

As Introduced

**127th General Assembly
Regular Session
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H. B. No. 202

Representative Boyd

Cosponsors: Representatives Skindell, Williams, S.

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A B I L L

To amend sections 5139.01, 5139.04, 5139.05, 5139.06, 1
5139.07, 5139.09, 5139.11, and 5139.13 and to 2
enact section 5139.12 of the Revised Code to 3
require the Department of Youth Services to 4
establish and maintain multifactored assessment 5
programs for, and to prepare individualized 6
rehabilitation plans for, specified felony 7
delinquents. 8

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

Section 1. That sections 5139.01, 5139.04, 5139.05, 5139.06, 9
5139.07, 5139.09, 5139.11, and 5139.13 be amended and section 10
5139.12 of the Revised Code be enacted to read as follows: 11

Sec. 5139.01. (A) As used in this chapter: 12

(1) "Commitment" means the transfer of the physical custody 13
of a child or youth from the court to the department of youth 14
services. 15

(2) "Permanent commitment" means a commitment that vests 16
legal custody of a child in the department of youth services. 17

(3) "Legal custody," insofar as it pertains to the status 18

that is created when a child is permanently committed to the 19
department of youth services, means a legal status in which the 20
department has the following rights and responsibilities: the 21
right to have physical possession of the child; the right and duty 22
to train, protect, and control the child; the responsibility to 23
provide the child with food, clothing, shelter, education, and 24
medical care; and the right to determine where and with whom the 25
child shall live, subject to the minimum periods of, or periods 26
of, institutional care prescribed in sections 2152.13 to 2152.18 27
of the Revised Code; provided, that these rights and 28
responsibilities are exercised subject to the powers, rights, 29
duties, and responsibilities of the guardian of the person of the 30
child, and subject to any residual parental rights and 31
responsibilities. 32

(4) Unless the context requires a different meaning, 33
"institution" means a state facility that is created by the 34
general assembly and that is under the management and control of 35
the department of youth services or a private entity with which 36
the department has contracted for the institutional care and 37
custody of felony delinquents. 38

(5) "Full-time care" means care for twenty-four hours a day 39
for over a period of at least two consecutive weeks. 40

(6) "Placement" means the conditional release of a child 41
under the terms and conditions that are specified by the 42
department of youth services. The department shall retain legal 43
custody of a child released pursuant to division (C) of section 44
2152.22 of the Revised Code or division (C) of section 5139.06 of 45
the Revised Code until the time that it discharges the child or 46
until the legal custody is terminated as otherwise provided by 47
law. 48

(7) "Home placement" means the placement of a child in the 49
home of the child's parent or parents or in the home of the 50

guardian of the child's person. 51

(8) "Discharge" means that the department of youth services' 52
legal custody of a child is terminated. 53

(9) "Release" means the termination of a child's stay in an 54
institution and the subsequent period during which the child 55
returns to the community under the terms and conditions of 56
supervised release. 57

(10) "Delinquent child" has the same meaning as in section 58
2152.02 of the Revised Code. 59

(11) "Felony delinquent" means any child who is at least ten 60
years of age but less than eighteen years of age and who is 61
adjudicated a delinquent child for having committed an act that if 62
committed by an adult would be a felony. "Felony delinquent" 63
includes any adult who is between the ages of eighteen and 64
twenty-one and who is in the legal custody of the department of 65
youth services for having committed an act that if committed by an 66
adult would be a felony. 67

(12) "Juvenile traffic offender" has the same meaning as in 68
section 2152.02 of the Revised Code. 69

(13) "Public safety beds" means all of the following: 70

(a) Felony delinquents who have been committed to the 71
department of youth services for the commission of an act, other 72
than a violation of section 2911.01 or 2911.11 of the Revised 73
Code, that is a category one offense or a category two offense and 74
who are in the care and custody of an institution or have been 75
diverted from care and custody in an institution and placed in a 76
community corrections facility; 77

(b) Felony delinquents who, while committed to the department 78
of youth services and in the care and custody of an institution or 79
a community corrections facility, are adjudicated delinquent 80

children for having committed in that institution or community	81
corrections facility an act that if committed by an adult would be	82
a misdemeanor or a felony;	83
(c) Children who satisfy all of the following:	84
(i) They are at least ten years of age but less than eighteen	85
years of age.	86
(ii) They are adjudicated delinquent children for having	87
committed acts that if committed by an adult would be a felony.	88
(iii) They are committed to the department of youth services	89
by the juvenile court of a county that has had one-tenth of one	90
per cent or less of the statewide adjudications for felony	91
delinquents as averaged for the past four fiscal years.	92
(iv) They are in the care and custody of an institution or a	93
community corrections facility.	94
(d) Felony delinquents who, while committed to the department	95
of youth services and in the care and custody of an institution	96
are serving disciplinary time for having committed an act	97
described in division (A)(18)(a), (b), or (c) of this section, and	98
who have been institutionalized or institutionalized in a secure	99
facility for the minimum period of time specified in divisions	100
(A)(1)(b) to (e) of section 2152.16 of the Revised Code.	101
(e) Felony delinquents who are subject to and serving a	102
three-year period of commitment order imposed by a juvenile court	103
pursuant to divisions (A) and (B) of section 2152.17 of the	104
Revised Code for an act, other than a violation of section 2911.11	105
of the Revised Code, that would be a category one offense or	106
category two offense if committed by an adult.	107
(f) Felony delinquents who are described in divisions	108
(A)(13)(a) to (e) of this section, who have been granted a	109
judicial release to court supervision under division (B) of	110

section 2152.22 of the Revised Code or a judicial release to the 111
department of youth services supervision under division (C) of 112
that section from the commitment to the department of youth 113
services for the act described in divisions (A)(13)(a) to (e) of 114
this section, who have violated the terms and conditions of that 115
release, and who, pursuant to an order of the court of the county 116
in which the particular felony delinquent was placed on release 117
that is issued pursuant to division (D) of section 2152.22 of the 118
Revised Code, have been returned to the department for 119
institutionalization or institutionalization in a secure facility. 120

(g) Felony delinquents who have been committed to the custody 121
of the department of youth services, who have been granted 122
supervised release from the commitment pursuant to section 5139.51 123
of the Revised Code, who have violated the terms and conditions of 124
that supervised release, and who, pursuant to an order of the 125
court of the county in which the particular child was placed on 126
supervised release issued pursuant to division (F) of section 127
5139.52 of the Revised Code, have had the supervised release 128
revoked and have been returned to the department for 129
institutionalization. A felony delinquent described in this 130
division shall be a public safety bed only for the time during 131
which the felony delinquent is institutionalized as a result of 132
the revocation subsequent to the initial thirty-day period of 133
institutionalization required by division (F) of section 5139.52 134
of the Revised Code. 135

(14) Unless the context requires a different meaning, 136
"community corrections facility" means a county or multicounty 137
rehabilitation center for felony delinquents who have been 138
committed to the department of youth services and diverted from 139
care and custody in an institution and placed in the 140
rehabilitation center pursuant to division (E) of section 5139.36 141
of the Revised Code. 142

(15) "Secure facility" means any facility that is designed 143
and operated to ensure that all of its entrances and exits are 144
under the exclusive control of its staff and to ensure that, 145
because of that exclusive control, no child who has been 146
institutionalized in the facility may leave the facility without 147
permission or supervision. 148

(16) "Community residential program" means a program that 149
satisfies both of the following: 150

(a) It is housed in a building or other structure that has no 151
associated major restraining construction, including, but not 152
limited to, a security fence. 153

(b) It provides twenty-four-hour care, supervision, and 154
programs for felony delinquents who are in residence. 155

(17) "Category one offense" and "category two offense" have 156
the same meanings as in section 2151.26 of the Revised Code. 157

(18) "Disciplinary time" means additional time that the 158
department of youth services requires a felony delinquent to serve 159
in an institution, that delays the felony delinquent's planned 160
release, and that the department imposes upon the felony 161
delinquent following the conduct of an internal due process 162
hearing for having committed any of the following acts while 163
committed to the department and in the care and custody of an 164
institution: 165

(a) An act that if committed by an adult would be a felony; 166

(b) An act that if committed by an adult would be a 167
misdemeanor; 168

(c) An act that is not described in division (A)(18)(a) or 169
(b) of this section and that violates an institutional rule of 170
conduct of the department. 171

(19) "Unruly child" has the same meaning as in section 172

2151.022 of the Revised Code.	173
(20) "Revocation" means the act of revoking a child's supervised release for a violation of a term or condition of the child's supervised release in accordance with section 5139.52 of the Revised Code.	174 175 176 177
(21) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code.	178 179 180
(22) "Supervised release" means the event of the release of a child under this chapter from an institution and the period after that release during which the child is supervised and assisted by an employee of the department of youth services under specific terms and conditions for reintegration of the child into the community.	181 182 183 184 185 186
(23) "Victim" means the person identified in a police report, complaint, or information as the victim of an act that would have been a criminal offense if committed by an adult and that provided the basis for adjudication proceedings resulting in a child's commitment to the legal custody of the department of youth services.	187 188 189 190 191 192
(24) "Victim's representative" means a member of the victim's family or another person whom the victim or another authorized person designates in writing, pursuant to section 5139.56 of the Revised Code, to represent the victim with respect to proceedings of the release authority of the department of youth services and with respect to other matters specified in that section.	193 194 195 196 197 198
(25) "Member of the victim's family" means a spouse, child, stepchild, sibling, parent, stepparent, grandparent, other relative, or legal guardian of a child but does not include a person charged with, convicted of, or adjudicated a delinquent child for committing a criminal or delinquent act against the	199 200 201 202 203

victim or another criminal or delinquent act arising out of the 204
same conduct, criminal or delinquent episode, or plan as the 205
criminal or delinquent act committed against the victim. 206

(26) "Judicial release to court supervision" means a release 207
of a child from institutional care or institutional care in a 208
secure facility that is granted by a court pursuant to division 209
(B) of section 2152.22 of the Revised Code during the period 210
specified in that division. 211

(27) "Judicial release to department of youth services 212
supervision" means a release of a child from institutional care or 213
institutional care in a secure facility that is granted by a court 214
pursuant to division (C) of section 2152.22 of the Revised Code 215
during the period specified in that division. 216

(28) "Juvenile justice system" includes all of the functions 217
of the juvenile courts, the department of youth services, any 218
public or private agency whose purposes include the prevention of 219
delinquency or the diversion, adjudication, detention, or 220
rehabilitation of delinquent children, and any of the functions of 221
the criminal justice system that are applicable to children. 222

(29) "Metropolitan county criminal justice services agency" 223
means an agency that is established pursuant to division (A) of 224
section 5502.64 of the Revised Code. 225

(30) "Administrative planning district" means a district that 226
is established pursuant to division (A) or (B) of section 5502.66 227
of the Revised Code. 228

(31) "Criminal justice coordinating council" means a criminal 229
justice services agency that is established pursuant to division 230
(D) of section 5502.66 of the Revised Code. 231

(32) "Comprehensive plan" means a document that coordinates, 232
evaluates, and otherwise assists, on an annual or multi-year 233
basis, all of the functions of the juvenile justice systems of the 234

state or a specified area of the state, that conforms to the 235
priorities of the state with respect to juvenile justice systems, 236
and that conforms with the requirements of all federal criminal 237
justice acts. These functions include, but are not limited to, all 238
of the following: 239

(a) Delinquency; 240

(b) Identification, detection, apprehension, and detention of 241
persons charged with delinquent acts; 242

(c) Assistance to crime victims or witnesses, except that the 243
comprehensive plan does not include the functions of the attorney 244
general pursuant to sections 109.91 and 109.92 of the Revised 245
Code; 246

(d) Adjudication or diversion of persons charged with 247
delinquent acts; 248

(e) Custodial treatment of delinquent children; 249

(f) Institutional and noninstitutional rehabilitation of 250
delinquent children. 251

(33) "Adaptive behavior" means the effectiveness with which a 252
felony delinquent copes with the natural and social demands of the 253
felony delinquent's environment, including the degree to which the 254
felony delinquent is able to function and maintain the felony 255
delinquent's person independently and the degree to which the 256
felony delinquent meets satisfactorily the culturally imposed 257
demands of personal and social responsibilities. 258

(34) "Another health impairment" means limited strength, 259
vitality, or alertness that is due to a chronic or acute heart 260
condition, tuberculosis, rheumatic fever, nephritis, asthma, 261
sickle cell anemia, hemophilia, epilepsy, lead poisoning, 262
leukemia, diabetes, or another health problem and that adversely 263
affects a felony delinquent's potential educational achievement, 264

vocational training achievement, or employment performance. 265

(35) "Certificate of high school equivalence" has the same meaning as in section 5120.031 of the Revised Code. 266
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(36) "Covered felony delinquent" means a felony delinquent who is adjudicated a delinquent child on or after the effective date of this amendment for having committed an act that if committed by an adult would be a felony and who is committed to the legal custody of the department of youth services on or after that date. 268
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(37) "Deaf" means a hearing impairment that is so severe that a felony delinquent is impaired in processing linguistic information through hearing, with or without amplification, and that adversely affects the felony delinquent's potential educational achievement, vocational training achievement, or employment performance. 274
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(38) "Developmentally disabled person," "mentally retarded person," "mentally retarded person subject to institutionalization by court order," and "a person who is at least moderately mentally retarded" have the same meanings as in section 5123.01 of the Revised Code. 280
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(39) "Evaluation" means an observation, investigation, or examination of, or a consultation with, a covered felony delinquent by one or more qualified officers or employees of the department of youth services or other qualified individuals with respect to a matter listed in division (B) of section 5139.12 of the Revised Code and the subsequent appraisal of the results of the observation, investigation, examination, or consultation. 285
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(40) "Hard of hearing" means a permanent or fluctuating hearing impairment that adversely affects a felony delinquent's potential educational achievement, vocational training achievement, or employment performance and that is not a hearing 292
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<u>impairment described in division (A)(37) of this section.</u>	296
<u>(41) "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.</u>	297 298 299
<u>(42) "Multifactored assessment" means an assessment of a covered felony delinquent that consists of the evaluations described in division (B) of section 5139.12 of the Revised Code.</u>	300 301 302
<u>(43) "Orthopedically handicapped" means a severe orthopedic impairment that adversely affects a felony delinquent's potential educational achievement, vocational training achievement, or employment performance, including, but not limited to, an impairment caused by a congenital anomaly, disease, amputation, fracture, burn, or other cause.</u>	303 304 305 306 307 308
<u>(44) "Speech handicapped" means stuttering, impaired articulation, a language or voice impairment, or another communicative disorder that adversely affects a felony delinquent's potential educational achievement, vocational training achievement, or employment performance.</u>	309 310 311 312 313
<u>(45) "Visually handicapped" means a visual impairment that, even with correction, adversely affects a felony delinquent's potential educational achievement, vocational training achievement, or employment performance, including, but not limited to, partial sight and blindness.</u>	314 315 316 317 318
(B) There is hereby created the department of youth services. The governor shall appoint the director of the department with the advice and consent of the senate. The director shall hold office during the term of the appointing governor but subject to removal at the pleasure of the governor. Except as otherwise authorized in section 108.05 of the Revised Code, the director shall devote the director's entire time to the duties of the director's office and shall hold no other office or position of trust or profit during	319 320 321 322 323 324 325 326

the director's term of office. 327

The director is the chief executive and administrative 328
officer of the department and has all the powers of a department 329
head set forth in Chapter 121. of the Revised Code. The director 330
may adopt rules for the government of the department, the conduct 331
of its officers and employees, the performance of its business, 332
and the custody, use, and preservation of the department's 333
records, papers, books, documents, and property. The director 334
shall be an appointing authority within the meaning of Chapter 335
124. of the Revised Code. Whenever this or any other chapter or 336
section of the Revised Code imposes a duty on or requires an 337
action of the department, the duty or action shall be performed by 338
the director or, upon the director's order, in the name of the 339
department. 340

Sec. 5139.04. The department of youth services shall do all 341
of the following: 342

(A) Support service districts through a central 343
administrative office that shall have as its administrative head a 344
deputy director who shall be appointed by the director of the 345
department. When a vacancy occurs in the office of that deputy 346
director, an assistant deputy director shall act as that deputy 347
director until the vacancy is filled. The position of deputy 348
director and assistant deputy director described in this division 349
shall be in the unclassified civil service of the state. 350

(B) Receive custody of all children committed to it under 351
Chapter 2152. of the Revised Code, cause a study to be made of 352
those children, and, consistent with section 5139.12 of the 353
Revised Code when that section is applicable, issue any orders, as 354
it considers best suited to the needs of any of those children and 355
the interest of the public, for the treatment of each of those 356
children; 357

(C) Obtain personnel necessary for the performance of its duties;	358 359
(D) Adopt rules that regulate its organization and operation, that implement sections 5139.34 and 5139.41 to 5139.43 of the Revised Code, and that pertain to the administration of other sections of this chapter;	360 361 362 363
(E) Submit reports of its operations to the governor and the general assembly by the thirty-first day of January of each odd-numbered year;	364 365 366
(F) Conduct a program of research in diagnosis, training, and treatment of delinquent children to evaluate the effectiveness of the department's services and to develop more adequate methods;	367 368 369
(G) Develop a standard form for the disposition investigation report that a juvenile court is required pursuant to section 2152.18 of the Revised Code to complete and provide to the department when the court commits a child to the legal custody of the department;	370 371 372 373 374
(H) Do all other acts necessary or desirable to carry out this chapter.	375 376
Sec. 5139.05. (A) The juvenile court may commit any child to the department of youth services as authorized in Chapter 2152. of the Revised Code, provided that any child so committed shall be at least ten years of age at the time of the child's delinquent act, and, if the child is ten or eleven years of age, the delinquent act is a violation of section 2909.03 of the Revised Code or would be aggravated murder, murder, or a first or second degree felony offense of violence if committed by an adult. Any order to commit a child to an institution under the control and management of the department shall have the effect of ordering that the child be committed to the department and assigned to an institution as	377 378 379 380 381 382 383 384 385 386 387

follows: 388

(1) For an indefinite term consisting of the prescribed 389
minimum period specified by the court under division (A)(1) of 390
section 2152.16 of the Revised Code and a maximum period not to 391
exceed the child's attainment of twenty-one years of age, if the 392
child was committed pursuant to section 2152.16 of the Revised 393
Code; 394

(2) Until the child's attainment of twenty-one years of age, 395
if the child was committed for aggravated murder or murder 396
pursuant to section 2152.16 of the Revised Code; 397

(3) For a period of commitment that shall be in addition to, 398
and shall be served consecutively with and prior to, a period of 399
commitment described in division (A)(1) or (2) of this section, if 400
the child was committed pursuant to section 2152.17 of the Revised 401
Code; 402

(4) If the child is ten or eleven years of age, to an 403
institution, a residential care facility, a residential facility, 404
or a facility licensed by the department of job and family 405
services that the department of youth services considers best 406
designated for the training and rehabilitation of the child and 407
protection of the public. The child shall be housed separately 408
from children who are twelve years of age or older until the child 409
is released or discharged or until the child attains twelve years 410
of age, whichever occurs first. Upon the child's attainment of 411
twelve years of age, if the child has not been released or 412
discharged, the department is not required to house the child 413
separately. 414

(B)(1) Except as otherwise provided in section 5139.54 of the 415
Revised Code, the release authority of the department of youth 416
services, in accordance with section 5139.51 of the Revised Code 417
and at any time after the end of the minimum period specified 418

under division (A)(1) of section 2152.16 of the Revised Code, may 419
grant the release from custody of any child committed to the 420
department. 421

The order committing a child to the department of youth 422
services shall state that the child has been adjudicated a 423
delinquent child and state the minimum period. The jurisdiction of 424
the court terminates at the end of the minimum period except as 425
follows: 426

(a) In relation to judicial release procedures, supervision, 427
and violations; 428

(b) With respect to functions of the court related to the 429
revocation of supervised release that are specified in sections 430
5139.51 and 5139.52 of the Revised Code; 431

(c) In relation to its duties relating to serious youthful 432
offender dispositional sentences under sections 2152.13 and 433
2152.14 of the Revised Code. 434

(2) When a child has been committed to the department under 435
section 2152.16 of the Revised Code, the department shall retain 436
legal custody of the child until one of the following: 437

(a) The department discharges the child to the exclusive 438
management, control, and custody of the child's parent or the 439
guardian of the child's person or, if the child is eighteen years 440
of age or older, discharges the child. 441

(b) The committing court, upon its own motion, upon petition 442
of the parent, guardian of the person, or next friend of a child, 443
or upon petition of the department, terminates the department's 444
legal custody of the child. 445

(c) The committing court grants the child a judicial release 446
to court supervision under section 2152.22 of the Revised Code. 447

(d) The department's legal custody of the child is terminated 448

automatically by the child attaining twenty-one years of age. 449

(e) If the child is subject to a serious youthful offender 450
dispositional sentence, the adult portion of that dispositional 451
sentence is imposed under section 2152.14 of the Revised Code. 452

(C) ~~When~~ Consistent with division (B) of section 5139.12 of 453
the Revised Code when that section is applicable, when a child is 454
committed to the department of youth services, the department may 455
assign the child to a hospital for mental, physical, and other 456
examination, inquiry, or treatment for the period of time that is 457
necessary. The department may remove any child in its custody to a 458
hospital for observation, and a complete report of every 459
observation at the hospital shall be made in writing and shall 460
include a record of observation, treatment, and medical history 461
and a recommendation for future treatment, custody, and 462
maintenance. The department shall thereupon order the placement 463
and treatment that it determines to be most conducive to the 464
purposes of Chapters 2151. and 5139. of the Revised Code. The 465
committing court and all public authorities shall make available 466
to the department all pertinent data in their possession with 467
respect to the case. 468

(D) Records maintained by the department of youth services 469
pertaining to the children in its custody shall be accessible only 470
to department employees, except as provided in division (D) of 471
section 5139.12 of the Revised Code, by consent of the department, 472
upon the order of the judge of a court of record, or as provided 473
in divisions (D)(1) and (2) of this section. These records shall 474
not be considered "public records," as defined in section 149.43 475
of the Revised Code. 476

(1) Except as otherwise provided by a law of this state or 477
the United States, the department of youth services may release 478
records that are maintained by the department of youth services 479
and that pertain to children in its custody to the department of 480

rehabilitation and correction regarding persons who are under the 481
jurisdiction of the department of rehabilitation and correction 482
and who have previously been committed to the department of youth 483
services. The department of rehabilitation and correction may use 484
those records for the limited purpose of carrying out the duties 485
of the department of rehabilitation and correction. Records 486
released by the department of youth services to the department of 487
rehabilitation and correction shall remain confidential and shall 488
not be considered public records as defined in section 149.43 of 489
the Revised Code. 490

(2) The department of youth services shall provide to the 491
superintendent of the school district in which a child discharged 492
or released from the custody of the department is entitled to 493
attend school under section 3313.64 or 3313.65 of the Revised Code 494
the records described in divisions (D)(4)(a) to (d) of section 495
2152.18 of the Revised Code. Subject to the provisions of section 496
3319.321 of the Revised Code and the Family Educational Rights and 497
Privacy Act, 20 U.S.C. 1232g, as amended, the records released to 498
the superintendent shall remain confidential and shall not be 499
considered public records as defined in section 149.43 of the 500
Revised Code. 501

(E)(1) When a child is committed to the department of youth 502
services, the department, orally or in writing, shall notify the 503
parent, guardian, or custodian of a child that the parent, 504
guardian, or custodian may request at any time from the 505
superintendent of the institution in which the child is located 506
any of the information described in divisions (E)(1)(a), (b), (c), 507
and (d) of this section. The parent, guardian, or custodian may 508
provide the department with the name, address, and telephone 509
number of the parent, guardian, or custodian, and, until the 510
department is notified of a change of name, address, or telephone 511
number, the department shall use the name, address, and telephone 512

number provided by the parent, guardian, or custodian to provide 513
notices or answer inquiries concerning the following information: 514

(a) When the department of youth services makes a permanent 515
assignment of the child to a facility, the department, orally or 516
in writing and on or before the third business day after the day 517
the permanent assignment is made, shall notify the parent, 518
guardian, or custodian of the child of the name of the facility to 519
which the child has been permanently assigned. 520

If a parent, guardian, or custodian of a child who is 521
committed to the department of youth services requests, orally or 522
in writing, the department to provide the parent, guardian, or 523
custodian with the name of the facility in which the child is 524
currently located, the department, orally or in writing and on or 525
before the next business day after the day on which the request is 526
made, shall provide the name of that facility to the parent, 527
guardian, or custodian. 528

(b) If a parent, guardian, or custodian of a child who is 529
committed to the department of youth services, orally or in 530
writing, asks the superintendent of the institution in which the 531
child is located whether the child is being disciplined by the 532
personnel of the institution, what disciplinary measure the 533
personnel of the institution are using for the child, or why the 534
child is being disciplined, the superintendent or the 535
superintendent's designee, on or before the next business day 536
after the day on which the request is made, shall provide the 537
parent, guardian, or custodian with written or oral responses to 538
the questions. 539

(c) If a parent, guardian, or custodian of a child who is 540
committed to the department of youth services, orally or in 541
writing, asks the superintendent of the institution in which the 542
child is held whether the child is receiving any medication from 543
personnel of the institution, what type of medication the child is 544

receiving, or what condition of the child the medication is 545
intended to treat, the superintendent or the superintendent's 546
designee, on or before the next business day after the day on 547
which the request is made, shall provide the parent, guardian, or 548
custodian with oral or written responses to the questions. 549

(d) When a major incident occurs with respect to a child who 550
is committed to the department of youth services, the department, 551
as soon as reasonably possible after the major incident occurs, 552
shall notify the parent, guardian, or custodian of the child that 553
a major incident has occurred with respect to the child and of all 554
the details of that incident that the department has ascertained. 555

(2) The failure of the department of youth services to 556
provide any notification required by or answer any requests made 557
pursuant to division (E) of this section does not create a cause 558
of action against the state. 559

(F) The department of youth services, as a means of 560
punishment while the child is in its custody, shall not prohibit a 561
child who is committed to the department from seeing that child's 562
parent, guardian, or custodian during standard visitation periods 563
allowed by the department of youth services unless the 564
superintendent of the institution in which the child is held 565
determines that permitting that child to visit with the child's 566
parent, guardian, or custodian would create a safety risk to that 567
child, that child's parents, guardian, or custodian, the personnel 568
of the institution, or other children held in that institution. 569

(G) As used in this section: 570

(1) "Permanent assignment" means the assignment or transfer 571
for an extended period of time of a child who is committed to the 572
department of youth services to a facility in which, consistent 573
with section 5139.12 of the Revised Code when that section is 574
applicable, the child will receive training or participate in 575

activities that are directed toward the child's successful 576
rehabilitation. "Permanent assignment" does not include the 577
transfer of a child to a facility for judicial release hearings 578
pursuant to section 2152.22 of the Revised Code or for any other 579
temporary assignment or transfer to a facility. 580

(2) "Major incident" means the escape or attempted escape of 581
a child who has been committed to the department of youth services 582
from the facility to which the child is assigned; the return to 583
the custody of the department of a child who has escaped or 584
otherwise fled the custody and control of the department without 585
authorization; the allegation of any sexual activity with a child 586
committed to the department; physical injury to a child committed 587
to the department as a result of alleged abuse by department 588
staff; an accident resulting in injury to a child committed to the 589
department that requires medical care or treatment outside the 590
institution in which the child is located; the discovery of a 591
controlled substance upon the person or in the property of a child 592
committed to the department; a suicide attempt by a child 593
committed to the department; a suicide attempt by a child 594
committed to the department that results in injury to the child 595
requiring emergency medical services outside the institution in 596
which the child is located; the death of a child committed to the 597
department; an injury to a visitor at an institution under the 598
control of the department that is caused by a child committed to 599
the department; and the commission or suspected commission of an 600
act by a child committed to the department that would be an 601
offense if committed by an adult. 602

(3) "Sexual activity" has the same meaning as in section 603
2907.01 of the Revised Code. 604

(4) "Controlled substance" has the same meaning as in section 605
3719.01 of the Revised Code. 606

(5) "Residential care facility" and "residential facility" 607

have the same meanings as in section 2151.011 of the Revised Code. 608

Sec. 5139.06. (A) When a child has been committed to the 609
department of youth services, the department shall do both of the 610
following: 611

(1) Place the child in an appropriate institution under the 612
condition that it considers best designed for the training and 613
rehabilitation of the child and the protection of the public, 614
provided that the institutional placement shall be consistent with 615
the order committing the child to its custody and with section 616
5139.12 of the Revised Code when that section is applicable; 617

(2) Maintain the child in institutional care or institutional 618
care in a secure facility for the required period of 619
institutionalization in a manner consistent with division (A)(1) 620
of section 2152.16 and divisions (A) to (F) of section 2152.17 of 621
the Revised Code, whichever are applicable, and with section 622
5139.38 or division (B) or (C) of section 2152.22 of the Revised 623
Code. 624

(B) When a child has been committed to the department of 625
youth services and has not been institutionalized or 626
institutionalized in a secure facility for the prescribed minimum 627
period of time, including, but not limited to, a prescribed period 628
of time under division (A)(1)(a) of section 2152.16 of the Revised 629
Code, the department, the child, or the child's parent may request 630
the court that committed the child to order a judicial release to 631
court supervision or a judicial release to department of youth 632
services supervision in accordance with division (B) or (C) of 633
section 2152.22 of the Revised Code, and the child may be released 634
from institutionalization or institutionalization in a secure 635
facility in accordance with the applicable division. A child in 636
those circumstances shall not be released from 637
institutionalization or institutionalization in a secure facility 638

except in accordance with section 2152.22 or 5139.38 of the Revised Code. When a child is released pursuant to a judicial release to court supervision under division (B) of section 2152.22 of the Revised Code, the department shall comply with division (B)(3) of that section and, if the court requests, shall send the committing court a report on the child's progress in the institution and recommendations for conditions of supervision by the court after release. When a child is released pursuant to a judicial release to department of youth services supervision under division (C) of section 2152.22 of the Revised Code, the department shall comply with division (C)(3) of that section relative to the child and shall send the committing court and the juvenile court of the county in which the child is placed a copy of the treatment and rehabilitation plan described in that division and the conditions that it fixed. The court of the county in which the child is placed may adopt the conditions as an order of the court and may add any additional consistent conditions it considers appropriate, provided that the court may not add any condition that decreases the level or degree of supervision specified by the department in its plan, that substantially increases the financial burden of supervision that will be experienced by the department, or that alters the placement specified by the department in its plan. Any violations of the conditions of the child's judicial release or early release shall be handled pursuant to division (D) of section 2152.22 of the Revised Code.

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

(1) Notwithstanding the provisions of this chapter, Chapter 2151., or Chapter 2152. of the Revised Code that prescribe required periods of institutionalization, transfer the child to any other state institution, whenever it appears that the child by

reason of mental illness, mental retardation, or other 671
developmental disability ought to be in another state institution. 672
Before transferring a child to any other state institution, the 673
department shall include in the minutes a record of the order of 674
transfer and the reason for the transfer and, at least seven days 675
prior to the transfer, shall send a certified copy of the order to 676
the person shown by its record to have had the care or custody of 677
the child immediately prior to the child's commitment. Except as 678
provided in division (C)(2) of this section, no person shall be 679
transferred from a benevolent institution to a correctional 680
institution or to a facility or institution operated by the 681
department of youth services. 682

(2) Notwithstanding the provisions of this chapter, Chapter 683
2151., or Chapter 2152. of the Revised Code that prescribe 684
required periods of institutionalization, transfer the child under 685
section 5120.162 of the Revised Code to a correctional medical 686
center established by the department of rehabilitation and 687
correction, whenever the child has an illness, physical condition, 688
or other medical problem and it appears that the child would 689
benefit from diagnosis or treatment at the center for that 690
illness, condition, or problem. Before transferring a child to a 691
center, the department of youth services shall include in the 692
minutes a record of the order of transfer and the reason for the 693
transfer and, except in emergency situations, at least seven days 694
prior to the transfer, shall send a certified copy of the order to 695
the person shown by its records to have had the care or custody of 696
the child immediately prior to the child's commitment. If the 697
transfer of the child occurs in an emergency situation, as soon as 698
possible after the decision is made to make the transfer, the 699
department of youth services shall send a certified copy of the 700
order to the person shown by its records to have had the care or 701
custody of the child immediately prior to the child's commitment. 702
A transfer under this division shall be in accordance with the 703

terms of the agreement the department of youth services enters 704
into with the department of rehabilitation and correction under 705
section 5120.162 of the Revised Code and shall continue only as 706
long as the child reasonably appears to receive benefit from 707
diagnosis or treatment at the center for an illness, physical 708
condition, or other medical problem. 709

(3) Revoke or, consistent with section 5139.12 of the Revised 710
Code when that section is applicable, modify any order of the 711
department except an order of discharge as often as conditions 712
indicate it to be desirable; 713

(4) If the child was committed pursuant to division 714
(A)(1)(b), (c), (d), or (e) of section 2152.16 of the Revised Code 715
and has been institutionalized or institutionalized in a secure 716
facility for the prescribed minimum periods of time under those 717
divisions, assign the child to a family home, a group care 718
facility, or other place maintained under public or private 719
auspices, within or without this state, for necessary treatment 720
and rehabilitation, the costs of which may be paid by the 721
department, provided that the department shall notify the 722
committing court, in writing, of the place and terms of the 723
assignment at least fifteen days prior to the scheduled date of 724
the assignment; 725

(5) Release the child from an institution in accordance with 726
sections 5139.51 to 5139.54 of the Revised Code in the 727
circumstances described in those sections. 728

(D) The department of youth services shall notify the 729
committing court of any order transferring the physical location 730
of any child committed to it in accordance with section 5139.35 of 731
the Revised Code. Upon the discharge from its custody and control, 732
the department may petition the court for an order terminating its 733
custody and control. 734

Sec. 5139.07. (A)(1)(a) As a means of correcting the socially 735
harmful tendencies of a child committed to it and after complying 736
with section 5139.12 of the Revised Code when that section is 737
applicable, the department of youth services may require a child 738
to participate in vocational, physical, and corrective training 739
and activities, and the conduct and modes of life that seem best 740
adapted to rehabilitate the child and fit the child for return to 741
full liberty without danger to the public welfare. 742

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(b) Except as otherwise provided, the department shall 744
require any child committed to it who has not attained a diploma 745
or certificate of high school equivalence, to participate in 746
courses leading toward a high school diploma or an Ohio 747
certificate of high school equivalence. This requirement does not 748
apply to a child in an assessment program or treatment 749
intervention program prescribed by the department. 750

(c) The department may monetarily compensate the child for 751
the activities described in this section by transferring the wages 752
of the child for those activities to the appropriate youth benefit 753
fund created under section 5139.86 of the Revised Code. 754

(d) This section does not permit the department to release a 755
child committed to it from institutional care or institutional 756
care in a secure facility, whichever is applicable, other than in 757
accordance with sections 2152.22, 5139.06, 5139.38, and 5139.50 to 758
5139.54 of the Revised Code. 759

(2) The failure of the department of youth services to 760
provide, pursuant to division (A)(1) of this section, an 761
opportunity for any child committed to it to participate in 762
courses that lead to a high school diploma or an Ohio certificate 763
of high school equivalence, does not give rise to a claim for 764
damages against the department. 765

(B) The department may require a child committed to it to return to the child's home or to be placed in a foster care placement if it is authorized to make a placement of that nature under sections 2152.22, 5139.06, 5139.38, and 5139.50 to 5139.54 of the Revised Code. Any placement of that nature shall be made in accordance with those sections. The legal residence of a child so placed by the department is the place in which the child is residing in accordance with a department order of placement. The school district responsible for payment of tuition on behalf of the child so placed shall be determined pursuant to section 3313.64 or 3313.65 of the Revised Code.

Sec. 5139.09. The department of youth services shall make periodic reexamination of all children under its control for the purpose of determining whether existing orders in individual cases should be modified or continued in force. These examinations shall be made with respect to every child at least once annually and, when division (D)(3) of section 5139.12 of the Revised Code applies to a child, shall be consistent with that division.

Sec. 5139.11. The department of youth services shall do all of the following:

(A) Through a program of education, promotion, and organization, form groups of local citizens and assist these groups in conducting activities aimed at the prevention and control of juvenile delinquency, making use of local people and resources for the following purposes:

(1) Combatting local conditions known to contribute to juvenile delinquency;

(2) Developing recreational and other programs for youth work;

(3) Providing adult sponsors for delinquent children cases;

(4) Dealing with other related problems of the locality.	796
(B) Advise local, state, and federal officials, public and private agencies, and lay groups on the needs for and possible methods of the reduction and prevention of juvenile delinquency and the treatment of delinquent children;	797 798 799 800
(C) Consult with the schools and courts of this state on the development of programs for the reduction and prevention of delinquency and the treatment of delinquents;	801 802 803
(D) Cooperate with other agencies whose services deal with the care and treatment of delinquent children to the end that delinquent children who are state wards may be assisted whenever possible to a successful adjustment outside of institutional care;	804 805 806 807
(E) Cooperate with other agencies in surveying, developing, and utilizing the recreational resources of a community as a means of combatting the problem of juvenile delinquency and effectuating rehabilitation;	808 809 810 811
(F) Hold district and state conferences from time to time in order to acquaint the public with current problems of juvenile delinquency and develop a sense of civic responsibility toward the prevention of juvenile delinquency;	812 813 814 815
(G) Assemble and distribute information relating to juvenile delinquency and report on studies relating to community conditions that affect the problem of juvenile delinquency;	816 817 818
(H) Assist any community within the state by conducting a comprehensive survey of the community's available public and private resources, and recommend methods of establishing a community program for combatting juvenile delinquency and crime, but no survey of that type shall be conducted unless local individuals and groups request it through their local authorities, and no request of that type shall be interpreted as binding the community to following the recommendations made as a result of the	819 820 821 822 823 824 825 826

request;	827
(I) <u>Evaluate Consistent with section 5139.12 of the Revised Code when that section is applicable, evaluate</u> the rehabilitation	828
of children committed to the department and prepare and submit	829
periodic reports to the committing court for the following	830
purposes:	831
(1) Evaluating the effectiveness of institutional treatment;	832
(2) Making recommendations for judicial release under section	833
2152.22 of the Revised Code if appropriate and recommending	834
conditions for judicial release;	835
(3) Reviewing the placement of children and recommending	836
alternative placements where appropriate.	837
(J) Coordinate dates for hearings to be conducted under	838
section 2152.22 of the Revised Code and assist in the transfer and	839
release of children from institutionalization to the custody of	840
the committing court;	841
(K)(1) Coordinate and assist juvenile justice systems by	842
doing the following:	843
(a) Performing juvenile justice system planning in the state,	844
including any planning that is required by any federal law;	845
(b) Collecting, analyzing, and correlating information and	846
data concerning the juvenile justice system in the state;	847
(c) Cooperating with and providing technical assistance to	848
state departments, administrative planning districts, metropolitan	849
county criminal justice services agencies, criminal justice	850
coordinating councils, and agencies, offices, and departments of	851
the juvenile justice system in the state, and other appropriate	852
organizations and persons;	853
(d) Encouraging and assisting agencies, offices, and	854
departments of the juvenile justice system in the state and other	855
	856

appropriate organizations and persons to solve problems that 857
relate to the duties of the department; 858

(e) Administering within the state any juvenile justice acts 859
and programs that the governor requires the department to 860
administer; 861

(f) Implementing the state comprehensive plans; 862

(g) Auditing grant activities of agencies, offices, 863
organizations, and persons that are financed in whole or in part 864
by funds granted through the department; 865

(h) Monitoring or evaluating the performance of juvenile 866
justice system projects and programs in the state that are 867
financed in whole or in part by funds granted through the 868
department; 869

(i) Applying for, allocating, disbursing, and accounting for 870
grants that are made available pursuant to federal juvenile 871
justice acts, or made available from other federal, state, or 872
private sources, to improve the criminal and juvenile justice 873
systems in the state. All money from federal juvenile justice act 874
grants shall, if the terms under which the money is received 875
require that the money be deposited into an interest bearing fund 876
or account, be deposited in the state treasury to the credit of 877
the federal juvenile justice program purposes fund, which is 878
hereby created. All investment earnings shall be credited to the 879
fund. 880

(j) Contracting with federal, state, and local agencies, 881
foundations, corporations, businesses, and persons when necessary 882
to carry out the duties of the department; 883

(k) Overseeing the activities of metropolitan county criminal 884
justice services agencies, administrative planning districts, and 885
juvenile justice coordinating councils in the state; 886

(1) Advising the general assembly and governor on legislation 887
and other significant matters that pertain to the improvement and 888
reform of the juvenile justice system in the state; 889

(m) Preparing and recommending legislation to the general 890
assembly and governor for the improvement of the juvenile justice 891
system in the state; 892

(n) Assisting, advising, and making any reports that are 893
required by the governor, attorney general, or general assembly; 894

(o) Adopting rules pursuant to Chapter 119. of the Revised 895
Code. 896

(2) Division (K)(1) of this section does not limit the 897
discretion or authority of the attorney general with respect to 898
crime victim assistance and criminal and juvenile justice 899
programs. 900

(3) Nothing in division (K)(1) of this section is intended to 901
diminish or alter the status of the office of the attorney general 902
as a criminal justice services agency. 903

(4) The governor may appoint any advisory committees to 904
assist the department that the governor considers appropriate or 905
that are required under any state or federal law. 906

Sec. 5139.12. (A) The director of youth services shall adopt 907
rules pursuant to Chapter 119. of the Revised Code to implement a 908
multifactored assessment program for covered felony delinquents 909
that includes the evaluations described in division (B) of this 910
section, that is designed to achieve the objectives specified in 911
division (C)(1) of this section, and that is maintained and 912
otherwise operated in the manner specified in division (D) of this 913
section. 914

(B) Subject to division (E) of this section, the department 915
of youth services shall conduct or cause to be conducted in 916

accordance with the rules adopted pursuant to division (A) of this 917
section a multifactored assessment of each covered felony 918
delinquent as soon as practicable after, but not later than one 919
year after, the felony delinquent is committed to the legal 920
custody of the department. The multifactored assessment of each 921
covered felony delinquent shall consist of all of the following: 922

(1) An evaluation of the general intelligence of the felony 923
delinquent, the educational, vocational training, and employment 924
history of the felony delinquent, and the need of the felony 925
delinquent to acquire additional education, vocational training, 926
or employment skills in order to become the type of citizen 927
described in division (C)(1)(b) of this section. The evaluation 928
shall include, but is not limited to, a determination as to 929
whether the felony delinquent possesses or should be permitted or 930
required to pursue a course of study designed to acquire a high 931
school diploma, a certificate of high school equivalence, or an 932
undergraduate college or university degree. 933

(2) A sociological, psychological, and psychiatric evaluation 934
of the felony delinquent, including, but not limited to, an 935
evaluation of the felony delinquent's adaptive behavior, a 936
determination of the felony delinquent's need to receive social 937
skills training or psychological or psychiatric treatment, and a 938
determination as to whether the felony delinquent is a 939
developmentally disabled person, a mentally retarded person, a 940
person who is at least moderately mentally retarded, a person who 941
has a mental illness, a mentally ill person subject to 942
hospitalization by court order, or a mentally retarded person 943
subject to institutionalization by court order; 944

(3) An evaluation of other aspects of the physical and mental 945
health of the felony delinquent that are not described in division 946
(B)(2) of this section. This evaluation shall include, but is not 947
limited to, a determination as to whether the felony delinquent is 948

deaf, hard of hearing, orthopedically handicapped, speech 949
handicapped, or visually handicapped, has another health 950
impairment, is a drug dependent person, should be permitted or 951
required to receive substance abuse education or treatment, or is 952
at high risk of infection with the human immunodeficiency virus. 953

(4) Any other evaluation of the felony delinquent that the 954
director of youth services considers necessary to achieve the 955
objectives specified in division (C)(1) of this section or for 956
another purpose. 957

(C)(1) The objectives of the multifactored assessment program 958
for covered felony delinquents shall be as follows: 959

(a) To promote to the extent practicable the rehabilitation 960
of covered felony delinquents; 961

(b) To provide, to the extent practicable and considering 962
eligibility criteria and factors specified in other applicable 963
sections of the Revised Code or in rules of the department of 964
youth services, each covered felony delinquent with an opportunity 965
to acquire education, vocational training, employment skills, 966
social skills, psychological or psychiatric care, and substance 967
abuse education or treatment that may permit the felony delinquent 968
to live as a productive, socially adjusted, physically and 969
mentally healthy, and law abiding citizen when the felony 970
delinquent is discharged or the department's legal custody of the 971
felony delinquent otherwise is legally terminated. 972

(2) The department of youth services, in order to achieve the 973
objectives specified in division (C)(1) of this section and in 974
addition to considering the eligibility criteria or other factors 975
specified in other applicable sections of the Revised Code or in 976
rules of the department, shall consider the evaluations of a 977
covered felony delinquent described in division (B) of this 978
section when determining, pursuant to division (D)(2) of this 979

section, the education, vocational training, employment skills 980
training, social skills training, psychological or psychiatric 981
care, and substance abuse education or treatment regimen in which 982
the felony delinquent will be permitted or required to participate 983
while the felony delinquent remains in the department's legal 984
custody. 985

(D) The department of youth services shall maintain and 986
otherwise operate the multifactored assessment program for covered 987
felony delinquents as follows: 988

(1) The department shall cause each evaluation of a covered 989
felony delinquent that is described in division (B) of this 990
section to be in writing. The department shall cause all of the 991
written evaluations pertaining to a covered felony delinquent to 992
be placed together in the felony delinquent's records held by the 993
institution or community corrections facility that is responsible 994
for the felony delinquent's care and custody. 995

(2) The department shall prepare for each covered felony 996
delinquent a written rehabilitation plan that specifies an 997
individualized education, vocational training, employment skills 998
training, social skills training, psychological or psychiatric 999
care, and substance abuse education or treatment regimen and that 1000
specifies the manner in which the evaluations of the felony 1001
delinquent described in division (B) of this section were 1002
considered in formulating that regimen. The department shall cause 1003
the written rehabilitation plan to be placed in the felony 1004
delinquent's records held by the institution or community 1005
corrections facility that is responsible for the felony 1006
delinquent's care and custody together with the written 1007
evaluations described in division (D)(1) of this section. 1008

(3) The department periodically shall review the needs of 1009
each covered felony delinquent for education, vocational training, 1010
employment skills training, social skills training, psychological 1011

or psychiatric care, and substance abuse education or treatment 1012
and shall assess the progress of the felony delinquent in each of 1013
those areas under the individualized rehabilitation plan described 1014
in division (D)(2) of this section. The department shall prepare a 1015
written report that sets forth the findings of the periodic review 1016
and place the report in the inmate's records held by the 1017
institution or community corrections facility that is responsible 1018
for the felony delinquent's care and custody together with the 1019
written evaluations described in division (D)(1) of this section 1020
and the individualized rehabilitation plan described in division 1021
(D)(2) of this section. Following each periodic review, the 1022
department shall modify the felony delinquent's regimen as set 1023
forth in the individualized rehabilitation plan described in 1024
division (D)(2) of this section if the department considers a 1025
modification to be reasonably necessary to achieve the objectives 1026
described in division (C)(1) of this section. 1027

(4) Immediately prior to a covered felony delinquent's 1028
discharge or the otherwise lawful termination of the department of 1029
youth service's legal custody of the felony delinquent, the 1030
department shall prepare and provide the felony delinquent with a 1031
copy of a report that cumulates the information contained in the 1032
written evaluations described in division (D)(1) of this section, 1033
the individualized rehabilitation plan described in division 1034
(D)(2) of this section, and the periodic reports and modifications 1035
to the individualized rehabilitation plan described in division 1036
(D)(3) of this section and that the felony delinquent may present 1037
to a prospective employer to establish the felony delinquent's 1038
progress and status in the areas of education, vocational 1039
training, employment skills, social skills, psychological or 1040
psychiatric health, and substance abuse education or treatment. 1041

(E)(1) The director of youth services may extend, in the 1042
director's discretion, the multifactored assessment program for 1043

covered felony delinquents or aspects of that program to felony delinquents who were committed to the legal custody of the department of youth services prior to the effective date of this section. 1044
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(2) Except as otherwise specifically provided in any provision of the Revised Code, this section does not affect an evaluation, assessment, observation, examination, investigation, study, identification, policy, classification, transfer, periodic review, rule, report, or other record that the department of youth services is required or permitted to conduct, make, or prepare or cause to be conducted, made, or prepared in connection with a covered felony delinquent under this chapter. 1048
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Sec. 5139.13. (A) The department of youth services shall do all of the following: 1056
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(1) Control and manage all institutions for the rehabilitation of delinquent children and youthful offenders that are operated by the state, except where the control and management of an institution is vested by law in another agency; 1058
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(2) Provide Consistent with section 5139.12 of the Revised Code when that section is applicable, provide treatment and training for children committed to the department and assigned by the department to various institutions under its control and management, including, but not limited to, for a child committed to it for an act that is either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense, treatment that is appropriate for a child who commits an act that is a sexually oriented offense that is not a registration-exempt sexually oriented offense or child-victim oriented offense and that is intended to ensure that the child does not commit any subsequent act that is a sexually oriented offense or a child-victim oriented offense; 1062
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(3) Establish and maintain appropriate reception centers for 1075
the reception of children committed to the department and employ 1076
competent persons to have charge of those centers and to conduct 1077
investigations; 1078

(4) Establish and maintain any other facilities necessary for 1079
the training, treatment, and rehabilitation of children committed 1080
to the department. 1081

(B) As used in this section, "sexually oriented offense" and 1082
"child-victim oriented offense" have the same meanings as in 1083
section 2950.01 of the Revised Code. 1084

Section 2. That existing sections 5139.01, 5139.04, 5139.05, 1085
5139.06, 5139.07, 5139.09, 5139.11, and 5139.13 of the Revised 1086
Code are hereby repealed. 1087

Section 3. Section 5139.07 of the Revised Code is presented 1088
in this act as a composite of the section as amended by both S.B. 1089
115 and Am. Sub. S.B. 179 of the 123rd General Assembly. The 1090
General Assembly, applying the principle stated in division (B) of 1091
section 1.52 of the Revised Code that amendments are to be 1092
harmonized if reasonably capable of simultaneous operation, finds 1093
that the composite is the resulting version of the section in 1094
effect prior to the effective date of the section as presented in 1095
this act. 1096