section as presented in this act. 4830

**Section 6.** Section 2151.28 of the Revised Code is amended by 4831

this act and also by Sub. H.B. 180 of the 124th General Assembly	4832
(effective May 16, 2002). The amendments of Sub. H.B. 180 are	4833
included in this act without underscore to confirm the intention	4834
to retain them, but are not intended to be effective until May 16,	4835
2002.	4836