

**As Reported by the Senate Judiciary--Civil Justice Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

**S. B. No. 122**

**Senator Oelslager**

**Cosponsors: Senators Wagoner, Seitz, Tavares, Kearney**

**—**

**A B I L L**

To amend sections 2151.312, 2151.354, and 2152.26, to 1  
enact new sections 2151.56, 2151.57, 2151.58, and 2  
2151.59 and to repeal sections 2151.56, 2151.57, 3  
2151.58, 2151.59, 2151.60, and 2151.61 of the 4  
Revised Code to ratify, enact into law, and enter 5  
into as a party the Interstate Compact for 6  
Juveniles; to provide for certain entities and 7  
officials and assign certain responsibilities that 8  
relate to that Compact; to repeal the current 9  
Interstate Compact on Juveniles, and to declare an 10  
emergency. 11

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

**Section 1.** That sections 2151.312, 2151.354, and 2152.26 be 12  
amended and new sections 2151.56, 2151.57, 2151.58, and 2151.59 of 13  
the Revised Code be enacted to read as follows: 14

**Sec. 2151.312.** (A) A child alleged to be or adjudicated an 15  
unruly child may be held only in the following places: 16

(1) A certified family foster home or a home approved by the 17  
court; 18

(2) A facility operated by a certified child welfare agency; 19

(3) Any other suitable place designated by the court. 20

(B)(1) Except as provided under division (C)(1) of section 21  
2151.311 of the Revised Code, a child alleged to be or adjudicated 22  
a neglected child, an abused child, a dependent child, or an 23  
unruly child may not be held in any of the following facilities: 24

(a) A state correctional institution, county, multicounty, or 25  
municipal jail or workhouse, or other place in which an adult 26  
convicted of a crime, under arrest, or charged with a crime is 27  
held; 28

(b) A secure correctional facility. 29

(2) Except as provided under sections ~~2151.26~~ 2151.27 to 30  
~~2151.61~~ 2151.59 of the Revised Code and division (B)(3) of this 31  
section and except when a case is transferred under section 32  
2152.12 of the Revised Code, a child alleged to be or adjudicated 33  
an unruly child may not be held for more than twenty-four hours in 34  
a detention facility. A child alleged to be or adjudicated a 35  
neglected child, an abused child, or a dependent child shall not 36  
be held in a detention facility. 37

(3) A child who is alleged to be or adjudicated an unruly 38  
child and who is taken into custody on a Saturday, Sunday, or 39  
legal holiday, as listed in section 1.14 of the Revised Code, may 40  
be held in a detention facility until the next succeeding day that 41  
is not a Saturday, Sunday, or legal holiday. 42

**Sec. 2151.354.** (A) If the child is adjudicated an unruly 43  
child, the court may: 44

(1) Make any of the dispositions authorized under section 45  
2151.353 of the Revised Code; 46

(2) Place the child on community control under any sanctions, 47  
services, and conditions that the court prescribes, as described 48  
in division (A)(4) of section 2152.19 of the Revised Code, 49

provided that, if the court imposes a period of community service 50  
upon the child, the period of community service shall not exceed 51  
one hundred seventy-five hours; 52

(3) Suspend the driver's license, probationary driver's 53  
license, or temporary instruction permit issued to the child for a 54  
period of time prescribed by the court and suspend the 55  
registration of all motor vehicles registered in the name of the 56  
child for a period of time prescribed by the court. A child whose 57  
license or permit is so suspended is ineligible for issuance of a 58  
license or permit during the period of suspension. At the end of 59  
the period of suspension, the child shall not be reissued a 60  
license or permit until the child has paid any applicable 61  
reinstatement fee and complied with all requirements governing 62  
license reinstatement. 63

(4) Commit the child to the temporary or permanent custody of 64  
the court; 65

(5) Make any further disposition the court finds proper that 66  
is consistent with sections 2151.312 and 2151.56 to ~~2151.61~~ 67  
2151.59 of the Revised Code; 68

(6) If, after making a disposition under division (A)(1), 69  
(2), or (3) of this section, the court finds upon further hearing 70  
that the child is not amenable to treatment or rehabilitation 71  
under that disposition, make a disposition otherwise authorized 72  
under divisions (A)(1), (4), (5), and (8) of section 2152.19 of 73  
the Revised Code that is consistent with sections 2151.312 and 74  
2151.56 to ~~2151.61~~ 2151.59 of the Revised Code. 75

(B) If a child is adjudicated an unruly child for committing 76  
any act that, if committed by an adult, would be a drug abuse 77  
offense, as defined in section 2925.01 of the Revised Code, or a 78  
violation of division (B) of section 2917.11 of the Revised Code, 79  
in addition to imposing, in its discretion, any other order of 80

disposition authorized by this section, the court shall do both of 81  
the following: 82

(1) Require the child to participate in a drug abuse or 83  
alcohol abuse counseling program; 84

(2) Suspend the temporary instruction permit, probationary 85  
driver's license, or driver's license issued to the child for a 86  
period of time prescribed by the court. The court, in its 87  
discretion, may terminate the suspension if the child attends and 88  
satisfactorily completes a drug abuse or alcohol abuse education, 89  
intervention, or treatment program specified by the court. During 90  
the time the child is attending a program as described in this 91  
division, the court shall retain the child's temporary instruction 92  
permit, probationary driver's license, or driver's license, and 93  
the court shall return the permit or license if it terminates the 94  
suspension. 95

(C)(1) If a child is adjudicated an unruly child for being an 96  
habitual truant, in addition to or in lieu of imposing any other 97  
order of disposition authorized by this section, the court may do 98  
any of the following: 99

(a) Order the board of education of the child's school 100  
district or the governing board of the educational service center 101  
in the child's school district to require the child to attend an 102  
alternative school if an alternative school has been established 103  
pursuant to section 3313.533 of the Revised Code in the school 104  
district in which the child is entitled to attend school; 105

(b) Require the child to participate in any academic program 106  
or community service program; 107

(c) Require the child to participate in a drug abuse or 108  
alcohol abuse counseling program; 109

(d) Require that the child receive appropriate medical or 110  
psychological treatment or counseling; 111

(e) Make any other order that the court finds proper to 112  
address the child's habitual truancy, including an order requiring 113  
the child to not be absent without legitimate excuse from the 114  
public school the child is supposed to attend for five or more 115  
consecutive days, seven or more school days in one school month, 116  
or twelve or more school days in a school year and including an 117  
order requiring the child to participate in a truancy prevention 118  
mediation program. 119

(2) If a child is adjudicated an unruly child for being an 120  
habitual truant and the court determines that the parent, 121  
guardian, or other person having care of the child has failed to 122  
cause the child's attendance at school in violation of section 123  
3321.38 of the Revised Code, in addition to any order of 124  
disposition authorized by this section, all of the following 125  
apply: 126

(a) The court may require the parent, guardian, or other 127  
person having care of the child to participate in any community 128  
service program, preferably a community service program that 129  
requires the involvement of the parent, guardian, or other person 130  
having care of the child in the school attended by the child. 131

(b) The court may require the parent, guardian, or other 132  
person having care of the child to participate in a truancy 133  
prevention mediation program. 134

(c) The court shall warn the parent, guardian, or other 135  
person having care of the child that any subsequent adjudication 136  
of the child as an unruly or delinquent child for being an 137  
habitual or chronic truant may result in a criminal charge against 138  
the parent, guardian, or other person having care of the child for 139  
a violation of division (C) of section 2919.21 or section 2919.24 140  
of the Revised Code. 141

**Sec. 2151.56.** The "interstate compact for juveniles" is 142

hereby ratified, enacted into law, and entered into by the state 143  
of Ohio as a party to the compact with any other state that has 144  
legally joined in the compact as follows: 145

INTERSTATE COMPACT FOR JUVENILES 146

Article I -- Purpose 147

The compacting states to this interstate compact for 148  
juveniles recognize that each state is responsible for the proper 149  
supervision or return of juveniles, delinquents, and status 150  
offenders who are on probation or parole and who have absconded, 151  
escaped, or run away from supervision and control and in so doing 152  
have endangered their own safety and the safety of others. The 153  
compacting states also recognize that each state is responsible 154  
for the safe return of juveniles who have run away from home and 155  
in doing so have left their state of residence. The compacting 156  
states also recognize that congress, by enacting the Crime Control 157  
Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged 158  
compacts for cooperative efforts and mutual assistance in the 159  
prevention of crime. 160

It is the policy of the compacting states that the activities 161  
conducted by the interstate commission for juveniles created by 162  
this compact are the formation of public policies and therefore 163  
are public business. Furthermore, the compacting states shall 164  
cooperate and observe their individual and collective duties and 165  
responsibilities for the prompt return and acceptance of juveniles 166  
subject to the provisions of this compact. The provisions of this 167  
compact shall be reasonably and liberally construed to accomplish 168  
the purposes and policies of the compact. 169

It is the purpose of this compact, through means of joint and 170  
cooperative action among the compacting states, to do all of the 171  
following: 172

(A) Ensure that the adjudicated juveniles and status 173

offenders subject to this compact are provided adequate 174  
supervision and services in the receiving state as ordered by the 175  
adjudicating judge or parole authority in the sending state; 176

(B) Ensure that the public safety interests of the citizens, 177  
including the victims of juvenile offenders, in both the sending 178  
and receiving states are adequately protected; 179

(C) Return juveniles who have run away, absconded, or escaped 180  
from supervision or control or have been accused of an offense to 181  
the state requesting their return; 182

(D) Make contracts for the cooperative institutionalization 183  
in public facilities in member states for delinquent youth needing 184  
special services; 185

(E) Provide for the effective tracking and supervision of 186  
juveniles; 187

(F) Equitably allocate the costs, benefits, and obligations 188  
of the compacting states; 189

(G) Establish procedures to manage the movement between 190  
states of juvenile offenders released to the community under the 191  
jurisdiction of courts, juvenile departments, or any other 192  
criminal or juvenile justice agency that has jurisdiction over 193  
juvenile offenders; 194

(H) Ensure immediate notice to jurisdictions where defined 195  
offenders are authorized to travel or to relocate across state 196  
lines; 197

(I) Establish procedures to resolve pending charges, such as 198  
detainers, against juvenile offenders prior to transfer or release 199  
to the community under the terms of this compact; 200

(J) Establish a system of uniform data collection on 201  
information pertaining to juveniles subject to this compact that 202  
allows access by authorized juvenile justice and criminal justice 203

officials and regular reporting of compact activities to heads of 204  
state executive, judicial, and legislative branches and juvenile 205  
justice and criminal justice administrators; 206

(K) Monitor compliance with rules governing interstate 207  
movement of juveniles and initiate interventions to address and 208  
correct noncompliance; 209

(L) Coordinate training and education regarding the 210  
regulation of interstate movement of juveniles for officials 211  
involved in such activity; 212

(M) Coordinate the implementation and operation of this 213  
compact with the interstate compact for the placement of children, 214  
the interstate compact for adult offender supervision, and other 215  
compacts affecting juveniles, particularly in those cases where 216  
concurrent or overlapping supervision issues arise. 217

Article II -- Definitions 218

As used in this compact, unless the context clearly requires 219  
a different construction: 220

(A) "Bylaws" means those bylaws established by the interstate 221  
commission for its governance or for directing or controlling its 222  
actions or conduct. 223

(B) "Compact administrator" means the individual in each 224  
compacting state appointed pursuant to the terms of this compact 225  
who is responsible for the administration and management of the 226  
state's supervision and transfer of juveniles subject to the terms 227  
of this compact, the rules adopted by the interstate commission 228  
under this compact, and policies adopted by the state council 229  
under this compact. 230

(C) "Compacting state" means any state that has enacted the 231  
enabling legislation for this compact. 232

(D) "Commissioner" means the voting representative of each 233



compacting state appointed pursuant to Article III of this 234  
compact. 235

(E) "Court" means any court having jurisdiction over 236  
delinquent, neglected, or dependent children. 237

(F) "Interstate commission for juveniles" or "interstate 238  
commission" means the interstate commission for juveniles created 239  
by Article III of this compact. 240

(G) "Juvenile" means any person defined as a juvenile in any 241  
member state or by the rules of the interstate commission, 242  
including any of the following: 243

(1) An "accused delinquent," which means a person charged 244  
with a violation of a law or municipal ordinance that, if 245  
committed by an adult, would be a criminal offense; 246

(2) An "adjudicated delinquent," which means a person found 247  
to have committed a violation of a law or municipal ordinance 248  
that, if committed by an adult, would be a criminal offense; 249

(3) An "accused status offender," which means a person 250  
charged with a violation of a law or municipal ordinance that 251  
would not be a criminal offense if committed by an adult; 252

(4) An "adjudicated status offender," which means a person 253  
found to have committed a violation of a law or municipal 254  
ordinance that would not be a criminal offense if committed by an 255  
adult; 256

(5) A "nonoffender," which means a person in need of 257  
supervision who is not an accused or adjudicated status offender 258  
or delinquent. 259

(H) "Noncompacting state" means any state that has not 260  
enacted the enabling legislation for this compact. 261

(I) "Probation or parole" means any kind of supervision or 262  
conditional release of juveniles authorized under the laws of the 263

compacting states. 264

(J) "Rule" means a written statement by the interstate 265  
commission promulgated pursuant to Article VI of this compact that 266  
is of general applicability, that implements, interprets, or 267  
prescribes a policy or provision of the compact, or an 268  
organizational, procedural, or practice requirement of the 269  
interstate commission, and that has the force and effect of 270  
statutory law in a compacting state, and includes the amendment, 271  
repeal, or suspension of an existing rule. 272

(K) "State" means a state of the United States, the District 273  
of Columbia or its designee, the Commonwealth of Puerto Rico, the 274  
U.S. Virgin Islands, Guam, American Samoa, and the Northern 275  
Marianas Islands. 276

Article III -- Interstate Commission for Juveniles 277

(A) The compacting states hereby create the "interstate 278  
commission for juveniles." The commission shall be a body 279  
corporate and joint agency of the compacting states. The 280  
commission shall have all the responsibilities, powers, and duties 281  
set forth in this compact, and any additional powers that may be 282  
conferred upon it by subsequent action of the respective 283  
legislatures of the compacting states in accordance with the terms 284  
of this compact. 285

(B) The interstate commission shall consist of commissioners 286  
appointed by the appropriate appointing authority in each state 287  
pursuant to the rules and requirements of each compacting state 288  
and in consultation with the state council for interstate juvenile 289  
supervision created in the state in accordance with this compact. 290  
The commissioners are the voting representatives of each state. 291  
The commissioner for a state shall be the compact administrator or 292  
designee from that state who shall serve on the interstate 293  
commission in such capacity under or pursuant to the applicable 294  
law of the compacting state. 295

(C) In addition to the commissioners, the interstate 296  
commission also shall include individuals who are not 297  
commissioners but who are members of interested organizations. The 298  
noncommissioner members shall include a member of the national 299  
organizations of governors, legislators, state chief justices, 300  
attorneys general, interstate compact for adult offender 301  
supervision, interstate compact for the placement of children, 302  
juvenile justice and juvenile corrections officials, and crime 303  
victims. All noncommissioner members of the interstate commission 304  
shall be ex officio, nonvoting members. The interstate commission 305  
may provide in its bylaws for such additional ex officio, 306  
nonvoting members, including members of other national 307  
organizations, in such numbers as shall be determined by the 308  
commission. 309

(D) Each compacting state represented at any meeting of the 310  
interstate commission is entitled to one vote. A majority of the 311  
compacting states shall constitute a quorum for the transaction of 312  
business, unless a larger quorum is required by the bylaws of the 313  
interstate commission. 314

(E) The interstate commission shall meet at least once each 315  
calendar year. The chairperson may call additional meetings and, 316  
upon the request of a simple majority of the compacting states, 317  
shall call additional meetings. Public notice shall be given of 318  
all meetings, and all meetings, shall be open to the public. 319

(F) The interstate commission shall establish an executive 320  
committee, which shall include commission officers, members, and 321  
others as determined by the interstate commission's bylaws. The 322  
executive committee shall have the power to act on behalf of the 323  
interstate commission during periods when the interstate 324  
commission is not in session, with the exception of any rulemaking 325  
or amendment to the compact. The executive committee shall do all 326  
of the following: 327

(1) Oversee the day-to-day activities of the administration 328  
of the compact, managed by an executive director and interstate 329  
commission staff; 330

(2) Administer enforcement and compliance with the provisions 331  
of this compact and the interstate commission's bylaws and rules; 332

(3) Perform any other duties as directed by the interstate 333  
commission or set forth in its bylaws. 334

(G) Each member of the interstate commission shall have the 335  
right and power to cast a vote to which that compacting state is 336  
entitled and to participate in the business and affairs of the 337  
interstate commission. A member shall vote in person and shall not 338  
delegate a vote to another compacting state. However, a 339  
commissioner, in consultation with the state council for 340  
interstate juvenile supervision for the state, shall appoint 341  
another authorized representative, in the absence of the 342  
commissioner from that state, to cast a vote on behalf of the 343  
compacting state at a specified meeting. The interstate 344  
commission's bylaws may provide for members' participation in 345  
meetings by telephone or other means of telecommunication or 346  
electronic communication. 347

(H) The interstate commission's bylaws shall establish 348  
conditions and procedures under which the interstate commission 349  
shall make its information and official records available to the 350  
public for inspection or copying. The interstate commission may 351  
exempt from disclosure any information or official records to the 352  
extent the information or official records would adversely affect 353  
personal privacy rights or proprietary interests. 354

(I) Public notice shall be given of all meetings of the 355  
interstate commission, and all of its meetings shall be open to 356  
the public, except as set forth in the commission's rules or as 357  
otherwise provided in this compact. The interstate commission and 358

any of its committees may close a meeting to the public when it 359  
determines by two-thirds vote that an open meeting would be likely 360  
to do any of the following: 361

(1) Relate solely to the interstate commission's internal 362  
personnel practices and procedures; 363

(2) Disclose matters specifically exempted from disclosure by 364  
statute; 365

(3) Disclose trade secrets or commercial or financial 366  
information that is privileged or confidential; 367

(4) Involve accusing any person of a crime or formally 368  
censuring any person; 369

(5) Disclose information of a personal nature where 370  
disclosure would constitute a clearly unwarranted invasion of 371  
personal privacy; 372

(6) Disclose investigative records compiled for law 373  
enforcement purposes; 374

(7) Disclose information contained in or related to 375  
examination, operating, or condition reports prepared by, or on 376  
behalf of or for the use of, the interstate commission with 377  
respect to a regulated person or entity for the purpose of 378  
regulation or supervision of such person or entity; 379

(8) Disclose information, the premature disclosure of which 380  
would significantly endanger the stability of a regulated person 381  
or entity; 382

(9) Specifically relate to the interstate commission's 383  
issuance of a subpoena or its participation in a civil action or 384  
other legal proceeding. 385

(J) For every meeting closed pursuant to division (I) of this 386  
Article of this compact, the interstate commission's legal counsel 387  
shall publicly certify that, in the legal counsel's opinion, the 388

meeting may be closed to the public and shall reference each 389  
relevant exemptive provision. The interstate commission shall keep 390  
minutes that fully and clearly describe all matters discussed in 391  
any meeting and that provide a full and accurate summary of any 392  
actions taken, and the reasons for the actions, including a 393  
description of each of the views expressed on any item and the 394  
record of any roll call vote (reflected in the vote of each member 395  
on the question). All documents considered in connection with any 396  
action shall be identified in those minutes. 397

(K) The interstate commission shall collect standardized data 398  
concerning the interstate movement of juveniles as directed 399  
through its rules, which shall specify the data to be collected, 400  
the means of collection and data exchange, and reporting 401  
requirements. Such methods of data collection, exchange, and 402  
reporting shall insofar as is reasonably possible conform to 403  
up-to-date technology and coordinate the interstate commission's 404  
information functions with the appropriate repository of records. 405

Article IV -- Powers and Duties of the Interstate Commission 406

The interstate commission shall maintain its corporate books 407  
and records in accordance with its bylaws. 408

The interstate commission shall have all of the following 409  
powers and duties: 410

(A) To provide for dispute resolution among compacting 411  
states; 412

(B) To promulgate rules to affect the purposes and 413  
obligations as enumerated in this compact, which rules shall have 414  
the force and effect of statutory law and shall be binding in the 415  
compacting states to the extent and in the manner provided in this 416  
compact; 417

(C) To oversee, supervise, and coordinate the interstate 418  
movement of juveniles, subject to the terms of this compact and 419

any bylaws adopted and rules promulgated by the interstate 420  
commission; 421

(D) To enforce compliance with the provisions of this 422  
compact, the rules promulgated by the interstate commission, and 423  
the interstate commission's bylaws, using all necessary and proper 424  
means, including but not limited to the use of judicial process; 425

(E) To establish and maintain offices, which shall be located 426  
within one or more of the compacting states; 427

(F) To purchase and maintain insurance and bonds; 428

(G) To borrow, accept, hire, or contract for services of 429  
personnel; 430

(H) To establish and appoint committees and hire staff that 431  
it considers necessary for the carrying out of its functions, 432  
including, but not limited to, an executive committee as required 433  
by Article III of this compact, which executive committee shall 434  
have the power to act on behalf of the interstate commission in 435  
carrying out its powers and duties under this compact; 436

(I) To elect or appoint officers, attorneys, employees, 437  
agents, or consultants, to fix their compensation, define their 438  
duties, and determine their qualifications, and to establish the 439  
interstate commission's personnel policies and programs relating 440  
to, inter alia, conflicts of interest, rates of compensation, and 441  
qualifications of personnel; 442

(J) To accept any and all donations and grants of money, 443  
equipment, supplies, materials, and services and to receive, 444  
utilize, and dispose of same; 445

(K) To lease, purchase, accept contributions or donations of, 446  
or otherwise to own, hold, improve, or use any real property, 447  
personal property, or mixed real and personal property; 448

(L) To sell, convey, mortgage, pledge, lease, exchange, 449

abandon, or otherwise dispose of any real property, personal 450  
property, or mixed real and personal property; 451

(M) To establish a budget and make expenditures and levy dues 452  
as provided in Article VIII of this compact; 453

(N) To sue and be sued; 454

(O) To adopt a seal and bylaws governing the management and 455  
operation of the interstate commission; 456

(P) To perform any functions that may be necessary or 457  
appropriate to achieve the purposes of this compact; 458

(Q) To report annually to the legislatures, governors, 459  
judiciary, and state councils for interstate juvenile supervision 460  
of the compacting states concerning the activities of the 461  
interstate commission during the preceding year, and with the 462  
annual reports also including any recommendations that may have 463  
been adopted by the interstate commission. 464

(R) To coordinate education, training, and public awareness 465  
regarding the interstate movement of juveniles for officials 466  
involved in such activity. 467

(S) To establish uniform standards of the reporting, 468  
collecting and exchanging of data. 469

Article V -- Organization and Operation of the Interstate 470  
Commission 471

Section A. Bylaws 472

The interstate commission, by a majority of the members 473  
present and voting and within twelve months after the first 474  
interstate commission meeting, shall adopt bylaws to govern its 475  
conduct as may be necessary or appropriate to carry out the 476  
purposes of this compact, including, but not limited to, bylaws 477  
that do all of the following: 478

(1) Establish the fiscal year of the interstate commission; 479



(2) Establish an executive committee and any other committees 480  
that may be necessary; 481

(3) Provide for the establishment of committees governing any 482  
general or specific delegation of any authority or function of the 483  
interstate commission; 484

(4) Provide reasonable procedures for calling and conducting 485  
meetings of the interstate commission and ensuring reasonable 486  
notice of each such meeting; 487

(5) Establish the titles and responsibilities of the officers 488  
of the interstate commission; 489

(6) Provide a mechanism for concluding the operations of the 490  
interstate commission and the return of any surplus funds that may 491  
exist upon the termination of this compact after the payment or 492  
reserving of all of its debts and obligations, or both; 493

(7) Provide start-up rules for initial administration of this 494  
compact; 495

(8) Establish standards and procedures for compliance and 496  
technical assistance in carrying out this compact. 497

Section B. Officers and Staff 498

(1) The interstate commission, by a majority of the members, 499  
shall elect annually from among its members a chairperson and a 500  
vice chairperson, each of whom shall have such authority and 501  
duties as may be specified in the interstate commission's bylaws. 502  
The chairperson or, in the chairperson's absence or disability, 503  
the vice chairperson shall preside at all meetings of the 504  
interstate commission. The officers so elected shall serve without 505  
compensation or remuneration from the interstate commission; 506  
provided that, subject to the availability of budgeted funds, the 507  
officers shall be reimbursed for any ordinary and necessary costs 508  
and expenses incurred by them in the performance of their duties 509

and responsibilities as officers of the interstate commission. 510

(2) The interstate commission, through its executive 511  
committee, shall appoint or retain an executive director for such 512  
period, upon such terms and conditions, and for such compensation 513  
as the interstate commission considers appropriate. The executive 514  
director shall serve as secretary to the interstate commission but 515  
shall not be a member of the interstate commission. The executive 516  
director shall hire and supervise such other staff as may be 517  
authorized by the interstate commission. 518

Section C. Qualified Immunity, Defense, and Indemnification 519

(1) Except as otherwise provided in this subsection, the 520  
interstate commission's executive director and each of its 521  
employees shall be immune from suit and liability, either 522  
personally or in the executive director's or employee's official 523  
capacity, for any claim for damage to or loss of property or 524  
personal injury or other civil liability caused or arising out of 525  
or relating to any actual or alleged act, error, or omission that 526  
occurred, or that the executive director or employee had a 527  
reasonable basis for believing occurred, within the scope of 528  
commission employment, duties, or responsibilities. The executive 529  
director or an employee shall not be protected from suit or 530  
liability for any damage, loss, injury, or liability caused by the 531  
executive director's or employee's willful and wanton misconduct 532  
of any such person. 533

(2) The liability of any commissioner, or the employee or 534  
agent of a commissioner, acting within the scope of such person's 535  
employment or duties for acts, errors, or omissions occurring 536  
within such person's state may not exceed the limits of liability 537  
set forth under the constitution and laws of that state for state 538  
officials, employees, and agents. Nothing in this subsection shall 539  
be construed to protect any such person from suit or liability for 540  
any damage, loss, injury, or liability caused by the intentional 541

or willful and wanton misconduct of any such person. 542

(3) Except as otherwise provided in this subsection, the 543  
interstate commission shall defend the executive director or the 544  
employees or representatives of the interstate commission and, 545  
subject to the approval of the attorney general of the state 546  
represented by any commissioner of a compacting state, shall 547  
defend such commissioner or the commissioner's representatives or 548  
employees in any civil action seeking to impose liability arising 549  
out of any actual or alleged act, error, or omission that occurred 550  
within the scope of interstate commission employment, duties, or 551  
responsibilities, or that the defendant had a reasonable basis for 552  
believing occurred within the scope of interstate commission 553  
employment, duties, or responsibilities. The duty to defend 554  
described in this division does not apply if the actual or alleged 555  
act, error, or omission in question resulted from intentional or 556  
willful and wanton misconduct on the part of the executive 557  
director, employee, or representative of the interstate commission 558  
or the commissioner of a compacting state or the commissioner's 559  
representatives or employees. 560

(4) Except as otherwise provided in this subsection, the 561  
interstate commission shall indemnify and hold the commissioner of 562  
a compacting state, or the commissioner's representatives or 563  
employees, or the interstate commission's representatives or 564  
employees, harmless in the amount of any settlement or judgment 565  
obtained against such persons arising out of any actual or alleged 566  
act, error, or omission that occurred within the scope of 567  
interstate commission employment, duties, or responsibilities, or 568  
that such persons had a reasonable basis for believing occurred 569  
within the scope of interstate commission employment, duties, or 570  
responsibilities. The duty to indemnify and hold harmless 571  
described in this division does not apply if the actual or alleged 572  
act, error, or omission in question resulted from intentional or 573

willful and wanton misconduct on the part of the commissioner of a 574  
compacting state or the commissioner's representatives or 575  
employees or the interstate commission's representatives or 576  
employees. 577

Article VI -- Rulemaking Functions of the Interstate Commission 578

(A) The interstate commission shall promulgate and publish 579  
rules in order to effectively and efficiently achieve the purposes 580  
of this compact. 581

(B) Rulemaking shall occur pursuant to the criteria set forth 582  
in this Article and the bylaws and rules adopted pursuant thereto. 583  
The rulemaking shall substantially conform to the principles of 584  
the "Model State Administrative Procedures Act," 1981 Act, Uniform 585  
Laws Annotated, Vol. 15, p. 1 (2000), or another administrative 586  
procedures act, as the interstate commission determines 587  
appropriate consistent with due process requirements under the 588  
United States Constitution as now or hereafter interpreted by the 589  
United States Supreme Court. All rules and amendments shall become 590  
binding as of the date specified, as published with the final 591  
version of the rule as approved by the interstate commission. 592

(C) When promulgating a rule, the interstate commission, at a 593  
minimum, shall do all of the following: 594

(1) Publish the proposed rule's entire text stating the 595  
reason or reasons for that proposed rule; 596

(2) Allow and invite any and all persons to submit written 597  
data, facts, opinions, and arguments, which information shall be 598  
added to the record and be made publicly available; 599

(3) Provide an opportunity for an informal hearing, if 600  
petitioned by ten or more persons; 601

(4) Promulgate a final rule and its effective date, if 602  
appropriate, based on input from state or local officials, or 603  
interested parties. 604

(D) When the interstate commission promulgates a rule, not 605  
later than sixty days after the rule is promulgated, any 606  
interested person may file a petition in the United States 607  
district court for the District of Columbia or in the federal 608  
district court where the interstate commission's principal office 609  
is located, for judicial review of the rule. If the court finds 610  
that the interstate commission's action is not supported by 611  
substantial evidence in the rulemaking record, the court shall 612  
hold the rule unlawful and set it aside. For purposes of this 613  
division, evidence is substantial if it would be considered 614  
substantial evidence under the "Model State Administrative 615  
Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 616  
(2000). 617

(E) If a majority of the legislatures of the compacting 618  
states rejects a rule, those states, by enactment of a statute or 619  
resolution in the same manner used to adopt the compact, may cause 620  
that such rule shall have no further force and effect in any 621  
compacting state. 622

(F) The existing rules governing the operation of the 623  
interstate compact on juveniles that is superseded by this compact 624  
shall be null and void twelve months after the first meeting of 625  
the interstate commission created under this compact. 626

(G) Upon determination by the interstate commission that a 627  
state of emergency exists, it may promulgate an emergency rule. An 628  
emergency rule so promulgated shall become effective immediately 629  
upon adoption, provided that the usual rulemaking procedures 630  
specified in this Article shall be retroactively applied to the 631  
emergency rule as soon as reasonably possible, but not later than 632  
ninety days after the effective date of the emergency rule. 633

Article VII -- Oversight, Enforcement, and Dispute Resolution by 634  
the Interstate Commission 635

A Oversight and Enforcement 636

(1) The interstate commission shall oversee the 637  
administration and operations of the interstate movement of 638  
juveniles subject to this compact in the compacting states and 639  
shall monitor such activities being administered in noncompacting 640  
states that may significantly affect compacting states. 641

(2) The courts and executive agencies in each compacting 642  
state shall enforce this compact and shall take all actions 643  
necessary and appropriate to effectuate this compact's purposes 644  
and intent. The provisions of this compact and the rules 645  
promulgated under it shall be received by all the judges, public 646  
officers, commissions, and departments of the state government as 647  
evidence of the authorized statute and administrative rules. All 648  
courts shall take judicial notice of the compact and the rules. In 649  
any judicial or administrative proceeding in a compacting state 650  
pertaining to the subject matter of this compact that may affect 651  
the powers, responsibilities, or actions of the interstate 652  
commission, the interstate commission shall be entitled to receive 653  
all service of process in the proceeding and shall have standing 654  
to intervene in the proceeding for all purposes. 655

Section B. Dispute Resolution 656

(1) The compacting states shall report to the interstate 657  
commission on all issues and activities necessary for the 658  
administration of this compact and on all issues and activities 659  
pertaining to compliance with the provisions of this compact and 660  
the interstate commission's bylaws and rules. 661

(2) The interstate commission, upon the request of a 662  
compacting state, shall attempt to resolve any disputes or other 663  
issues that are subject to this compact and that may arise among 664  
compacting states and between compacting and non-compacting 665  
states. The interstate commission shall promulgate a rule 666  
providing for both mediation and binding dispute resolution for 667  
disputes among the compacting states. 668

(3) The interstate commission, in the reasonable exercise of 669  
its discretion, shall enforce the provisions and rules of this 670  
compact using any or all means set forth in Article XI of this 671  
compact. 672

Article VIII -- Finance 673

(A) The interstate commission shall pay or provide for the 674  
payment of the reasonable expenses of its establishment, 675  
organization, and ongoing activities. 676

(B) The interstate commission shall levy on and collect an 677  
annual assessment from each compacting state to cover the cost of 678  
the internal operations and activities of the interstate 679  
commission and its staff. The annual assessment shall be in a 680  
total amount sufficient to cover the interstate commission's 681  
annual budget as approved each year. The aggregate annual 682  
assessment amount shall be allocated based upon a formula to be 683  
determined by the interstate commission, taking into consideration 684  
the population of each compacting state and the volume of 685  
interstate movement of juveniles in each compacting state. The 686  
interstate commission shall promulgate a rule binding upon all 687  
compacting states that governs the assessment. 688

(C) The interstate commission shall not incur any obligations 689  
of any kind prior to securing the funds adequate to meet the 690  
obligations. The interstate commission shall not pledge the credit 691  
of any of the compacting states, except by and with the authority 692  
of the compacting state. 693

(D) The interstate commission shall keep accurate accounts of 694  
all receipts and disbursements. The receipts and disbursements of 695  
the interstate commission shall be subject to the audit and 696  
accounting procedures established under its bylaws. However, all 697  
receipts and disbursements of funds handled by the interstate 698  
commission shall be audited yearly by a certified or licensed 699  
public accountant and the report of the audit shall be included in 700

and become part of the annual report of the interstate commission. 701

Article IX -- The State Council 702

Each compacting state shall create a state council for 703  
interstate juvenile supervision. While each compacting state may 704  
determine the membership of its own state council, its membership 705  
must include at least one representative from the legislative, 706  
judicial, and executive branches of government, victims groups, 707  
and the compact administrator or designee. Each compacting state 708  
retains the right to determine the qualifications of the compact 709  
administrator for the state. Each state council shall advise and 710  
may exercise oversight and advocacy concerning that state's 711  
participation in interstate commission activities and other duties 712  
as may be determined by that state, including but not limited to, 713  
development of policy concerning operations and procedures of the 714  
compact within that state. 715

Article X - Compacting States, Effective Date, and Amendment 716

(A) Any state, as defined in Article II of this compact, is 717  
eligible to become a compacting state. 718

(B) This compact shall become effective and binding upon 719  
legislative enactment of the compact into law by no less than 720  
thirty-five of the states. The initial effective date shall be the 721  
later of July 1, 2004, or upon enactment into law by the 722  
thirty-fifth jurisdiction. Thereafter, this compact shall become 723  
effective and binding as to any other compacting state upon 724  
enactment of this compact into law by that state. The governors of 725  
non-compacting states or their designees shall be invited to 726  
participate in the activities of the interstate commission on a 727  
non-voting basis prior to adoption of this compact by all states. 728

(C) The interstate commission may propose amendments to this 729  
compact for enactment by the compacting states. No amendment shall 730  
become effective and binding upon the interstate commission and 731  
the compacting states unless and until it is enacted into law by 732



<u>unanimous consent of the compacting states.</u>	733
<u>Article XI - Withdrawal, Default, Termination, and Judicial</u>	734
<u>Enforcement</u>	735
<u>Section A. Withdrawal</u>	736
<u>(1) Once effective, this compact shall continue in force and</u>	737
<u>remain binding upon each and every compacting state, provided that</u>	738
<u>a compacting state may withdraw from this compact by specifically</u>	739
<u>repealing the statute that enacted this compact into law.</u>	740
<u>(2) The effective date of withdrawal of a compacting state is</u>	741
<u>the effective date of the state's repeal of the statute that</u>	742
<u>enacted this compact into law.</u>	743
<u>(3) A compacting state that withdraws from this compact shall</u>	744
<u>immediately notify the chairperson of the interstate commission in</u>	745
<u>writing upon the introduction of legislation repealing this</u>	746
<u>compact in the withdrawing state. The interstate commission shall</u>	747
<u>notify the other compacting states of the withdrawing state's</u>	748
<u>intent to withdraw within sixty days of the interstate</u>	749
<u>commission's receipt of the notice from the withdrawing state.</u>	750
<u>(4) A compacting state that withdraws from this compact is</u>	751
<u>responsible for all assessments, obligations, and liabilities</u>	752
<u>incurred through the effective date of withdrawal, including any</u>	753
<u>obligations, the performance of which extend beyond the effective</u>	754
<u>date of withdrawal.</u>	755
<u>(5) If a compacting state withdraws from this compact,</u>	756
<u>reinstatement of the withdrawing state following withdrawal shall</u>	757
<u>occur upon the withdrawing state reenacting this compact or upon</u>	758
<u>such later date as determined by the interstate commission.</u>	759
<u>Section B. Technical Assistance, Fines, Suspension,</u>	760
<u>Termination, and Default</u>	761
<u>(1) If the interstate commission determines that any</u>	762

compacting state has at any time defaulted in the performance of 763  
any of its obligations or responsibilities under this compact, or 764  
under the interstate commission's bylaws or duly promulgated 765  
rules, the interstate commission may impose one or more of the 766  
following penalties: 767

(a) Remedial training and technical assistance as directed by 768  
the interstate commission; 769

(b) Alternative dispute resolution; 770

(c) Fines, fees, and costs in such amounts as are deemed to 771  
be reasonable as fixed by the interstate commission; 772

(d) Suspension or termination of membership in this compact, 773  
provided that suspension or termination of membership shall be 774  
imposed only after all other reasonable means of securing 775  
compliance under the bylaws and rules have been exhausted and the 776  
interstate commission has therefore determined that the offending 777  
state is in default. Immediate notice of suspension shall be given 778  
by the interstate commission to the governor of the defaulting 779  
state, its chief justice or the chief judicial officer, the 780  
majority and minority leaders of its state legislature, and the 781  
state council for interstate juvenile supervision. The grounds for 782  
default include, but are not limited to, failure of a compacting 783  
state to perform such obligations or responsibilities imposed upon 784  
it by this compact, by the interstate commission's bylaws, or by 785  
its duly promulgated rules, and any other grounds designated in 786  
commission bylaws and rules. The interstate commission shall 787  
immediately notify the defaulting state in writing of the penalty 788  
imposed by the interstate commission and of the default pending a 789  
cure of the default. The interstate commission shall stipulate the 790  
conditions and the time period within which the defaulting state 791  
must cure its default. If the defaulting state fails to cure the 792  
default within the time period specified by the interstate 793  
commission, the defaulting state shall be terminated from this 794

compact upon an affirmative vote of a majority of the compacting 795  
states and all rights, privileges, and benefits conferred by this 796  
compact shall be terminated from the effective date of 797  
termination. 798

(2) Within sixty days of the effective date of termination of 799  
a defaulting compacting state, the interstate commission shall 800  
notify the defaulting state's governor, its chief justice or chief 801  
judicial officer, the majority and minority leaders of its state 802  
legislature, and the state council for interstate juvenile 803  
supervision of the termination. 804

(3) A defaulting compacting state is responsible for all 805  
assessments, obligations, and liabilities incurred through the 806  
effective date of termination, including any obligations the 807  
performance of which extends beyond the effective date of 808  
termination. 809

(4) The interstate commission shall not bear any costs 810  
relating to a defaulting compacting state unless otherwise 811  
mutually agreed upon in writing between the interstate commission 812  
and the defaulting state. 813

(5) If a defaulting compacting state is terminated, 814  
reinstatement of the defaulting state following termination 815  
requires both a reenactment of the compact by the defaulting state 816  
and the approval of the interstate commission pursuant to its 817  
rules. 818

Section C. Judicial Enforcement 819

The interstate commission, by majority vote of the members, 820  
may initiate legal action against any compacting state to enforce 821  
compliance with the provisions of this compact, and the interstate 822  
commission's duly promulgated rules and bylaws. Any such action, 823  
if initiated, shall be initiated in the United States district 824  
court for the District of Columbia or, at the discretion of the 825

interstate commission, in the federal district where the 826  
interstate commission has its offices. In the event judicial 827  
enforcement is necessary, the prevailing party shall be awarded 828  
all costs of the litigation including reasonable attorney's fees. 829

D Dissolution of Compact 830

(1) This compact dissolves effective upon the date of the 831  
withdrawal or default of the compacting state, which reduces 832  
membership in this compact to one compacting state. 833

(2) Upon the dissolution of this compact, the compact becomes 834  
null and void and shall be of no further force or effect, the 835  
business and affairs of the interstate commission shall be 836  
concluded, and any surplus funds shall be distributed in 837  
accordance with the interstate commission's bylaws. 838

Article XII - Severability and Construction 839

(A) The provisions of this compact shall be severable, and if 840  
any phrase, clause, sentence, or provision is deemed 841  
unenforceable, the remaining provisions of the compact shall be 842  
enforceable. 843

(B) The provisions of this compact shall be liberally 844  
construed to effectuate its purposes. 845

Article XIII - Binding Effect of Compact and Other Laws 846

Section A. Other Laws 847

(1) Nothing in this compact prevents the enforcement of any 848  
other law of a compacting state that is not inconsistent with this 849  
compact. 850

(2) All compacting states' laws, other than state 851  
constitutions and other interstate compacts, conflicting with this 852  
compact are superseded to the extent of the conflict. 853

Section B. Binding Effect of the Compact 854

(1) All lawful actions of the interstate commission, 855

including all rules and bylaws promulgated by the interstate 856  
commission, are binding upon the compacting states. 857

(2) All agreements between the interstate commission and the 858  
compacting states are binding in accordance with their terms. 859

(3) Upon the request of a party to a conflict over the 860  
meaning or interpretation of interstate commission actions, and 861  
upon a majority vote of the compacting states, the interstate 862  
commission may issue advisory opinions regarding that meaning or 863  
interpretation. 864

(4) In the event any provision of this compact exceeds the 865  
constitutional limits imposed on the legislature of any compacting 866  
state, the obligations, duties, powers, or jurisdiction sought to 867  
be conferred by that provision upon the interstate commission 868  
shall be ineffective and such obligations, duties, powers, or 869  
jurisdiction shall remain in the compacting state and shall be 870  
exercised by the agency of that state to which such obligations, 871  
duties, powers, or jurisdiction are delegated by law in effect at 872  
the time this compact becomes effective. 873

Article XIV - Financial Reimbursement 874

The state agency responsible for administering this compact 875  
shall have the legal authority to recoup fines, fees and costs 876  
imposed by the interstate commission as stated in Article XI, 877  
Section B, Subsection (1)(c) of this compact when the default in 878  
performance is the result of a decision made by an entity outside 879  
the jurisdiction of the agency administering this compact. 880

**Sec. 2151.57.** (A) As used in sections 2151.57 to 2151.59 of 881  
the Revised Code: 882

(1) "Interstate compact for juveniles" means the interstate 883  
compact for juveniles ratified, enacted into law, and entered into 884  
by this state pursuant to section 2151.56 of the Revised Code. 885

(2) "Bylaws," "commissioner," "compact administrator," and 886  
"interstate commission for juveniles" have the same meanings as in 887  
section 2151.56 of the Revised Code. 888

(B) The state council for interstate juvenile supervision is 889  
hereby established within the department of youth services. The 890  
council shall consist of the following members: 891

(1) One member who is the compact administrator or the 892  
designee of the compact administrator; 893

(2) One member of the house of representatives appointed by 894  
the speaker of the house of representatives; 895

(3) One member of the senate appointed by the president of 896  
the senate; 897

(4) One member who is a representative of the executive 898  
branch of state government, in addition to the member described in 899  
division (B)(1) of this section, appointed by the governor; 900

(5) One member who is a representative of the judiciary, who 901  
shall be a juvenile court judge appointed by the chief justice of 902  
the supreme court; 903

(6) One member who is a person who represents an organization 904  
that advocates for the rights of victims of crime or a delinquent 905  
act, appointed by the governor. 906

(C) The state council for interstate juvenile supervision 907  
shall advise and may exercise oversight and advocacy concerning 908  
this state's participation in activities of the interstate 909  
commission for juveniles, shall develop policy for this state 910  
concerning operations and procedures of the interstate compact for 911  
juveniles within this state, and shall perform other duties 912  
assigned to state councils under that compact. 913

**Sec. 2151.58.** (A) The governor shall appoint the director of 914  
youth services as the compact administrator for the interstate 915

compact for juveniles. 916

(B) The governor shall appoint the compact administrator or 917  
shall allow the compact administrator to appoint a designee to 918  
serve as the commissioner from this state on the interstate 919  
commission for juveniles. 920

**Sec. 2151.59.** (A) The department of youth services is the 921  
state agency responsible for administering the interstate compact 922  
for juveniles in this state. 923

(B) The department of youth services shall pay all of the 924  
following: 925

(1) The annual assessment charged to this state for 926  
participating in the interstate compact for juveniles; 927

(2) All fines, fees, or costs assessed against this state by 928  
the interstate commission for juveniles for any default in the 929  
performance of this state's obligations or responsibilities under 930  
the compact, the bylaws, or rules duly promulgated under the 931  
compact. 932

**Sec. 2152.26.** (A) Except as provided in divisions (B) and (F) 933  
of this section, a child alleged to be or adjudicated a delinquent 934  
child or a juvenile traffic offender may be held only in the 935  
following places: 936

(1) A certified foster home or a home approved by the court; 937

(2) A facility operated by a certified child welfare agency; 938

(3) Any other suitable place designated by the court. 939

(B) In addition to the places listed in division (A) of this 940  
section, a child alleged to be or adjudicated a delinquent child 941  
may be held in a detention facility for delinquent children that 942  
is under the direction or supervision of the court or other public 943

authority or of a private agency and approved by the court and a 944  
child adjudicated a delinquent child may be held in accordance 945  
with division (F)(2) of this section in a facility of a type 946  
specified in that division. Division (B) of this section does not 947  
apply to a child alleged to be or adjudicated a delinquent child 948  
for chronic truancy, unless the child violated a lawful court 949  
order made pursuant to division (A)(6) of section 2152.19 of the 950  
Revised Code. Division (B) of this section also does not apply to 951  
a child alleged to be or adjudicated a delinquent child for being 952  
an habitual truant who previously has been adjudicated an unruly 953  
child for being an habitual truant, unless the child violated a 954  
lawful court order made pursuant to division (C)(1)(e) of section 955  
2151.354 of the Revised Code. 956

(C)(1) Except as provided under division (C)(1) of section 957  
2151.311 of the Revised Code or division (A)(5) of section 2152.21 958  
of the Revised Code, a child alleged to be or adjudicated a 959  
juvenile traffic offender may not be held in any of the following 960  
facilities: 961

(a) A state correctional institution, county, multicounty, or 962  
municipal jail or workhouse, or other place in which an adult 963  
convicted of crime, under arrest, or charged with a crime is held. 964

(b) A secure correctional facility. 965

(2) Except as provided under this section, sections 2151.56 966  
to ~~2151.61~~ 2151.59, and divisions (A)(5) and (6) of section 967  
2152.21 of the Revised Code, a child alleged to be or adjudicated 968  
a juvenile traffic offender may not be held for more than 969  
twenty-four hours in a detention facility. 970

(D) Except as provided in division (F) of this section or in 971  
division (C) of section 2151.311, in division (C)(2) of section 972  
5139.06 and section 5120.162, or in division (B) of section 973  
5120.16 of the Revised Code, a child who is alleged to be or is 974



adjudicated a delinquent child may not be held in a state 975  
correctional institution, county, multicounty, or municipal jail 976  
or workhouse, or other place where an adult convicted of crime, 977  
under arrest, or charged with crime is held. 978

(E) Unless the detention is pursuant to division (F) of this 979  
section or division (C) of section 2151.311, division (C)(2) of 980  
section 5139.06 and section 5120.162, or division (B) of section 981  
5120.16 of the Revised Code, the official in charge of the 982  
institution, jail, workhouse, or other facility shall inform the 983  
court immediately when a child, who is or appears to be under the 984  
age of eighteen years, is received at the facility, and shall 985  
deliver the child to the court upon request or transfer the child 986  
to a detention facility designated by the court. 987

(F)(1) If a case is transferred to another court for criminal 988  
prosecution pursuant to section 2152.12 of the Revised Code, the 989  
child may be transferred for detention pending the criminal 990  
prosecution in a jail or other facility in accordance with the law 991  
governing the detention of persons charged with crime. Any child 992  
so held shall be confined in a manner that keeps the child beyond 993  
the range of touch of all adult detainees. The child shall be 994  
supervised at all times during the detention. 995

(2) If a person is adjudicated a delinquent child or juvenile 996  
traffic offender and the court makes a disposition of the person 997  
under this chapter, at any time after the person attains eighteen 998  
years of age, the person may be held under that disposition in 999  
places other than those specified in division (A) of this section, 1000  
including, but not limited to, a county, multicounty, or municipal 1001  
jail or workhouse, or other place where an adult convicted of 1002  
crime, under arrest, or charged with crime is held. 1003

(3)(a) A person alleged to be a delinquent child may be held 1004  
in places other than those specified in division (A) of this 1005  
section, including, but not limited to, a county, multicounty, or 1006

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.

**Section 2.** That existing sections 2151.312, 2151.354, and  
2152.26 and sections 2151.56, 2151.57, 2151.58, 2151.59, 2151.60,  
and 2151.61 of the Revised Code are hereby repealed.

**Section 3.** Upon the effective date of this act, the versions  
of sections 2151.56, 2151.57, 2151.58, and 2151.59 of the Revised  
Code enacted in Section 1 of this act will replace the versions of  
those sections, and the versions of sections 2151.60 and 2151.61  
of the Revised Code, in effect on the day immediately preceding  
the effective date of this act.

**Section 4.** This act is hereby declared to be an emergency  
measure necessary for the immediate preservation of the public  
peace, health, and safety. The reason for such necessity is that  
Ohio is one of only five states that have not yet enacted the  
Interstate Compact for Juveniles, which in most states has  
replaced the Interstate Compact on Juveniles. The rule that allows  
Ohio to cooperate with the member states of the new compact in the

supervision of delinquent youth and the return of escapees,	1037
absconders, and runaways will expire on June 30, 2011. It is	1038
imperative that this act take effect by that date. Therefore, this	1039
act shall go into immediate effect.	1040