

# As Reported by the Senate Judiciary--Criminal Justice Committee

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

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## 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:

<b>Section 1.</b> 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 21  
applicable that has jurisdiction under this chapter and Chapter 22  
2152. of the Revised Code: 23

(a) The division of the court of common pleas specified in 24  
section 2101.022 or 2301.03 of the Revised Code as having 25  
jurisdiction under this chapter and Chapter 2152. of the Revised 26  
Code or as being the juvenile division or the juvenile division 27  
combined with one or more other divisions; 28

(b) The juvenile court of Cuyahoga county or Hamilton county 29  
that is separately and independently created by section 2151.08 or 30  
Chapter 2153. of the Revised Code and that has jurisdiction under 31  
this chapter and Chapter 2152. of the Revised Code; 32

(c) If division (A)(1)(a) or (b) of this section does not 33  
apply, the probate division of the court of common pleas. 34

(2) "Juvenile judge" means a judge of a court having 35  
jurisdiction under this chapter. 36

(3) "Private child placing agency" means any association, as 37  
defined in section 5103.02 of the Revised Code, that is certified 38  
under section 5103.03 of the Revised Code to accept temporary, 39  
permanent, or legal custody of children and place the children for 40  
either foster care or adoption. 41

(4) "Private noncustodial agency" means any person, 42  
organization, association, or society certified by the department 43  
of job and family services that does not accept temporary or 44  
permanent legal custody of children, that is privately operated in 45  
this state, and that does one or more of the following: 46

(a) Receives and cares for children for two or more 47  
consecutive weeks; 48

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(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

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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.

(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.

(8) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code.

(9) "Commit" means to vest custody as ordered by the court.

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

(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.

(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.

(11) "Custodian" means a person who has legal custody of a child or a public children services agency or private child

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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

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

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

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

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

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

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

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

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

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

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

(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.

(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.

(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:

(a) Engaging in sexual activity with a child in the person's care;

(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;

(c) Use of restraint procedures on a child that cause injury or pain;

(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing

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



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(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

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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 291  
pursuant to which the court permits an abused, neglected, 292  
dependent, or unruly child to remain in the custody of the child's 293  
parents, guardian, or custodian and stay in the child's home, 294  
subject to any conditions and limitations upon the child, the 295  
child's parents, guardian, or custodian, or any other person that 296  
the court prescribes, including supervision as directed by the 297  
court for the protection of the child. 298

(40) "Psychiatrist" has the same meaning as in section 299  
5122.01 of the Revised Code. 300

(41) "Psychologist" has the same meaning as in section 301  
4732.01 of the Revised Code. 302

(42) "Residential camp" means a program in which the care, 303  
physical custody, or control of children is accepted overnight for 304  
recreational or recreational and educational purposes. 305

(43) "Residential care facility" means an institution, 306  
residence, or facility that is licensed by the department of 307  
mental health under section 5119.22 of the Revised Code and that 308  
provides care for a child. 309

(44) "Residential facility" means a home or facility that is 310  
licensed by the department of mental retardation and developmental 311  
disabilities under section 5123.19 of the Revised Code and in 312  
which a child with a developmental disability resides. 313

(45) "Residual parental rights, privileges, and 314  
responsibilities" means those rights, privileges, and 315  
responsibilities remaining with the natural parent after the 316  
transfer of legal custody of the child, including, but not 317  
necessarily limited to, the privilege of reasonable visitation, 318  
consent to adoption, the privilege to determine the child's 319  
religious affiliation, and the responsibility for support. 320

(46) "School day" means the school day established by the 321  
state board of education pursuant to section 3313.48 of the 322  
Revised Code. 323

(47) "School month" and "school year" have the same meanings 324  
as in section 3313.62 of the Revised Code. 325

(48) "Secure correctional facility" means a facility under 326  
the direction of the department of youth services that is designed 327  
to physically restrict the movement and activities of children and 328  
used for the placement of children after adjudication and 329  
disposition. 330

(49) "Sexual activity" has the same meaning as in section 331  
2907.01 of the Revised Code. 332

(50) "Shelter" means the temporary care of children in 333  
physically unrestricted facilities pending court adjudication or 334  
disposition. 335

(51) "Shelter for victims of domestic violence" has the same 336  
meaning as in section 3113.33 of the Revised Code. 337

(52) "Temporary custody" means legal custody of a child who 338  
is removed from the child's home, which custody may be terminated 339  
at any time at the discretion of the court or, if the legal 340  
custody is granted in an agreement for temporary custody, by the 341  
person who executed the agreement. 342

(C) For the purposes of this chapter, a child shall be 343  
presumed abandoned when the parents of the child have failed to 344  
visit or maintain contact with the child for more than ninety 345  
days, regardless of whether the parents resume contact with the 346  
child after that period of ninety days. 347

**Sec. 2151.35.** (A)(1) Except as otherwise provided by division 348  
(A)(3) of this section or in section 2152.13 of the Revised Code, 349  
the juvenile court may conduct its hearings in an informal manner 350

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

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

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

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

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

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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.

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

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

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

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

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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.

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.

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

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

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

(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.

(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.

(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.

(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.

(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.

(E) Each juvenile court shall schedule its hearings in  
accordance with the time requirements of this chapter.

(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:

(1) The statement has circumstantial guarantees of  
trustworthiness;

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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

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(1) Require the child to participate in a drug abuse or 571  
alcohol abuse counseling program; 572

(2) Suspend or revoke the temporary instruction permit, 573  
probationary driver's license, or driver's license issued to the 574  
child for a period of time prescribed by the court or, at the 575  
discretion of the court, until the child attends and 576  
satisfactorily completes a drug abuse or alcohol abuse education, 577  
intervention, or treatment program specified by the court. During 578  
the time the child is attending the program, the court shall 579  
retain any temporary instruction permit, probationary driver's 580  
license, or driver's license issued to the child and shall return 581  
the permit or license when the child satisfactorily completes the 582  
program. 583

(C)(1) If a child is adjudicated an unruly child for being an 584  
habitual truant, in addition to or in lieu of imposing any other 585  
order of disposition authorized by this section, the court may do 586  
any of the following: 587

(a) Order the board of education of the child's school 588  
district or the governing board of the educational service center 589  
in the child's school district to require the child to attend an 590  
alternative school if an alternative school has been established 591  
pursuant to section 3313.533 of the Revised Code in the school 592  
district in which the child is entitled to attend school; 593

(b) Require the child to participate in any academic program 594  
or community service program; 595

(c) Require the child to participate in a drug abuse or 596  
alcohol abuse counseling program; 597

(d) Require that the child receive appropriate medical or 598  
psychological treatment or counseling; 599

(e) Make any other order that the court finds proper to 600  
address the child's habitual truancy, including an order requiring 601

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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

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

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

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

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

(B) The authority to make an order under division (A) of this  
section and any order made under that authority is in addition to  
the authority to make an order pursuant to division (C)(2) of  
section 2151.354 or division (A)~~(6)~~(7)(b) of section 2152.19 of  
the Revised Code and to any order made under either division.

(C) A person's failure to comply with any order made by the  
court under this section is contempt of court under Chapter 2705.  
of the Revised Code.

**Sec. 2152.02.** As used in this chapter:

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

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



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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

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

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

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

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

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

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

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

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

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

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

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(CC) "Category two offense" means any of the following: 815

(1) A violation of section 2903.03, 2905.01, 2907.02, 816  
2909.02, 2911.01, or 2911.11 of the Revised Code; 817

(2) A violation of section 2903.04 of the Revised Code that 818  
is a felony of the first degree; 819

(3) A violation of section 2907.12 of the Revised Code as it 820  
existed prior to September 3, 1996. 821

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 822  
child, the court may make any of the following orders of 823  
disposition, in addition to any other disposition authorized or 824  
required by this chapter: 825

(1) Any order that is authorized by section 2151.353 of the 826  
Revised Code for the care and protection of an abused, neglected, 827  
or dependent child; 828

(2) Commit the child to the temporary custody of any school, 829  
camp, institution, or other facility operated for the care of 830  
delinquent children by the county, by a district organized under 831  
section 2152.41 or 2151.65 of the Revised Code, or by a private 832  
agency or organization, within or without the state, that is 833  
authorized and qualified to provide the care, treatment, or 834  
placement required, including, but not limited to, a school, camp, 835  
or facility operated under section 2151.65 of the Revised Code; 836

(3) Place the child in a detention facility or district 837  
detention facility operated under section 2152.41 of the Revised 838  
Code, for up to ninety days; 839

(4) Place the child on community control under any sanctions, 840  
services, and conditions that the court prescribes. As a condition 841  
of community control in every case and in addition to any other 842  
condition that it imposes upon the child, the court shall require 843  
the child to abide by the law during the period of community 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

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(h) A period in which the court orders the child to observe a curfew that may involve daytime or evening hours; 876 877

(i) A requirement that the child serve monitored time; 878

(j) A period of house arrest with or without electronic monitoring; 879 880

(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. 881 882 883 884

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 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907

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

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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



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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

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  
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,  
guardian, or custodian has a right, title, or interest and that  
the parent, guardian, or custodian expressly or impliedly permits  
the child to use, occupy, or possess.

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

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

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

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

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

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

(2) Suspend the child's driver's license, probationary  
driver's license, or temporary instruction permit or the  
registration of all motor vehicles registered in the name of the  
child for a definite period not exceeding two years. 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.

(3) Place the child on community control;

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

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

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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

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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



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(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

(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

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

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

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

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

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

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

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

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

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

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

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

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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

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

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

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

(3) 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;

(4) 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;

(5) 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.

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

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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

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(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  
2152.19 of the Revised Code that is consistent with sections  
2151.312 and 2151.56 to 2151.61 of the Revised Code.

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

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

(2) Suspend 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. 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, and  
the court shall return the permit or license if it terminates the  
suspension.

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

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

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pursuant to section 3313.533 of the Revised Code in the school district in which the child is entitled to attend school;

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

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

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

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

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

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

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

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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

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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

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(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



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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

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until the child has paid any applicable reinstatement fee and	1999
complied with all requirements governing license reinstatement.	2000
(3) Place the child on community control;	2001
(4) Require the child to make restitution for all damages	2002
caused by the child's traffic violation;	2003
(5)(a) If the child is adjudicated a juvenile traffic	2004
offender for committing a violation of division (A) of section	2005
4511.19 of the Revised Code or of a municipal ordinance that is	2006
substantially equivalent to that division, commit the child, for	2007
not longer than five days, to either of the following:	2008
(i) The temporary custody of a detention facility or district	2009
detention facility established under section 2152.41 of the	2010
Revised Code;	2011
(ii) The temporary custody of any school, camp, institution,	2012
or other facility for children operated in whole or in part for	2013
the care of juvenile traffic offenders of that nature by the	2014
county, by a district organized under section 2152.41 or 2151.65	2015
of the Revised Code, or by a private agency or organization within	2016
the state that is authorized and qualified to provide the care,	2017
treatment, or placement required.	2018
(b) If an order of disposition committing a child to the	2019
temporary custody of a home, school, camp, institution, or other	2020
facility of that nature is made under division (A)(5)(a) of this	2021
section, the length of the commitment shall not be reduced or	2022
diminished as a credit for any time that the child was held in a	2023
place of detention or shelter care, or otherwise was detained,	2024
prior to entry of the order of disposition.	2025
(6) If, after making a disposition under divisions (A)(1) to	2026
(5) of this section, the court finds upon further hearing that the	2027
child has failed to comply with the orders of the court and the	2028
child's operation of a motor vehicle constitutes the child a	2029

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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  
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.

**Section 5.** That the existing versions of sections 2151.354,  
2152.19, and 2152.21 of the Revised Code that are scheduled to  
take effect January 1, 2004, are hereby repealed.

**Section 6.** Sections 4 and 5 of this act shall take effect  
January 1, 2004.