

**As Passed by the House**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 120**

**Representative Latta**

**Cosponsors: Representatives Chandler, Combs, Hughes, Otterman**

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**A B I L L**

To amend section 2152.20 of the Revised Code to 1  
eliminate unnecessary and inconsistent language 2  
mistakenly retained by Sub. H.B. 241 of the 126th 3  
General Assembly and to declare an emergency. 4

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

**Section 1.** That section 2152.20 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 2152.20.** (A) If a child is adjudicated a delinquent 7  
child or a juvenile traffic offender, the court may order any of 8  
the following dispositions, in addition to any other disposition 9  
authorized or required by this chapter: 10

(1) Impose a fine in accordance with the following schedule: 11

(a) For an act that would be a minor misdemeanor or an 12  
unclassified misdemeanor if committed by an adult, a fine not to 13  
exceed fifty dollars; 14

(b) For an act that would be a misdemeanor of the fourth 15  
degree if committed by an adult, a fine not to exceed one hundred 16  
dollars; 17

(c) For an act that would be a misdemeanor of the third 18

degree if committed by an adult, a fine not to exceed one hundred	19
fifty dollars;	20
(d) For an act that would be a misdemeanor of the second	21
degree if committed by an adult, a fine not to exceed two hundred	22
dollars;	23
(e) For an act that would be a misdemeanor of the first	24
degree if committed by an adult, a fine not to exceed two hundred	25
fifty dollars;	26
(f) For an act that would be a felony of the fifth degree or	27
an unclassified felony if committed by an adult, a fine not to	28
exceed three hundred dollars;	29
(g) For an act that would be a felony of the fourth degree if	30
committed by an adult, a fine not to exceed four hundred dollars;	31
(h) For an act that would be a felony of the third degree if	32
committed by an adult, a fine not to exceed seven hundred fifty	33
dollars;	34
(i) For an act that would be a felony of the second degree if	35
committed by an adult, a fine not to exceed one thousand dollars;	36
(j) For an act that would be a felony of the first degree if	37
committed by an adult, a fine not to exceed one thousand five	38
hundred dollars;	39
(k) For an act that would be aggravated murder or murder if	40
committed by an adult, a fine not to exceed two thousand dollars.	41
(2) Require the child to pay costs;	42
(3) Unless the child's delinquent act or juvenile traffic	43
offense would be a minor misdemeanor if committed by an adult or	44
could be disposed of by the juvenile traffic violations bureau	45
serving the court under Traffic Rule 13.1 if the court has	46
established a juvenile traffic violations bureau, require the	47
child to make restitution to the victim of the child's delinquent	48

act or juvenile traffic offense or, if the victim is deceased, to 49  
a survivor of the victim in an amount based upon the victim's 50  
economic loss caused by or related to the delinquent act or 51  
juvenile traffic offense. The court may not require a child to 52  
make restitution pursuant to this division if the child's 53  
delinquent act or juvenile traffic offense would be a minor 54  
misdemeanor if committed by an adult or could be disposed of by 55  
the juvenile traffic violations bureau serving the court under 56  
Traffic Rule 13.1 if the court has established a juvenile traffic 57  
violations bureau. If the court requires restitution under this 58  
division, the restitution shall be made directly to the victim in 59  
open court or to the probation department that serves the 60  
jurisdiction or the clerk of courts on behalf of the victim. 61

If the court requires restitution under this division, the 62  
restitution may be in the form of a cash reimbursement paid in a 63  
lump sum or in installments, the performance of repair work to 64  
restore any damaged property to its original condition, the 65  
performance of a reasonable amount of labor for the victim or 66  
survivor of the victim, the performance of community service work, 67  
any other form of restitution devised by the court, or any 68  
combination of the previously described forms of restitution. 69

If the court requires restitution under this division, the 70  
court may base the restitution order on an amount recommended by 71  
the victim or survivor of the victim, the delinquent child, the 72  
juvenile traffic offender, a presentence investigation report, 73  
estimates or receipts indicating the cost of repairing or 74  
replacing property, and any other information, provided that the 75  
amount the court orders as restitution shall not exceed the amount 76  
of the economic loss suffered by the victim as a direct and 77  
proximate result of the delinquent act or juvenile traffic 78  
offense. If the court decides to order restitution under this 79  
division and the amount of the restitution is disputed by the 80

victim or survivor or by the delinquent child or juvenile traffic 81  
offender, the court shall hold a hearing on the restitution. If 82  
the court requires restitution under this division, the court 83  
shall determine, or order the determination of, the amount of 84  
restitution to be paid by the delinquent child or juvenile traffic 85  
offender. All restitution payments shall be credited against any 86  
recovery of economic loss in a civil action brought by or on 87  
behalf of the victim against the delinquent child or juvenile 88  
traffic offender or the delinquent child's or juvenile traffic 89  
offender's parent, guardian, or other custodian. 90

If the court requires restitution under this division, the 91  
court may order that the delinquent child or juvenile traffic 92  
offender pay a surcharge, in an amount not exceeding five per cent 93  
of the amount of restitution otherwise ordered under this 94  
division, to the entity responsible for collecting and processing 95  
the restitution payments. 96

The victim or the survivor of the victim may request that the 97  
prosecuting authority file a motion, or the delinquent child or 98  
juvenile traffic offender may file a motion, for modification of 99  
the payment terms of any restitution ordered under this division. 100  
If the court grants the motion, it may modify the payment terms as 101  
it determines appropriate. 102

(4) Require the child to reimburse any or all of the costs 103  
incurred for services or sanctions provided or imposed, including, 104  
but not limited to, the following: 105

(a) All or part of the costs of implementing any community 106  
control imposed as a disposition under section 2152.19 of the 107  
Revised Code, including a supervision fee; 108

(b) All or part of the costs of confinement in a residential 109  
facility described in section 2152.19 of the Revised Code or in a 110  
department of youth services institution, including, but not 111

limited to, a per diem fee for room and board, the costs of 112  
medical and dental treatment provided, and the costs of repairing 113  
property the delinquent child damaged while so confined. The 114  
amount of reimbursement ordered for a child under this division 115  
shall not exceed the total amount of reimbursement the child is 116  
able to pay as determined at a hearing and shall not exceed the 117  
actual cost of the confinement. The court may collect any 118  
reimbursement ordered under this division. If the court does not 119  
order reimbursement under this division, confinement costs may be 120  
assessed pursuant to a repayment policy adopted under section 121  
2929.37 of the Revised Code and division (D) of section 307.93, 122  
division (A) of section 341.19, division (C) of section 341.23 or 123  
753.16, division (C) of section 2301.56, or division (B) of 124  
section 341.14, 753.02, 753.04, or 2947.19 of the Revised Code. 125

(B) Chapter 2981. of the Revised Code applies to a child who 126  
is adjudicated a delinquent child for violating section 2923.32 or 127  
2923.42 of the Revised Code or for committing an act that, if 128  
committed by an adult, would be a felony drug abuse offense. 129

~~(3) Sections 2923.44 to 2923.47 of the Revised Code apply to 130  
children who are adjudicated or could be adjudicated by a juvenile 131  
court to be delinquent children for an act in violation of section 132  
2923.42 of the Revised Code. Subject to division (B) of section 133  
2923.44 and division (E) of section 2923.45 of the Revised Code, a 134  
delinquent child of that nature loses any right to the possession 135  
of, and forfeits to the state any right, title, and interest that 136  
the delinquent child may have in, property as defined in section 137  
2923.41 of the Revised Code and further described in section 138  
2923.44 or 2923.45 of the Revised Code. 139~~

(C) The court may hold a hearing if necessary to determine 140  
whether a child is able to pay a sanction under this section. 141

(D) If a child who is adjudicated a delinquent child is 142  
indigent, the court shall consider imposing a term of community 143

service under division (A) of section 2152.19 of the Revised Code 144  
in lieu of imposing a financial sanction under this section. If a 145  
child who is adjudicated a delinquent child is not indigent, the 146  
court may impose a term of community service under that division 147  
in lieu of, or in addition to, imposing a financial sanction under 148  
this section. The court may order community service for an act 149  
that if committed by an adult would be a minor misdemeanor. 150

If a child fails to pay a financial sanction imposed under 151  
this section, the court may impose a term of community service in 152  
lieu of the sanction. 153

(E) The clerk of the court, or another person authorized by 154  
law or by the court to collect a financial sanction imposed under 155  
this section, may do any of the following: 156

(1) Enter into contracts with one or more public agencies or 157  
private vendors for the collection of the amounts due under the 158  
financial sanction, which amounts may include interest from the 159  
date of imposition of the financial sanction; 160

(2) Permit payment of all, or any portion of, the financial 161  
sanction in installments, by credit or debit card, by another type 162  
of electronic transfer, or by any other reasonable method, within 163  
any period of time, and on any terms that the court considers 164  
just, except that the maximum time permitted for payment shall not 165  
exceed five years. The clerk may pay any fee associated with 166  
processing an electronic transfer out of public money and may 167  
charge the fee to the delinquent child. 168

(3) To defray administrative costs, charge a reasonable fee 169  
to a child who elects a payment plan rather than a lump sum 170  
payment of a financial sanction. 171

**Section 2.** That existing section 2152.20 of the Revised Code 172  
is hereby repealed. 173

**Section 3.** Sections 1 and 2 of this act shall take effect on 174  
July 1, 2007. 175

**Section 4.** This act is hereby declared to be an emergency 176  
measure necessary for the immediate preservation of the public 177  
peace, health, and safety. The reason for such necessity is that 178  
it is crucial that this act's elimination of the unnecessary and 179  
inconsistent language occur on July 1, 2007, which is the 180  
effective date of Sub. H.B. 241 of the 126th General Assembly. 181  
Therefore, this act shall go into immediate effect. 182