

As Reported by the Senate Judiciary--Criminal Justice Committee

124th General Assembly

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Sub. H. B. No. 393

**REPRESENTATIVES Latta, Womer Benjamin, Seitz, Gilb, Schmidt, Lendrum,
Willamowski, Cirelli, Flowers, Salerno, Manning, Niehaus, Roman, Coates,
Webster, Carmichael**

A B I L L

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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. 112

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

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

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

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

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

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

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(F)(1) The summons shall contain a statement advising that any party is entitled to counsel in the proceedings and that the court will appoint counsel or designate a county public defender or joint county public defender to provide legal representation if the party is indigent.

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

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(G) If it appears from an affidavit filed or from sworn testimony before the court that the conduct, condition, or surroundings of the child are endangering the child's health or welfare or those of others, that the child may abscond or be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Make any of the dispositions authorized under section

2151.353 of the Revised Code; 302

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

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

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

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

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

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

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

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

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

(C)(1) If a child is adjudicated an unruly child for being an
habitual truant, in addition to or in lieu of imposing any other
order of disposition authorized by this section, the court may do
any of the following:

(a) Order the board of education of the child's school
district or the governing board of the educational service center
in the child's school district to require the child to attend an
alternative school if an alternative school has been established
pursuant to section 3313.533 of the Revised Code in the school
district in which the child is entitled to attend school;

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

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

alcohol abuse counseling program; 364

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

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

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

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

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

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

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

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

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~~The release authority of the department of youth services
shall not release the child from institutional care or
institutional care in a secure facility and as a result shall not
discharge the child or order the child's release on supervised
release prior to the expiration of the prescribed minimum period
of institutionalization or institutionalization in a secure
facility or prior to the child's attainment of twenty-one years of
age, whichever is applicable under the order of commitment.~~

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

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

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

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

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

used to roll cigarettes are sold or distributed.

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

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

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

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

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

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

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

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

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

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

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

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license issued to the child. 485

(H) A child alleged or found to have violated division (B) or 486
(C) of this section shall not be detained under any provision of 487
this chapter or any other provision of the Revised Code. 488

Sec. 2152.10. (A) A child who is alleged to be a delinquent 489
child is eligible for mandatory transfer and shall be transferred 490
as provided in section 2152.12 of the Revised Code in any of the 491
following circumstances: 492

(1) The child is charged with a category one offense and 493
either of the following apply: 494

(a) The child was sixteen years of age or older at the time 495
of the act charged. 496

(b) The child was fourteen or fifteen years of age at the 497
time of the act charged and previously was adjudicated a 498
delinquent child for committing an act that is a category one or 499
category two offense and was committed to the legal custody of the 500
department of youth services upon the basis of that adjudication. 501

(2) The child is charged with a category two offense, other 502
than a violation of section 2905.01 of the Revised Code, the child 503
was sixteen years of age or older at the time of the commission of 504
the act charged, and either or both of the following apply: 505

(a) The child previously was adjudicated a delinquent child 506
for committing an act that is a category one or a category two 507
offense and was committed to the legal custody of the department 508
of youth services on the basis of that adjudication. 509

(b) The child is alleged to have had a firearm on or about 510
the child's person or under the child's control while committing 511
the act charged and to have displayed the firearm, brandished the 512
firearm, indicated possession of the firearm, or used the firearm 513
to facilitate the commission of the act charged. 514

(3) Division (A)(2) of section 2152.12 of the Revised Code applies. 515
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(B) Unless the child is subject to mandatory transfer, if a child is fourteen years of age or older at the time of the act charged and if the child is charged with an act that would be a felony if committed by an adult, the child is eligible for discretionary transfer to the appropriate court for criminal prosecution. In determining whether to transfer the child for criminal prosecution, the juvenile court shall follow the procedures in section 2152.12 of the Revised Code. If the court does not transfer the child and if the court adjudicates the child to be a delinquent child for the act charged, the court shall issue an order of disposition in accordance with section 2152.11 of the Revised Code. 517
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Sec. 2152.13. (A) A juvenile court may impose a serious youthful offender dispositional sentence on a child only if the prosecuting attorney of the county in which the delinquent act allegedly occurred initiates the process against the child in accordance with this division ~~or division (B) of this section~~, and the child is an alleged delinquent child who is eligible for the dispositional sentence. The prosecuting attorney may initiate the process in any of the following ways: 529
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(1) ~~The~~ Obtaining an indictment of the child is indicted as a serious youthful offender ~~or is charged;~~ 537
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(2) The child waives the right to indictment, charging the child in a bill of information as a serious youthful offender- 539
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~~(2) The;~~ 541

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

~~(B) Unless;~~ 546

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (a) The person is at least fourteen years of age. 669
- (b) The person is in the institutional custody, or an escapee 670
from the custody, of the department of youth services. 671
- (c) The person is serving the juvenile portion of the serious 672
youthful offender dispositional sentence. 673
- (2) The motion shall state that there is reasonable cause to 674
believe that either of the following misconduct has occurred and 675
shall state that at least one incident of misconduct of that 676
nature occurred after the person reached fourteen years of age: 677
- (a) The person committed an act that is a violation of the 678
rules of the institution and that could be charged as any felony 679
or as a first degree misdemeanor offense of violence if committed 680
by an adult. 681
- (b) The person has engaged in conduct that creates a 682
substantial risk to the safety or security of the institution, the 683
community, or the victim. 684
- (B) If a person is at least fourteen years of age, is serving 685
the juvenile portion of a serious youthful offender dispositional 686
sentence, and is on parole or aftercare from a department of youth 687
services facility, or on community control, the director of youth 688
services, the juvenile court that imposed the serious youthful 689
offender dispositional sentence on the person, or the probation 690
department supervising the person may request the prosecuting 691
attorney of the county in which is located the juvenile court to 692
file a motion with the juvenile court to invoke the adult portion 693
of the dispositional sentence. The prosecuting attorney may file a 694
motion to invoke the adult portion of the dispositional sentence 695
even if no request is made. The motion shall state that there is 696
reasonable cause to believe that either of the following occurred 697
and shall state that at least one incident of misconduct of that 698
nature occurred after the person reached fourteen years of age: 699

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

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

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

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

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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.

(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:

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

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

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

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

(F) If a juvenile court issues an order invoking the adult portion of a serious youthful offender dispositional sentence

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

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

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

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

of age;

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

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

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

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

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

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this section, the court retains control over the commitment for
the minimum period specified by the court in divisions (A)(1)(a)
to (e) of this section. During the minimum period ~~of court~~
~~control~~, the department of youth services shall not move the child
to a nonsecure setting without the permission of the court that
imposed the disposition.

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

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(2) A commitment under this section is subject to a
supervised release or to a discharge of the child from the custody
of the department for medical reasons pursuant to section 5139.54
of the Revised Code, but, during the minimum period specified by
the court in division (A)(1) of this section, the department shall
obtain court approval of a supervised release or discharge under
that section.

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

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Sec. 2152.17. (A) Subject to division (D) of this section, if a child is adjudicated a delinquent child for committing an act, other than a violation of section 2923.12 of the Revised Code, that would be a felony if committed by an adult and if the court determines that, if the child was an adult, the child would be guilty of a specification of the type set forth in section 2941.141, 2941.144, 2941.145, or 2941.146 of the Revised Code, in addition to any commitment or other disposition the court imposes for the underlying delinquent act, all of the following apply:

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

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

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

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

is an accomplice to the same extent the firearm specifications
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.

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

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

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

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

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

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

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

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

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

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

a secure facility. 984

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

required by this chapter:	1110
(1) Any order that is authorized by section 2151.353 of the Revised Code for the care and protection of an abused, neglected, or dependent child.	1111 1112 1113
(2) Commit the child to the temporary custody of any school, camp, institution, or other facility operated for the care of delinquent children by the county, by a district organized under section 2152.41 or 2151.65 of the Revised Code, or by a private agency or organization, within or without the state, that is authorized and qualified to provide the care, treatment, or placement required;	1114 1115 1116 1117 1118 1119 1120
(3) Place the child on community control under any sanctions, services, and conditions that the court prescribes. As a condition of community control in every case and in addition to any other condition that it imposes upon the child, the court shall require the child to abide by the law during the period of community control. As referred to in this division, community control includes, but is not limited to, the following sanctions and conditions:	1121 1122 1123 1124 1125 1126 1127 1128
(a) A period of basic probation supervision in which the child is required to maintain contact with a person appointed to supervise the child in accordance with sanctions imposed by the court;	1129 1130 1131 1132
(b) A period of intensive probation supervision in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition;	1133 1134 1135 1136 1137
(c) A period of day reporting in which the child is required each day to report to and leave a center or another approved reporting location at specified times in order to participate in	1138 1139 1140

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Make any further disposition that the court finds proper, 1236
except that the child shall not be placed in any of the following: 1237
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(a) A state correctional institution, a county, multicounty, 1239
or municipal jail or workhouse, or another place in which an adult 1240
convicted of a crime, under arrest, or charged with a crime is 1241
held; 1242

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~the child;~~ 1423

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

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

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

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

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

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

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

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

If the court rejects an initial request for release under

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

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

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

specified by the department in its plan. If the court of the 1551
county in which the child is placed adds to the department's plan 1552
any additional conditions, it shall enter those additional 1553
conditions in its journal and shall send to the department a copy 1554
of the journal entry of the additional conditions. 1555

If the court approves the judicial release to department of 1556
youth services supervision, the actual date on which the 1557
department shall release the child is contingent upon the 1558
department finding a suitable placement for the child. If the 1559
child is to be returned to the child's home, the department shall 1560
return the child on the date that the court schedules for the 1561
child's release or shall bear the expense of any additional time 1562
that the child remains in a department facility. If the child is 1563
unable to return to the child's home, the department shall 1564
exercise reasonable diligence in finding a suitable placement for 1565
the child, and the child shall remain in a department facility 1566
while the department finds the suitable placement. 1567

(D) If a child is released under division (B) or (C) of this 1568
section and the court of the county in which the child is placed 1569
has reason to believe that the child's department is not in 1570
accordance with the conditions of the child's judicial release, 1571
the court of the county in which the child is placed shall 1572
schedule a time for a hearing to determine whether the child 1573
violated any of the post-release conditions, and, if the child was 1574
released under division (C) of this section, divisions (A) to (E) 1575
of section 5139.52 of the Revised Code apply regarding the child. 1576

If that court determines at the hearing that the child 1577
violated any of the post-release conditions, the court, if it 1578
determines that the violation was a serious violation, may order 1579
the child to be returned to the department for 1580
institutionalization, consistent with the original order of 1581
commitment of the child, or in any case may make any other 1582

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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The public interest and safety; 1915

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

that notice. 2054

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

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

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

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2085

(B) In Hamilton county: 2086

(1) The judge of the court of common pleas, whose term begins 2087
on January 1, 1957, and successors, and the judge of the court of 2088
common pleas, whose term begins on February 14, 1967, and 2089
successors, shall be the juvenile judges as provided in Chapters 2090
2151. and 2152. of the Revised Code, with the powers and 2091
jurisdiction conferred by those chapters. 2092

(2) The judges of the court of common pleas whose terms begin 2093
on January 5, 1957, January 16, 1981, and July 1, 1991, and 2094
successors, shall be elected and designated as judges of the court 2095
of common pleas, division of domestic relations, and shall have 2096
assigned to them all divorce, dissolution of marriage, legal 2097
separation, and annulment cases coming before the court. On or 2098
after the first day of July and before the first day of August of 2099
1991 and each year thereafter, a majority of the judges of the 2100
division of domestic relations shall elect one of the judges of 2101
the division as administrative judge of that division. If a 2102
majority of the judges of the division of domestic relations are 2103
unable for any reason to elect an administrative judge for the 2104
division before the first day of August, a majority of the judges 2105
of the Hamilton county court of common pleas, as soon as possible 2106
after that date, shall elect one of the judges of the division of 2107
domestic relations as administrative judge of that division. The 2108
term of the administrative judge shall begin on the earlier of the 2109
first day of August of the year in which the administrative judge 2110
is elected or the date on which the administrative judge is 2111
elected by a majority of the judges of the Hamilton county court 2112
of common pleas and shall terminate on the date on which the 2113
administrative judge's successor is elected in the following year. 2114

In addition to the judge's regular duties, the administrative 2115

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

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

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

The compensation and expenses of all employees and the salary 2147

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

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

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

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

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

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

(a) One of the following applies:

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

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

(b) All of the following apply:

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

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

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

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cases that for some special reason are assigned to some other	2242
judge of the court of common pleas.	2243
(D) In Lucas county:	2244
(1) The judges of the court of common pleas whose terms begin	2245
on January 1, 1955, and January 3, 1965, and successors, shall	2246
have the same qualifications, exercise the same powers and	2247
jurisdiction, and receive the same compensation as other judges of	2248
the court of common pleas of Lucas county and shall be elected and	2249
designated as judges of the court of common pleas, division of	2250
domestic relations. All divorce, dissolution of marriage, legal	2251
separation, and annulment cases shall be assigned to them.	2252
The judge of the division of domestic relations, senior in	2253
point of service, shall be considered as the presiding judge of	2254
the court of common pleas, division of domestic relations, and	2255
shall be charged exclusively with the assignment and division of	2256
the work of the division and the employment and supervision of all	2257
other personnel of the domestic relations division.	2258
(2) The judges of the court of common pleas whose terms begin	2259
on January 5, 1977, and January 2, 1991, and successors shall have	2260
the same qualifications, exercise the same powers and	2261
jurisdiction, and receive the same compensation as other judges of	2262
the court of common pleas of Lucas county, shall be elected and	2263
designated as judges of the court of common pleas, juvenile	2264
division, and shall be the juvenile judges as provided in Chapters	2265
2151. and 2152. of the Revised Code with the powers and	2266
jurisdictions conferred by those chapters. In addition to the	2267
judge's regular duties, the judge of the court of common pleas,	2268
juvenile division, senior in point of service, shall be the	2269
administrator of the juvenile division and its subdivisions and	2270
departments and shall have charge of the employment, assignment,	2271
and supervision of the personnel of the division engaged in	2272
handling, servicing, or investigating juvenile cases, including	2273

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any referees considered necessary by the judges of the division in 2274
the discharge of their various duties. 2275

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

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

(E) In Mahoning county: 2292

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

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

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

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

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

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

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

(F) In Montgomery county: 2351

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

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

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

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

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

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

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

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

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

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

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

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

(I) In Summit county: 2450

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

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

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

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

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

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

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

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

(K) In Butler county: 2534

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

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

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

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

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

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

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

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

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

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

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

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

(M) In Lake county:

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

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

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

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

The judge also shall designate the title, compensation,

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

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

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

(O) In Greene county:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(6) "Vending machine" has the same meaning as "coin machine"	3167
in section 2913.01 of the Revised Code.	3168
(B) No manufacturer, producer, distributor, wholesaler, or	3169
retailer of cigarettes, other tobacco products, or papers used to	3170
roll cigarettes, no agent, employee, or representative of a	3171
manufacturer, producer, distributor, wholesaler, or retailer of	3172
cigarettes, other tobacco products, or papers used to roll	3173
cigarettes, and no other person shall do any of the following:	3174
(1) Give, sell, or otherwise distribute cigarettes, other	3175
tobacco products, or papers used to roll cigarettes to any child;	3176
(2) Give away, sell, or distribute cigarettes, other tobacco	3177
products, or papers used to roll cigarettes in any place that does	3178
not have posted in a conspicuous place a sign stating that giving,	3179
selling, or otherwise distributing cigarettes, other tobacco	3180
products, or papers used to roll cigarettes to a person under	3181
eighteen years of age is prohibited by law;	3182
(3) Knowingly furnish any false information regarding the	3183
name, age, or other identification of any child with purpose to	3184
obtain cigarettes, other tobacco products, or papers used to roll	3185
cigarettes for that child.	3186
(C) No person shall sell or offer to sell cigarettes or other	3187
tobacco products by or from a vending machine, except in the	3188
following locations:	3189
(1) An area within a factory, business, office, or other	3190
place not open to the general public;	3191
(2) An area to which children are not generally permitted	3192
access;	3193
(3) Any other place not identified in division (C)(1) or (2)	3194
of this section, upon all of the following conditions:	3195
(a) The vending machine is located within the immediate	3196

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(D)(1)(a), (b), (c), or (d) of this section;	3319
(f) A violation of an, any existing or former municipal ordinance or law of another state or the United States, a violation under the or any existing or former law applicable in a military court, or a violation under the law applicable in an Indian tribal court that is or was substantially equivalent to any offense listed in division (D)(1)(a), (b), (c), or (d) of this section;	3320 3321 3322 3323 3324 3325 3326
(g)(f) An attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (D)(1)(a), (b), (c), (d), or (e), or (f) of this section.	3327 3328 3329
(2) An act committed by a person under eighteen years of age that is any of the following:	3330 3331
(a) Except for the violations specifically described in divisions (D)(2)(b) and (c) of this section and subject to division (D)(2)(d)(h) of this section, any violation listed in division (D)(1) of this section regardless of the age of the victim of the violation, a violation of section 2907.02, 2907.03, or 2907.05 of the Revised Code;	3332 3333 3334 3335 3336 3337
(b) Subject to division (D)(2)(h) of this section, any of the following acts involving a minor in the circumstances specified:	3338 3339 3340
(i) A violation of section 2905.01 or 2905.02 of the Revised Code, or of former section 2905.04 of the Revised Code, when the victim of the violation is under eighteen years of age;	3341 3342 3343
(ii) A violation of section 2907.21 of the Revised Code when the person who is compelled, induced, procured, encouraged, solicited, requested, or facilitated to engage in, paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under eighteen years of age;	3344 3345 3346 3347 3348
(iii) A violation of division (B)(5) of section 2919.22 of	3349

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) An offender or delinquent child is "adjudicated as being a sexual predator" or "adjudicated a sexual predator" if any of the following applies and if that status has not been removed

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pursuant to section 2152.84, 2152.85, or 2950.09 of the Revised Code: 3412
3413

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

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

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

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

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

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

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

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

(J) "Juvenile sex offender registrant" means a person who is
adjudicated a delinquent child for committing on or after ~~the
effective date of this amendment~~ January 1, 2002, a sexually
oriented offense, who is fourteen years of age or older at the
time of committing the offense, and who a juvenile court judge,
pursuant to an order issued under section 2152.82, 2152.83,
2152.84, or 2152.85 of the Revised Code, classifies ~~as~~ a juvenile
sex offender registrant and specifies has a duty to register under
section 2950.04 of the Revised Code.

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

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operated to ensure that all of its entrances and exits are locked 3476
and under the exclusive control of its staff and to ensure that, 3477
because of that exclusive control, no person who is 3478
institutionalized or confined in the facility may leave the 3479
facility without permission or supervision. 3480

(L) "Out-of-state juvenile sex offender registrant" means a 3481
person who is adjudicated a delinquent child for committing a 3482
sexually oriented offense in another state or in a federal court, 3483
military court, or Indian tribal court, who on or after ~~the~~ 3484
~~effective date of this amendment~~ January 1, 2002, moves to and 3485
resides in this state or temporarily is domiciled in this state 3486
for more than seven days, and who under section 2950.04 of the 3487
Revised Code has a duty to register in this state as described in 3488
that section. 3489

(M) "Juvenile court judge" includes a magistrate to whom the 3490
juvenile court judge confers duties pursuant to division (A)(15) 3491
of section 2151.23 of the Revised Code. 3492

(N) "Adjudicated a delinquent child for committing a sexually 3493
oriented offense" includes a child who receives a serious youthful 3494
offender dispositional sentence under section 2152.13 of the 3495
Revised Code for committing a sexually oriented offense. 3496

Sec. 2950.04. (A)(1) Each of the following types of offender 3497
who is convicted of or pleads guilty to, or has been convicted of 3498
or pleaded guilty to, a sexually oriented offense shall register 3499
personally with the sheriff of the county within seven days of the 3500
offender's coming into a county in which the offender resides or 3501
temporarily is domiciled for more than seven days: 3502

(a) Regardless of when the sexually oriented offense was 3503
committed, an offender who is sentenced for the sexually oriented 3504
offense to a prison term, a term of imprisonment, or any other 3505
type of confinement and, on or after July 1, 1997, is released in 3506

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

offender is not a sexual predator. 3856

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

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

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

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

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

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

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

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

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

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

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

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

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

Upon the expiration of the applicable period of time specified in division (D)(1)(a) or (b) of this section, an offender who has been convicted of or pleaded guilty to a sexually oriented offense and who has been adjudicated as being a sexual predator relative to the sexually oriented offense in the manner described in division (B) or (C) of this section may petition the judge who made the determination that the offender was a sexual predator, or that judge's successor in office, to enter a determination that the offender no longer is a sexual predator. Upon the filing of the petition, the judge may review the prior sexual predator determination that comprises the sexually violent predator adjudication, and, upon consideration of all relevant evidence and information, including, but not limited to, the factors set forth in division (B)(3) of this section, either shall enter a determination that the offender no longer is a sexual predator or shall enter an order denying the petition. The judge shall not enter a determination under this division that the offender no longer is a sexual predator unless the judge determines by clear and convincing evidence that the offender is unlikely to commit a sexually oriented offense in the future. If the judge enters a determination under this division that the offender no longer is a sexual predator, the judge shall notify the bureau of criminal identification and investigation and the parole board of the determination. Upon receipt of the notification, the bureau promptly shall notify the sheriff with whom the offender most recently registered under section 2950.04 or 2950.05 of the Revised Code of the determination that the offender no longer is a sexual predator. If the judge enters an order denying the petition, the prior adjudication of the offender

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

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

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

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

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

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

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

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

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

(2) If, under division (E)(1) of this section, the judge determines that the offender or delinquent child previously has not been convicted of or pleaded guilty to a sexually oriented offense or that the delinquent child previously has not, or been adjudicated a delinquent child for committing, a sexually oriented offense or that the offender otherwise does not satisfy the criteria for being a habitual sex offender, the judge shall specify in the offender's sentence or in the order classifying the delinquent child a juvenile sex offender registrant that the judge has determined that the offender or delinquent child is not a habitual sex offender. If the judge determines that the offender or delinquent child previously has been convicted of or pleaded guilty to a sexually oriented offense or that the delinquent child previously has, or been adjudicated a delinquent child for committing, a sexually oriented offense and that the offender

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Code; 4237

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

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

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

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

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

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(c) In relation to its duties relating to serious youthful offender dispositional sentences under sections 2152.13 and 2152.14 of the Revised Code.	4268 4269 4270
(2) When a child has been committed to the department under section 2152.16 of the Revised Code, the department shall retain legal custody of the child until one of the following:	4271 4272 4273
(a) The department discharges the child to the exclusive management, control, and custody of the child's parent or the guardian of the child's person or, if the child is eighteen years of age or older, discharges the child.	4274 4275 4276 4277
(b) The committing court, upon its own motion, upon petition of the parent, guardian of the person, or next friend of a child, or upon petition of the department, terminates the department's legal custody of the child.	4278 4279 4280 4281
(c) The committing court grants the child a judicial release to court supervision under section 2152.22 of the Revised Code.	4282 4283
(d) The department's legal custody of the child is terminated automatically by the child attaining twenty-one years of age.	4284 4285 4286
(e) If the child is subject to a serious youthful offender dispositional sentence, the adult portion of that dispositional sentence is imposed under section 2152.14 of the Revised Code.	4287 4288 4289
(C) When a child is committed to the department of youth services, the department may assign the child to a hospital for mental, physical, and other examination, inquiry, or treatment for the period of time that is necessary. The department may remove any child in its custody to a hospital for observation, and a complete report of every observation at the hospital shall be made in writing and shall include a record of observation, treatment, and medical history and a recommendation for future treatment, custody, and maintenance. The department shall thereupon order the	4290 4291 4292 4293 4294 4295 4296 4297 4298

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placement and treatment that it determines to be most conducive to 4299
the purposes of Chapters 2151. and 5139. of the Revised Code. The 4300
committing court and all public authorities shall make available 4301
to the department all pertinent data in their possession with 4302
respect to the case. 4303

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

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

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

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

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

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

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

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

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

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

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

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

(G) As used in this section: 4392

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

custody and control.

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

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(B) A person appointed as a member of the release authority shall have a bachelor's degree from an accredited college or university or equivalent relevant experience and shall have the skills, training, or experience necessary to analyze issues of law, administration, and public policy. The membership of the release authority shall represent, insofar as practicable, the diversity found in the children in the legal custody of the department of youth services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 7. This act is hereby declared to be an emergency 4837
measure necessary for the immediate preservation of the public 4838
peace, health, and safety. The reason for such necessity is that a 4839
coherent system of Juvenile Law is urgently needed to fulfill the 4840
purposes of that Law. Therefore, this act shall go into immediate 4841
effect. 4842