

As Reported by the Senate Judiciary--Criminal Justice Committee

124th General Assembly

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Sub. H. B. No. 400

**REPRESENTATIVES Faber, Willamowski, Hoops, Latta, Young, Webster,
Schmidt, Husted, Lendrum, Schaffer, Womer Benjamin, Callender, Flowers,
Niehaus, Hagan, Buehrer, Coates**

A B I L L

To amend sections 2151.011, 2151.35, 2151.354, 1
2151.359, 2152.02, 2152.19, 2152.21, 2152.26, 2
2152.41, 2152.74, and 5139.42 of the Revised Code 3
to specifically permit the confinement of 4
adjudicated delinquent children in a juvenile 5
detention facility and the confinement of a person 6
under a disposition imposed for a delinquent child 7
or juvenile traffic offender disposition, after the 8
person attains 18 years of age, in a facility other 9
than one for juveniles, to revise the formula for 10
calculating the per diem cost for the care and 11
custody of felony delinquents, and to amend the 12
versions of sections 2151.354, 2152.19, and 2152.21 13
of the Revised Code that are scheduled to take 14
effect January 1, 2004, to continue the provisions 15
of this act on and after that effective date. 16

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

Section 1. That sections 2151.011, 2151.35, 2151.354, 17
2151.359, 2152.02, 2152.19, 2152.21, 2152.26, 2152.41, 2152.74, 18
and 5139.42 of the Revised Code be amended to read as follows: 19

Sec. 2151.011. (A) As used in the Revised Code:	20
(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:	21 22 23
(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;	24 25 26 27 28
(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;	29 30 31 32
(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.	33 34
(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.	35 36
(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.	37 38 39 40 41
(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:	42 43 44 45 46
(a) Receives and cares for children for two or more consecutive weeks;	47 48

(b) Participates in the placement of children in certified foster homes;	49 50
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	51 52
(B) As used in this chapter:	53
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	54 55 56 57 58 59
(2) "Adult" means an individual who is eighteen years of age or older.	60 61
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	62 63 64 65
(4) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	66 67 68
(5) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.	69 70 71 72 73 74 75 76
(6) "Child day camp," "child day-care," "child day-care center," "part-time child day-care center," "type A family	77 78

day-care home," "certified type B family day-care home," "type B home," "administrator of a child day-care center," "administrator of a type A family day-care home," "in-home aide," and "authorized provider" have the same meanings as in section 5104.01 of the Revised Code. 79
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(7) "Child day-care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of mental retardation and developmental disabilities, or the early childhood programs of the department of education. 84
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(8) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code. 93
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(9) "Commit" means to vest custody as ordered by the court. 95

(10) "Counseling" includes both of the following: 96

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child. 97
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(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling. 102
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(11) "Custodian" means a person who has legal custody of a child or a public children services agency or private child 108
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placing agency that has permanent, temporary, or legal custody of	110
a child.	111
(12) "Delinquent child" has the same meaning as in section	112
2152.02 of the Revised Code.	113
(13) "Detention" means the temporary care of children pending	114
court adjudication or disposition, or execution of a court order,	115
in a public or private facility designed to physically restrict	116
the movement and activities of children.	117
(14) "Developmental disability" has the same meaning as in	118
section 5123.01 of the Revised Code.	119
(15) "Foster caregiver" has the same meaning as in section	120
5103.02 of the Revised Code.	121
(16) "Guardian" means a person, association, or corporation	122
that is granted authority by a probate court pursuant to Chapter	123
2111. of the Revised Code to exercise parental rights over a child	124
to the extent provided in the court's order and subject to the	125
residual parental rights of the child's parents.	126
(17) "Habitual truant" means any child of compulsory school	127
age who is absent without legitimate excuse for absence from the	128
public school the child is supposed to attend for five or more	129
consecutive school days, seven or more school days in one school	130
month, or twelve or more school days in a school year.	131
(18) "Juvenile traffic offender" has the same meaning as in	132
section 2152.02 of the Revised Code.	133
(19) "Legal custody" means a legal status that vests in the	134
custodian the right to have physical care and control of the child	135
and to determine where and with whom the child shall live, and the	136
right and duty to protect, train, and discipline the child and to	137
provide the child with food, shelter, education, and medical care,	138
all subject to any residual parental rights, privileges, and	139

responsibilities. An individual granted legal custody shall 140
exercise the rights and responsibilities personally unless 141
otherwise authorized by any section of the Revised Code or by the 142
court. 143

(20) A "legitimate excuse for absence from the public school 144
the child is supposed to attend" includes, but is not limited to, 145
any of the following: 146

(a) The fact that the child in question has enrolled in and 147
is attending another public or nonpublic school in this or another 148
state; 149

(b) The fact that the child in question is excused from 150
attendance at school for any of the reasons specified in section 151
3321.04 of the Revised Code; 152

(c) The fact that the child in question has received an age 153
and schooling certificate in accordance with section 3331.01 of 154
the Revised Code. 155

(21) "Mental illness" and "mentally ill person subject to 156
hospitalization by court order" have the same meanings as in 157
section 5122.01 of the Revised Code. 158

(22) "Mental injury" means any behavioral, cognitive, 159
emotional, or mental disorder in a child caused by an act or 160
omission that is described in section 2919.22 of the Revised Code 161
and is committed by the parent or other person responsible for the 162
child's care. 163

(23) "Mentally retarded person" has the same meaning as in 164
section 5123.01 of the Revised Code. 165

(24) "Nonsecure care, supervision, or training" means care, 166
supervision, or training of a child in a facility that does not 167
confine or prevent movement of the child within the facility or 168
from the facility. 169

(25) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 170
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(26) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere. 172
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(27) "Out-of-home care" means detention facilities, shelter facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, child day-care provided by type B family day-care home providers and by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children. 178
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(28) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care: 189
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(a) Engaging in sexual activity with a child in the person's care; 192
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(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health; 194
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(c) Use of restraint procedures on a child that cause injury or pain; 197
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(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing 199
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supervision of a licensed physician;	201
(e) Commission of any act, other than by accidental means,	202
that results in any injury to or death of the child in out-of-home	203
care or commission of any act by accidental means that results in	204
an injury to or death of a child in out-of-home care and that is	205
at variance with the history given of the injury or death.	206
(29) "Out-of-home care child neglect" means any of the	207
following when committed by a person responsible for the care of a	208
child in out-of-home care:	209
(a) Failure to provide reasonable supervision according to	210
the standards of care appropriate to the age, mental and physical	211
condition, or other special needs of the child;	212
(b) Failure to provide reasonable supervision according to	213
the standards of care appropriate to the age, mental and physical	214
condition, or other special needs of the child, that results in	215
sexual or physical abuse of the child by any person;	216
(c) Failure to develop a process for all of the following:	217
(i) Administration of prescription drugs or psychotropic	218
drugs for the child;	219
(ii) Assuring that the instructions of the licensed physician	220
who prescribed a drug for the child are followed;	221
(iii) Reporting to the licensed physician who prescribed the	222
drug all unfavorable or dangerous side effects from the use of the	223
drug.	224
(d) Failure to provide proper or necessary subsistence,	225
education, medical care, or other individualized care necessary	226
for the health or well-being of the child;	227
(e) Confinement of the child to a locked room without	228
monitoring by staff;	229

(f) Failure to provide ongoing security for all prescription and nonprescription medication;	230 231
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	232 233 234
(30) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	235 236 237 238 239 240
(31) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	241 242 243 244 245
(32) "Person responsible for a child's care in out-of-home care" means any of the following:	246 247
(a) Any foster caregiver, in-home aide, or provider;	248
(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; organization; certified organization; child day-care center; type A family day-care home; certified type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; hospital; or medical clinic;	249 250 251 252 253 254 255
(c) Any other person who performs a similar function with respect to, or has a similar relationship to, children.	256 257
(33) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an	258 259

individual's major life activities, including self-care, receptive	260
and expressive language, learning, mobility, and self-direction:	261
(a) A substantial impairment of vision, speech, or hearing;	262
(b) A congenital orthopedic impairment;	263
(c) An orthopedic impairment caused by disease, rheumatic	264
fever or any other similar chronic or acute health problem, or	265
amputation or another similar cause.	266
(34) "Placement for adoption" means the arrangement by a	267
public children services agency or a private child placing agency	268
with a person for the care and adoption by that person of a child	269
of whom the agency has permanent custody.	270
(35) "Placement in foster care" means the arrangement by a	271
public children services agency or a private child placing agency	272
for the out-of-home care of a child of whom the agency has	273
temporary custody or permanent custody.	274
(36) "Planned permanent living arrangement" means an order of	275
a juvenile court pursuant to which both of the following apply:	276
(a) The court gives legal custody of a child to a public	277
children services agency or a private child placing agency without	278
the termination of parental rights.	279
(b) The order permits the agency to make an appropriate	280
placement of the child and to enter into a written agreement with	281
a foster care provider or with another person or agency with whom	282
the child is placed.	283
(37) "Practice of social work" and "practice of professional	284
counseling" have the same meanings as in section 4757.01 of the	285
Revised Code.	286
(38) "Sanction, service, or condition" means a sanction,	287
service, or condition created by court order following an	288
adjudication that a child is an unruly child that is described in	289

division (A) (3) (4) of section 2152.19 of the Revised Code.	290
(39) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	291 292 293 294 295 296 297 298
(40) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.	299 300
(41) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	301 302
(42) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.	303 304 305
(43) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health under section 5119.22 of the Revised Code and that provides care for a child.	306 307 308 309
(44) "Residential facility" means a home or facility that is licensed by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.	310 311 312 313
(45) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.	314 315 316 317 318 319 320

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(46) "School day" means the school day established by the state board of education pursuant to section 3313.48 of the Revised Code.

(47) "School month" and "school year" have the same meanings as in section 3313.62 of the Revised Code.

(48) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

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

(50) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

(51) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

(52) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

Sec. 2151.35. (A)(1) Except as otherwise provided by division (A)(3) of this section or in section 2152.13 of the Revised Code, the juvenile court may conduct its hearings in an informal manner

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and may adjourn its hearings from time to time. The court may 351
exclude the general public from its hearings in a particular case 352
if the court holds a separate hearing to determine whether that 353
exclusion is appropriate. If the court decides that exclusion of 354
the general public is appropriate, the court still may admit to a 355
particular hearing or all of the hearings relating to a particular 356
case those persons who have a direct interest in the case and 357
those who demonstrate that their need for access outweighs the 358
interest in keeping the hearing closed. 359

Except cases involving children who are alleged to be unruly 360
or delinquent children for being habitual or chronic truants and 361
except as otherwise provided in section 2152.13 of the Revised 362
Code, all cases involving children shall be heard separately and 363
apart from the trial of cases against adults. The court may excuse 364
the attendance of the child at the hearing in cases involving 365
abused, neglected, or dependent children. The court shall hear and 366
determine all cases of children without a jury, except cases 367
involving serious youthful offenders under section 2152.13 of the 368
Revised Code. 369

If a complaint alleges a child to be a delinquent child, 370
unruly child, or juvenile traffic offender, the court shall 371
require the parent, guardian, or custodian of the child to attend 372
all proceedings of the court regarding the child. If a parent, 373
guardian, or custodian fails to so attend, the court may find the 374
parent, guardian, or custodian in contempt. 375

If the court finds from clear and convincing evidence that 376
the child violated section 2151.87 of the Revised Code, the court 377
shall proceed in accordance with divisions (F) and (G) of that 378
section. 379

If the court at the adjudicatory hearing finds from clear and 380
convincing evidence that the child is an abused, neglected, or 381
dependent child, the court shall proceed, in accordance with 382

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division (B) of this section, to hold a dispositional hearing and
hear the evidence as to the proper disposition to be made under
section 2151.353 of the Revised Code. If the court at the
adjudicatory hearing finds beyond a reasonable doubt that the
child is a delinquent or unruly child or a juvenile traffic
offender, the court shall proceed immediately, or at a postponed
hearing, to hear the evidence as to the proper disposition to be
made under section 2151.354 or Chapter 2152. of the Revised Code.
If the court at the adjudicatory hearing finds beyond a reasonable
doubt that the child is an unruly child for being an habitual
truant, or that the child is an unruly child for being an habitual
truant and 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, the court
shall proceed to hold a hearing to hear the evidence as to the
proper disposition to be made in regard to the child under
division (C)(1) of section 2151.354 of the Revised Code and the
proper action to take in regard to the parent, guardian, or other
person having care of the child under division (C)(2) of section
2151.354 of the Revised Code. If the court at the adjudicatory
hearing finds beyond a reasonable doubt that the child is a
delinquent child for being a chronic truant or for being an
habitual truant who previously has been adjudicated an unruly
child for being an habitual truant, or that the child is a
delinquent child for either of those reasons and 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, the court shall proceed to hold a
hearing to hear the evidence as to the proper disposition to be
made in regard to the child under division (A)~~(6)~~(7)(a) of section
2152.19 of the Revised Code and the proper action to take in
regard to the parent, guardian, or other person having care of the
child under division (A)~~(6)~~(7)(b) of section 2152.19 of the

Revised Code. 416

If the court does not find the child to have violated section 417
2151.87 of the Revised Code or to be an abused, neglected, 418
dependent, delinquent, or unruly child or a juvenile traffic 419
offender, it shall order that the case be dismissed and that the 420
child be discharged from any detention or restriction theretofore 421
ordered. 422

(2) A record of all testimony and other oral proceedings in 423
juvenile court shall be made in all proceedings that are held 424
pursuant to section 2151.414 of the Revised Code or in which an 425
order of disposition may be made pursuant to division (A)(4) of 426
section 2151.353 of the Revised Code, and shall be made upon 427
request in any other proceedings. The record shall be made as 428
provided in section 2301.20 of the Revised Code. 429

(3) The authority of a juvenile court to exclude the general 430
public from its hearings that is provided by division (A)(1) of 431
this section does not limit or affect any right of a victim of a 432
crime or delinquent act, or of a victim's representative, under 433
Chapter 2930. of the Revised Code. 434

(B)(1) If the court at an adjudicatory hearing determines 435
that a child is an abused, neglected, or dependent child, the 436
court shall not issue a dispositional order until after the court 437
holds a separate dispositional hearing. The court may hold the 438
dispositional hearing for an adjudicated abused, neglected, or 439
dependent child immediately after the adjudicatory hearing if all 440
parties were served prior to the adjudicatory hearing with all 441
documents required for the dispositional hearing. The 442
dispositional hearing may not be held more than thirty days after 443
the adjudicatory hearing is held. The court, upon the request of 444
any party or the guardian ad litem of the child, may continue a 445
dispositional hearing for a reasonable time not to exceed the time 446
limits set forth in this division to enable a party to obtain or 447

consult counsel. The dispositional hearing shall not be held more
than ninety days after the date on which the complaint in the case
was filed.

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If the dispositional hearing is not held within the period of
time required by this division, the court, on its own motion or
the motion of any party or the guardian ad litem of the child,
shall dismiss the complaint without prejudice.

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(2) The dispositional hearing shall be conducted in
accordance with all of the following:

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(a) The judge or referee who presided at the adjudicatory
hearing shall preside, if possible, at the dispositional hearing;

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(b) The court may admit any evidence that is material and
relevant, including, but not limited to, hearsay, opinion, and
documentary evidence;

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(c) Medical examiners and each investigator who prepared a
social history shall not be cross-examined, except upon consent of
the parties, for good cause shown, or as the court in its
discretion may direct. Any party may offer evidence supplementing,
explaining, or disputing any information contained in the social
history or other reports that may be used by the court in
determining disposition.

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(3) After the conclusion of the dispositional hearing, the
court shall enter an appropriate judgment within seven days and
shall schedule the date for the hearing to be held pursuant to
section 2151.415 of the Revised Code. The court may make any order
of disposition that is set forth in section 2151.353 of the
Revised Code. A copy of the judgment shall be given to each party
and to the child's guardian ad litem. If the judgment is
conditional, the order shall state the conditions of the judgment.
If the child is not returned to the child's own home, the court
shall determine which school district shall bear the cost of the

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child's education and shall comply with section 2151.36 of the Revised Code. 479
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(4) As part of its dispositional order, the court may issue any order described in division (B) of section 2151.33 of the Revised Code. 481
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(C) The court shall give all parties to the action and the child's guardian ad litem notice of the adjudicatory and dispositional hearings in accordance with the Juvenile Rules. 484
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(D) If the court issues an order pursuant to division (A)(4) of section 2151.353 of the Revised Code committing a child to the permanent custody of a public children services agency or a private child placing agency, the parents of the child whose parental rights were terminated cease to be parties to the action upon the issuance of the order. This division is not intended to eliminate or restrict any right of the parents to appeal the permanent custody order issued pursuant to division (A)(4) of section 2151.353 of the Revised Code. 487
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(E) Each juvenile court shall schedule its hearings in accordance with the time requirements of this chapter. 496
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(F) In cases regarding abused, neglected, or dependent children, the court may admit any statement of a child that the court determines to be excluded by the hearsay rule if the proponent of the statement informs the adverse party of the proponent's intention to offer the statement and of the particulars of the statement, including the name of the declarant, sufficiently in advance of the hearing to provide the party with a fair opportunity to prepare to challenge, respond to, or defend against the statement, and the court determines all of the following: 498
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(1) The statement has circumstantial guarantees of trustworthiness; 508
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(2) The statement is offered as evidence of a material fact; 510

(3) The statement is more probative on the point for which it 511
is offered than any other evidence that the proponent can procure 512
through reasonable efforts; 513

(4) The general purposes of the evidence rules and the 514
interests of justice will best be served by the admission of the 515
statement into evidence. 516

(G) If a child is alleged to be an abused child, the court 517
may order that the testimony of the child be taken by deposition. 518
On motion of the prosecuting attorney, guardian ad litem, or any 519
party, or in its own discretion, the court may order that the 520
deposition be videotaped. Any deposition taken under this division 521
shall be taken with a judge or referee present. 522

If a deposition taken under this division is intended to be 523
offered as evidence at the hearing, it shall be filed with the 524
court. Part or all of the deposition is admissible in evidence if 525
counsel for all parties had an opportunity and similar motive at 526
the time of the taking of the deposition to develop the testimony 527
by direct, cross, or redirect examination and the judge determines 528
that there is reasonable cause to believe that if the child were 529
to testify in person at the hearing, the child would experience 530
emotional trauma as a result of participating at the hearing. 531

Sec. 2151.354. (A) If the child is adjudicated an unruly 532
child, the court may: 533

(1) Make any of the dispositions authorized under section 534
2151.353 of the Revised Code; 535

(2) Place the child on community control under any sanctions, 536
services, and conditions that the court prescribes, as described 537
in division (A)~~(3)~~(4) of section 2152.19 of the Revised Code, 538
provided that, if the court imposes a period of community service 539

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upon the child, the period of community service shall not exceed 540
one hundred seventy-five hours; 541

(3) Suspend or revoke the driver's license, probationary 542
driver's license, or temporary instruction permit issued to the 543
child and suspend or revoke the registration of all motor vehicles 544
registered in the name of the child. A child whose license or 545
permit is so suspended or revoked is ineligible for issuance of a 546
license or permit during the period of suspension or revocation. 547
At the end of the period of suspension or revocation, the child 548
shall not be reissued a license or permit until the child has paid 549
any applicable reinstatement fee and complied with all 550
requirements governing license reinstatement. 551

(4) Commit the child to the temporary or permanent custody of 552
the court; 553

(5) Make any further disposition the court finds proper that 554
is consistent with sections 2151.312 and 2151.56 to 2151.61 of the 555
Revised Code; 556

(6) If, after making a disposition under division (A)(1), 557
(2), or (3) of this section, the court finds upon further hearing 558
that the child is not amenable to treatment or rehabilitation 559
under that disposition, make a disposition otherwise authorized 560
under divisions (A)(1), ~~(3)~~ (4), (5), and ~~(7)~~(8) of section 561
2152.19 of the Revised Code that is consistent with sections 562
2151.312 and 2151.56 to 2151.61 of the Revised Code. 563

(B) If a child is adjudicated an unruly child for committing 564
any act that, if committed by an adult, would be a drug abuse 565
offense, as defined in section 2925.01 of the Revised Code, or a 566
violation of division (B) of section 2917.11 of the Revised Code, 567
then, in addition to imposing, in its discretion, any other order 568
of disposition authorized by this section, the court shall do both 569
of the following: 570

(1) Require the child to participate in a drug abuse or alcohol abuse counseling program;	571 572
(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.	573 574 575 576 577 578 579 580 581 582 583
(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:	584 585 586 587
(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;	588 589 590 591 592 593
(b) Require the child to participate in any academic program or community service program;	594 595
(c) Require the child to participate in a drug abuse or alcohol abuse counseling program;	596 597
(d) Require that the child receive appropriate medical or psychological treatment or counseling;	598 599
(e) Make any other order that the court finds proper to address the child's habitual truancy, including an order requiring	600 601

the child to not be absent without legitimate excuse from the
public school the child is supposed to attend for five or more
consecutive days, seven or more school days in one school month,
or twelve or more school days in a school year and including an
order requiring the child to participate in a truancy prevention
mediation program.

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

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

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

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

Sec. 2151.359. (A)(1) In any proceeding in which a child has
been adjudicated an unruly, abused, neglected, or dependent child,
on the application of a party, or on the court's own motion, the

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court may make an order restraining or otherwise controlling the 633
conduct of any parent, guardian, or other custodian in the 634
relationship of that individual to the child if the court finds 635
that an order of that type is necessary to do either of the 636
following: 637

(a) Control any conduct or relationship that will be 638
detrimental or harmful to the child. 639

(b) Control any conduct or relationship that will tend to 640
defeat the execution of the order of disposition made or to be 641
made. 642

(2) The court shall give due notice of the application or 643
motion under division (A) of this section, the grounds for the 644
application or motion, and an opportunity to be heard to the 645
person against whom an order under this division is directed. The 646
order may include a requirement that the child's parent, guardian, 647
or other custodian enter into a recognizance with sufficient 648
surety, conditioned upon the faithful discharge of any conditions 649
or control required by the court. 650

(B) The authority to make an order under division (A) of this 651
section and any order made under that authority is in addition to 652
the authority to make an order pursuant to division (C)(2) of 653
section 2151.354 or division (A)~~(6)~~(7)(b) of section 2152.19 of 654
the Revised Code and to any order made under either division. 655
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(C) A person's failure to comply with any order made by the 657
court under this section is contempt of court under Chapter 2705. 658
of the Revised Code. 659

Sec. 2152.02. As used in this chapter: 660

(A) "Act charged" means the act that is identified in a 661
complaint, indictment, or information alleging that a child is a 662

delinquent child.

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(B) "Admitted to a department of youth services facility" includes admission to a facility operated, or contracted for, by the department and admission to a comparable facility outside this state by another state or the United States.

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(C)(1) "Child" means a person who is under eighteen years of age, except as otherwise provided in divisions (C)(2) to (6) of this section.

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(2) Subject to division (C)(3) of this section, any person who violates a federal or state law or a municipal ordinance prior to attaining eighteen years of age shall be deemed a "child" irrespective of that person's age at the time the complaint with respect to that violation is filed or the hearing on the complaint is held.

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(3) Any person who, while under eighteen years of age, commits an act that would be a felony if committed by an adult and who is not taken into custody or apprehended for that act until after the person attains twenty-one years of age is not a child in relation to that act.

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(4) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code shall be deemed after the transfer not to be a child in the transferred case.

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(5) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in that case, and any person who is adjudicated a delinquent child for the commission of an act, who has a serious youthful offender dispositional sentence imposed for the act pursuant to section 2152.13 of the Revised Code, and whose adult portion of the dispositional sentence is invoked pursuant to section 2152.14 of

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the Revised Code, shall be deemed after the transfer or invocation
not to be a child in any case in which a complaint is filed
against the person.

(6) The juvenile court has jurisdiction over a person who is
adjudicated a delinquent child or juvenile traffic offender prior
to attaining eighteen years of age until the person attains
twenty-one years of age, and, for purposes of that jurisdiction
related to that adjudication, except as otherwise provided in this
division, a person who is so adjudicated a delinquent child or
juvenile traffic offender shall be deemed a "child" until the
person attains twenty-one years of age. If a person is so
adjudicated a delinquent child or juvenile traffic offender and
the court makes a disposition of the person under this chapter, at
any time after the person attains eighteen years of age, the
places at which the person may be held under that disposition are
not limited to places authorized under this chapter solely for
confinement of children, and the person may be confined under that
disposition, in accordance with division (F)(2) of section 2152.26
of the Revised Code, in places other than those authorized under
this chapter solely for confinement of children.

(D) "Chronic truant" means any child of compulsory school age
who is absent without legitimate excuse for absence from the
public school the child is supposed to attend for seven or more
consecutive school days, ten or more school days in one school
month, or fifteen or more school days in a school year.

(E) "Community corrections facility," "public safety beds,"
"release authority," and "supervised release" have the same
meanings as in section 5139.01 of the Revised Code.

(F) "Delinquent child" includes any of the following:

(1) Any child, except a juvenile traffic offender, who
violates any law of this state or the United States, or any

ordinance of a political subdivision of the state, that would be	725
an offense if committed by an adult;	726
(2) Any child who violates any lawful order of the court made	727
under this chapter or under Chapter 2151. of the Revised Code	728
other than an order issued under section 2151.87 of the Revised	729
Code;	730
(3) Any child who violates division (A) of section 2923.211	731
of the Revised Code;	732
(4) Any child who is a habitual truant and who previously has	733
been adjudicated an unruly child for being a habitual truant;	734
(5) Any child who is a chronic truant.	735
(G) "Discretionary serious youthful offender" means a person	736
who is eligible for a discretionary SYO and who is not transferred	737
to adult court under a mandatory or discretionary transfer.	738
(H) "Discretionary SYO" means a case in which the juvenile	739
court, in the juvenile court's discretion, may impose a serious	740
youthful offender disposition under section 2152.13 of the Revised	741
Code.	742
(I) "Discretionary transfer" means that the juvenile court	743
has discretion to transfer a case for criminal prosecution under	744
division (B) of section 2152.12 of the Revised Code.	745
(J) "Drug abuse offense," "felony drug abuse offense," and	746
"minor drug possession offense" have the same meanings as in	747
section 2925.01 of the Revised Code.	748
(K) "Electronic monitoring device," "certified electronic	749
monitoring device," "electronically monitored house arrest,"	750
"electronic monitoring system," and "certified electronic	751
monitoring system" have the same meanings as in section 2929.23 of	752
the Revised Code.	753
(L) "Economic loss" means any economic detriment suffered by	754

a victim of a delinquent act as a result of the delinquent act and 755
includes any loss of income due to lost time at work because of 756
any injury caused to the victim and any property loss, medical 757
cost, or funeral expense incurred as a result of the delinquent 758
act. 759

(M) "Firearm" has the same meaning as in section 2923.11 of 760
the Revised Code. 761

(N) "Juvenile traffic offender" means any child who violates 762
any traffic law, traffic ordinance, or traffic regulation of this 763
state, the United States, or any political subdivision of this 764
state, other than a resolution, ordinance, or regulation of a 765
political subdivision of this state the violation of which is 766
required to be handled by a parking violations bureau or a joint 767
parking violations bureau pursuant to Chapter 4521. of the Revised 768
Code. 769

(O) A "legitimate excuse for absence from the public school 770
the child is supposed to attend" has the same meaning as in 771
section 2151.011 of the Revised Code. 772

(P) "Mandatory serious youthful offender" means a person who 773
is eligible for a mandatory SYO and who is not transferred to 774
adult court under a mandatory or discretionary transfer. 775

(Q) "Mandatory SYO" means a case in which the juvenile court 776
is required to impose a mandatory serious youthful offender 777
disposition under section 2152.13 of the Revised Code. 778

(R) "Mandatory transfer" means that a case is required to be 779
transferred for criminal prosecution under division (A) of section 780
2152.12 of the Revised Code. 781

(S) "Mental illness" has the same meaning as in section 782
5122.01 of the Revised Code. 783

(T) "Mentally retarded person" has the same meaning as in 784

section 5123.01 of the Revised Code. 785

(U) "Monitored time" and "repeat violent offender" have the 786
same meanings as in section 2929.01 of the Revised Code. 787

(V) "Of compulsory school age" has the same meaning as in 788
section 3321.01 of the Revised Code. 789

(W) "Public record" has the same meaning as in section 149.43 790
of the Revised Code. 791

(X) "Serious youthful offender" means a person who is 792
eligible for a mandatory SYO or discretionary SYO but who is not 793
transferred to adult court under a mandatory or discretionary 794
transfer. 795

(Y) "Sexually oriented offense," "habitual sex offender," 796
"juvenile sex offender registrant," and "sexual predator" have the 797
same meanings as in section 2950.01 of the Revised Code. 798

(Z) "Traditional juvenile" means a case that is not 799
transferred to adult court under a mandatory or discretionary 800
transfer, that is eligible for a disposition under sections 801
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 802
that is not eligible for a disposition under section 2152.13 of 803
the Revised Code. 804

(AA) "Transfer" means the transfer for criminal prosecution 805
of a case involving the alleged commission by a child of an act 806
that would be an offense if committed by an adult from the 807
juvenile court to the appropriate court that has jurisdiction of 808
the offense. 809

(BB) "Category one offense" means any of the following: 810

(1) A violation of section 2903.01 or 2903.02 of the Revised 811
Code; 812

(2) A violation of section 2923.02 of the Revised Code 813
involving an attempt to commit aggravated murder or murder. 814

(CC) "Category two offense" means any of the following:	815
(1) A violation of section 2903.03, 2905.01, 2907.02, 2909.02, 2911.01, or 2911.11 of the Revised Code;	816 817
(2) A violation of section 2903.04 of the Revised Code that is a felony of the first degree;	818 819
(3) A violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996.	820 821
Sec. 2152.19. (A) If a child is adjudicated a delinquent child, the court may make any of the following orders of disposition, in addition to any other disposition authorized or required by this chapter:	822 823 824 825
(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;	826 827 828
(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, <u>including, but not limited to, a school, camp, or facility operated under section 2151.65 of the Revised Code;</u>	829 830 831 832 833 834 835 836
(3) <u>Place the child in a detention facility or district detention facility operated under section 2152.41 of the Revised Code, for up to ninety days;</u>	837 838 839
(4) 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	840 841 842 843 844

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control. As referred to in this division, community control 845
includes, but is not limited to, the following sanctions and 846
conditions: 847

(a) A period of basic probation supervision in which the 848
child is required to maintain contact with a person appointed to 849
supervise the child in accordance with sanctions imposed by the 850
court; 851

(b) A period of intensive probation supervision in which the 852
child is required to maintain frequent contact with a person 853
appointed by the court to supervise the child while the child is 854
seeking or maintaining employment and participating in training, 855
education, and treatment programs as the order of disposition; 856

(c) A period of day reporting in which the child is required 857
each day to report to and leave a center or another approved 858
reporting location at specified times in order to participate in 859
work, education or training, treatment, and other approved 860
programs at the center or outside the center; 861

(d) A period of community service of up to five hundred hours 862
for an act that would be a felony or a misdemeanor of the first 863
degree if committed by an adult, up to two hundred hours for an 864
act that would be a misdemeanor of the second, third, or fourth 865
degree if committed by an adult, or up to thirty hours for an act 866
that would be a minor misdemeanor if committed by an adult; 867

(e) A requirement that the child obtain a high school 868
diploma, a certificate of high school equivalence, vocational 869
training, or employment; 870

(f) A period of drug and alcohol use monitoring; 871

(g) A requirement of alcohol or drug assessment or 872
counseling, or a period in an alcohol or drug treatment program 873
with a level of security for the child as determined necessary by 874
the court; 875

(h) A period in which the court orders the child to observe a curfew that may involve daytime or evening hours; 876
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(i) A requirement that the child serve monitored time; 878

(j) A period of house arrest with or without electronic monitoring; 879
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(k) A period of electronic monitoring without house arrest or electronically monitored house arrest that does not exceed the maximum sentence of imprisonment that could be imposed upon an adult who commits the same act. 881
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A period of electronically monitored house arrest imposed under this division shall not extend beyond the child's twenty-first birthday. If a court imposes a period of electronically monitored house arrest upon a child under this division, it shall require the child: to wear, otherwise have attached to the child's person, or otherwise be subject to monitoring by a certified electronic monitoring device or to participate in the operation of and monitoring by a certified electronic monitoring system; to remain in the child's home or other specified premises for the entire period of electronically monitored house arrest except when the court permits the child to leave those premises to go to school or to other specified premises; to be monitored by a central system that can determine the child's location at designated times; to report periodically to a person designated by the court; and to enter into a written contract with the court agreeing to comply with all requirements imposed by the court, agreeing to pay any fee imposed by the court for the costs of the electronically monitored house arrest, and agreeing to waive the right to receive credit for any time served on electronically monitored house arrest toward the period of any other dispositional order imposed upon the child if the child violates any of the requirements of the dispositional order of electronically monitored house arrest. The court also may impose 885
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other reasonable requirements upon the child. 908

Unless ordered by the court, a child shall not receive credit 909
for any time served on electronically monitored house arrest 910
toward any other dispositional order imposed upon the child for 911
the act for which was imposed the dispositional order of 912
electronically monitored house arrest. 913

(1) A suspension of the driver's license, probationary 914
driver's license, or temporary instruction permit issued to the 915
child or a suspension of the registration of all motor vehicles 916
registered in the name of the child. A child whose license or 917
permit is so suspended is ineligible for issuance of a license or 918
permit during the period of suspension. At the end of the period 919
of suspension, the child shall not be reissued a license or permit 920
until the child has paid any applicable reinstatement fee and 921
complied with all requirements governing license reinstatement. 922

~~(4)~~(5) Commit the child to the custody of the court; 923

~~(5)~~(6) Require the child to not be absent without legitimate 924
excuse from the public school the child is supposed to attend for 925
five or more consecutive days, seven or more school days in one 926
school month, or twelve or more school days in a school year; 927

~~(6)~~(7)(a) If a child is adjudicated a delinquent child for 928
being a chronic truant or an habitual truant who previously has 929
been adjudicated an unruly child for being a habitual truant, do 930
either or both of the following: 931

(i) Require the child to participate in a truancy prevention 932
mediation program; 933

(ii) Make any order of disposition as authorized by this 934
section, except that the court shall not commit the child to a 935
facility described in division (A)(2) or (3) of this section 936
unless the court determines that the child violated a lawful court 937
order made pursuant to division (C)(1)(e) of section 2151.354 of 938

the Revised Code or division (A)~~(5)~~(6) of this section. 939

(b) If a child is adjudicated a delinquent child for being a 940
chronic truant or a habitual truant who previously has been 941
adjudicated an unruly child for being a habitual truant and the 942
court determines that the parent, guardian, or other person having 943
care of the child has failed to cause the child's attendance at 944
school in violation of section 3321.38 of the Revised Code, do 945
either or both of the following: 946

(i) Require the parent, guardian, or other person having care 947
of the child to participate in a truancy prevention mediation 948
program; 949

(ii) Require the parent, guardian, or other person having 950
care of the child to participate in any community service program, 951
preferably a community service program that requires the 952
involvement of the parent, guardian, or other person having care 953
of the child in the school attended by the child. 954

~~(7)~~(8) Make any further disposition that the court finds 955
proper, except that the child shall not be placed in any of the 956
following: 957

(a) A state correctional institution, a county, multicounty, 958
or municipal jail or workhouse, or another place in which an adult 959
convicted of a crime, under arrest, or charged with a crime is 960
held; 961

(b) A community corrections facility, if the child would be 962
covered by the definition of public safety beds for purposes of 963
sections 5139.41 to 5139.45 of the Revised Code if the court 964
exercised its authority to commit the child to the legal custody 965
of the department of youth services for institutionalization or 966
institutionalization in a secure facility pursuant to this 967
chapter. 968

(B) If a child is adjudicated a delinquent child, in addition 969

to any order of disposition made under division (A) of this
section, the court, in the following situations, shall suspend the
child's temporary instruction permit, restricted license,
probationary driver's license, or nonresident operating privilege,
or suspend the child's ability to obtain such a permit:

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

(2) The child is adjudicated a delinquent child for
committing an act that if committed by an adult would be a drug
abuse offense or for violating division (B) of section 2917.11 of
the Revised Code, with the suspension continuing 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 the
court shall return the permit or license when the child
satisfactorily completes the program.

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

(D)(1) If a child is adjudicated a delinquent child for
committing an act that would be a felony if committed by an adult
and if the child caused, attempted to cause, threatened to cause,
or created a risk of physical harm to the victim of the act, the
court, prior to issuing an order of disposition under this
section, shall order the preparation of a victim impact statement

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by the probation department of the county in which the victim of
the act resides, by the court's own probation department, or by a
victim assistance program that is operated by the state, a county,
a municipal corporation, or another governmental entity. The court
shall consider the victim impact statement in determining the
order of disposition to issue for the child.

(2) Each victim impact statement shall identify the victim of
the act for which the child was adjudicated a delinquent child,
itemize any economic loss suffered by the victim as a result of
the act, identify any physical injury suffered by the victim as a
result of the act and the seriousness and permanence of the
injury, identify any change in the victim's personal welfare or
familial relationships as a result of the act and any
psychological impact experienced by the victim or the victim's
family as a result of the act, and contain any other information
related to the impact of the act upon the victim that the court
requires.

(3) A victim impact statement shall be kept confidential and
is not a public record. However, the court may furnish copies of
the statement to the department of youth services if the
delinquent child is committed to the department or to both the
adjudicated delinquent child or the adjudicated delinquent child's
counsel and the prosecuting attorney. The copy of a victim impact
statement furnished by the court to the department pursuant to
this section shall be kept confidential and is not a public
record. If an officer is preparing pursuant to section 2947.06 or
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence
investigation report pertaining to a person, the court shall make
available to the officer, for use in preparing the report, a copy
of any victim impact statement regarding that person. The copies
of a victim impact statement that are made available to the
adjudicated delinquent child or the adjudicated delinquent child's

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counsel and the prosecuting attorney pursuant to this division 1034
shall be returned to the court by the person to whom they were 1035
made available immediately following the imposition of an order of 1036
disposition for the child under this chapter. 1037

The copy of a victim impact statement that is made available 1038
pursuant to this division to an officer preparing a criminal 1039
presentence investigation report shall be returned to the court by 1040
the officer immediately following its use in preparing the report. 1041

(4) The department of youth services shall work with local 1042
probation departments and victim assistance programs to develop a 1043
standard victim impact statement. 1044

(E) If a child is adjudicated a delinquent child for being a 1045
chronic truant or an habitual truant who previously has been 1046
adjudicated an unruly child for being an habitual truant and the 1047
court determines that the parent, guardian, or other person having 1048
care of the child has failed to cause the child's attendance at 1049
school in violation of section 3321.38 of the Revised Code, in 1050
addition to any order of disposition it makes under this section, 1051
the court shall warn the parent, guardian, or other person having 1052
care of the child that any subsequent adjudication of the child as 1053
an unruly or delinquent child for being an habitual or chronic 1054
truant may result in a criminal charge against the parent, 1055
guardian, or other person having care of the child for a violation 1056
of division (C) of section 2919.21 or section 2919.24 of the 1057
Revised Code. 1058

(F)(1) During the period of a delinquent child's community 1059
control granted under this section, authorized probation officers 1060
who are engaged within the scope of their supervisory duties or 1061
responsibilities may search, with or without a warrant, the person 1062
of the delinquent child, the place of residence of the delinquent 1063
child, and a motor vehicle, another item of tangible or intangible 1064
personal property, or other real property in which the delinquent 1065

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child has a right, title, or interest or for which the delinquent 1066
child has the express or implied permission of a person with a 1067
right, title, or interest to use, occupy, or possess if the 1068
probation officers have reasonable grounds to believe that the 1069
delinquent child is not abiding by the law or otherwise is not 1070
complying with the conditions of the delinquent child's community 1071
control. The court that places a delinquent child on community 1072
control under this section shall provide the delinquent child with 1073
a written notice that informs the delinquent child that authorized 1074
probation officers who are engaged within the scope of their 1075
supervisory duties or responsibilities may conduct those types of 1076
searches during the period of community control if they have 1077
reasonable grounds to believe that the delinquent child is not 1078
abiding by the law or otherwise is not complying with the 1079
conditions of the delinquent child's community control. The court 1080
also shall provide the written notice described in division (E)(2) 1081
of this section to each parent, guardian, or custodian of the 1082
delinquent child who is described in that division. 1083

(2) The court that places a child on community control under 1084
this section shall provide the child's parent, guardian, or other 1085
custodian with a written notice that informs them that authorized 1086
probation officers may conduct searches pursuant to division 1087
(E)(1) of this section. The notice shall specifically state that a 1088
permissible search might extend to a motor vehicle, another item 1089
of tangible or intangible personal property, or a place of 1090
residence or other real property in which a notified parent, 1091
guardian, or custodian has a right, title, or interest and that 1092
the parent, guardian, or custodian expressly or impliedly permits 1093
the child to use, occupy, or possess. 1094

(G) If a juvenile court commits a delinquent child to the 1095
custody of any person, organization, or entity pursuant to this 1096
section and if the delinquent act for which the child is so 1097

committed is a sexually oriented offense, the court in the order 11098
of disposition shall do one of the following: 11099

(1) Require that the child be provided treatment as described 11100
in division (A)(2) of section 5139.13 of the Revised Code; 11101
11102

(2) Inform the person, organization, or entity that it is the 11103
preferred course of action in this state that the child be 11104
provided treatment as described in division (A)(2) of section 11105
5139.13 of the Revised Code and encourage the person, 11106
organization, or entity to provide that treatment. 11107

Sec. 2152.21. (A) Unless division (C) of this section 11108
applies, if a child is adjudicated a juvenile traffic offender, 11109
the court may make any of the following orders of disposition: 11110

(1) Impose costs and one or more financial sanctions in 11111
accordance with section 2152.20 of the Revised Code; 11112

(2) Suspend the child's driver's license, probationary 11113
driver's license, or temporary instruction permit or the 11114
registration of all motor vehicles registered in the name of the 11115
child for a definite period not exceeding two years. A child whose 11116
license or permit is so suspended is ineligible for issuance of a 11117
license or permit during the period of suspension. At the end of 11118
the period of suspension, the child shall not be reissued a 11119
license or permit until the child has paid any applicable 11120
reinstatement fee and complied with all requirements governing 11121
license reinstatement. 11122

(3) Place the child on community control; 11123

(4) Require the child to make restitution for all damages 11124
caused by the child's traffic violation; 11125

(5)(a) If the child is adjudicated a juvenile traffic 11126
offender for committing a violation of division (A) of section 11127

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4511.19 of the Revised Code or of a municipal ordinance that is 1128
substantially equivalent to that division, commit the child, for 1129
not longer than five days, to either of the following: 1130

(i) To the temporary custody of a detention facility or 1131
district detention facility established under section 2152.41 of 1132
the Revised Code; 1133

(ii) To the temporary custody of any school, camp, 1134
institution, or other facility for children operated in whole or 1135
in part for the care of juvenile traffic offenders of that nature 1136
by the county, by a district organized under section 2152.41 or 1137
2151.65 of the Revised Code, or by a private agency or 1138
organization within the state that is authorized and qualified to 1139
provide the care, treatment, or placement required. 1140

(b) If an order of disposition committing a child to the 1141
temporary custody of a home, school, camp, institution, or other 1142
facility of that nature is made under division (A)(5)(a) of this 1143
section, the length of the commitment shall not be reduced or 1144
diminished as a credit for any time that the child was held in a 1145
place of detention or shelter care, or otherwise was detained, 1146
prior to entry of the order of disposition. 1147

(6) If, after making a disposition under divisions (A)(1) to 1148
(5) of this section, the court finds upon further hearing that the 1149
child has failed to comply with the orders of the court and the 1150
child's operation of a motor vehicle constitutes the child a 1151
danger to the child and to others, the court may make any 1152
disposition authorized by divisions (A)(1), ~~(3)~~ (4), (5), and 1153
~~(7)~~(8) of section 2152.19 of the Revised Code, except that the 1154
child may not be committed to or placed in a secure correctional 1155
facility unless authorized by division (A)(5) of this section, and 1156
commitment to or placement in a detention facility may not exceed 1157
twenty-four hours. 1158

(B) If a child is adjudicated a juvenile traffic offender for violating division (A) or (B) of section 4511.19 of the Revised Code, in addition to any order of disposition made under division (A) of this section, the court shall suspend the temporary instruction permit, probationary driver's license, or driver's license issued to the child for a definite period of at least three months but not more than two years 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) If a child is adjudicated a juvenile traffic offender for violating division (B)(1) or (2) of section 4513.263 of the Revised Code, the court shall impose the appropriate fine set forth in section 4513.99 of the Revised Code. If a child is adjudicated a juvenile traffic offender for violating division (B)(3) of section 4513.263 of the Revised Code and if the child is sixteen years of age or older, the court shall impose the fine set forth in division (G) of section 4513.99 of the Revised Code. If a child is adjudicated a juvenile traffic offender for violating division (B)(3) of section 4513.263 of the Revised Code and if the child is under sixteen years of age, the court shall not impose a fine but may place the child on probation or community control.

(D) A juvenile traffic offender is subject to sections 4509.01 to 4509.78 of the Revised Code.

Sec. 2152.26. (A) Except as provided in divisions (B) and (F) of this section, a child alleged to be or adjudicated a delinquent

child or a juvenile traffic offender may be held only in the 1190
following places: 1191

(1) A certified foster home or a home approved by the court; 1192

(2) A facility operated by a certified child welfare agency; 1193

(3) Any other suitable place designated by the court. 1194

(B) In addition to the places listed in division (A) of this 1195
section, a child alleged to be or adjudicated a delinquent child 1196
may be held in a detention facility for delinquent children that 1197
is under the direction or supervision of the court or other public 1198
authority or of a private agency and approved by the court and a 1199
child adjudicated a delinquent child may be held in accordance 1200
with division (F)(2) of this section in a facility of a type 1201
specified in that division. Division (B) of this section does not 1202
apply to a child alleged to be or adjudicated a delinquent child 1203
for chronic truancy, unless the child violated a lawful court 1204
order made pursuant to division (A)~~(5)~~(6) of section 2152.19 of 1205
the Revised Code. Division (B) of this section also does not apply 1206
to a child alleged to be or adjudicated a delinquent child for 1207
being an habitual truant who previously has been adjudicated an 1208
unruly child for being an habitual truant, unless the child 1209
violated a lawful court order made pursuant to division (C)(1)(e) 1210
of section 2151.354 of the Revised Code. 1211

(C)(1) Except as provided under division (C)(1) of section 1212
2151.311 of the Revised Code or division (A)(5) of section 2152.21 1213
of the Revised Code, a child alleged to be or adjudicated a 1214
juvenile traffic offender may not be held in any of the following 1215
facilities: 1216

(a) A state correctional institution, county, multicounty, or 1217
municipal jail or workhouse, or other place in which an adult 1218
convicted of crime, under arrest, or charged with a crime is held. 1219

(b) A secure correctional facility. 1220

(2) Except as provided under this section, sections 2151.56 to 2151.61, and ~~division~~ divisions (A)(5) and (6) of section 2152.21 of the Revised Code, a child alleged to be or adjudicated a juvenile traffic offender may not be held for more than twenty-four hours in a detention facility.

(D) Except as provided in division (F) of this section or in division (C) of section 2151.311, in division (C)(2) of section 5139.06 and section 5120.162, or in division (B) of section 5120.16 of the Revised Code, a child who is alleged to be or is adjudicated a delinquent child may not be held in a state correctional institution, county, multicounty, or municipal jail or workhouse, or other place where an adult convicted of crime, under arrest, or charged with crime is held.

(E) Unless the detention is pursuant to division (F) of this section or division (C) of section 2151.311, division (C)(2) of section 5139.06 and section 5120.162, or division (B) of section 5120.16 of the Revised Code, the official in charge of the institution, jail, workhouse, or other facility shall inform the court immediately when a child, who is or appears to be under the age of eighteen years, is received at the facility, and shall deliver the child to the court upon request or transfer the child to a detention facility designated by the court.

(F)(1) If a case is transferred to another court for criminal prosecution pursuant to section 2152.12 of the Revised Code, the child may be transferred for detention pending the criminal prosecution in a jail or other facility in accordance with the law governing the detention of persons charged with crime. Any child so held shall be confined in a manner that keeps the child beyond the range of touch of all adult detainees. The child shall be supervised at all times during the detention.

(2) If a person is adjudicated a delinquent child or juvenile traffic offender and the court makes a disposition of the person

under this chapter, at any time after the person attains eighteen years of age, the person may be held under that disposition in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail or workhouse, or other place where an adult convicted of crime, under arrest, or charged with crime is held.

(3)(a) A person alleged to be a delinquent child may be held in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail, if the delinquent act that the child allegedly committed would be a felony if committed by an adult, and if either of the following applies:

(i) The person attains eighteen years of age before the person is arrested or apprehended for that act.

(ii) The person is arrested or apprehended for that act before the person attains eighteen years of age, but the person attains eighteen years of age before the court orders a disposition in the case.

(b) If, pursuant to division (F)(3)(a) of this section, a person is held in a place other than a place specified in division (A) of this section, the person has the same rights to bail as an adult charged with the same offense who is confined in a jail pending trial.

Sec. 2152.41. (A) Upon the recommendation of the judge, the board of county commissioners shall provide, by purchase, lease, construction, or otherwise, a detention facility that shall be within a convenient distance of the juvenile court. The facility shall not be used for the confinement of adults charged with criminal offenses. The facility may be used to detain alleged delinquent children until final disposition for evaluation

pursuant to section 2152.04 of the Revised Code, to confine 1284
children who are adjudicated delinquent children and placed in the 1285
facility pursuant to division (A)(3) of section 2152.19 of the 1286
Revised Code, and for to confine children who are adjudicated 1287
juvenile traffic offenders and committed to the facility under 1288
division (A)(5) or (6) of section 2152.21 of the Revised Code. 1289

1290
(B) Upon the joint recommendation of the juvenile judges of 1291
two or more neighboring counties, the boards of county 1292
commissioners of the counties shall form themselves into a joint 1293
board and proceed to organize a district for the establishment and 1294
support of a detention facility for the use of the juvenile courts 1295
of those counties, in which alleged delinquent children may be 1296
detained as provided in division (A) of this section, by using a 1297
site or buildings already established in one of the counties or by 1298
providing for the purchase of a site and the erection of the 1299
necessary buildings on the site. 1300

A child who is adjudicated to be a juvenile traffic offender 1301
for having committed a violation of division (A) of section 1302
4511.19 of the Revised Code or of a municipal ordinance that is 1303
substantially comparable to that division may be confined in a 1304
detention facility or district detention facility pursuant to 1305
division (A)(5) of section 2152.21 of the Revised Code, provided 1306
the child is kept separate and apart from alleged delinquent 1307
children. 1308

Except as otherwise provided by law, district detention 1309
facilities shall be established, operated, maintained, and managed 1310
in the same manner so far as applicable as county detention 1311
facilities. 1312

Members of the board of county commissioners who meet by 1313
appointment to consider the organization of a district detention 1314

home, upon presentation of properly certified accounts, shall be 1315
paid their necessary expenses upon a warrant drawn by the county 1316
auditor of their county. 1317

The county auditor of the county having the greatest 1318
population or, with the unanimous concurrence of the county 1319
auditors of the counties composing a district, the auditor of the 1320
county in which the detention facility is located shall be the 1321
fiscal officer of a detention facility district. The county 1322
auditors of the several counties composing a detention facility 1323
district shall meet at the district detention facility, not less 1324
than once in six months, to review accounts and to transact any 1325
other duties in connection with the institution that pertain to 1326
the business of their office. 1327

(C) In any county in which there is no detention facility or 1328
that is not served by a district detention facility, the juvenile 1329
court may enter into a contract, subject to the approval of the 1330
board of county commissioners, with another juvenile court, 1331
another county's detention facility, or a joint county detention 1332
facility. Alternately, the board of county commissioners shall 1333
provide funds for the boarding of children, who would be eligible 1334
for detention under division (A) of this section, temporarily in 1335
private homes or in certified foster homes approved by the court 1336
for a period not exceeding sixty days or until final disposition 1337
of their cases, whichever comes first. The court also may arrange 1338
with any public children services agency or private child placing 1339
agency to receive, or private noncustodial agency for temporary 1340
care of, children within the jurisdiction of the court. 1341

If the court arranges for the board of children temporarily 1343
detained in certified foster homes or through any private child 1344
placing agency, the county shall pay a reasonable sum to be fixed 1345
by the court for the board of those children. In order to have 1346

certified foster homes available for service, an agreed monthly 1347
subsidy may be paid and a fixed rate per day for care of children 1348
actually residing in the certified foster home. 1349

(D) The board of county commissioners of any county within a 1350
detention facility district, upon the recommendation of the 1351
juvenile court of that county, may withdraw from the district and 1352
sell or lease its right, title, and interest in the site, 1353
buildings, furniture, and equipment of the facility to any 1354
counties in the district, at any price and upon any such terms 1355
that are agreed upon among the boards of county commissioners of 1356
the counties concerned. Section 307.10 of the Revised Code does 1357
not apply to this division. The net proceeds of any sale or lease 1358
under this division shall be paid into the treasury of the 1359
withdrawing county. 1360

The members of the board of trustees of a district detention 1361
facility who are residents of a county withdrawing from the 1362
district are deemed to have resigned their positions upon the 1363
completion of the withdrawal procedure provided by this division. 1364
The vacancies then created shall be filled as provided in this 1365
section. 1366

(E) The children to be admitted for care in a county or 1367
district detention facility established under this section, the 1368
period during which they shall be cared for in the facility, and 1369
the removal and transfer of children from the facility shall be 1370
determined by the juvenile court that ordered the child's 1371
detention. 1372

Sec. 2152.74. (A) As used in this section, "DNA analysis" and 1373
"DNA specimen" have the same meanings as in section 109.573 of the 1374
Revised Code. 1375

(B)(1) A child who is adjudicated a delinquent child for 1376
committing an act listed in division (D) of this section and who 1377

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is committed to the custody of the department of youth services,
placed in a detention facility or district detention facility
pursuant to division (A)(3) of section 2152.19 of the Revised
Code, or ~~to~~ placed in a school, camp, institution, or other
facility for delinquent children described in division (A)(2) of
section 2152.19 of the Revised Code shall submit to a DNA specimen
collection procedure administered by the director of youth
services if committed to the department or by the chief
administrative officer of the detention facility, district
detention facility, school, camp, institution, or other facility
for delinquent children to which the child was committed or in
which the child was placed. If the court commits the child to the
department of youth services, the director of youth services shall
cause the DNA specimen to be collected from the child during the
intake process at an institution operated by or under the control
of the department. If the court commits the child to or places the
child in a detention facility, district detention facility,
school, camp, institution, or other facility for delinquent
children, the chief administrative officer of the detention
facility, district detention facility, school, camp, institution,
or facility to which the child is committed or in which the child
is placed shall cause the DNA specimen to be collected from the
child during the intake process for the detention facility,
district detention facility, school, camp, institution, or
facility. In accordance with division (C) of this section, the
director or the chief administrative officer shall cause the DNA
specimen to be forwarded to the bureau of criminal identification
and investigation no later than fifteen days after the date of the
collection of the DNA specimen. The DNA specimen shall be
collected from the child in accordance with division (C) of this
section.

(2) If a child is adjudicated a delinquent child for 1409

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committing an act listed in division (D) of this section, is
committed to or placed in the department of youth services, a
detention facility or district detention facility, or ~~to~~ a school,
camp, institution, or other facility for delinquent children, and
does not submit to a DNA specimen collection procedure pursuant to
division (B)(1) of this section, prior to the child's release from
the custody of the department of youth services, from the custody
of the detention facility or district detention facility, or from
the custody of the school, camp, institution, or facility, the
child shall submit to, and the director of youth services or the
chief administrator of the detention facility, district detention
facility, school, camp, institution, or facility to which the
child is committed or in which the child was placed shall
administer, a DNA specimen collection procedure at the institution
operated by or under the control of the department of youth
services or at the detention facility, district detention
facility, school, camp, institution, or facility to which the
child is committed or in which the child was placed. In accordance
with division (C) of this section, the director or the chief
administrative officer shall cause the DNA specimen to be
forwarded to the bureau of criminal identification and
investigation no later than fifteen days after the date of the
collection of the DNA specimen. The DNA specimen shall be
collected in accordance with division (C) of this section.

(C) If the DNA specimen is collected by withdrawing blood
from the child or a similarly invasive procedure, a physician,
registered nurse, licensed practical nurse, duly licensed clinical
laboratory technician, or other qualified medical practitioner
shall collect in a medically approved manner the DNA specimen
required to be collected pursuant to division (B) of this section.
If the DNA specimen is collected by swabbing for buccal cells or a
similarly noninvasive procedure, this section does not require

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that the DNA specimen be collected by a qualified medical practitioner of that nature. No later than fifteen days after the date of the collection of the DNA specimen, the director of youth services or the chief administrative officer of the detention facility, district detention facility, school, camp, institution, or other facility for delinquent children to which the child is committed or in which the child was placed shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation in accordance with procedures established by the superintendent of the bureau under division (H) of section 109.573 of the Revised Code. The bureau shall provide the specimen vials, mailing tubes, labels, postage, and instruction needed for the collection and forwarding of the DNA specimen to the bureau.

(D) The director of youth services and the chief administrative officer of a detention facility, district detention facility, school, camp, institution, or other facility for delinquent children shall cause a DNA specimen to be collected in accordance with divisions (B) and (C) of this section from each child in its custody who is adjudicated a delinquent child for committing any of the following acts:

(1) A violation of section 2903.01, 2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code;

(2) A violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996;

(3) An attempt to commit a violation of section 2903.01, 2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code or to commit a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996;

(4) A violation of any law that arose out of the same facts and circumstances and same act as did a charge against the child

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of a violation of section 2903.01, 2903.02, 2905.01, 2907.02,
2907.03, 2907.05, or 2911.11 of the Revised Code that previously
was dismissed or amended or as did a charge against the child of a
violation of section 2907.12 of the Revised Code as it existed
prior to September 3, 1996, that previously was dismissed or
amended;

(5) A violation of section 2905.02 or 2919.23 of the Revised
Code that would have been a violation of section 2905.04 of the
Revised Code as it existed prior to July 1, 1996, had the
violation been committed prior to that date;

(6) A felony violation of any law that arose out of the same
facts and circumstances and same act as did a charge against the
child of a violation of section 2903.11, 2911.01, 2911.02, or
2911.12 of the Revised Code that previously was dismissed or
amended;

(7) A violation of section 2923.01 of the Revised Code
involving a conspiracy to commit a violation of section 2903.01,
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the
Revised Code;

(8) A violation of section 2923.03 of the Revised Code
involving complicity in committing a violation of section 2903.01,
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05,
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a
violation of section 2907.12 of the Revised Code as it existed
prior to September 3, 1996.

(E) The director of youth services and the chief
administrative officer of a detention facility, district detention
facility, school, camp, institution, or other facility for
delinquent children is not required to comply with this section in
relation to the following acts until the superintendent of the
bureau of criminal identification and investigation gives agencies

in the juvenile justice system, as defined in section 181.51 of 1504
the Revised Code, in the state official notification that the 1505
state DNA laboratory is prepared to accept DNA specimens of that 1506
nature: 1507

(1) A violation of section 2903.11, 2911.01, 2911.02, or 1508
2911.12 of the Revised Code; 1509

(2) An attempt to commit a violation of section 2903.01 or 1510
2903.02 of the Revised Code; 1511

(3) A felony violation of any law that arose out of the same 1512
facts and circumstances and same act as did a charge against the 1513
child of a violation of section 2903.11, 2911.01, 2911.02, or 1514
2911.12 of the Revised Code that previously was dismissed or 1515
amended; 1516

(4) A violation of section 2923.01 of the Revised Code 1517
involving a conspiracy to commit a violation of section 2903.01, 1518
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 1519
Revised Code; 1520

(5) A violation of section 2923.03 of the Revised Code 1521
involving complicity in committing a violation of section 2903.01, 1522
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 1523
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 1524
violation of section 2907.12 of the Revised Code as it existed 1525
prior to September 3, 1996. 1526

Sec. 5139.42. In developing the formula described in section 1527
5139.41 of the Revised Code, the department of youth services 1528
shall use the data included by each juvenile court in the annual 1529
report described in division (C)(3)(b) of section 5139.43 of the 1530
Revised Code, other data included in any monthly reports that the 1531
department may require juvenile courts to file under division 1532
(C)(3)(c) of that section, and other data derived from a fiscal 1533
monitoring program or another monitoring program described in 1534

division (C)(3)(d) of that section to project or calculate the 1535
following for each year of a biennium: 1536

(A) The total number of children who will be adjudicated 1537
delinquent children by the juvenile courts for acts that if 1538
committed by an adult would be a felony; 1539

(B) The number of public safety beds; 1540

(C) The state target youth; 1541

(D) The per diem cost for the care and custody of felony 1542
delinquents that shall be calculated for each year of a biennium 1543
as follows: 1544

(1) By multiplying the state target youth by the projected 1545
length of stay of state target youth in the care and custody of 1546
the department; 1547

(2) By subtracting from the appropriation made to the 1548
department for care and custody of felony delinquents for each 1549
fiscal year of the biennium the amount of the appropriation that 1550
must be set aside pursuant to division (A) of section 5139.41 of 1551
the Revised Code for purposes of funding the contingency program 1552
described in section 5139.45 of the Revised Code, ~~and then;~~ 1553

(3) By dividing the remainder of the appropriation that was 1554
~~so~~ calculated under division (D)(2) of this section by the product 1555
derived under division (D)(1) of this section; 1556

~~(3) By dividing the quotient derived under division (D)(2) of 1557~~
~~this section by the number of days in the fiscal year. 1558~~

(E) For each county of the state, that county's average 1559
percentage of the total number of children who during the past 1560
four fiscal years were adjudicated delinquent children by the 1561
juvenile courts for acts that, if committed by an adult, would be 1562
a felony; 1563

(F) The number of children who satisfy all of the following: 1564

(1) They are at least twelve years of age but less than 1565
eighteen years of age. 1566

(2) They were adjudicated delinquent children for having 1567
committed acts that if committed by an adult would be a felony. 1568

(3) They were committed to the department by the juvenile 1569
court of a county that has had one-tenth of one per cent or less 1570
of the statewide adjudications for felony delinquents as averaged 1571
for the past four fiscal years. 1572

(4) They are in the care and custody of an institution or a 1573
community corrections facility. 1574

Section 2. That existing sections 2151.011, 2151.35, 1575
2151.354, 2151.359, 2152.02, 2152.19, 2152.21, 2152.26, 2152.41, 1576
2152.74, and 5139.42 of the Revised Code are hereby repealed. 1577

Section 3. Section 2151.35 of the Revised Code is presented 1578
in Section 1 of this act as a composite of the section as amended 1579
by both Am. Sub. S.B. 179 and Sub. S.B. 218 of the 123rd General 1580
Assembly. Section 2152.19 of the Revised Code is presented in 1581
Section 1 of this act as a composite of the section as amended by 1582
both Sub. H.B. 247 and Sub. H.B. 393 of the 124th General 1583
Assembly. The General Assembly, applying the principle stated in 1584
division (B) of section 1.52 of the Revised Code that amendments 1585
are to be harmonized if reasonably capable of simultaneous 1586
operation, finds that the composites are the resulting versions of 1587
the sections in effect prior to the effective date of the sections 1588
as presented in Section 1 of this act. 1589

Section 4. That the versions of sections 2151.354, 2152.19, 1590
and 2152.21 of the Revised Code that are scheduled to take effect 1591
January 1, 2004, be amended to read as follows: 1592

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;

(2) Place the child on community control under any sanctions, services, and conditions that the court prescribes, as described in division (A)~~(3)~~(4) of section 2152.19 of the Revised Code, provided that, if the court imposes a period of community service upon the child, the period of community service shall not exceed one hundred seventy-five hours;

(3) Suspend the driver's license, probationary driver's license, or temporary instruction permit issued to the child for a period of time prescribed by the court and suspend the registration of all motor vehicles registered in the name of the child for a period of time prescribed by the court. A child whose license or permit is so suspended is ineligible for issuance of a license or permit during the period of suspension. At the end of the period of suspension, the child shall not be reissued a license or permit until the child has paid any applicable reinstatement fee and complied with all requirements governing license reinstatement.

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

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

(6) If, after making a disposition under division (A)(1), (2), or (3) of this section, the court finds upon further hearing that the child is not amenable to treatment or rehabilitation under that disposition, make a disposition otherwise authorized

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under divisions (A)(1), ~~(3)~~, (4), (5), and ~~(7)~~(8) of section 1623
2152.19 of the Revised Code that is consistent with sections 1624
2151.312 and 2151.56 to 2151.61 of the Revised Code. 1625

(B) If a child is adjudicated an unruly child for committing 1626
any act that, if committed by an adult, would be a drug abuse 1627
offense, as defined in section 2925.01 of the Revised Code, or a 1628
violation of division (B) of section 2917.11 of the Revised Code, 1629
in addition to imposing, in its discretion, any other order of 1630
disposition authorized by this section, the court shall do both of 1631
the following: 1632

(1) Require the child to participate in a drug abuse or 1633
alcohol abuse counseling program; 1634

(2) Suspend the temporary instruction permit, probationary 1635
driver's license, or driver's license issued to the child for a 1636
period of time prescribed by the court. The court, in its 1637
discretion, may terminate the suspension if the child attends and 1638
satisfactorily completes a drug abuse or alcohol abuse education, 1639
intervention, or treatment program specified by the court. During 1640
the time the child is attending a program as described in this 1641
division, the court shall retain the child's temporary instruction 1642
permit, probationary driver's license, or driver's license, and 1643
the court shall return the permit or license if it terminates the 1644
suspension. 1645

(C)(1) If a child is adjudicated an unruly child for being an 1646
habitual truant, in addition to or in lieu of imposing any other 1647
order of disposition authorized by this section, the court may do 1648
any of the following: 1649

(a) Order the board of education of the child's school 1650
district or the governing board of the educational service center 1651
in the child's school district to require the child to attend an 1652
alternative school if an alternative school has been established 1653

pursuant to section 3313.533 of the Revised Code in the school district in which the child is entitled to attend school; 1654
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(b) Require the child to participate in any academic program or community service program; 1656
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(c) Require the child to participate in a drug abuse or alcohol abuse counseling program; 1658
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(d) Require that the child receive appropriate medical or psychological treatment or counseling; 1660
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(e) Make any other order that the court finds proper to address the child's habitual truancy, including an order requiring the child to not be absent without legitimate excuse from the public school the child is supposed to attend for five or more consecutive days, seven or more school days in one school month, or twelve or more school days in a school year and including an order requiring the child to participate in a truancy prevention mediation program. 1662
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(2) If a child is adjudicated an unruly child for being an habitual truant and the court determines that the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code, in addition to any order of disposition authorized by this section, all of the following apply: 1670
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(a) The court may require the parent, guardian, or other person having care of the child to participate in any community service program, preferably a community service program that requires the involvement of the parent, guardian, or other person having care of the child in the school attended by the child. 1677
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(b) The court may require the parent, guardian, or other person having care of the child to participate in a truancy prevention mediation program. 1682
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(c) The court shall warn the parent, guardian, or other person having care of the child that any subsequent adjudication of the child as an unruly or delinquent child for being an habitual or chronic truant may result in a criminal charge against the parent, guardian, or other person having care of the child for a violation of division (C) of section 2919.21 or section 2919.24 of the Revised Code.

Sec. 2152.19. (A) If a child is adjudicated a delinquent child, the court may make any of the following orders of disposition, in addition to any other disposition authorized or required by this chapter:

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

(2) Commit the child to the temporary custody of any school, camp, institution, or other facility operated for the care of delinquent children by the county, by a district organized under section 2152.41 or 2151.65 of the Revised Code, or by a private agency or organization, within or without the state, that is authorized and qualified to provide the care, treatment, or placement required, including, but not limited to, a school, camp, or facility operated under section 2151.65 of the Revised Code;

(3) Place the child in a detention facility or district detention facility operated under section 2152.41 of the Revised Code, for up to ninety days;

(4) 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

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includes, but is not limited to, the following sanctions and 1716
conditions: 1717

(a) A period of basic probation supervision in which the 1718
child is required to maintain contact with a person appointed to 1719
supervise the child in accordance with sanctions imposed by the 1720
court; 1721

(b) A period of intensive probation supervision in which the 1722
child is required to maintain frequent contact with a person 1723
appointed by the court to supervise the child while the child is 1724
seeking or maintaining employment and participating in training, 1725
education, and treatment programs as the order of disposition; 1726

(c) A period of day reporting in which the child is required 1727
each day to report to and leave a center or another approved 1728
reporting location at specified times in order to participate in 1729
work, education or training, treatment, and other approved 1730
programs at the center or outside the center; 1731

(d) A period of community service of up to five hundred hours 1732
for an act that would be a felony or a misdemeanor of the first 1733
degree if committed by an adult, up to two hundred hours for an 1734
act that would be a misdemeanor of the second, third, or fourth 1735
degree if committed by an adult, or up to thirty hours for an act 1736
that would be a minor misdemeanor if committed by an adult; 1737

(e) A requirement that the child obtain a high school 1738
diploma, a certificate of high school equivalence, vocational 1739
training, or employment; 1740

(f) A period of drug and alcohol use monitoring; 1741

(g) A requirement of alcohol or drug assessment or 1742
counseling, or a period in an alcohol or drug treatment program 1743
with a level of security for the child as determined necessary by 1744
the court; 1745

(h) A period in which the court orders the child to observe a 1746

curfew that may involve daytime or evening hours; 1747

(i) A requirement that the child serve monitored time; 1748

(j) A period of house arrest with or without electronic 1749
monitoring; 1750

(k) A period of electronic monitoring without house arrest or 1751
electronically monitored house arrest that does not exceed the 1752
maximum sentence of imprisonment that could be imposed upon an 1753
adult who commits the same act. 1754

A period of electronically monitored house arrest imposed 1755
under this division shall not extend beyond the child's 1756
twenty-first birthday. If a court imposes a period of 1757
electronically monitored house arrest upon a child under this 1758
division, it shall require the child: to wear, otherwise have 1759
attached to the child's person, or otherwise be subject to 1760
monitoring by a certified electronic monitoring device or to 1761
participate in the operation of and monitoring by a certified 1762
electronic monitoring system; to remain in the child's home or 1763
other specified premises for the entire period of electronically 1764
monitored house arrest except when the court permits the child to 1765
leave those premises to go to school or to other specified 1766
premises; to be monitored by a central system that can determine 1767
the child's location at designated times; to report periodically 1768
to a person designated by the court; and to enter into a written 1769
contract with the court agreeing to comply with all requirements 1770
imposed by the court, agreeing to pay any fee imposed by the court 1771
for the costs of the electronically monitored house arrest, and 1772
agreeing to waive the right to receive credit for any time served 1773
on electronically monitored house arrest toward the period of any 1774
other dispositional order imposed upon the child if the child 1775
violates any of the requirements of the dispositional order of 1776
electronically monitored house arrest. The court also may impose 1777
other reasonable requirements upon the child. 1778

Unless ordered by the court, a child shall not receive credit 1779
for any time served on electronically monitored house arrest 1780
toward any other dispositional order imposed upon the child for 1781
the act for which was imposed the dispositional order of 1782
electronically monitored house arrest. 1783

(1) A suspension of the driver's license, probationary 1784
driver's license, or temporary instruction permit issued to the 1785
child for a period of time prescribed by the court, or a 1786
suspension of the registration of all motor vehicles registered in 1787
the name of the child for a period of time prescribed by the 1788
court. A child whose license or permit is so suspended is 1789
ineligible for issuance of a license or permit during the period 1790
of suspension. At the end of the period of suspension, the child 1791
shall not be reissued a license or permit until the child has paid 1792
any applicable reinstatement fee and complied with all 1793
requirements governing license reinstatement. 1794

~~(4)~~(5) Commit the child to the custody of the court; 1795

~~(5)~~(6) Require the child to not be absent without legitimate 1796
excuse from the public school the child is supposed to attend for 1797
five or more consecutive days, seven or more school days in one 1798
school month, or twelve or more school days in a school year; 1799

~~(6)~~(7)(a) If a child is adjudicated a delinquent child for 1800
being a chronic truant or an habitual truant who previously has 1801
been adjudicated an unruly child for being a habitual truant, do 1802
either or both of the following: 1803

(i) Require the child to participate in a truancy prevention 1804
mediation program; 1805

(ii) Make any order of disposition as authorized by this 1806
section, except that the court shall not commit the child to a 1807
facility described in division (A)(2) or (3) of this section 1808
unless the court determines that the child violated a lawful court 1809

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order made pursuant to division (C)(1)(e) of section 2151.354 of 1810
the Revised Code or division (A)~~(5)~~(6) of this section. 1811

(b) If a child is adjudicated a delinquent child for being a 1812
chronic truant or a habitual truant who previously has been 1813
adjudicated an unruly child for being a habitual truant and the 1814
court determines that the parent, guardian, or other person having 1815
care of the child has failed to cause the child's attendance at 1816
school in violation of section 3321.38 of the Revised Code, do 1817
either or both of the following: 1818

(i) Require the parent, guardian, or other person having care 1819
of the child to participate in a truancy prevention mediation 1820
program; 1821

(ii) Require the parent, guardian, or other person having 1822
care of the child to participate in any community service program, 1823
preferably a community service program that requires the 1824
involvement of the parent, guardian, or other person having care 1825
of the child in the school attended by the child. 1826

~~(7)~~(8) Make any further disposition that the court finds 1827
proper, except that the child shall not be placed in any of the 1828
following: 1829

(a) A state correctional institution, a county, multicounty, 1830
or municipal jail or workhouse, or another place in which an adult 1831
convicted of a crime, under arrest, or charged with a crime is 1832
held; 1833

(b) A community corrections facility, if the child would be 1834
covered by the definition of public safety beds for purposes of 1835
sections 5139.41 to 5139.45 of the Revised Code if the court 1836
exercised its authority to commit the child to the legal custody 1837
of the department of youth services for institutionalization or 1838
institutionalization in a secure facility pursuant to this 1839
chapter. 1840

(B) If a child is adjudicated a delinquent child, in addition 1841
to any order of disposition made under division (A) of this 1842
section, the court, in the following situations and for the 1843
specified periods of time, shall suspend the child's temporary 1844
instruction permit, restricted license, probationary driver's 1845
license, or nonresident operating privilege, or suspend the 1846
child's ability to obtain such a permit: 1847

(1) If the child is adjudicated a delinquent child for 1848
violating section 2923.122 of the Revised Code, impose a class 1849
four suspension of the child's license, permit, or privilege from 1850
the range specified in division (A)(4) of section 4510.02 of the 1851
Revised Code or deny the child the issuance of a license or permit 1852
in accordance with division (F)(1) of section 2923.122 of the 1853
Revised Code. 1854

(2) If the child is adjudicated a delinquent child for 1855
committing an act that if committed by an adult would be a drug 1856
abuse offense or for violating division (B) of section 2917.11 of 1857
the Revised Code, suspend the child's license, permit, or 1858
privilege for a period of time prescribed by the court. The court, 1859
in its discretion, may terminate the suspension if the child 1860
attends and satisfactorily completes a drug abuse or alcohol abuse 1861
education, intervention, or treatment program specified by the 1862
court. During the time the child is attending a program described 1863
in this division, the court shall retain the child's temporary 1864
instruction permit, probationary driver's license, or driver's 1865
license, and the court shall return the permit or license if it 1866
terminates the suspension as described in this division. 1867

(C) The court may establish a victim-offender mediation 1868
program in which victims and their offenders meet to discuss the 1869
offense and suggest possible restitution. If the court obtains the 1870
assent of the victim of the delinquent act committed by the child, 1871
the court may require the child to participate in the program. 1872

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

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(2) Each victim impact statement shall identify the victim of the act for which the child was adjudicated a delinquent child, itemize any economic loss suffered by the victim as a result of the act, identify any physical injury suffered by the victim as a result of the act and the seriousness and permanence of the injury, identify any change in the victim's personal welfare or familial relationships as a result of the act and any psychological impact experienced by the victim or the victim's family as a result of the act, and contain any other information related to the impact of the act upon the victim that the court requires.

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(3) A victim impact statement shall be kept confidential and is not a public record. However, the court may furnish copies of the statement to the department of youth services if the delinquent child is committed to the department or to both the adjudicated delinquent child or the adjudicated delinquent child's counsel and the prosecuting attorney. The copy of a victim impact statement furnished by the court to the department pursuant to this section shall be kept confidential and is not a public

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record. If an officer is preparing pursuant to section 2947.06 or 1905
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 1906
investigation report pertaining to a person, the court shall make 1907
available to the officer, for use in preparing the report, a copy 1908
of any victim impact statement regarding that person. The copies 1909
of a victim impact statement that are made available to the 1910
adjudicated delinquent child or the adjudicated delinquent child's 1911
counsel and the prosecuting attorney pursuant to this division 1912
shall be returned to the court by the person to whom they were 1913
made available immediately following the imposition of an order of 1914
disposition for the child under this chapter. 1915

The copy of a victim impact statement that is made available 1916
pursuant to this division to an officer preparing a criminal 1917
presentence investigation report shall be returned to the court by 1918
the officer immediately following its use in preparing the report. 1919

(4) The department of youth services shall work with local 1920
probation departments and victim assistance programs to develop a 1921
standard victim impact statement. 1922

(E) If a child is adjudicated a delinquent child for being a 1923
chronic truant or an habitual truant who previously has been 1924
adjudicated an unruly child for being an habitual truant and the 1925
court determines that the parent, guardian, or other person having 1926
care of the child has failed to cause the child's attendance at 1927
school in violation of section 3321.38 of the Revised Code, in 1928
addition to any order of disposition it makes under this section, 1929
the court shall warn the parent, guardian, or other person having 1930
care of the child that any subsequent adjudication of the child as 1931
an unruly or delinquent child for being an habitual or chronic 1932
truant may result in a criminal charge against the parent, 1933
guardian, or other person having care of the child for a violation 1934
of division (C) of section 2919.21 or section 2919.24 of the 1935
Revised Code. 1936

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

(2) The court that places a child on community control under this section shall provide the child's parent, guardian, or other custodian with a written notice that informs them that authorized probation officers may conduct searches pursuant to division (E)(1) of this section. The notice shall specifically state that a permissible search might extend to a motor vehicle, another item of tangible or intangible personal property, or a place of

residence or other real property in which a notified parent, 1969
guardian, or custodian has a right, title, or interest and that 1970
the parent, guardian, or custodian expressly or impliedly permits 1971
the child to use, occupy, or possess. 1972

(G) If a juvenile court commits a delinquent child to the 1973
custody of any person, organization, or entity pursuant to this 1974
section and if the delinquent act for which the child is so 1975
committed is a sexually oriented offense, the court in the order 1976
of disposition shall do one of the following: 1977

(1) Require that the child be provided treatment as described 1978
in division (A)(2) of section 5139.13 of the Revised Code; 1979
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(2) Inform the person, organization, or entity that it is the 1981
preferred course of action in this state that the child be 1982
provided treatment as described in division (A)(2) of section 1983
5139.13 of the Revised Code and encourage the person, 1984
organization, or entity to provide that treatment. 1985

Sec. 2152.21. (A) Unless division (C) of this section 1986
applies, if a child is adjudicated a juvenile traffic offender, 1987
the court may make any of the following orders of disposition: 1988

(1) Impose costs and one or more financial sanctions in 1989
accordance with section 2152.20 of the Revised Code; 1990

(2) Suspend the child's driver's license, probationary 1991
driver's license, or temporary instruction permit for a definite 1992
period not exceeding two years or suspend the registration of all 1993
motor vehicles registered in the name of the child for a definite 1994
period not exceeding two years. A child whose license or permit is 1995
so suspended is ineligible for issuance of a license or permit 1996
during the period of suspension. At the end of the period of 1997
suspension, the child shall not be reissued a license or permit 1998

until the child has paid any applicable reinstatement fee and
complied with all requirements governing license reinstatement. 1999
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(3) Place the child on community control; 2001

(4) Require the child to make restitution for all damages
caused by the child's traffic violation; 2002
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(5)(a) If the child is adjudicated a juvenile traffic
offender for committing a violation of division (A) of section
4511.19 of the Revised Code or of a municipal ordinance that is
substantially equivalent to that division, commit the child, for
not longer than five days, to either of the following: 2004
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(i) The temporary custody of a detention facility or district
detention facility established under section 2152.41 of the
Revised Code; 2009
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(ii) The temporary custody of any school, camp, institution,
or other facility for children operated in whole or in part for
the care of juvenile traffic offenders of that nature 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
the state that is authorized and qualified to provide the care,
treatment, or placement required. 2012
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(b) If an order of disposition committing a child to the
temporary custody of a home, school, camp, institution, or other
facility of that nature is made under division (A)(5)(a) of this
section, the length of the commitment shall not be reduced or
diminished as a credit for any time that the child was held in a
place of detention or shelter care, or otherwise was detained,
prior to entry of the order of disposition. 2019
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(6) If, after making a disposition under divisions (A)(1) to
(5) of this section, the court finds upon further hearing that the
child has failed to comply with the orders of the court and the
child's operation of a motor vehicle constitutes the child a 2026
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danger to the child and to others, the court may make any
disposition authorized by divisions (A)(1), ~~(3)~~, (4), (5), and
~~(7)~~(8) of section 2152.19 of the Revised Code, except that the
child may not be committed to or placed in a secure correctional
facility unless authorized by division (A)(5) of this section, and
commitment to or placement in a detention facility may not exceed
twenty-four hours.

(B) If a child is adjudicated a juvenile traffic offender for
violating division (A) or (B) of section 4511.19 of the Revised
Code, in addition to any order of disposition made under division
(A) of this section, the court shall impose a class six suspension
of the temporary instruction permit, probationary driver's
license, or driver's license issued to the child from the range
specified in division (A)(6) of section 4510.02 of the Revised
Code. The court, in its discretion, may terminate the suspension
if 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 a
program as described in this division, the court shall retain the
child's temporary instruction permit, probationary driver's
license, or driver's license issued, and the court shall return
the permit or license if it terminates the suspension as described
in this division.

(C) If a child is adjudicated a juvenile traffic offender for
violating division (B)(1) of section 4513.263 of the Revised Code,
the court shall impose the appropriate fine set forth in division
(G) of that section. If a child is adjudicated a juvenile traffic
offender for violating division (B)(3) of section 4513.263 of the
Revised Code and if the child is sixteen years of age or older,
the court shall impose the fine set forth in division (G)(2) of
that section. If a child is adjudicated a juvenile traffic
offender for violating division (B)(3) of section 4513.263 of the

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Revised Code and if the child is under sixteen years of age, the	2062
court shall not impose a fine but may place the child on probation	2063
or community control.	2064
(D) A juvenile traffic offender is subject to sections	2065
4509.01 to 4509.78 of the Revised Code.	2066
Section 5. That the existing versions of sections 2151.354,	2067
2152.19, and 2152.21 of the Revised Code that are scheduled to	2068
take effect January 1, 2004, are hereby repealed.	2069
Section 6. Sections 4 and 5 of this act shall take effect	2070
January 1, 2004.	2071