

As Reported by the House Criminal Justice Committee

124th General Assembly

Regular Session

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Sub. H. B. No. 393

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

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, 2152.22, 3
2152.71, 2927.02, 2950.01, 5139.05, 5139.06, 4
5139.50, and 5139.53 of the Revised Code to revise 5
the Juvenile Law and to declare an emergency. 6

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

Section 1. That sections 2151.18, 2151.28, 2151.314, 7
2151.354, 2151.38, 2151.87, 2152.10, 2152.13, 2152.14, 2152.16, 8
2152.17, 2152.18, 2152.22, 2152.71, 2927.02, 2950.01, 5139.05, 9
5139.06, 5139.50, and 5139.53 of the Revised Code be amended to 10
read as follows: 11

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

the hours in which the court is open. 20

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

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

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

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

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

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

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

(1) 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 otherwise would remain or be placed 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 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.

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

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

(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.

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

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

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

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

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

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

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

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

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

(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.

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

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

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

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

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

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

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.

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

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

without unnecessary delay. 241

(B) When the court conducts a hearing pursuant to division 242
(A) of this section, all of the following apply: 243

(1) The court shall determine whether an alleged abused, 244
neglected, or dependent child should remain or be placed in 245
shelter care; 246

(2) The court shall determine whether there are any relatives 247
of the child who are willing to be temporary custodians of the 248
child. If any relative is willing to be a temporary custodian, the 249
child would otherwise be placed or retained in shelter care, and 250
the appointment is appropriate, the court shall appoint the 251
relative as temporary custodian of the child, unless the court 252
appoints another relative as temporary custodian. If it determines 253
that the appointment of a relative as custodian would not be 254
appropriate, it shall issue a written opinion setting forth the 255
reasons for its determination and give a copy of the opinion to 256
all parties and to the guardian ad litem of the child. 257

The court's consideration of a relative for appointment as a 258
temporary custodian does not make that relative a party to the 259
proceedings. 260

(3) The court shall comply with section 2151.419 of the 261
Revised Code. 262

(C) If a child is in shelter care following the filing of a 263
complaint pursuant to section 2151.27 or 2152.021 of the Revised 264
Code, the filing of an information, or the obtaining of an 265
indictment or following a hearing held pursuant to division (A) of 266
this section, any party, including the public children services 267
agency, and the guardian ad litem of the child may file a motion 268
with the court requesting that the child be released from shelter 269
care. The motion shall state the reasons why the child should be 270
released from shelter care and, if a hearing has been held 271

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

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

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

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

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

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

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

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

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

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

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

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

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

(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;

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

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

(2) If a child is adjudicated an unruly child for being an
habitual truant and the court determines that the parent,
guardian, or other person having care of the child has failed to

cause the child's attendance at school in violation of section 3321.38 of the Revised Code, in addition to any order of disposition authorized by this section, all of the following apply:

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

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

(c) The court shall warn the parent, guardian, or other person having care of the child that any subsequent adjudication of the child as an unruly or delinquent child for being an habitual or chronic truant may result in a criminal charge against the parent, guardian, or other person having care of the child for a violation of division (C) of section 2919.21 or section 2919.24 of the Revised Code.

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

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

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

Sec. 2151.87. (A) As used in this section: 399

(1) "Cigarette" and "tobacco product" have the same meanings 400
as in section 2927.02 of the Revised Code. 401

(2) "Youth smoking education program" means a private or 402
public agency program that is related to tobacco use, prevention, 403
and cessation, that is carried out or funded by the tobacco use 404
prevention and control foundation pursuant to section 183.07 of 405
the Revised Code, that utilizes educational methods focusing on 406
the negative health effects of smoking and using tobacco products, 407
and that is not more than twelve hours in duration. 408

(B) No child shall do any of the following unless accompanied 409
by a parent, spouse who is eighteen years of age or older, or 410
legal guardian of the child: 411

(1) Use, consume, or possess cigarettes, other tobacco 412
products, or papers used to roll cigarettes; 413

(2) Purchase or attempt to purchase cigarettes, other tobacco 414
products, or papers used to roll cigarettes; 415

(3) Order, pay for, or share the cost of cigarettes, other 416
tobacco products, or papers used to roll cigarettes; 417

(4) Except as provided in division (E) of this section, 418
accept or receive cigarettes, other tobacco products, or papers 419
used to roll cigarettes. 420

(C) No child shall knowingly furnish false information 421
concerning that child's name, age, or other identification for the 422
purpose of obtaining cigarettes, other tobacco products, or papers 423
used to roll cigarettes. 424

(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.

(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.

(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 used to roll cigarettes are sold or distributed.

(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:

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

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

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

(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:

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

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

(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:

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

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

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

(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.

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:

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

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

(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.

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

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Sec. 2152.13. (A) A juvenile court may impose a serious 516
youthful offender dispositional sentence on a child only if the 517
prosecuting attorney of the county in which the delinquent act 518
allegedly occurred initiates the process against the child in 519
accordance with this division ~~or division (B) of this section~~, and 520
the child is an alleged delinquent child who is eligible for the 521
dispositional sentence. The prosecuting attorney may initiate the 522
process in any of the following ways: 523

(1) ~~The~~ Obtaining an indictment of the child is ~~indicted~~ as a 524
serious youthful offender ~~or is charged~~; 525

(2) The child waives the right to indictment, charging the 526
child in a bill of information as a serious youthful offender. 527

~~(2) The;~~ 528

(3) Until an indictment or information is obtained, 529
requesting a serious youthful offender dispositional sentence in 530
the original complaint alleging that the child is a delinquent 531
child ~~requests a serious youthful offender dispositional sentence.~~ 532

~~(B) Unless;~~ 533

(4) Until an indictment or information is obtained, if the 534
original complaint ~~includes a notice of intent to seek that type~~ 535
~~of~~ does not request a serious youthful offender dispositional 536
~~sentence, the prosecuting attorney shall file~~ filing with the 537
juvenile court a written notice of intent to seek a serious 538
youthful offender dispositional sentence within twenty days after 539
the later of the following, unless the time is extended by the 540
juvenile court for good cause shown: 541

~~(1)~~(a) The date of the child's first juvenile court hearing 542
regarding the complaint; 543

~~(2)~~(b) The date the juvenile court determines not to transfer 544
the case under section 2152.12 of the Revised Code. 545

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

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

~~(D)~~(C)(1) A child for whom a serious youthful offender dispositional sentence is sought has the right to a grand jury determination of probable cause that the child committed the act charged and that the child is eligible by age for a serious youthful offender dispositional sentence. The grand jury may be impaneled by the court of common pleas or the juvenile court.

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

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

(b) If the child is charged by an original complaint that

requests a serious youthful offender dispositional sentence, on
the date of the filing of the complaint.

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

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

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~~(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:

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(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.

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(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.

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(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.

(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.

(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.

(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 639
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 640
applicable, section 2152.17 of the Revised Code. 641

(3) A child upon whom a serious youthful offender 642
dispositional sentence is imposed under division ~~(E)~~(D)(1) or (2) 643
of this section has a right to appeal under division (A)(1), (3), 644
(4), (5), or (6) of section 2953.08 of the Revised Code the adult 645
portion of the serious youthful offender dispositional sentence 646
when any of those divisions apply. The child may appeal the adult 647
portion, and the court shall consider the appeal as if the adult 648
portion were not stayed. 649

Sec. 2152.14. (A)(1) The director of youth services may 650
request the prosecuting attorney of the county in which is located 651
the juvenile court that imposed a serious youthful offender 652
dispositional sentence upon a person to file a motion with that 653
juvenile court to invoke the adult portion of the dispositional 654
sentence if all of the following apply to the person: 655

(a) The person is at least fourteen years of age. 656

(b) The person is in the institutional custody, or an escapee 657
from the custody, of the department of youth services. 658

(c) The person is serving the juvenile portion of the serious 659
youthful offender dispositional sentence. 660

(2) The motion shall state that there is reasonable cause to 661
believe that either of the following misconduct has occurred and 662
shall state that at least one incident of misconduct of that 663
nature occurred after the person reached fourteen years of age: 664

(a) The person committed an act that is a violation of the 665
rules of the institution and that could be charged as any felony 666
or as a first degree misdemeanor offense of violence if committed 667
by an adult. 668

(b) The person has engaged in conduct that creates a 669
substantial risk to the safety or security of the institution, the 670
community, or the victim. 671

(B) If a person is at least fourteen years of age, is serving 672
the juvenile portion of a serious youthful offender dispositional 673
sentence, and is on parole or aftercare from a department of youth 674
services facility, or on community control, the director of youth 675
services, the juvenile court that imposed the serious youthful 676
offender dispositional sentence on the person, or the probation 677
department supervising the person may request the prosecuting 678
attorney of the county in which is located the juvenile court to 679
file a motion with the juvenile court to invoke the adult portion 680
of the dispositional sentence. The prosecuting attorney may file a 681
motion to invoke the adult portion of the dispositional sentence 682
even if no request is made. The motion shall state that there is 683
reasonable cause to believe that either of the following occurred 684
and shall state that at least one incident of misconduct of that 685
nature occurred after the person reached fourteen years of age: 686

(1) The person committed an act that is a violation of the 688
conditions of supervision and that could be charged as any felony 689
or as a first degree misdemeanor offense of violence if committed 690
by an adult. 691

(2) The person has engaged in conduct that creates a 692
substantial risk to the safety or security of the community or of 693
the victim. 694

(C) If the prosecuting attorney declines a request to file a 695
motion that was made by the department of youth services or the 696
supervising probation department under division (A) or (B) of this 697
section or fails to act on a request made under either division by 698
the department within a reasonable time, the department of youth 699
services or the supervising probation department may file a motion 700

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

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

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

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~~(1)~~(a) The person is serving the juvenile portion of a

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serious youthful offender dispositional sentence. 733

~~(2)(b)~~ The person is at least fourteen years of age and has 734
been admitted to a department of youth services facility, or 735
criminal charges are pending against the person. 736

~~(3)(c)~~ The person engaged in the conduct or acts charged 737
under division (A), (B), or (C) of this section, and the person's 738
conduct demonstrates that the person is unlikely to be 739
rehabilitated during the remaining period of juvenile 740
jurisdiction. 741

(2) The court may modify the adult sentence the court invokes 742
to consist of any lesser prison term that could be imposed for the 743
offense and, in addition to the prison term or in lieu of the 744
prison term if the prison term was not mandatory, any community 745
control sanction that the offender was eligible to receive at 746
sentencing. 747

(F) If a juvenile court issues an order invoking the adult 748
portion of a serious youthful offender dispositional sentence 749
under division (E) of this section, the juvenile portion of the 750
dispositional sentence shall terminate, and the department of 751
youth services shall transfer the person to the department of 752
rehabilitation and correction or place the person under another 753
sanction imposed as part of the sentence. The juvenile court shall 754
state in its order the total number of days that the person has 755
been held in detention or in a facility operated by, or under 756
contract with, the department of youth services under the juvenile 757
portion of the dispositional sentence. The time the person must 758
serve on a prison term imposed under the adult portion of the 759
dispositional sentence shall be reduced by the total number of 760
days specified in the order plus any additional days the person is 761
held in a juvenile facility or in detention after the order is 762
issued and before the person is transferred to the custody of the 763
department of rehabilitation and correction. In no case shall the 764

total prison term as calculated under this division exceed the 765
maximum prison term available for an adult who is convicted of 766
violating the same sections of the Revised Code. 767

Any community control imposed as part of the adult sentence 768
or as a condition of a judicial release from prison shall be under 769
the supervision of the entity that provides adult probation 770
services in the county. Any post-release control imposed after the 771
offender otherwise is released from prison shall be supervised by 772
the adult parole authority. 773

Sec. 2152.16. (A)(1) If a child is adjudicated a delinquent 774
child for committing an act that would be a felony if committed by 775
an adult, the juvenile court may commit the child to the legal 776
custody of the department of youth services for secure confinement 777
as follows: 778

(a) For an act that would be aggravated murder or murder if 779
committed by an adult, until the offender attains twenty-one years 780
of age; 781

(b) For a violation of section 2923.02 of the Revised Code 782
that involves an attempt to commit an act that would be aggravated 783
murder or murder if committed by an adult, a minimum period of six 784
to seven years as prescribed by the court and a maximum period not 785
to exceed the child's attainment of twenty-one years of age; 786

(c) For a violation of section 2903.03, 2905.01, 2909.02, or 787
2911.01 or division (A) of section 2903.04 of the Revised Code or 788
for a violation of any provision of section 2907.02 of the Revised 789
Code other than division (A)(1)(b) of that section when the sexual 790
conduct or insertion involved was consensual and when the victim 791
of the violation of division (A)(1)(b) of that section was older 792
than the delinquent child, was the same age as the delinquent 793
child, or was less than three years younger than the delinquent 794
child, for an indefinite term consisting of a minimum period of 795

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
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

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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:

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

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

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

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

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

delinquent act. 890

(D)(1) If the child is adjudicated a delinquent child for 891
committing an act that would be an offense of violence that is a 892
felony if committed by an adult and is committed to the legal 893
custody of the department of youth services pursuant to division 894
(A)(4), (5), or (6)(1) of this section 2152.16 of the Revised Code 895
and if the court determines that the child, if the child was an 896
adult, would be guilty of a specification of the type set forth in 897
section 2941.1411 of the Revised Code in relation to the act for 898
which the child was adjudicated a delinquent child, the court may 899
commit the child to the custody of the department of youth 900
services for institutionalization in a secure facility for up to 901
two years, subject to division ~~(A)(7)(d)~~(D)(2) of this section. 902

~~(d)~~(2) A court that imposes a period of commitment under 903
division (A)(7)(a) of this section is not precluded from imposing 904
an additional period of commitment under division ~~(A)(7)(b)(C)~~ or 905
~~(e)~~(D)(1) of this section, a court that imposes a period of 906
commitment under division ~~(A)(7)(b)(C)~~ of this section is not 907
precluded from imposing an additional period of commitment under 908
division (A)(7)(a) or ~~(e)~~(D)(1) of this section, and a court that 909
imposes a period of commitment under division ~~(A)(7)(e)~~(D)(1) of 910
this section is not precluded from imposing an additional period 911
of commitment under division (A)(7)(a) or ~~(b)~~(C) of this section. 912

(E) The court shall not commit a child to the legal custody 913
of the department of youth services for ~~a specification~~ two or 914
more specifications pursuant to this section for a period that 915
exceeds five years ~~for~~ in relation to any one delinquent act. Any 916
commitment imposed pursuant to division (A), (B), ~~or~~ (C), or 917
(D)(1) of this section shall be in addition to, and shall be 918
served consecutively with and prior to, a period of commitment 919
ordered under this chapter for the underlying delinquent act, and 920
each commitment imposed pursuant to division (A), (B), ~~or~~ (C), or 921

(D)(1) of this section shall be in addition to, and shall be 922
served consecutively with, any other period of commitment imposed 923
under those divisions. If a commitment is imposed under division 924
(A) or (B) of this section and a commitment also is imposed under 925
division (C) of this section, the period imposed under division 926
(A) or (B) of this section shall be served prior to the period 927
imposed under division (C) of this section. 928

In each case in which a court makes a disposition under this 929
section, the court retains control over the commitment for the 930
entire period of the commitment. 931

The total of all the periods of commitment imposed for any 932
specification under this section and for the underlying offense 933
shall not exceed the child's attainment of twenty-one years of 934
age. 935

~~(E)~~(F) If a child is adjudicated a delinquent child for 936
committing two or more acts that would be felonies if committed by 937
an adult and if the court entering the delinquent child 938
adjudication orders the commitment of the child for two or more of 939
those acts to the legal custody of the department of youth 940
services for institutionalization in a secure facility pursuant to 941
section 2152.13 or 2152.16 ~~or~~ of the Revised Code, the court may 942
order that all of the periods of commitment imposed under those 943
sections for those acts be served consecutively in the legal 944
custody of the department of youth services, provided that those 945
periods of commitment shall be in addition to and commence 946
immediately following the expiration of a period of commitment 947
that the court imposes pursuant to division (A), (B), ~~or~~ (C), or 948
(D)(1) of this section. A court shall not commit a delinquent 949
child to the legal custody of the department of youth services 950
under this division for a period that exceeds the child's 951
attainment of twenty-one years of age. 952

~~(F)~~(G) If a child is adjudicated a delinquent child for 953

committing an act that if committed by an adult would be 954
aggravated murder, murder, rape, felonious sexual penetration in 955
violation of former section 2907.12 of the Revised Code, 956
involuntary manslaughter, a felony of the first or second degree 957
resulting in the death of or physical harm to a person, complicity 958
in or an attempt to commit any of those offenses, or an offense 959
under an existing or former law of this state that is or was 960
substantially equivalent to any of those offenses and if the court 961
in its order of disposition for that act commits the child to the 962
custody of the department of youth services, the adjudication 963
shall be considered a conviction for purposes of a future 964
determination pursuant to Chapter 2929. of the Revised Code as to 965
whether the child, as an adult, is a repeat violent offender. 966

Sec. 2152.18. (A) When a juvenile court commits a delinquent 967
child to the custody of the department of youth services pursuant 968
to this chapter, the court shall not designate the specific 969
institution in which the department is to place the child but 970
instead shall specify that the child is to be institutionalized in 971
a secure facility. 972

(B) When a juvenile court commits a delinquent child to the 973
custody of the department of youth services pursuant to this 974
chapter, the court shall state in the order of commitment the 975
total number of days that the child has been held in detention in 976
connection with the delinquent child complaint upon which the 977
order of commitment is based. The department shall reduce the 978
minimum period of institutionalization that was ordered by both 979
the total number of days that the child has been so held in 980
detention as stated by the court in the order of commitment and 981
the total number of any additional days that the child has been 982
held in detention subsequent to the order of commitment but prior 983
to the transfer of physical custody of the child to the 984
department. 985

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

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

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

documentation of the efforts it made to obtain the information. 1018

(D)(1) Within ten days after an adjudication that a child is 1019
a delinquent child, the court shall give written notice of the 1020
adjudication to the superintendent of a city, local, exempted 1021
village, or joint vocational school district, and to the principal 1022
of the school the child attends, if the basis of the adjudication 1023
was the commission of an act that would be a criminal offense if 1024
committed by an adult, if the act was committed by the delinquent 1025
child when the child was fourteen years of age or older, and if 1026
the act is any of the following: 1027

(a) An act that would be a felony or an offense of violence 1028
if committed by an adult, an act in the commission of which the 1029
child used or brandished a firearm, or an act that is a violation 1030
of section 2907.04, 2907.06, 2907.07, 2907.08, 2907.09, 2907.24, 1031
or 2907.241 of the Revised Code and that would be a misdemeanor if 1032
committed by an adult; 1033

(b) A violation of section 2923.12 of the Revised Code or of 1034
a substantially similar municipal ordinance that would be a 1035
misdemeanor if committed by an adult and that was committed on 1036
property owned or controlled by, or at an activity held under the 1037
auspices of, the board of education of that school district; 1038

(c) A violation of division (A) of section 2925.03 or 2925.11 1039
of the Revised Code that would be a misdemeanor if committed by an 1040
adult, that was committed on property owned or controlled by, or 1041
at an activity held under the auspices of, the board of education 1042
of that school district, and that is not a minor drug possession 1043
offense; 1044

(d) An act that would be a criminal offense if committed by 1045
an adult and that results in serious physical harm to persons or 1046
serious physical harm to property while the child is at school, on 1047
any other property owned or controlled by the board, or at an 1048

interscholastic competition, an extracurricular event, or any 1049
other school program or activity; 1050

(e) Complicity in any violation described in division 1051
(D)(1)(a), (b), (c), or (d) of this section that was alleged to 1052
have been committed in the manner described in division (D)(1)(a), 1053
(b), (c), or (d) of this section, regardless of whether the act of 1054
complicity was committed on property owned or controlled by, or at 1055
an activity held under the auspices of, the board of education of 1056
that school district. 1057

(2) The notice given pursuant to division ~~(K)~~(D)(1) of this 1058
section shall include the name of the child who was adjudicated to 1059
be a delinquent child, the child's age at the time the child 1060
committed the act that was the basis of the adjudication, and 1061
identification of the violation of the law or ordinance that was 1062
the basis of the adjudication. 1063

(3) Within fourteen days after committing a delinquent child 1064
to the custody of the department of youth services, the court 1065
shall give notice to the school attended by the child of the 1066
child's commitment by sending to that school a copy of the court's 1067
journal entry ordering the commitment. As soon as possible after 1068
receipt of the notice described in this division, the school shall 1069
provide the department with the child's school transcript. 1070
However, the department shall not refuse to accept a child 1071
committed to it, and a child committed to it shall not be held in 1072
a county or district detention facility, because of a school's 1073
failure to provide the school transcript that it is required to 1074
provide under this division. 1075

(4) Within fourteen days after releasing a child from an 1076
institution under its control, the department of youth services 1077
shall provide the court and the school with an updated copy of the 1078
child's school transcript and a summary of the institutional 1079
record of the child. The department also shall provide the court 1080

with a copy of any portion of the child's institutional record 1081
that the court specifically requests, within five working days of 1082
the request. 1083

(E) At any hearing at which a child is adjudicated a 1084
delinquent child or as soon as possible after the hearing, the 1085
court shall notify all victims of the delinquent act who may be 1086
entitled to a recovery under any of the following sections of the 1087
right of the victims to recover, pursuant to section 3109.09 of 1088
the Revised Code, compensatory damages from the child's parents; 1089
of the right of the victims to recover, pursuant to section 1090
3109.10 of the Revised Code, compensatory damages from the child's 1091
parents for willful and malicious assaults committed by the child; 1092
and of the right of the victims to recover an award of reparations 1093
pursuant to sections 2743.51 to 2743.72 of the Revised Code. 1094

Sec. 2152.22. (A) When a child is committed to the legal 1095
custody of the department of youth services under this chapter, 1096
the juvenile court relinquishes control with respect to the child 1097
so committed, except as provided in divisions (B), (C), and (G) of 1098
this section or in sections 2152.82 to 2152.85 of the Revised 1099
Code. Subject to divisions (B) and (C) of this section, sections 1100
2151.353 and 2151.412 to 2151.421 of the Revised Code, sections 1101
2152.82 to 2152.85 of the Revised Code, and any other provision of 1102
law that specifies a different duration for a dispositional order, 1103
all other dispositional orders made by the court under this 1104
chapter shall be temporary and shall continue for a period that is 1105
designated by the court in its order, until terminated or modified 1106
by the court or until the child attains twenty-one years of age. 1107

The department shall not release the child from a department 1108
facility and as a result shall not discharge the child or order 1109
the child's release on supervised release prior to the expiration 1110
of the minimum period of court control over the child specified by 1111

the court in division (A)(1) of section 2152.16 of the Revised Code and any term of commitment imposed under section 2152.17 of the Revised Code or prior to the child's attainment of twenty-one years of age, except upon the order of a court pursuant to division (B) or (C) of this section or in accordance with section 5139.54 of the Revised Code. 1112
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(B)(1) The court that commits a delinquent child to the department may grant judicial release of the child to court supervision under this division, ~~during any of the following periods that are applicable during the first 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 first 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+ 1118
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~~(a) If the child was given a disposition under section 2152.16 of the Revised Code for committing an act that would be a felony of the third, fourth, or fifth degree if committed by an adult, at any time during the first ninety days of the period of court control over the child;~~ 1129
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~~(b) If the child was given a disposition under section 2152.13 or 2152.16 of the Revised Code, or both of those sections, for committing an act that would be a felony of the first or second degree if committed by an adult, at any time during the first one hundred eighty days of the period of court control over the child;~~ 1134
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~~(c) If the child was committed to the department until the child attains twenty-one years of age for an act that would be aggravated murder or murder if committed by an adult, at any time during the first half of the prescribed period of that commitment~~ 1140
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~~of the child.~~ 1144

(2) If the department of youth services desires to release a 1145
child during a period specified in division (B)(1) of this 1146
section, it shall request the court that committed the child to 1147
grant a judicial release of the child to court supervision. During 1148
whichever of those periods is applicable, the child or the parents 1149
of the child also may request that court to grant a judicial 1150
release of the child to court supervision. Upon receipt of a 1151
request for a judicial release to court supervision from the 1152
department, the child, or the child's parent, or upon its own 1153
motion, the court that committed the child shall do one of the 1154
following: approve the release by journal entry; schedule within 1155
thirty days after the request is received a time for a hearing on 1156
whether the child is to be released; or reject the request by 1157
journal entry without conducting a hearing. 1158

If the court rejects an initial request for a release under 1159
this division by the child or the child's parent, the child or the 1160
child's parent may make one additional request for a judicial 1161
release to court supervision within the applicable period. The 1162
additional request may be made no earlier than thirty days after 1163
the filing of the prior request for a judicial release to court 1164
supervision. Upon the filing of a second request for a judicial 1165
release to court supervision, the court shall either approve or 1166
disapprove the release by journal entry or schedule within thirty 1167
days after the request is received a time for a hearing on whether 1168
the child is to be released. 1169

(3) If a court schedules a hearing under division (B)(2) of 1170
this section, it may order the department to deliver the child to 1171
the court on the date set for the hearing and may order the 1172
department to present to the court a report on the child's 1173
progress in the institution to which the child was committed and 1174
recommendations for conditions of supervision of the child by the 1175

court after release. The court may conduct the hearing without the
child being present. The court shall determine at the hearing
whether the child should be granted a judicial release to court
supervision.

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

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

~~(a) If the child was given a disposition under section~~
~~2152.16 of the Revised Code for an act that would be a felony of~~
~~the third, fourth, or fifth degree if committed by an adult, at~~
~~any time during the period of court control over the child,~~
~~provided that at least ninety days of that period have elapsed+~~

~~(b) If the child was given a disposition under section 1208
2152.13 or 2152.16 of the Revised Code, or both of those sections, 1209
for an act that would be a felony of the first or second degree if 1210
committed by an adult, at any time during the period of court 1211
control over the child, provided that at least one hundred eighty 1212
days of that period have elapsed; 1213~~

~~(c) If the child was committed to the department for an act 1214
that would be aggravated murder or murder if committed by an adult 1215
until the child attains twenty-one years of age, at any time 1216
during the second half of the prescribed period of that commitment 1217
of the child. 1218~~

(2) If the department of youth services desires to release a 1219
child during a period specified in division (C)(1) of this 1220
section, it shall request the court that committed the child to 1221
grant a judicial release to department of youth services 1222
supervision. During whichever of those periods is applicable, the 1223
child or the child's parent also may request the court that 1224
committed the child to grant a judicial release to department of 1225
youth services supervision. Upon receipt of a request for judicial 1226
release to department of youth services supervision, the child, or 1227
the child's parent, or upon its own motion at any time during that 1228
period, the court shall do one of the following: approve the 1229
release by journal entry; schedule a time within thirty days after 1230
receipt of the request for a hearing on whether the child is to be 1231
released; or reject the request by journal entry without 1232
conducting a hearing. 1233

If the court rejects an initial request for release under 1234
this division by the child or the child's parent, the child or the 1235
child's parent may make one or more subsequent requests for a 1236
release within the applicable period, but may make no more than 1237
one request during each period of ninety days that the child is in 1238
a secure department facility after the filing of a prior request 1239

for early release. Upon the filing of a request for release under 1240
this division subsequent to an initial request, the court shall 1241
either approve or disapprove the release by journal entry or 1242
schedule a time within thirty days after receipt of the request 1243
for a hearing on whether the child is to be released. 1244

(3) If a court schedules a hearing under division (C)(2) of 1245
this section, it may order the department to deliver the child to 1246
the court on the date set for the hearing and shall order the 1247
department to present to the court at that time a treatment plan 1248
for the child's post-institutional care. The court may conduct the 1249
hearing without the child being present. The court shall determine 1250
at the hearing whether the child should be granted a judicial 1251
release to department of youth services supervision. 1252

If the court approves the judicial release to department of 1253
youth services supervision, the department shall prepare a written 1254
treatment and rehabilitation plan for the child pursuant to 1255
division (E) of this section that shall include the conditions of 1256
the child's release. It shall send the committing court and the 1257
juvenile court of the county in which the child is placed a copy 1258
of the plan. The court of the county in which the child is placed 1259
may adopt the conditions set by the department as an order of the 1260
court and may add any additional consistent conditions it 1261
considers appropriate, provided that the court may not add any 1262
condition that decreases the level or degree of supervision 1263
specified by the department in its plan, that substantially 1264
increases the financial burden of supervision that will be 1265
experienced by the department, or that alters the placement 1266
specified by the department in its plan. If the court of the 1267
county in which the child is placed adds to the department's plan 1268
any additional conditions, it shall enter those additional 1269
conditions in its journal and shall send to the department a copy 1270
of the journal entry of the additional conditions. 1271

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 disposition of the child authorized by law that the court considers proper. If the court of the county in which the child is placed orders the child to be returned to a department of youth services institution, the time during which the child was held in a secure department facility prior to the child's judicial release

shall be considered as time served in fulfilling the prescribed
period of institutionalization that is applicable to the child
under the child's original order of commitment. If the court
orders the child returned to a department institution, the child
shall remain in institutional care for a minimum of three months
or until the child successfully completes a revocation program of
a duration of not less than thirty days operated either by the
department or by an entity with which the department has
contracted to provide a revocation program.

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

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

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

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

(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.

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(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.

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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
nearest of kin of the child, if the parents are deceased, may
inspect these records, either in person or by counsel, during the
hours in which the court is open. Division (A)(1) of this section
does not require the release or authorize the inspection of arrest
or incident reports, law enforcement investigatory reports or

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records, or witness statements. 1367

(2) The juvenile court shall send to the superintendent of 1368
the bureau of criminal identification and investigation, pursuant 1369
to section 109.57 of the Revised Code, a weekly report containing 1370
a summary of each case that has come before it and that involves 1371
the disposition of a child who is a delinquent child for 1372
committing an act that would be a felony or an offense of violence 1373
if committed by an adult. 1374

(B) The clerk of the court shall maintain a statistical 1375
record that includes all of the following: 1376

(1) The number of complaints that are filed with, or 1377
indictments or information made to, the court that allege that a 1378
child is a delinquent child, in relation to which the court 1379
determines under division (D) of section 2151.27 of the Revised 1380
Code that the victim of the alleged delinquent act was sixty-five 1381
years of age or older or permanently and totally disabled at the 1382
time of the alleged commission of the act; 1383

(2) The number of complaints, indictments, or information 1384
described in division (B)(1) of this section that result in the 1385
child being adjudicated a delinquent child; 1386

(3) The number of complaints, indictments, or information 1387
described in division (B)(2) of this section in which the act upon 1388
which the delinquent child adjudication is based caused property 1389
damage or would be a theft offense, as defined in division (K) of 1390
section 2913.01 of the Revised Code, if committed by an adult; 1391

(4) The number of complaints, indictments, or information 1392
described in division (B)(3) of this section that result in the 1393
delinquent child being required as an order of disposition made 1394
under division (A) of section 2152.20 of the Revised Code to make 1395
restitution for all or part of the property damage caused by the 1396
child's delinquent act or for all or part of the value of the 1397

property that was the subject of the delinquent act that would be 1398
a theft offense if committed by an adult; 1399

(5) The number of complaints, indictments, or information 1400
described in division (B)(2) of this section in which the act upon 1401
which the delinquent child adjudication is based would have been 1402
an offense of violence if committed by an adult; 1403

(6) The number of complaints, indictments, or information 1404
described in division (B)(5) of this section that result in the 1405
delinquent child being committed as an order of disposition made 1406
under section 2152.16, divisions (A) and (B) of section 2152.17, 1407
or division (A)(2) of section 2159.19 of the Revised Code to any 1408
facility for delinquent children operated by the county, a 1409
district, or a private agency or organization or to the department 1410
of youth services; 1411

(7) The number of complaints, indictments, or information 1412
described in division (B)(1) of this section that result in the 1413
case being transferred for criminal prosecution to an appropriate 1414
court having jurisdiction of the offense under section 2152.12 of 1415
the Revised Code. 1416

(C) The clerk of the court shall compile an annual summary 1417
covering the preceding calendar year showing all of the 1418
information for that year contained in the statistical record 1419
maintained under division (B) of this section. The statistical 1420
record and the annual summary shall be public records open for 1421
inspection. Neither the statistical record nor the annual summary 1422
shall include the identity of any party to a case. 1423

(D) Not later than June of each year, the court shall prepare 1424
an annual report covering the preceding calendar year showing the 1425
number and kinds of cases that have come before it, the 1426
disposition of the cases, and any other data pertaining to the 1427
work of the court that the juvenile judge directs. The court shall 1428

file copies of the report with the board of county commissioners. 1429
With the approval of the board, the court may print or cause to be 1430
printed copies of the report for distribution to persons and 1431
agencies interested in the court or community program for 1432
dependent, neglected, abused, or delinquent children and juvenile 1433
traffic offenders. The court shall include the number of copies 1434
ordered printed and the estimated cost of each printed copy on 1435
each copy of the report printed for distribution. 1436

Sec. 2927.02. (A) As used in this section and section 1437
2927.021 of the Revised Code: 1438

(1) "Child" has the same meaning as in section 2151.011 of 1439
the Revised Code. 1440

(2) "Cigarette" includes clove cigarettes and hand-rolled 1441
cigarettes. 1442

(3) "Distribute" means to furnish, give, or provide 1443
cigarettes, other tobacco products, or papers used to roll 1444
cigarettes to the ultimate consumer of the cigarettes, other 1445
tobacco products, or papers used to roll cigarettes. 1446

(4) "Proof of age" means a driver's license, a commercial 1447
driver's license, a military identification card, a passport, or 1448
an identification card issued under sections 4507.50 to 4507.52 of 1449
the Revised Code that shows that a person is eighteen years of age 1450
or older. 1451

(5) "Tobacco product" means any product that is made from 1452
tobacco, including, but not limited to, a cigarette, a cigar, pipe 1453
tobacco, chewing tobacco, or snuff. 1454

(6) "Vending machine" has the same meaning as "coin machine" 1455
in section 2913.01 of the Revised Code. 1456

(B) No manufacturer, producer, distributor, wholesaler, or 1457
retailer of cigarettes, other tobacco products, or papers used to 1458

roll cigarettes, no agent, employee, or representative of a 1459
manufacturer, producer, distributor, wholesaler, or retailer of 1460
cigarettes, other tobacco products, or papers used to roll 1461
cigarettes, and no other person shall do any of the following: 1462

(1) Give, sell, or otherwise distribute cigarettes, other 1463
tobacco products, or papers used to roll cigarettes to any child; 1464

(2) Give away, sell, or distribute cigarettes, other tobacco 1465
products, or papers used to roll cigarettes in any place that does 1466
not have posted in a conspicuous place a sign stating that giving, 1467
selling, or otherwise distributing cigarettes, other tobacco 1468
products, or papers used to roll cigarettes to a person under 1469
eighteen years of age is prohibited by law; 1470

(3) Knowingly furnish any false information regarding the 1471
name, age, or other identification of any child with purpose to 1472
obtain cigarettes, other tobacco products, or papers used to roll 1473
cigarettes for that child. 1474

(C) No person shall sell or offer to sell cigarettes or other 1475
tobacco products by or from a vending machine, except in the 1476
following locations: 1477

(1) An area within a factory, business, office, or other 1478
place not open to the general public; 1479

(2) An area to which children are not generally permitted 1480
access; 1481

(3) Any other place not identified in division (C)(1) or (2) 1482
of this section, upon all of the following conditions: 1483

(a) The vending machine is located within the immediate 1484
vicinity, plain view, and control of the person who owns or 1485
operates the place, or an employee of that person, so that all 1486
cigarettes and other tobacco product purchases from the vending 1487
machine will be readily observed by the person who owns or 1488

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,
or an equivalent entity, has approved the research protocol.

(3) The child is participating in the research protocol at

the facility or location specified in the research protocol. 1519

(F)(1) Whoever violates division (B)(1) or (2) or (C) of this 1520
section is guilty of illegal distribution of cigarettes or other 1521
tobacco products, a misdemeanor of the fourth degree. If the 1522
offender previously has been convicted of a violation of division 1523
(B)(1) or (2) or (C) of this section, illegal distribution of 1524
cigarettes or other tobacco products is a misdemeanor of the third 1525
degree. 1526

(2) Whoever violates division (B)(3) of this section is 1527
guilty of permitting children to use cigarettes or other tobacco 1528
products, a misdemeanor of the fourth degree. If the offender 1529
previously has been convicted of a violation of division (B)(3) of 1530
this section, permitting children to use cigarettes or other 1531
tobacco products is a misdemeanor of the third degree. 1532

~~(F)~~(G) Any cigarettes, other tobacco products, or papers used 1533
to roll cigarettes that are given, sold, or otherwise distributed 1534
to a child in violation of this section and that are used, 1535
possessed, purchased, or received by a child in violation of 1536
section 2151.87 of the Revised Code are subject to seizure and 1537
forfeiture as contraband under sections 2933.42 and 2933.43 of the 1538
Revised Code. 1539

Sec. 2950.01. As used in this chapter, unless the context 1540
clearly requires otherwise: 1541

(A) "Confinement" includes, but is not limited to, a 1542
community residential sanction imposed pursuant to section 2929.16 1543
of the Revised Code. 1544

(B) "Habitual sex offender" means, except when a juvenile 1545
judge removes this classification pursuant to division (A)(2) of 1546
section 2152.84 or division (C)(2) of section 2152.85 of the 1547
Revised Code, a person to whom both of the following apply: 1548

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

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

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

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

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

(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;

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

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

(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;

(iii) A violation of division (A)(1) or (3) of section

2907.321 or 2907.322 of the Revised Code;	1579
(iv) A violation of division (A)(1) or (2) of section 2907.323 of the Revised Code;	1580 1581
(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.	1582 1583 1584
(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;	1585 1586 1587 1588 1589
(d) A sexually violent offense;	1590
(e) A violation of any former law of this state that was substantially equivalent to any offense listed in division (D)(1)(a), (b), (c), or (d) of this section;	1591 1592 1593
(f) A violation of an existing or former municipal ordinance or law of another state or the United States, a violation under the 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;	1594 1595 1596 1597 1598 1599
(g) An attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (D)(1)(a), (b), (c), (d), (e), or (f) of this section.	1600 1601 1602
(2) An act committed by a person under eighteen years of age that is any of the following:	1603 1604
(a) Except for the violations specifically described in divisions (D)(2)(b) and (c) of this section and subject to division (D)(2)(d) of this section, any violation listed in division (D)(1) of this section that, if committed by an adult,	1605 1606 1607 1608

would be a felony of the first, second, third, or fourth degree; 1609

(b) Subject to division (A)(2)(d) of this section, a 1610
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 1611
2905.02 of the Revised Code, a violation of division (A) of 1612
section 2903.04 of the Revised Code, or an attempt to violate any 1613
of those sections or that division that is committed with a 1614
purpose to gratify the sexual needs or desires of the child 1615
committing the violation; 1616

(c) Subject to division (A)(2)(d) of this section, a 1617
violation of division (A)(1) or (3) of section 2907.321, division 1618
(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of 1619
section 2907.323 of the Revised Code, or an attempt to violate any 1620
of those divisions, if the person who violates or attempts to 1621
violate the division is four or more years older than the minor 1622
who is the victim of the offense; 1623

(d) If the child's case has been transferred for criminal 1624
prosecution under section 2152.12 of the Revised Code, the act is 1625
any violation listed in division (D)(1)(a), (b), (c), (d), (e), 1626
(f), or (g) of this section or would be any offense listed in any 1627
of those divisions if committed by an adult. 1628

(E) "Sexual predator" means a person to whom either of the 1629
following applies: 1630

(1) The person has been convicted of or pleaded guilty to 1631
committing a sexually oriented offense and is likely to engage in 1632
the future in one or more sexually oriented offenses. 1633

(2) The person has been adjudicated a delinquent child for 1634
committing a sexually oriented offense, was fourteen years of age 1635
or older at the time of committing the offense, was classified a 1636
juvenile sex offender registrant based on that adjudication, and 1637
is likely to engage in the future in one or more sexually oriented 1638
offenses. 1639

(F) "Supervised release" means a release of an offender from 1640
a prison term, a term of imprisonment, or another type of 1641
confinement that satisfies either of the following conditions: 1642

(1) The release is on parole, a conditional pardon, or 1643
probation, under transitional control, or under a post-release 1644
control sanction, and it requires the person to report to or be 1645
supervised by a parole officer, probation officer, field officer, 1646
or another type of supervising officer. 1647

(2) The release is any type of release that is not described 1648
in division (F)(1) of this section and that requires the person to 1649
report to or be supervised by a probation officer, a parole 1650
officer, a field officer, or another type of supervising officer. 1651

(G) An offender or delinquent child is "adjudicated as being 1652
a sexual predator" if any of the following applies and if that 1653
status has not been removed pursuant to section 2152.84, 2152.85, 1654
or 2950.09 of the Revised Code: 1655

(1) The offender is convicted of or pleads guilty to 1656
committing, on or after January 1, 1997, a sexually oriented 1657
offense that is a sexually violent offense and also is convicted 1658
of or pleads guilty to a sexually violent predator specification 1659
that was included in the indictment, count in the indictment, or 1660
information that charged the sexually violent offense. 1661

(2) Regardless of when the sexually oriented offense was 1662
committed, on or after January 1, 1997, the offender is sentenced 1663
for a sexually oriented offense, and the sentencing judge 1664
determines pursuant to division (B) of section 2950.09 of the 1665
Revised Code that the offender is a sexual predator. 1666

(3) The delinquent child is adjudicated a delinquent child 1667
for committing a sexually oriented offense, was fourteen years of 1668
age or older at the time of committing the offense, and has been 1669
classified a juvenile sex offender registrant based on that 1670

adjudication, and the adjudicating judge or that judge's successor 1671
in office determines pursuant to division (B) of section 2950.09 1672
or pursuant to division (B) of section 2152.83, section 2152.84, 1673
or section 2152.85 of the Revised Code that the delinquent child 1674
is a sexual predator. 1675

(4) Prior to January 1, 1997, the offender was convicted of 1676
or pleaded guilty to, and was sentenced for, a sexually oriented 1677
offense, the offender is imprisoned in a state correctional 1678
institution on or after January 1, 1997, and the court determines 1679
pursuant to division (C) of section 2950.09 of the Revised Code 1680
that the offender is a sexual predator. 1681

(5) Regardless of when the sexually oriented offense was 1682
committed, the offender or delinquent child is convicted of or 1683
pleads guilty to, has been convicted of or pleaded guilty to, or 1684
is adjudicated a delinquent child for committing a sexually 1685
oriented offense in another state or in a federal court, military 1686
court, or an Indian tribal court, as a result of that conviction, 1687
plea of guilty, or adjudication, the offender or delinquent child 1688
is required, under the law of the jurisdiction in which the 1689
offender was convicted or pleaded guilty or the delinquent child 1690
was adjudicated, to register as a sex offender until the 1691
offender's or delinquent child's death and to verify the 1692
offender's or delinquent child's address on at least a quarterly 1693
basis each year, and, on or after July 1, 1997, for offenders or 1694
~~the effective date of this amendment~~ January 1, 2002, for 1695
delinquent children the offender or delinquent child moves to and 1696
resides in this state or temporarily is domiciled in this state 1697
for more than seven days, unless a court of common pleas or 1698
juvenile court determines that the offender or delinquent child is 1699
not a sexual predator pursuant to division (F) of section 2950.09 1700
of the Revised Code. 1701

(H) "Sexually violent predator specification" and "sexually 1702

violent offense" have the same meanings as in section 2971.01 of
the Revised Code. 1703
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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. 1705
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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. 1708
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(K) "Secure facility" means any facility that is designed and
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. 1717
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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. 1723
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(M) "Juvenile court judge" includes a magistrate to whom the
juvenile court judge confers duties pursuant to division (A)(15) 1732
1733

of section 2151.23 of the Revised Code. 1734

(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. 1735
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Sec. 5139.05. (A) The juvenile court may commit any child to 1739
the department of youth services as authorized in Chapter 2152. of 1740
the Revised Code, provided that any child so committed shall be at 1741
least ten years of age at the time of the child's delinquent act, 1742
and, if the child is ten or eleven years of age, the delinquent 1743
act is a violation of section 2909.03 of the Revised Code or would 1744
be aggravated murder, murder, or a first or second degree felony 1745
offense of violence if committed by an adult. Any order to commit 1746
a child to an institution under the control and management of the 1747
department shall have the effect of ordering that the child be 1748
committed to the department and assigned to an institution as 1749
follows: 1750

(1) For an indefinite term consisting of the prescribed 1751
minimum period ~~of court control set~~ specified by the court under 1752
division (A)(1) of section 2152.16 of the Revised Code and a 1753
maximum period not to exceed the child's attainment of twenty-one 1754
years of age, if the child was committed pursuant to section 1755
2152.16 of the Revised Code; 1756

(2) Until the child's attainment of twenty-one years of age, 1757
if the child was committed for aggravated murder or murder 1758
pursuant to section 2152.16 of the Revised Code; 1759

(3) For a period of commitment that shall be in addition to, 1760
and shall be served consecutively with and prior to, a period of 1761
commitment described in division (A)(1) or (2) of this section, if 1762
the child was committed pursuant to section 2152.17 of the Revised 1763
Code; 1764

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

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

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

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

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

(c) In relation to its duties relating to serious youthful

offender dispositional sentences under sections 2152.13 and 1796
2152.14 of the Revised Code. 1797

(2) When a child has been committed to the department under 1798
section 2152.16 of the Revised Code, the department shall retain 1799
legal custody of the child until one of the following: 1800

(a) The department discharges the child to the exclusive 1801
management, control, and custody of the child's parent or the 1802
guardian of the child's person or, if the child is eighteen years 1803
of age or older, discharges the child. 1804

(b) The committing court, upon its own motion, upon petition 1805
of the parent, guardian of the person, or next friend of a child, 1806
or upon petition of the department, terminates the department's 1807
legal custody of the child. 1808

(c) The committing court grants the child a judicial release 1809
to court supervision under section 2152.22 of the Revised Code. 1810

(d) The department's legal custody of the child is terminated 1811
automatically by the child attaining twenty-one years of age. 1812
1813

(e) If the child is subject to a serious youthful offender 1814
dispositional sentence, the adult portion of that dispositional 1815
sentence is imposed under section 2152.14 of the Revised Code. 1816

(C) When a child is committed to the department of youth 1817
services, the department may assign the child to a hospital for 1818
mental, physical, and other examination, inquiry, or treatment for 1819
the period of time that is necessary. The department may remove 1820
any child in its custody to a hospital for observation, and a 1821
complete report of every observation at the hospital shall be made 1822
in writing and shall include a record of observation, treatment, 1823
and medical history and a recommendation for future treatment, 1824
custody, and maintenance. The department shall thereupon order the 1825
placement and treatment that it determines to be most conducive to 1826

the purposes of Chapters 2151. and 5139. of the Revised Code. The 1827
committing court and all public authorities shall make available 1828
to the department all pertinent data in their possession with 1829
respect to the case. 1830

(D) Records maintained by the department of youth services 1831
pertaining to the children in its custody shall be accessible only 1832
to department employees, except by consent of the department or 1833
upon the order of the judge of a court of record. These records 1834
shall not be considered "public records," as defined in section 1835
149.43 of the Revised Code. 1836

Except as otherwise provided by a law of this state or the 1837
United States, the department of youth services may release 1838
records that are maintained by the department of youth services 1839
and that pertain to children in its custody to the department of 1840
rehabilitation and correction regarding persons who are under the 1841
jurisdiction of the department of rehabilitation and correction 1842
and who have previously been committed to the department of youth 1843
services. The department of rehabilitation and correction may use 1844
those records for the limited purpose of carrying out the duties 1845
of the department of rehabilitation and correction. Records 1846
released by the department of youth services to the department of 1847
rehabilitation and correction shall remain confidential and shall 1848
not be considered public records as defined in section 149.43 of 1849
the Revised Code. 1850

(E)(1) When a child is committed to the department of youth 1851
services, the department, orally or in writing, shall notify the 1852
parent, guardian, or custodian of a child that the parent, 1853
guardian, or custodian may request at any time from the 1854
superintendent of the institution in which the child is located 1855
any of the information described in divisions (E)(1)(a), (b), (c), 1856
and (d) of this section. The parent, guardian, or custodian may 1857
provide the department with the name, address, and telephone 1858

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

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

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

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

(c) If a parent, guardian, or custodian of a child who is
committed to the department of youth services, orally or in

writing, asks the superintendent of the institution in which the
child is held whether the child is receiving any medication from
personnel of the institution, what type of medication the child is
receiving, or what condition of the child the medication is
intended to treat, the superintendent or the superintendent's
designee, on or before the next business day after the day on
which the request is made, shall provide the parent, guardian, or
custodian with oral or written responses to the questions.

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

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

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

(G) As used in this section:

(1) "Permanent assignment" means the assignment or transfer
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 1922
receive training or participate in activities that are directed 1923
toward the child's successful rehabilitation. "Permanent 1924
assignment" does not include the transfer of a child to a facility 1925
for judicial release hearings pursuant to section 2152.22 of the 1926
Revised Code or for any other temporary assignment or transfer to 1927
a facility. 1928

(2) "Major incident" means the escape or attempted escape of 1929
a child who has been committed to the department of youth services 1930
from the facility to which the child is assigned; the return to 1931
the custody of the department of a child who has escaped or 1932
otherwise fled the custody and control of the department without 1933
authorization; the allegation of any sexual activity with a child 1934
committed to the department; physical injury to a child committed 1935
to the department as a result of alleged abuse by department 1936
staff; an accident resulting in injury to a child committed to the 1937
department that requires medical care or treatment outside the 1938
institution in which the child is located; the discovery of a 1939
controlled substance upon the person or in the property of a child 1940
committed to the department; a suicide attempt by a child 1941
committed to the department; a suicide attempt by a child 1942
committed to the department that results in injury to the child 1943
requiring emergency medical services outside the institution in 1944
which the child is located; the death of a child committed to the 1945
department; an injury to a visitor at an institution under the 1946
control of the department that is caused by a child committed to 1947
the department; and the commission or suspected commission of an 1948
act by a child committed to the department that would be an 1949
offense if committed by an adult. 1950

(3) "Sexual activity" has the same meaning as in section 1951
2907.01 of the Revised Code. 1952

(4) "Controlled substance" has the same meaning as in section 1953

3719.01 of the Revised Code. 1954

(5) "Residential care facility" and "residential facility" 1955
have the same meanings as in section 2151.011 of the Revised Code. 1956

Sec. 5139.06. (A) When a child has been committed to the 1957
department of youth services, the department shall do both of the 1958
following: 1959

(1) Place the child in an appropriate institution under the 1960
condition that it considers best designed for the training and 1961
rehabilitation of the child and the protection of the public, 1962
provided that the institutional placement shall be consistent with 1963
the order committing the child to its custody; 1964

(2) Maintain the child in institutional care or institutional 1965
care in a secure facility for the required period of 1966
institutionalization in a manner consistent with division (A)(1) 1967
of section 2152.16 and divisions (A) to ~~(E)~~(F) of section 2152.17 1968
of the Revised Code, whichever are applicable, and with section 1969
5139.38 or division (B) or (C) of section 2152.22 of the Revised 1970
Code. 1971

(B) When a child has been committed to the department of 1972
youth services and has not been institutionalized or 1973
institutionalized in a secure facility for the prescribed minimum 1974
period of time, including, but not limited to, a prescribed period 1975
of time under division (A)(1)(a) of section 2152.16 of the Revised 1976
Code, the department, the child, or the child's parent may request 1977
the court that committed the child to order a judicial release to 1978
court supervision or a judicial release to department of youth 1979
services supervision in accordance with division (B) or (C) of 1980
section 2152.22 of the Revised Code, and the child may be released 1981
from institutionalization or institutionalization in a secure 1982
facility in accordance with the applicable division. A child in 1983
those circumstances shall not be released from 1984

institutionalization or institutionalization in a secure facility 1985
except in accordance with section 2152.22 or 5139.38 of the 1986
Revised Code. When a child is released pursuant to a judicial 1987
release to court supervision under division (B) of section 2152.22 1988
of the Revised Code, the department shall comply with division 1989
(B)(3) of that section and, if the court requests, shall send the 1990
committing court a report on the child's progress in the 1991
institution and recommendations for conditions of supervision by 1992
the court after release. When a child is released pursuant to a 1993
judicial release to department of youth services supervision under 1994
division (C) of section 2152.22 of the Revised Code, the 1995
department shall comply with division (C)(3) of that section 1996
relative to the child and shall send the committing court and the 1997
juvenile court of the county in which the child is placed a copy 1998
of the treatment and rehabilitation plan described in that 1999
division and the conditions that it fixed. The court of the county 2000
in which the child is placed may adopt the conditions as an order 2001
of the court and may add any additional consistent conditions it 2002
considers appropriate, provided that the court may not add any 2003
condition that decreases the level or degree of supervision 2004
specified by the department in its plan, that substantially 2005
increases the financial burden of supervision that will be 2006
experienced by the department, or that alters the placement 2007
specified by the department in its plan. Any violations of the 2008
conditions of the child's judicial release or early release shall 2009
be handled pursuant to division (D) of section 2152.22 of the 2010
Revised Code. 2011

(C) When a child has been committed to the department of 2012
youth services, the department may do any of the following: 2013

(1) Notwithstanding the provisions of this chapter, Chapter 2014
2151., or Chapter 2152. of the Revised Code that prescribe 2015
required periods of institutionalization, transfer the child to 2016

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

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

custody of the child immediately prior to the child's commitment. 2049
A transfer under this division shall be in accordance with the 2050
terms of the agreement the department of youth services enters 2051
into with the department of rehabilitation and correction under 2052
section 5120.162 of the Revised Code and shall continue only as 2053
long as the child reasonably appears to receive benefit from 2054
diagnosis or treatment at the center for an illness, physical 2055
condition, or other medical problem. 2056

(3) Revoke or modify any order of the department except an 2057
order of discharge as often as conditions indicate it to be 2058
desirable; 2059

(4) If the child was committed pursuant to division 2060
(A)(1)(b), (c), (d), or (e) of section 2152.16 of the Revised Code 2061
and has been institutionalized or institutionalized in a secure 2062
facility for the prescribed minimum periods of time under those 2063
divisions, assign the child to a family home, a group care 2064
facility, or other place maintained under public or private 2065
auspices, within or without this state, for necessary treatment 2066
and rehabilitation, the costs of which may be paid by the 2067
department, provided that the department shall notify the 2068
committing court, in writing, of the place and terms of the 2069
assignment at least fifteen days prior to the scheduled date of 2070
the assignment; 2071

(5) Release the child from an institution in accordance with 2072
sections 5139.51 to 5139.54 of the Revised Code in the 2073
circumstances described in those sections. 2074

(D) The department of youth services shall notify the 2075
committing court of any order transferring the physical location 2076
of any child committed to it in accordance with section 5139.35 of 2077
the Revised Code. Upon the discharge from its custody and control, 2078
the department may petition the court for an order terminating its 2079
custody and control. 2080

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.

(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.

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

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

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

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

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

(C) The initial appointments of members of the release

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

(D) The director of youth services shall designate as
chairperson of the release authority one of the members who has
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 2143
of youth services supervision, children who have not completed a 2144
prescribed minimum period of time or prescribed period of time in 2145
a secure facility, or children who are required to remain in a 2146
secure facility until they attain twenty-one years of age; 2147
2148

(2) Establish written policies and procedures for conducting 2149
reviews of the status for all youth in the custody of the 2150
department, setting or modifying dates of release and discharge, 2151
specifying the duration, terms, and conditions of release to be 2152
carried out in supervised release subject to the addition of 2153
additional consistent terms and conditions by a court in 2154
accordance with section 5139.51 of the Revised Code, and giving a 2155
child notice of all reviews; 2156

(3) Maintain records of its official actions, decisions, 2157
orders, and hearing summaries and make the records accessible in 2158
accordance with division (D) of section 5139.05 of the Revised 2159
Code; 2160

(4) Cooperate with public and private agencies, communities, 2161
private groups, and individuals for the development and 2162
improvement of its services; 2163

(5) Collect, develop, and maintain statistical information 2164
regarding its services and decisions; 2165

(6) Submit to the director an annual report that includes a 2166
description of the operations of the release authority, an 2167
evaluation of its effectiveness, recommendations for statutory, 2168
budgetary, or other changes necessary to improve its 2169
effectiveness, and any other information required by the director. 2170

(F) The release authority may do any of the following: 2171

(1) Conduct inquiries, investigations, and reviews and hold 2172
hearings and other proceedings necessary to properly discharge its 2173

responsibilities;	2174
(2) Issue subpoenas, enforceable in a court of law, to compel a person to appear, give testimony, or produce documentary information or other tangible items relating to a matter under inquiry, investigation, review, or hearing;	2175 2176 2177 2178
(3) Administer oaths and receive testimony of persons under oath;	2179 2180
(4) Request assistance, services, and information from a public agency to enable the authority to discharge its responsibilities and receive the assistance, services, and information from the public agency in a reasonable period of time;	2181 2182 2183 2184
(5) Request from a public agency or any other entity that provides or has provided services to a child committed to the department's legal custody information to enable the release authority to properly discharge its responsibilities with respect to that child and receive the information from the public agency or other entity in a reasonable period of time.	2185 2186 2187 2188 2189 2190
(G) <u>The release authority may delegate responsibilities to hearing officers or other designated staff under the release authority's auspices. However, the release authority shall not delegate its authority to make final decisions regarding policy or the release of a child.</u>	2191 2192 2193 2194 2195
(H) The release authority shall adopt a written policy and procedures governing appeals of its release and discharge decisions.	2196 2197 2198
(I) <u>(H)</u> The legal staff of the department of youth services shall provide assistance to the release authority in the formulation of policy and in its handling of individual cases.	2199 2200 2201
Sec. 5139.53. (A)(1) The director of youth services shall designate certain employees of the department of youth services,	2202 2203

including regional administrators, as persons who are authorized, 2204
in accordance with section 5139.52 of the Revised Code, to execute 2205
an order of apprehension or a warrant for, or otherwise to arrest, 2206
children in the custody of the department who are violating or are 2207
alleged to have violated the terms and conditions of supervised 2208
release or judicial release to department of youth services 2209
supervision. 2210

(2) The director of youth services ~~shall~~ may designate some 2211
of the employees designated under division (A)(1) of this section 2212
as employees authorized to carry a firearm issued by the 2213
department while on duty for their protection in carrying out 2214
official duties. 2215

(B)(1) An employee of the department designated by the 2216
director pursuant to division (A)(1) of this section as having the 2217
authority to execute orders of apprehension or warrants and to 2218
arrest children as described in that division shall not undertake 2219
an arrest until the employee has successfully completed training 2220
courses regarding the making of arrests by employees of that 2221
nature that are developed in cooperation with and approved by the 2222
executive director of the Ohio peace officer training commission. 2223
The courses shall include, but shall not be limited to, training 2224
in arrest tactics, defensive tactics, the use of force, and 2225
response tactics. 2226

(2) The director of youth services shall develop, and shall 2227
submit to the governor for the governor's approval, a deadly force 2228
policy for the department. The deadly force policy shall require 2229
each employee who is designated under division (A)(2) of this 2230
section to carry a firearm in the discharge of official duties to 2231
receive training in the use of deadly force, shall specify the 2232
number of hours and the general content of the training in the use 2233
of deadly force that each of the designated employees must 2234
receive, and shall specify the procedures that must be followed 2235

after the use of deadly force by any of the designated employees. 2236
Upon receipt of the policy developed by the director under this 2237
division, the governor, in writing, promptly shall approve or 2238
disapprove the policy. If the governor, in writing, disapproves 2239
the policy, the director shall develop and resubmit a new policy 2240
under this division, and no employee shall be trained under the 2241
disapproved policy. If the governor, in writing, approves the 2242
policy, the director shall adopt it as a department policy and 2243
shall distribute it to each employee designated under (A)(2) of 2244
this section to carry a firearm in the discharge of official 2245
duties. An employee designated by the director pursuant to 2246
division (A)(2) of this section to carry a firearm in the 2247
discharge of official duties shall not carry a firearm until the 2248
employee has successfully completed both of the following: 2249

(a) Training in the use of deadly force that comports with 2250
the policy approved by the governor and developed and adopted by 2251
the director under division (B)(2) of this section. The training 2252
required by this division shall be conducted at a training school 2253
approved by the Ohio peace officer training commission and shall 2254
be in addition to the training described in divisions (B)(1) and 2255
(2)(b) of this section that the employee must complete prior to 2256
undertaking an arrest and separate from and independent of the 2257
training required by division (B)(2)(b) of this section. 2258

(b) A basic firearm training program that is conducted at a 2259
training school approved by the Ohio peace officer training 2260
commission and that is substantially similar to the basic firearm 2261
training program for peace officers conducted at the Ohio peace 2262
officer training academy and has received a certificate of 2263
satisfactory completion of that program from the executive 2264
director of the Ohio peace officer training commission. The 2265
training described in this division that an employee must complete 2266
prior to carrying a firearm shall be in addition to the training 2267

described in division (B)(1) of this section that the employee 2268
must complete prior to undertaking an arrest. 2269

(C) After receipt of a certificate of satisfactory completion 2270
of a basic firearm training program, to maintain the right to 2271
carry a firearm in the discharge of official duties, an employee 2272
authorized under this section to carry a firearm shall 2273
successfully complete a firearms requalification program in 2274
accordance with section 109.801 of the Revised Code. 2275

(D) Each employee authorized to carry a firearm shall give 2276
bond to the state to be approved by the clerk of the court of 2277
common pleas in the county of that employee's residence. The bond 2278
shall be in the sum of one thousand dollars, conditioned to save 2279
the public harmless by reason of the unlawful use of a firearm. A 2280
person injured or the family of a person killed by the employee's 2281
improper use of a firearm may have recourse on the bond. 2282

(E) In addition to the deadly force policy adopted under 2283
division (B)(2) of this section, the director of youth services 2284
shall establish policies for the carrying and use of firearms by 2285
the employees that the director designates under this section. 2286

Section 2. That existing sections 2151.18, 2151.28, 2151.314, 2287
2151.354, 2151.38, 2151.87, 2152.10, 2152.13, 2152.14, 2152.16, 2288
2152.17, 2152.18, 2152.22, 2152.71, 2927.02, 2950.01, 5139.05, 2289
5139.06, 5139.50, and 5139.53 of the Revised Code are hereby 2290
repealed. 2291

Section 3. Sections 1 and 2 of this act shall take effect on 2292
the later of January 1, 2002, or the earliest time permitted by 2293
law. 2294

Section 4. The General Assembly hereby encourages the Supreme 2295
Court to amend the Juvenile Rules to do both of the following: 2296

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

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

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

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

(C) Section 2152.18 of the Revised Code, as presented in this act, includes matter that was amended into former section 2151.355

of the Revised Code by Am. Sub. S.B. 222 of the 123rd General 2328
Assembly. Paragraphs of former section 2151.355 of the Revised 2329
Code containing S.B. 222 amendments were transferred to section 2330
2152.18 of the Revised Code by S.B. 179 of the 123rd General 2331
Assembly as part of its general revision of the juvenile 2332
sentencing laws. The General Assembly, applying the principle 2333
stated in division (B) of section 1.52 of the Revised Code that 2334
amendments are to be harmonized if reasonably capable of 2335
simultaneous operation, finds that the version of section 2152.18 2336
of the Revised Code presented in this act is the resulting version 2337
of the section in effect prior to the effective date of the 2338
section as presented in this act. 2339

Section 6. This act is hereby declared to be an emergency 2340
measure necessary for the immediate preservation of the public 2341
peace, health, and safety. The reason for such necessity is that a 2342
coherent system of Juvenile Law is urgently needed to fulfill the 2343
purposes of that Law. Therefore, this act shall go into immediate 2344
effect. 2345