

I\_132\_1279-2

132nd General Assembly  
Regular Session  
2017-2018

Sub. H. B. No. 394

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**A BILL**

To amend sections 109.42, 109.57, 121.37, 2151.23, 1  
2151.353, 2151.415, 2151.42, 2152.02, 2152.021, 2  
2152.10, 2152.11, 2152.12, 2152.13, 2152.14, 3  
2152.18, 2152.20, 2152.21, 2152.26, 2505.02, 4  
2929.02, 2929.14, 2967.13, 2971.03, and 5  
5149.101, to enact sections 2152.011, 2152.203, 6  
2929.07, and 2967.132, and to repeal section 7  
2152.121 of the Revised Code to eliminate 8  
mandatory and reverse bindovers, and modify the 9  
procedures for discretionary bindovers, of an 10  
alleged juvenile offender from a juvenile court 11  
to a criminal court; to eliminate mandatory 12  
serious youthful offender dispositions; to 13  
revise the procedures for determining the 14  
delinquent child confinement credit; to revise 15  
certain delinquent child financial sanction 16  
dispositions and procedures and establish a 17  
separate restitution disposition; to permit a 18  
juvenile court or a child's guardian ad litem to 19  
file a motion to place a child in a planned 20  
permanent living arrangement; to eliminate a 21  
requirement that each county family and children 22  
first council include a representative of the 23



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regional office of the Department of Youth 24  
Services; and to provide special parole 25  
eligibility dates for persons with an indefinite 26  
or life sentence imposed for an offense 27  
committed when the person was under age 18 and 28  
special Parole Board procedures in those cases. 29

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

**Section 1.** That sections 109.42, 109.57, 121.37, 2151.23, 30  
2151.353, 2151.415, 2151.42, 2152.02, 2152.021, 2152.10, 31  
2152.11, 2152.12, 2152.13, 2152.14, 2152.18, 2152.20, 2152.21, 32  
2152.26, 2505.02, 2929.02, 2929.14, 2967.13, 2971.03, and 33  
5149.101 be amended and sections 2152.011, 2152.203, 2929.07, 34  
and 2967.132 of the Revised Code be enacted to read as follows: 35

**Sec. 109.42.** (A) The attorney general shall prepare and 36  
have printed a pamphlet that contains a compilation of all 37  
statutes relative to victim's rights in which the attorney 38  
general lists and explains the statutes in the form of a 39  
victim's bill of rights. The attorney general shall distribute 40  
the pamphlet to all sheriffs, marshals, municipal corporation 41  
and township police departments, constables, and other law 42  
enforcement agencies, to all prosecuting attorneys, city 43  
directors of law, village solicitors, and other similar chief 44  
legal officers of municipal corporations, and to organizations 45  
that represent or provide services for victims of crime. The 46  
victim's bill of rights set forth in the pamphlet shall contain 47  
a description of all of the rights of victims that are provided 48  
for in Chapter 2930. or in any other section of the Revised Code 49  
and shall include, but not be limited to, all of the following: 50

(1) The right of a victim or a victim's representative to attend a proceeding before a grand jury, in a juvenile case, or in a criminal case pursuant to a subpoena without being discharged from the victim's or representative's employment, having the victim's or representative's employment terminated, having the victim's or representative's pay decreased or withheld, or otherwise being punished, penalized, or threatened as a result of time lost from regular employment because of the victim's or representative's attendance at the proceeding pursuant to the subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised Code;

(2) The potential availability pursuant to section 2151.359 or 2152.61 of the Revised Code of a forfeited recognizance to pay damages caused by a child when the delinquency of the child or child's violation of probation or community control is found to be proximately caused by the failure of the child's parent or guardian to subject the child to reasonable parental authority or to faithfully discharge the conditions of probation or community control;

(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses;

(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial or delinquency proceeding in the case or, if there will not be a trial or delinquency proceeding, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case;

(5) The right of the victim in certain criminal or

juvenile cases or a victim's representative to receive, pursuant 81  
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 82  
notice of the name of the person charged with the violation, the 83  
case or docket number assigned to the charge, and a telephone 84  
number or numbers that can be called to obtain information about 85  
the disposition of the case; 86

(6) The right of the victim in certain criminal or 87  
juvenile cases or of the victim's representative pursuant to 88  
section 2930.13 or 2930.14 of the Revised Code, subject to any 89  
reasonable terms set by the court as authorized under section 90  
2930.14 of the Revised Code, to make a statement about the 91  
victimization and, if applicable, a statement relative to the 92  
sentencing or disposition of the offender; 93

(7) The opportunity to obtain a court order, pursuant to 94  
section 2945.04 of the Revised Code, to prevent or stop the 95  
commission of the offense of intimidation of a crime victim or 96  
witness or an offense against the person or property of the 97  
complainant, or of the complainant's ward or child; 98

(8) The right of the victim in certain criminal or 99  
juvenile cases or a victim's representative pursuant to sections 100  
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 101  
Code to receive notice of a pending motion for judicial release, 102  
release pursuant to section 2967.19 of the Revised Code, or 103  
other early release of the person who committed the offense 104  
against the victim, to make an oral or written statement at the 105  
court hearing on the motion, and to be notified of the court's 106  
decision on the motion; 107

(9) The right of the victim in certain criminal or 108  
juvenile cases or a victim's representative pursuant to section 109  
2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to 110

receive notice of any pending commutation, pardon, parole, 111  
transitional control, discharge, other form of authorized 112  
release, post-release control, or supervised release for the 113  
person who committed the offense against the victim or any 114  
application for release of that person and to send a written 115  
statement relative to the victimization and the pending action 116  
to the adult parole authority or the release authority of the 117  
department of youth services; 118

(10) The right of the victim to bring a civil action 119  
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 120  
obtain money from the offender's profit fund; 121

(11) The right, pursuant to section 3109.09 of the Revised 122  
Code, to maintain a civil action to recover compensatory damages 123  
not exceeding ten thousand dollars and costs from the parent of 124  
a minor who willfully damages property through the commission of 125  
an act that would be a theft offense, as defined in section 126  
2913.01 of the Revised Code, if committed by an adult; 127

(12) The right, pursuant to section 3109.10 of the Revised 128  
Code, to maintain a civil action to recover compensatory damages 129  
not exceeding ten thousand dollars and costs from the parent of 130  
a minor who willfully and maliciously assaults a person; 131

(13) The possibility of receiving restitution from an 132  
offender or a delinquent child pursuant to ~~section~~ sections 133  
2152.20, 2152.203, 2929.18, or 2929.28 of the Revised Code; 134

(14) The right of the victim in certain criminal or 135  
juvenile cases or a victim's representative, pursuant to section 136  
2930.16 of the Revised Code, to receive notice of the escape 137  
from confinement or custody of the person who committed the 138  
offense, to receive that notice from the custodial agency of the 139

person at the victim's last address or telephone number provided 140  
to the custodial agency, and to receive notice that, if either 141  
the victim's address or telephone number changes, it is in the 142  
victim's interest to provide the new address or telephone number 143  
to the custodial agency; 144

(15) The right of a victim of domestic violence to seek 145  
the issuance of a civil protection order pursuant to section 146  
3113.31 of the Revised Code, the right of a victim of a 147  
violation of section 2903.14, 2909.06, 2909.07, 2911.12, 148  
2911.211, or 2919.22 of the Revised Code, a violation of a 149  
substantially similar municipal ordinance, or an offense of 150  
violence who is a family or household member of the offender at 151  
the time of the offense to seek the issuance of a temporary 152  
protection order pursuant to section 2919.26 of the Revised 153  
Code, and the right of both types of victims to be accompanied 154  
by a victim advocate during court proceedings; 155

(16) The right of a victim of a sexually oriented offense 156  
or of a child-victim oriented offense that is committed by a 157  
person who is convicted of, pleads guilty to, or is adjudicated 158  
a delinquent child for committing the offense and who is in a 159  
category specified in division (B) of section 2950.10 of the 160  
Revised Code to receive, pursuant to that section, notice that 161  
the person has registered with a sheriff under section 2950.04, 162  
2950.041, or 2950.05 of the Revised Code and notice of the 163  
person's name, the person's residence that is registered, and 164  
the offender's school, institution of higher education, or place 165  
of employment address or addresses that are registered, the 166  
person's photograph, and a summary of the manner in which the 167  
victim must make a request to receive the notice. As used in 168  
this division, "sexually oriented offense" and "child-victim 169  
oriented offense" have the same meanings as in section 2950.01 170

of the Revised Code. 171

(17) The right of a victim of certain sexually violent 172  
offenses committed by an offender who also is convicted of or 173  
pleads guilty to a sexually violent predator specification and 174  
who is sentenced to a prison term pursuant to division (A) (3) of 175  
section 2971.03 of the Revised Code, of a victim of a violation 176  
of division (A) (1) (b) of section 2907.02 of the Revised Code 177  
committed on or after January 2, 2007, by an offender who is 178  
sentenced for the violation pursuant to division (B) (1) (a), (b), 179  
or (c) of section 2971.03 of the Revised Code, of a victim of an 180  
attempted rape committed on or after January 2, 2007, by an 181  
offender who also is convicted of or pleads guilty to a 182  
specification of the type described in section 2941.1418, 183  
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 184  
the violation pursuant to division (B) (2) (a), (b), or (c) of 185  
section 2971.03 of the Revised Code, and of a victim of an 186  
offense that is described in division (B) (3) (a), (b), (c), or 187  
(d) of section 2971.03 of the Revised Code and is committed by 188  
an offender who is sentenced pursuant to one of those divisions 189  
to receive, pursuant to section 2930.16 of the Revised Code, 190  
notice of a hearing to determine whether to modify the 191  
requirement that the offender serve the entire prison term in a 192  
state correctional facility, whether to continue, revise, or 193  
revoke any existing modification of that requirement, or whether 194  
to terminate the prison term. As used in this division, 195  
"sexually violent offense" and "sexually violent predator 196  
specification" have the same meanings as in section 2971.01 of 197  
the Revised Code. 198

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 199  
prosecuting attorney, assistant prosecuting attorney, city 200  
director of law, assistant city director of law, village 201

solicitor, assistant village solicitor, or similar chief legal 202  
officer of a municipal corporation or an assistant of any of 203  
those officers who prosecutes an offense committed in this 204  
state, upon first contact with the victim of the offense, the 205  
victim's family, or the victim's dependents, shall give the 206  
victim, the victim's family, or the victim's dependents a copy 207  
of the pamphlet prepared pursuant to division (A) of this 208  
section and explain, upon request, the information in the 209  
pamphlet to the victim, the victim's family, or the victim's 210  
dependents. 211

(b) Subject to division (B) (1) (c) of this section, a law 212  
enforcement agency that investigates an offense or delinquent 213  
act committed in this state shall give the victim of the offense 214  
or delinquent act, the victim's family, or the victim's 215  
dependents a copy of the pamphlet prepared pursuant to division 216  
(A) of this section at one of the following times: 217

(i) Upon first contact with the victim, the victim's 218  
family, or the victim's dependents; 219

(ii) If the offense or delinquent act is an offense of 220  
violence, if the circumstances of the offense or delinquent act 221  
and the condition of the victim, the victim's family, or the 222  
victim's dependents indicate that the victim, the victim's 223  
family, or the victim's dependents will not be able to 224  
understand the significance of the pamphlet upon first contact 225  
with the agency, and if the agency anticipates that it will have 226  
an additional contact with the victim, the victim's family, or 227  
the victim's dependents, upon the agency's second contact with 228  
the victim, the victim's family, or the victim's dependents. 229

If the agency does not give the victim, the victim's 230  
family, or the victim's dependents a copy of the pamphlet upon 231



first contact with them and does not have a second contact with 232  
the victim, the victim's family, or the victim's dependents, the 233  
agency shall mail a copy of the pamphlet to the victim, the 234  
victim's family, or the victim's dependents at their last known 235  
address. 236

(c) In complying on and after December 9, 1994, with the 237  
duties imposed by division (B) (1) (a) or (b) of this section, an 238  
official or a law enforcement agency shall use copies of the 239  
pamphlet that are in the official's or agency's possession on 240  
December 9, 1994, until the official or agency has distributed 241  
all of those copies. After the official or agency has 242  
distributed all of those copies, the official or agency shall 243  
use only copies of the pamphlet that contain at least the 244  
information described in divisions (A) (1) to (17) of this 245  
section. 246

(2) The failure of a law enforcement agency or of a 247  
prosecuting attorney, assistant prosecuting attorney, city 248  
director of law, assistant city director of law, village 249  
solicitor, assistant village solicitor, or similar chief legal 250  
officer of a municipal corporation or an assistant to any of 251  
those officers to give, as required by division (B) (1) of this 252  
section, the victim of an offense or delinquent act, the 253  
victim's family, or the victim's dependents a copy of the 254  
pamphlet prepared pursuant to division (A) of this section does 255  
not give the victim, the victim's family, the victim's 256  
dependents, or a victim's representative any rights under 257  
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 258  
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 259  
other provision of the Revised Code and does not affect any 260  
right under those sections. 261

(3) A law enforcement agency, a prosecuting attorney or 262  
assistant prosecuting attorney, or a city director of law, 263  
assistant city director of law, village solicitor, assistant 264  
village solicitor, or similar chief legal officer of a municipal 265  
corporation that distributes a copy of the pamphlet prepared 266  
pursuant to division (A) of this section shall not be required 267  
to distribute a copy of an information card or other printed 268  
material provided by the clerk of the court of claims pursuant 269  
to section 2743.71 of the Revised Code. 270

(C) The cost of printing and distributing the pamphlet 271  
prepared pursuant to division (A) of this section shall be paid 272  
out of the reparations fund, created pursuant to section 273  
2743.191 of the Revised Code, in accordance with division (D) of 274  
that section. 275

(D) As used in this section: 276

(1) "Victim's representative" has the same meaning as in 277  
section 2930.01 of the Revised Code; 278

(2) "Victim advocate" has the same meaning as in section 279  
2919.26 of the Revised Code. 280

**Sec. 109.57.** (A) (1) The superintendent of the bureau of 281  
criminal identification and investigation shall procure from 282  
wherever procurable and file for record photographs, pictures, 283  
descriptions, fingerprints, measurements, and other information 284  
that may be pertinent of all persons who have been convicted of 285  
committing within this state a felony, any crime constituting a 286  
misdemeanor on the first offense and a felony on subsequent 287  
offenses, or any misdemeanor described in division (A) (1) (a), 288  
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 289  
of all children under eighteen years of age who have been 290

adjudicated delinquent children for committing within this state 291  
an act that would be a felony or an offense of violence if 292  
committed by an adult or who have been convicted of or pleaded 293  
guilty to committing within this state a felony or an offense of 294  
violence, and of all well-known and habitual criminals. The 295  
person in charge of any county, multicounty, municipal, 296  
municipal-county, or multicounty-municipal jail or workhouse, 297  
community-based correctional facility, halfway house, 298  
alternative residential facility, or state correctional 299  
institution and the person in charge of any state institution 300  
having custody of a person suspected of having committed a 301  
felony, any crime constituting a misdemeanor on the first 302  
offense and a felony on subsequent offenses, or any misdemeanor 303  
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 304  
section 109.572 of the Revised Code or having custody of a child 305  
under eighteen years of age with respect to whom there is 306  
probable cause to believe that the child may have committed an 307  
act that would be a felony or an offense of violence if 308  
committed by an adult shall furnish such material to the 309  
superintendent of the bureau. Fingerprints, photographs, or 310  
other descriptive information of a child who is under eighteen 311  
years of age, has not been arrested or otherwise taken into 312  
custody for committing an act that would be a felony or an 313  
offense of violence who is not in any other category of child 314  
specified in this division, if committed by an adult, has not 315  
been adjudicated a delinquent child for committing an act that 316  
would be a felony or an offense of violence if committed by an 317  
adult, has not been convicted of or pleaded guilty to committing 318  
a felony or an offense of violence, and is not a child with 319  
respect to whom there is probable cause to believe that the 320  
child may have committed an act that would be a felony or an 321  
offense of violence if committed by an adult shall not be 322

procured by the superintendent or furnished by any person in 323  
charge of any county, multicounty, municipal, municipal-county, 324  
or multicounty-municipal jail or workhouse, community-based 325  
correctional facility, halfway house, alternative residential 326  
facility, or state correctional institution, except as 327  
authorized in section 2151.313 of the Revised Code. 328

(2) Every clerk of a court of record in this state, other 329  
than the supreme court or a court of appeals, shall send to the 330  
superintendent of the bureau a weekly report containing a 331  
summary of each case involving a felony, involving any crime 332  
constituting a misdemeanor on the first offense and a felony on 333  
subsequent offenses, involving a misdemeanor described in 334  
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 335  
of the Revised Code, or involving an adjudication in a case in 336  
which a child under eighteen years of age was alleged to be a 337  
delinquent child for committing an act that would be a felony or 338  
an offense of violence if committed by an adult. The clerk of 339  
the court of common pleas shall include in the report and 340  
summary the clerk sends under this division all information 341  
described in divisions (A) (2) (a) to (f) of this section 342  
regarding a case before the court of appeals that is served by 343  
that clerk. The summary shall be written on the standard forms 344  
furnished by the superintendent pursuant to division (B) of this 345  
section and shall include the following information: 346

(a) The incident tracking number contained on the standard 347  
forms furnished by the superintendent pursuant to division (B) 348  
of this section; 349

(b) The style and number of the case; 350

(c) The date of arrest, offense, summons, or arraignment; 351

(d) The date that the person was convicted of or pleaded 352  
guilty to the offense, adjudicated a delinquent child for 353  
committing the act that would be a felony or an offense of 354  
violence if committed by an adult, found not guilty of the 355  
offense, or found not to be a delinquent child for committing an 356  
act that would be a felony or an offense of violence if 357  
committed by an adult, the date of an entry dismissing the 358  
charge, an entry declaring a mistrial of the offense in which 359  
the person is discharged, an entry finding that the person or 360  
child is not competent to stand trial, or an entry of a nolle 361  
prosequi, or the date of any other determination that 362  
constitutes final resolution of the case; 363

(e) A statement of the original charge with the section of 364  
the Revised Code that was alleged to be violated; 365

(f) If the person or child was convicted, pleaded guilty, 366  
or was adjudicated a delinquent child, the sentence or terms of 367  
probation imposed or any other disposition of the offender or 368  
the delinquent child. 369

If the offense involved the disarming of a law enforcement 370  
officer or an attempt to disarm a law enforcement officer, the 371  
clerk shall clearly state that fact in the summary, and the 372  
superintendent shall ensure that a clear statement of that fact 373  
is placed in the bureau's records. 374

(3) The superintendent shall cooperate with and assist 375  
sheriffs, chiefs of police, and other law enforcement officers 376  
in the establishment of a complete system of criminal 377  
identification and in obtaining fingerprints and other means of 378  
identification of all persons arrested on a charge of a felony, 379  
any crime constituting a misdemeanor on the first offense and a 380  
felony on subsequent offenses, or a misdemeanor described in 381

division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 382  
of the Revised Code and of all children under eighteen years of 383  
age arrested or otherwise taken into custody for committing an 384  
act that would be a felony or an offense of violence if 385  
committed by an adult. The superintendent also shall file for 386  
record the fingerprint impressions of all persons confined in a 387  
county, multicounty, municipal, municipal-county, or 388  
multicounty-municipal jail or workhouse, community-based 389  
correctional facility, halfway house, alternative residential 390  
facility, or state correctional institution for the violation of 391  
state laws and of all children under eighteen years of age who 392  
are confined in a county, multicounty, municipal, municipal- 393  
county, or multicounty-municipal jail or workhouse, community- 394  
based correctional facility, halfway house, alternative 395  
residential facility, or state correctional institution or in 396  
any facility for delinquent children for committing an act that 397  
would be a felony or an offense of violence if committed by an 398  
adult, and any other information that the superintendent may 399  
receive from law enforcement officials of the state and its 400  
political subdivisions. 401

(4) The superintendent shall carry out Chapter 2950. of 402  
the Revised Code with respect to the registration of persons who 403  
are convicted of or plead guilty to a sexually oriented offense 404  
or a child-victim oriented offense and with respect to all other 405  
duties imposed on the bureau under that chapter. 406

(5) The bureau shall perform centralized recordkeeping 407  
functions for criminal history records and services in this 408  
state for purposes of the national crime prevention and privacy 409  
compact set forth in section 109.571 of the Revised Code and is 410  
the criminal history record repository as defined in that 411  
section for purposes of that compact. The superintendent or the 412

superintendent's designee is the compact officer for purposes of 413  
that compact and shall carry out the responsibilities of the 414  
compact officer specified in that compact. 415

(6) The superintendent shall, upon request, assist a 416  
county coroner in the identification of a deceased person 417  
through the use of fingerprint impressions obtained pursuant to 418  
division (A)(1) of this section or collected pursuant to section 419  
109.572 or 311.41 of the Revised Code. 420

(B) The superintendent shall prepare and furnish to every 421  
county, multicounty, municipal, municipal-county, or 422  
multicounty-municipal jail or workhouse, community-based 423  
correctional facility, halfway house, alternative residential 424  
facility, or state correctional institution and to every clerk 425  
of a court in this state specified in division (A)(2) of this 426  
section standard forms for reporting the information required 427  
under division (A) of this section. The standard forms that the 428  
superintendent prepares pursuant to this division may be in a 429  
tangible format, in an electronic format, or in both tangible 430  
formats and electronic formats. 431

(C)(1) The superintendent may operate a center for 432  
electronic, automated, or other data processing for the storage 433  
and retrieval of information, data, and statistics pertaining to 434  
criminals and to children under eighteen years of age who are 435  
adjudicated delinquent children for committing an act that would 436  
be a felony or an offense of violence if committed by an adult, 437  
criminal activity, crime prevention, law enforcement, and 438  
criminal justice, and may establish and operate a statewide 439  
communications network to be known as the Ohio law enforcement 440  
gateway to gather and disseminate information, data, and 441  
statistics for the use of law enforcement agencies and for other 442

uses specified in this division. The superintendent may gather, 443  
store, retrieve, and disseminate information, data, and 444  
statistics that pertain to children who are under eighteen years 445  
of age and that are gathered pursuant to sections 109.57 to 446  
109.61 of the Revised Code together with information, data, and 447  
statistics that pertain to adults and that are gathered pursuant 448  
to those sections. 449

(2) The superintendent or the superintendent's designee 450  
shall gather information of the nature described in division (C) 451  
(1) of this section that pertains to the offense and delinquency 452  
history of a person who has been convicted of, pleaded guilty 453  
to, or been adjudicated a delinquent child for committing a 454  
sexually oriented offense or a child-victim oriented offense for 455  
inclusion in the state registry of sex offenders and child- 456  
victim offenders maintained pursuant to division (A) (1) of 457  
section 2950.13 of the Revised Code and in the internet database 458  
operated pursuant to division (A) (13) of that section and for 459  
possible inclusion in the internet database operated pursuant to 460  
division (A) (11) of that section. 461

(3) In addition to any other authorized use of 462  
information, data, and statistics of the nature described in 463  
division (C) (1) of this section, the superintendent or the 464  
superintendent's designee may provide and exchange the 465  
information, data, and statistics pursuant to the national crime 466  
prevention and privacy compact as described in division (A) (5) 467  
of this section. 468

(4) The Ohio law enforcement gateway shall contain the 469  
name, confidential address, and telephone number of program 470  
participants in the address confidentiality program established 471  
under sections 111.41 to 111.47 of the Revised Code. 472



(5) The attorney general may adopt rules under Chapter 473  
119. of the Revised Code establishing guidelines for the 474  
operation of and participation in the Ohio law enforcement 475  
gateway. The rules may include criteria for granting and 476  
restricting access to information gathered and disseminated 477  
through the Ohio law enforcement gateway. The attorney general 478  
shall adopt rules under Chapter 119. of the Revised Code that 479  
grant access to information in the gateway regarding an address 480  
confidentiality program participant under sections 111.41 to 481  
111.47 of the Revised Code to only chiefs of police, village 482  
marshals, county sheriffs, county prosecuting attorneys, and a 483  
designee of each of these individuals. The attorney general 484  
shall permit the state medical board and board of nursing to 485  
access and view, but not alter, information gathered and 486  
disseminated through the Ohio law enforcement gateway. 487

The attorney general may appoint a steering committee to 488  
advise the attorney general in the operation of the Ohio law 489  
enforcement gateway that is comprised of persons who are 490  
representatives of the criminal justice agencies in this state 491  
that use the Ohio law enforcement gateway and is chaired by the 492  
superintendent or the superintendent's designee. 493

(D) (1) The following are not public records under section 494  
149.43 of the Revised Code: 495

(a) Information and materials furnished to the 496  
superintendent pursuant to division (A) of this section; 497

(b) Information, data, and statistics gathered or 498  
disseminated through the Ohio law enforcement gateway pursuant 499  
to division (C) (1) of this section; 500

(c) Information and materials furnished to any board or 501

person under division (F) or (G) of this section. 502

(2) The superintendent or the superintendent's designee 503  
shall gather and retain information so furnished under division 504  
(A) of this section that pertains to the offense and delinquency 505  
history of a person who has been convicted of, pleaded guilty 506  
to, or been adjudicated a delinquent child for committing a 507  
sexually oriented offense or a child-victim oriented offense for 508  
the purposes described in division (C) (2) of this section. 509

(E) (1) The attorney general shall adopt rules, in 510  
accordance with Chapter 119. of the Revised Code and subject to 511  
division (E) (2) of this section, setting forth the procedure by 512  
which a person may receive or release information gathered by 513  
the superintendent pursuant to division (A) of this section. A 514  
reasonable fee may be charged for this service. If a temporary 515  
employment service submits a request for a determination of 516  
whether a person the service plans to refer to an employment 517  
position has been convicted of or pleaded guilty to an offense 518  
listed or described in division (A) (1), (2), or (3) of section 519  
109.572 of the Revised Code, the request shall be treated as a 520  
single request and only one fee shall be charged. 521

(2) Except as otherwise provided in this division or 522  
division (E) (3) or (4) of this section, a rule adopted under 523  
division (E) (1) of this section may provide only for the release 524  
of information gathered pursuant to division (A) of this section 525  
that relates to the conviction of a person, or a person's plea 526  
of guilty to, a criminal offense or to the arrest of a person as 527  
provided in division (E) (3) of this section. The superintendent 528  
shall not release, and the attorney general shall not adopt any 529  
rule under division (E) (1) of this section that permits the 530  
release of, any information gathered pursuant to division (A) of 531

this section that relates to an adjudication of a child as a delinquent child, or that relates to a criminal conviction of a person under eighteen years of age if the person's case was transferred back to a juvenile court under division (B) (2) or (3) of former section 2152.121 of the Revised Code as it existed prior to the effective date of this amendment and the juvenile court imposed a disposition or serious youthful offender disposition upon the person under either division, unless either of the following applies with respect to the adjudication or conviction:

(a) The adjudication or conviction was for a violation of section 2903.01 or 2903.02 of the Revised Code.

(b) The adjudication or conviction was for a sexually oriented offense, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, that classification has not been removed, and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 or sealed pursuant to section 2952.32 of the Revised Code.

(3) A rule adopted under division (E) (1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to the arrest of a person who is eighteen years of age or older when the person has not been convicted as a result of that arrest if any of the following applies:

(a) The arrest was made outside of this state.

(b) A criminal action resulting from the arrest is pending, and the superintendent confirms that the criminal

action has not been resolved at the time the criminal records check is performed. 561  
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(c) The bureau cannot reasonably determine whether a criminal action resulting from the arrest is pending, and not more than one year has elapsed since the date of the arrest. 563  
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(4) A rule adopted under division (E) (1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to an adjudication of a child as a delinquent child if not more than five years have elapsed since the date of the adjudication, the adjudication was for an act that would have been a felony if committed by an adult, the records of the adjudication have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 of the Revised Code, and the request for information is made under division (F) of this section or under section 109.572 of the Revised Code. In the case of an adjudication for a violation of the terms of community control or supervised release, the five-year period shall be calculated from the date of the adjudication to which the community control or supervised release pertains. 566  
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(F) (1) As used in division (F) (2) of this section, "head start agency" means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended. 581  
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(2) (a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 586  
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3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 591  
board of education of any school district; the director of 592  
developmental disabilities; any county board of developmental 593  
disabilities; any provider or subcontractor as defined in 594  
section 5123.081 of the Revised Code; the chief administrator of 595  
any chartered nonpublic school; the chief administrator of a 596  
registered private provider that is not also a chartered 597  
nonpublic school; the chief administrator of any home health 598  
agency; the chief administrator of or person operating any child 599  
day-care center, type A family day-care home, or type B family 600  
day-care home licensed under Chapter 5104. of the Revised Code; 601  
the chief administrator of any head start agency; the executive 602  
director of a public children services agency; a private company 603  
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 604  
the Revised Code; or an employer described in division (J) (2) of 605  
section 3327.10 of the Revised Code may request that the 606  
superintendent of the bureau investigate and determine, with 607  
respect to any individual who has applied for employment in any 608  
position after October 2, 1989, or any individual wishing to 609  
apply for employment with a board of education may request, with 610  
regard to the individual, whether the bureau has any information 611  
gathered under division (A) of this section that pertains to 612  
that individual. On receipt of the request, subject to division 613  
(E) (2) of this section, the superintendent shall determine 614  
whether that information exists and, upon request of the person, 615  
board, or entity requesting information, also shall request from 616  
the federal bureau of investigation any criminal records it has 617  
pertaining to that individual. The superintendent or the 618  
superintendent's designee also may request criminal history 619  
records from other states or the federal government pursuant to 620  
the national crime prevention and privacy compact set forth in 621  
section 109.571 of the Revised Code. Within thirty days of the 622

date that the superintendent receives a request, subject to 623  
division (E) (2) of this section, the superintendent shall send 624  
to the board, entity, or person a report of any information that 625  
the superintendent determines exists, including information 626  
contained in records that have been sealed under section 2953.32 627  
of the Revised Code, and, within thirty days of its receipt, 628  
subject to division (E) (2) of this section, shall send the 629  
board, entity, or person a report of any information received 630  
from the federal bureau of investigation, other than information 631  
the dissemination of which is prohibited by federal law. 632

(b) When a board of education or a registered private 633  
provider is required to receive information under this section 634  
as a prerequisite to employment of an individual pursuant to 635  
division (C) of section 3310.58 or section 3319.39 of the 636  
Revised Code, it may accept a certified copy of records that 637  
were issued by the bureau of criminal identification and 638  
investigation and that are presented by an individual applying 639  
for employment with the district in lieu of requesting that 640  
information itself. In such a case, the board shall accept the 641  
certified copy issued by the bureau in order to make a photocopy 642  
of it for that individual's employment application documents and 643  
shall return the certified copy to the individual. In a case of 644  
that nature, a district or provider only shall accept a 645  
certified copy of records of that nature within one year after 646  
the date of their issuance by the bureau. 647

(c) Notwithstanding division (F) (2) (a) of this section, in 648  
the case of a request under section 3319.39, 3319.391, or 649  
3327.10 of the Revised Code only for criminal records maintained 650  
by the federal bureau of investigation, the superintendent shall 651  
not determine whether any information gathered under division 652  
(A) of this section exists on the person for whom the request is 653

made. 654

(3) The state board of education may request, with respect 655  
to any individual who has applied for employment after October 656  
2, 1989, in any position with the state board or the department 657  
of education, any information that a school district board of 658  
education is authorized to request under division (F) (2) of this 659  
section, and the superintendent of the bureau shall proceed as 660  
if the request has been received from a school district board of 661  
education under division (F) (2) of this section. 662

(4) When the superintendent of the bureau receives a 663  
request for information under section 3319.291 of the Revised 664  
Code, the superintendent shall proceed as if the request has 665  
been received from a school district board of education and 666  
shall comply with divisions (F) (2) (a) and (c) of this section. 667

(5) When a recipient of a classroom reading improvement 668  
grant paid under section 3301.86 of the Revised Code requests, 669  
with respect to any individual who applies to participate in 670  
providing any program or service funded in whole or in part by 671  
the grant, the information that a school district board of 672  
education is authorized to request under division (F) (2) (a) of 673  
this section, the superintendent of the bureau shall proceed as 674  
if the request has been received from a school district board of 675  
education under division (F) (2) (a) of this section. 676

(G) In addition to or in conjunction with any request that 677  
is required to be made under section 3701.881, 3712.09, or 678  
3721.121 of the Revised Code with respect to an individual who 679  
has applied for employment in a position that involves providing 680  
direct care to an older adult or adult resident, the chief 681  
administrator of a home health agency, hospice care program, 682  
home licensed under Chapter 3721. of the Revised Code, or adult 683

day-care program operated pursuant to rules adopted under 684  
section 3721.04 of the Revised Code may request that the 685  
superintendent of the bureau investigate and determine, with 686  
respect to any individual who has applied after January 27, 687  
1997, for employment in a position that does not involve 688  
providing direct care to an older adult or adult resident, 689  
whether the bureau has any information gathered under division 690  
(A) of this section that pertains to that individual. 691

In addition to or in conjunction with any request that is 692  
required to be made under section 173.27 of the Revised Code 693  
with respect to an individual who has applied for employment in 694  
a position that involves providing ombudsman services to 695  
residents of long-term care facilities or recipients of 696  
community-based long-term care services, the state long-term 697  
care ombudsman, the director of aging, a regional long-term care 698  
ombudsman program, or the designee of the ombudsman, director, 699  
or program may request that the superintendent investigate and 700  
determine, with respect to any individual who has applied for 701  
employment in a position that does not involve providing such 702  
ombudsman services, whether the bureau has any information 703  
gathered under division (A) of this section that pertains to 704  
that applicant. 705

In addition to or in conjunction with any request that is 706  
required to be made under section 173.38 of the Revised Code 707  
with respect to an individual who has applied for employment in 708  
a direct-care position, the chief administrator of a provider, 709  
as defined in section 173.39 of the Revised Code, may request 710  
that the superintendent investigate and determine, with respect 711  
to any individual who has applied for employment in a position 712  
that is not a direct-care position, whether the bureau has any 713  
information gathered under division (A) of this section that 714



pertains to that applicant. 715

In addition to or in conjunction with any request that is 716  
required to be made under section 3712.09 of the Revised Code 717  
with respect to an individual who has applied for employment in 718  
a position that involves providing direct care to a pediatric 719  
respite care patient, the chief administrator of a pediatric 720  
respite care program may request that the superintendent of the 721  
bureau investigate and determine, with respect to any individual 722  
who has applied for employment in a position that does not 723  
involve providing direct care to a pediatric respite care 724  
patient, whether the bureau has any information gathered under 725  
division (A) of this section that pertains to that individual. 726

On receipt of a request under this division, the 727  
superintendent shall determine whether that information exists 728  
and, on request of the individual requesting information, shall 729  
also request from the federal bureau of investigation any 730  
criminal records it has pertaining to the applicant. The 731  
superintendent or the superintendent's designee also may request 732  
criminal history records from other states or the federal 733  
government pursuant to the national crime prevention and privacy 734  
compact set forth in section 109.571 of the Revised Code. Within 735  
thirty days of the date a request is received, subject to 736  
division (E)(2) of this section, the superintendent shall send 737  
to the requester a report of any information determined to 738  
exist, including information contained in records that have been 739  
sealed under section 2953.32 of the Revised Code, and, within 740  
thirty days of its receipt, shall send the requester a report of 741  
any information received from the federal bureau of 742  
investigation, other than information the dissemination of which 743  
is prohibited by federal law. 744

(H) Information obtained by a government entity or person 745  
under this section is confidential and shall not be released or 746  
disseminated. 747

(I) The superintendent may charge a reasonable fee for 748  
providing information or criminal records under division (F) (2) 749  
or (G) of this section. 750

(J) As used in this section: 751

(1) "Pediatric respite care program" and "pediatric care 752  
patient" have the same meanings as in section 3712.01 of the 753  
Revised Code. 754

(2) "Sexually oriented offense" and "child-victim oriented 755  
offense" have the same meanings as in section 2950.01 of the 756  
Revised Code. 757

(3) "Registered private provider" means a nonpublic school 758  
or entity registered with the superintendent of public 759  
instruction under section 3310.41 of the Revised Code to 760  
participate in the autism scholarship program or section 3310.58 761  
of the Revised Code to participate in the Jon Peterson special 762  
needs scholarship program. 763

**Sec. 121.37.** (A) (1) There is hereby created the Ohio 764  
family and children first cabinet council. The council shall be 765  
composed of the superintendent of public instruction, the 766  
executive director of the opportunities for Ohioans with 767  
disabilities agency, the medicaid director, and the directors of 768  
youth services, job and family services, mental health and 769  
addiction services, health, developmental disabilities, aging, 770  
rehabilitation and correction, and budget and management. The 771  
chairperson of the council shall be the governor or the 772  
governor's designee and shall establish procedures for the 773

council's internal control and management. 774

The purpose of the cabinet council is to help families 775  
seeking government services. This section shall not be 776  
interpreted or applied to usurp the role of parents, but solely 777  
to streamline and coordinate existing government services for 778  
families seeking assistance for their children. 779

(2) In seeking to fulfill its purpose, the council may do 780  
any of the following: 781

(a) Advise and make recommendations to the governor and 782  
general assembly regarding the provision of services to 783  
children; 784

(b) Advise and assess local governments on the 785  
coordination of service delivery to children; 786

(c) Hold meetings at such times and places as may be 787  
prescribed by the council's procedures and maintain records of 788  
the meetings, except that records identifying individual 789  
children are confidential and shall be disclosed only as 790  
provided by law; 791

(d) Develop programs and projects, including pilot 792  
projects, to encourage coordinated efforts at the state and 793  
local level to improve the state's social service delivery 794  
system; 795

(e) Enter into contracts with and administer grants to 796  
county family and children first councils, as well as other 797  
county or multicounty organizations to plan and coordinate 798  
service delivery between state agencies and local service 799  
providers for families and children; 800

(f) Enter into contracts with and apply for grants from 801

federal agencies or private organizations; 802

(g) Enter into interagency agreements to encourage 803  
coordinated efforts at the state and local level to improve the 804  
state's social service delivery system. The agreements may 805  
include provisions regarding the receipt, transfer, and 806  
expenditure of funds; 807

(h) Identify public and private funding sources for 808  
services provided to alleged or adjudicated unruly children and 809  
children who are at risk of being alleged or adjudicated unruly 810  
children, including regulations governing access to and use of 811  
the services; 812

(i) Collect information provided by local communities 813  
regarding successful programs for prevention, intervention, and 814  
treatment of unruly behavior, including evaluations of the 815  
programs; 816

(j) Identify and disseminate publications regarding 817  
alleged or adjudicated unruly children and children who are at 818  
risk of being alleged or adjudicated unruly children and 819  
regarding programs serving those types of children; 820

(k) Maintain an inventory of strategic planning 821  
facilitators for use by government or nonprofit entities that 822  
serve alleged or adjudicated unruly children or children who are 823  
at risk of being alleged or adjudicated unruly children. 824

(3) The cabinet council shall provide for the following: 825

(a) Reviews of service and treatment plans for children 826  
for which such reviews are requested; 827

(b) Assistance as the council determines to be necessary 828  
to meet the needs of children referred by county family and 829

children first councils; 830

(c) Monitoring and supervision of a statewide, 831  
comprehensive, coordinated, multi-disciplinary, interagency 832  
system for infants and toddlers with developmental disabilities 833  
or delays and their families, as established pursuant to federal 834  
grants received and administered by the department of health for 835  
early intervention services under the "Individuals with 836  
Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 837  
1400, as amended. 838

(4) The cabinet council shall develop and implement the 839  
following: 840

(a) An interagency process to select the indicators that 841  
will be used to measure progress toward increasing child well- 842  
being in the state and to update the indicators on an annual 843  
basis. The indicators shall focus on expectant parents and 844  
newborns thriving; infants and toddlers thriving; children being 845  
ready for school; children and youth succeeding in school; youth 846  
choosing healthy behaviors; and youth successfully transitioning 847  
into adulthood. 848

(b) An interagency system to offer guidance and monitor 849  
progress toward increasing child well-being in the state and in 850  
each county; 851

(c) An annual plan that identifies state-level agency 852  
efforts taken to ensure progress towards increasing child well- 853  
being in the state. 854

On an annual basis, the cabinet council shall submit to 855  
the governor and the general assembly a report on the status of 856  
efforts to increase child well-being in the state. This report 857  
shall be made available to any other person on request. 858

(B) (1) Each board of county commissioners shall establish 859  
a county family and children first council. The board may invite 860  
any local public or private agency or group that funds, 861  
advocates, or provides services to children and families to have 862  
a representative become a permanent or temporary member of its 863  
county council. Each county council must include the following 864  
individuals: 865

(a) At least three individuals who are not employed by an 866  
agency represented on the council and whose families are or have 867  
received services from an agency represented on the council or 868  
another county's council. Where possible, the number of members 869  
representing families shall be equal to twenty per cent of the 870  
council's membership. 871

(b) The director of the board of alcohol, drug addiction, 872  
and mental health services that serves the county, or, in the 873  
case of a county that has a board of alcohol and drug addiction 874  
services and a community mental health board, the directors of 875  
both boards. If a board of alcohol, drug addiction, and mental 876  
health services covers more than one county, the director may 877  
designate a person to participate on the county's council. 878

(c) The health commissioner, or the commissioner's 879  
designee, of the board of health of each city and general health 880  
district in the county. If the county has two or more health 881  
districts, the health commissioner membership may be limited to 882  
the commissioners of the two districts with the largest 883  
populations. 884

(d) The director of the county department of job and 885  
family services; 886

(e) The executive director of the public children services 887

agency; 888

(f) The superintendent of the county board of 889  
developmental disabilities or, if the superintendent serves as 890  
superintendent of more than one county board of developmental 891  
disabilities, the superintendent's designee; 892

(g) The superintendent of the city, exempted village, or 893  
local school district with the largest number of pupils residing 894  
in the county, as determined by the department of education, 895  
which shall notify each board of county commissioners of its 896  
determination at least biennially; 897

(h) A school superintendent representing all other school 898  
districts with territory in the county, as designated at a 899  
biennial meeting of the superintendents of those districts; 900

(i) A representative of the municipal corporation with the 901  
largest population in the county; 902

(j) The president of the board of county commissioners or 903  
an individual designated by the board; 904

(k) ~~A representative of the regional office of the~~ 905  
~~department of youth services;~~ 906

~~(l)~~ A representative of the county's head start agencies, 907  
as defined in section 3301.32 of the Revised Code; 908

~~(m)~~ (l) A representative of the county's early 909  
intervention collaborative established pursuant to the federal 910  
early intervention program operated under the "Individuals with 911  
Disabilities Education Act of 2004"; 912

~~(n)~~ (m) A representative of a local nonprofit entity that 913  
funds, advocates, or provides services to children and families. 914

Notwithstanding any other provision of law, the public 915  
members of a county council are not prohibited from serving on 916  
the council and making decisions regarding the duties of the 917  
council, including those involving the funding of joint projects 918  
and those outlined in the county's service coordination 919  
mechanism implemented pursuant to division (C) of this section. 920

The cabinet council shall establish a state appeals 921  
process to resolve disputes among the members of a county 922  
council concerning whether reasonable responsibilities as 923  
members are being shared. The appeals process may be accessed 924  
only by a majority vote of the council members who are required 925  
to serve on the council. Upon appeal, the cabinet council may 926  
order that state funds for services to children and families be 927  
redirected to a county's board of county commissioners. 928

The county's juvenile court judge senior in service or 929  
another judge of the juvenile court designated by the 930  
administrative judge or, where there is no administrative judge, 931  
by the judge senior in service shall serve as the judicial 932  
advisor to the county family and children first council. The 933  
judge may advise the county council on the court's utilization 934  
of resources, services, or programs provided by the entities 935  
represented by the members of the county council and how those 936  
resources, services, or programs assist the court in its 937  
administration of justice. Service of a judge as a judicial 938  
advisor pursuant to this section is a judicial function. 939

(2) The purpose of the county council is to streamline and 940  
coordinate existing government services for families seeking 941  
services for their children. In seeking to fulfill its purpose, 942  
a county council shall provide for the following: 943

(a) Referrals to the cabinet council of those children for 944



whom the county council cannot provide adequate services; 945

(b) Development and implementation of a process that 946  
annually evaluates and prioritizes services, fills service gaps 947  
where possible, and invents new approaches to achieve better 948  
results for families and children; 949

(c) Participation in the development of a countywide, 950  
comprehensive, coordinated, multi-disciplinary, interagency 951  
system for infants and toddlers with developmental disabilities 952  
or delays and their families, as established pursuant to federal 953  
grants received and administered by the department of health for 954  
early intervention services under the "Individuals with 955  
Disabilities Education Act of 2004"; 956

(d) Maintenance of an accountability system to monitor the 957  
county council's progress in achieving results for families and 958  
children; 959

(e) Establishment of a mechanism to ensure ongoing input 960  
from a broad representation of families who are receiving 961  
services within the county system. 962

(3) A county council shall develop and implement the 963  
following: 964

(a) An interagency process to establish local indicators 965  
and monitor the county's progress toward increasing child well- 966  
being in the county; 967

(b) An interagency process to identify local priorities to 968  
increase child well-being. The local priorities shall focus on 969  
expectant parents and newborns thriving; infants and toddlers 970  
thriving; children being ready for school; children and youth 971  
succeeding in school; youth choosing healthy behaviors; and 972  
youth successfully transitioning into adulthood and take into 973

account the indicators established by the cabinet council under 974  
division (A) (4) (a) of this section. 975

(c) An annual plan that identifies the county's 976  
interagency efforts to increase child well-being in the county. 977

On an annual basis, the county council shall submit a 978  
report on the status of efforts by the county to increase child 979  
well-being in the county to the county's board of county 980  
commissioners and the cabinet council. This report shall be made 981  
available to any other person on request. 982

(4) (a) Except as provided in division (B) (4) (b) of this 983  
section, a county council shall comply with the policies, 984  
procedures, and activities prescribed by the rules or 985  
interagency agreements of a state department participating on 986  
the cabinet council whenever the county council performs a 987  
function subject to those rules or agreements. 988

(b) On application of a county council, the cabinet 989  
council may grant an exemption from any rules or interagency 990  
agreements of a state department participating on the council if 991  
an exemption is necessary for the council to implement an 992  
alternative program or approach for service delivery to families 993  
and children. The application shall describe the proposed 994  
program or approach and specify the rules or interagency 995  
agreements from which an exemption is necessary. The cabinet 996  
council shall approve or disapprove the application in 997  
accordance with standards and procedures it shall adopt. If an 998  
application is approved, the exemption is effective only while 999  
the program or approach is being implemented, including a 1000  
reasonable period during which the program or approach is being 1001  
evaluated for effectiveness. 1002

(5) (a) Each county council shall designate an administrative agent for the council from among the following public entities: the board of alcohol, drug addiction, and mental health services, including a board of alcohol and drug addiction or a community mental health board if the county is served by separate boards; the board of county commissioners; any board of health of the county's city and general health districts; the county department of job and family services; the county agency responsible for the administration of children services pursuant to section 5153.15 of the Revised Code; the county board of developmental disabilities; any of the county's boards of education or governing boards of educational service centers; or the county's juvenile court. Any of the foregoing public entities, other than the board of county commissioners, may decline to serve as the council's administrative agent.

A county council's administrative agent shall serve as the council's appointing authority for any employees of the council. The council shall file an annual budget with its administrative agent, with copies filed with the county auditor and with the board of county commissioners, unless the board is serving as the council's administrative agent. The council's administrative agent shall ensure that all expenditures are handled in accordance with policies, procedures, and activities prescribed by state departments in rules or interagency agreements that are applicable to the council's functions.

The administrative agent of a county council shall send notice of a member's absence if a member listed in division (B) (1) of this section has been absent from either three consecutive meetings of the county council or a county council subcommittee, or from one-quarter of such meetings in a calendar year, whichever is less. The notice shall be sent to the board

of county commissioners that establishes the county council and, 1034  
for the members listed in divisions (B) (1) (b), (c), (e), and ~~(l)~~ 1035  
(k) of this section, to the governing board overseeing the 1036  
respective entity; for the member listed in division (B) (1) (f) 1037  
of this section, to the county board of developmental 1038  
disabilities that employs the superintendent; for a member 1039  
listed in division (B) (1) (g) or (h) of this section, to the 1040  
school board that employs the superintendent; for the member 1041  
listed in division (B) (1) (i) of this section, to the mayor of 1042  
the municipal corporation; ~~for the member listed in division (B)~~ 1043  
~~(l) (k) of this section, to the director of youth services; and~~ 1044  
for the member listed in division (B) (1) ~~(n)~~ (m) of this section, 1045  
to that member's board of trustees. 1046

The administrative agent for a county council may do any 1047  
of the following on behalf of the council: 1048

(i) Enter into agreements or administer contracts with 1049  
public or private entities to fulfill specific council business. 1050  
Such agreements and contracts are exempt from the competitive 1051  
bidding requirements of section 307.86 of the Revised Code if 1052  
they have been approved by the county council and they are for 1053  
the purchase of family and child welfare or child protection 1054  
services or other social or job and family services for families 1055  
and children. The approval of the county council is not required 1056  
to exempt agreements or contracts entered into under section 1057  
5139.34, 5139.41, or 5139.43 of the Revised Code from the 1058  
competitive bidding requirements of section 307.86 of the 1059  
Revised Code. 1060

(ii) As determined by the council, provide financial 1061  
stipends, reimbursements, or both, to family representatives for 1062  
expenses related to council activity; 1063

(iii) Receive by gift, grant, devise, or bequest any 1064  
moneys, lands, or other property for the purposes for which the 1065  
council is established. The agent shall hold, apply, and dispose 1066  
of the moneys, lands, or other property according to the terms 1067  
of the gift, grant, devise, or bequest. Any interest or earnings 1068  
shall be treated in the same manner and are subject to the same 1069  
terms as the gift, grant, devise, or bequest from which it 1070  
accrues. 1071

(b) (i) If the county council designates the board of 1072  
county commissioners as its administrative agent, the board may, 1073  
by resolution, delegate any of its powers and duties as 1074  
administrative agent to an executive committee the board 1075  
establishes from the membership of the county council. The board 1076  
shall name to the executive committee at least the individuals 1077  
described in divisions (B) (1) (b) to (h) of this section and may 1078  
appoint the president of the board or another individual as the 1079  
chair of the executive committee. The executive committee must 1080  
include at least one family county council representative who 1081  
does not have a family member employed by an agency represented 1082  
on the council. 1083

(ii) The executive committee may, with the approval of the 1084  
board, hire an executive director to assist the county council 1085  
in administering its powers and duties. The executive director 1086  
shall serve in the unclassified civil service at the pleasure of 1087  
the executive committee. The executive director may, with the 1088  
approval of the executive committee, hire other employees as 1089  
necessary to properly conduct the county council's business. 1090

(iii) The board may require the executive committee to 1091  
submit an annual budget to the board for approval and may amend 1092  
or repeal the resolution that delegated to the executive 1093

committee its authority as the county council's administrative 1094  
agent. 1095

(6) Two or more county councils may enter into an 1096  
agreement to administer their county councils jointly by 1097  
creating a regional family and children first council. A 1098  
regional council possesses the same duties and authority 1099  
possessed by a county council, except that the duties and 1100  
authority apply regionally rather than to individual counties. 1101  
Prior to entering into an agreement to create a regional 1102  
council, the members of each county council to be part of the 1103  
regional council shall meet to determine whether all or part of 1104  
the members of each county council will serve as members of the 1105  
regional council. 1106

(7) A board of county commissioners may approve a 1107  
resolution by a majority vote of the board's members that 1108  
requires the county council to submit a statement to the board 1109  
each time the council proposes to enter into an agreement, adopt 1110  
a plan, or make a decision, other than a decision pursuant to 1111  
section 121.38 of the Revised Code, that requires the 1112  
expenditure of funds for two or more families. The statement 1113  
shall describe the proposed agreement, plan, or decision. 1114

Not later than fifteen days after the board receives the 1115  
statement, it shall, by resolution approved by a majority of its 1116  
members, approve or disapprove the agreement, plan, or decision. 1117  
Failure of the board to pass a resolution during that time 1118  
period shall be considered approval of the agreement, plan, or 1119  
decision. 1120

An agreement, plan, or decision for which a statement is 1121  
required to be submitted to the board shall be implemented only 1122  
if it is approved by the board. 1123

(C) Each county shall develop a county service 1124  
coordination mechanism. The county service coordination 1125  
mechanism shall serve as the guiding document for coordination 1126  
of services in the county. For children who also receive 1127  
services under the help me grow program, the service 1128  
coordination mechanism shall be consistent with rules adopted by 1129  
the department of health under section 3701.61 of the Revised 1130  
Code. All family service coordination plans shall be developed 1131  
in accordance with the county service coordination mechanism. 1132  
The mechanism shall be developed and approved with the 1133  
participation of the county entities representing child welfare; 1134  
developmental disabilities; alcohol, drug addiction, and mental 1135  
health services; health; juvenile judges; education; the county 1136  
family and children first council; and the county early 1137  
intervention collaborative established pursuant to the federal 1138  
early intervention program operated under the "Individuals with 1139  
Disabilities Education Act of 2004." The county shall establish 1140  
an implementation schedule for the mechanism. The cabinet 1141  
council may monitor the implementation and administration of 1142  
each county's service coordination mechanism. 1143

Each mechanism shall include all of the following: 1144

(1) A procedure for an agency, including a juvenile court, 1145  
or a family voluntarily seeking service coordination, to refer 1146  
the child and family to the county council for service 1147  
coordination in accordance with the mechanism; 1148

(2) A procedure ensuring that a family and all appropriate 1149  
staff from involved agencies, including a representative from 1150  
the appropriate school district, are notified of and invited to 1151  
participate in all family service coordination plan meetings; 1152

(3) A procedure that permits a family to initiate a 1153

meeting to develop or review the family's service coordination 1154  
plan and allows the family to invite a family advocate, mentor, 1155  
or support person of the family's choice to participate in any 1156  
such meeting; 1157

(4) A procedure for ensuring that a family service 1158  
coordination plan meeting is conducted for each child who 1159  
receives service coordination under the mechanism and for whom 1160  
an emergency out-of-home placement has been made or for whom a 1161  
nonemergency out-of-home placement is being considered. The 1162  
meeting shall be conducted within ten days of an emergency out- 1163  
of-home placement. The meeting shall be conducted before a 1164  
nonemergency out-of-home placement. The family service 1165  
coordination plan shall outline how the county council members 1166  
will jointly pay for services, where applicable, and provide 1167  
services in the least restrictive environment. 1168

(5) A procedure for monitoring the progress and tracking 1169  
the outcomes of each service coordination plan requested in the 1170  
county including monitoring and tracking children in out-of-home 1171  
placements to assure continued progress, appropriateness of 1172  
placement, and continuity of care after discharge from placement 1173  
with appropriate arrangements for housing, treatment, and 1174  
education; 1175

(6) A procedure for protecting the confidentiality of all 1176  
personal family information disclosed during service 1177  
coordination meetings or contained in the comprehensive family 1178  
service coordination plan; 1179

(7) A procedure for assessing the needs and strengths of 1180  
any child or family that has been referred to the council for 1181  
service coordination, including a child whose parent or 1182  
custodian is voluntarily seeking services, and for ensuring that 1183



parents and custodians are afforded the opportunity to 1184  
participate; 1185

(8) A procedure for development of a family service 1186  
coordination plan described in division (D) of this section; 1187

(9) A local dispute resolution process to serve as the 1188  
process that must be used first to resolve disputes among the 1189  
agencies represented on the county council concerning the 1190  
provision of services to children, including children who are 1191  
abused, neglected, dependent, unruly, alleged unruly, or 1192  
delinquent children and under the jurisdiction of the juvenile 1193  
court and children whose parents or custodians are voluntarily 1194  
seeking services. The local dispute resolution process shall 1195  
comply with sections 121.38, 121.381, and 121.382 of the Revised 1196  
Code. The local dispute resolution process shall be used to 1197  
resolve disputes between a child's parents or custodians and the 1198  
county council regarding service coordination. The county 1199  
council shall inform the parents or custodians of their right to 1200  
use the dispute resolution process. Parents or custodians shall 1201  
use existing local agency grievance procedures to address 1202  
disputes not involving service coordination. The dispute 1203  
resolution process is in addition to and does not replace other 1204  
rights or procedures that parents or custodians may have under 1205  
other sections of the Revised Code. 1206

The cabinet council shall adopt rules in accordance with 1207  
Chapter 119. of the Revised Code establishing an administrative 1208  
review process to address problems that arise concerning the 1209  
operation of a local dispute resolution process. 1210

Nothing in division (C) (4) of this section shall be 1211  
interpreted as overriding or affecting decisions of a juvenile 1212  
court regarding an out-of-home placement, long-term placement, 1213

or emergency out-of-home placement. 1214

(D) Each county shall develop a family service 1215  
coordination plan that does all of the following: 1216

(1) Designates service responsibilities among the various 1217  
state and local agencies that provide services to children and 1218  
their families, including children who are abused, neglected, 1219  
dependent, unruly, or delinquent children and under the 1220  
jurisdiction of the juvenile court and children whose parents or 1221  
custodians are voluntarily seeking services; 1222

(2) Designates an individual, approved by the family, to 1223  
track the progress of the family service coordination plan, 1224  
schedule reviews as necessary, and facilitate the family service 1225  
coordination plan meeting process; 1226

(3) Ensures that assistance and services to be provided 1227  
are responsive to the strengths and needs of the family, as well 1228  
as the family's culture, race, and ethnic group, by allowing the 1229  
family to offer information and suggestions and participate in 1230  
decisions. Identified assistance and services shall be provided 1231  
in the least restrictive environment possible. 1232

(4) Includes a process for dealing with a child who is 1233  
alleged to be an unruly child. The process shall include methods 1234  
to divert the child from the juvenile court system; 1235

(5) Includes timelines for completion of goals specified 1236  
in the plan with regular reviews scheduled to monitor progress 1237  
toward those goals; 1238

(6) Includes a plan for dealing with short-term crisis 1239  
situations and safety concerns. 1240

(E) (1) The process provided for under division (D) (4) of 1241

this section may include, but is not limited to, the following: 1242

(a) Designation of the person or agency to conduct the 1243  
assessment of the child and the child's family as described in 1244  
division (C) (7) of this section and designation of the 1245  
instrument or instruments to be used to conduct the assessment; 1246

(b) An emphasis on the personal responsibilities of the 1247  
child and the parental responsibilities of the parents, 1248  
guardian, or custodian of the child; 1249

(c) Involvement of local law enforcement agencies and 1250  
officials. 1251

(2) The method to divert a child from the juvenile court 1252  
system that must be included in the service coordination process 1253  
may include, but is not limited to, the following: 1254

(a) The preparation of a complaint under section 2151.27 1255  
of the Revised Code alleging that the child is an unruly child 1256  
and notifying the child and the parents, guardian, or custodian 1257  
that the complaint has been prepared to encourage the child and 1258  
the parents, guardian, or custodian to comply with other methods 1259  
to divert the child from the juvenile court system; 1260

(b) Conducting a meeting with the child, the parents, 1261  
guardian, or custodian, and other interested parties to 1262  
determine the appropriate methods to divert the child from the 1263  
juvenile court system; 1264

(c) A method to provide to the child and the child's 1265  
family a short-term respite from a short-term crisis situation 1266  
involving a confrontation between the child and the parents, 1267  
guardian, or custodian; 1268

(d) A program to provide a mentor to the child or the 1269

parents, guardian, or custodian; 1270

(e) A program to provide parenting education to the 1271  
parents, guardian, or custodian; 1272

(f) An alternative school program for children who are 1273  
truant from school, repeatedly disruptive in school, or 1274  
suspended or expelled from school; 1275

(g) Other appropriate measures, including, but not limited 1276  
to, any alternative methods to divert a child from the juvenile 1277  
court system that are identified by the Ohio family and children 1278  
first cabinet council. 1279

(F) Each county may review and revise the service 1280  
coordination process described in division (D) of this section 1281  
based on the availability of funds under Title IV-A of the 1282  
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, 1283  
as amended, or to the extent resources are available from any 1284  
other federal, state, or local funds. 1285

**Sec. 2151.23.** (A) The juvenile court has exclusive 1286  
original jurisdiction under the Revised Code as follows: 1287

(1) Concerning any child who on or about the date 1288  
specified in the complaint, indictment, or information is 1289  
alleged to have violated section 2151.87 of the Revised Code or 1290  
an order issued under that section or to be a juvenile traffic 1291  
offender or a delinquent, unruly, abused, neglected, or 1292  
dependent child and, based on and in relation to the allegation 1293  
pertaining to the child, concerning the parent, guardian, or 1294  
other person having care of a child who is alleged to be an 1295  
unruly child for being an habitual truant or who is alleged to 1296  
be a delinquent child for violating a court order regarding the 1297  
child's prior adjudication as an unruly child for being an 1298

habitual truant;	1299
(2) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state;	1300 1301 1302
(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;	1303 1304
(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code;	1305 1306 1307 1308 1309 1310
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	1311 1312
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	1313 1314 1315 1316 1317 1318 1319 1320 1321 1322 1323
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	1324 1325
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being	1326 1327

notified of the intent to take the child into custody and the 1328  
reasons for taking the child into custody; 1329

(9) To hear and determine requests for the extension of 1330  
temporary custody agreements, and requests for court approval of 1331  
permanent custody agreements, that are filed pursuant to section 1332  
5103.15 of the Revised Code; 1333

(10) To hear and determine applications for consent to 1334  
marry pursuant to section 3101.04 of the Revised Code; 1335

(11) Subject to divisions (G), (K), and (V) of section 1336  
2301.03 of the Revised Code, to hear and determine a request for 1337  
an order for the support of any child if the request is not 1338  
ancillary to an action for divorce, dissolution of marriage, 1339  
annulment, or legal separation, a criminal or civil action 1340  
involving an allegation of domestic violence, or an action for 1341  
support brought under Chapter 3115. of the Revised Code; 1342

(12) Concerning an action commenced under section 121.38 1343  
of the Revised Code; 1344

(13) To hear and determine violations of section 3321.38 1345  
of the Revised Code; 1346

(14) To exercise jurisdiction and authority over the 1347  
parent, guardian, or other person having care of a child alleged 1348  
to be a delinquent child, unruly child, or juvenile traffic 1349  
offender, based on and in relation to the allegation pertaining 1350  
to the child; 1351

(15) To conduct the hearings, and to make the 1352  
determinations, adjudications, and orders authorized or required 1353  
under sections 2152.82 to 2152.86 and Chapter 2950. of the 1354  
Revised Code regarding a child who has been adjudicated a 1355  
delinquent child and to refer the duties conferred upon the 1356

juvenile court judge under sections 2152.82 to 2152.86 and 1357  
Chapter 2950. of the Revised Code to magistrates appointed by 1358  
the juvenile court judge in accordance with Juvenile Rule 40; 1359

(16) To hear and determine a petition for a protection 1360  
order against a child under section 2151.34 or 3113.31 of the 1361  
Revised Code and to enforce a protection order issued or a 1362  
consent agreement approved under either section against a child 1363  
until a date certain but not later than the date the child 1364  
attains nineteen years of age. 1365

(B) Except as provided in divisions (G) and (I) of section 1366  
2301.03 of the Revised Code, the juvenile court has original 1367  
jurisdiction under the Revised Code: 1368

(1) To hear and determine all cases of misdemeanors 1369  
charging adults with any act or omission with respect to any 1370  
child, which act or omission is a violation of any state law or 1371  
any municipal ordinance; 1372

(2) To determine the paternity of any child alleged to 1373  
have been born out of wedlock pursuant to sections 3111.01 to 1374  
3111.18 of the Revised Code; 1375

(3) Under the uniform interstate family support act in 1376  
Chapter 3115. of the Revised Code; 1377

(4) To hear and determine an application for an order for 1378  
the support of any child, if the child is not a ward of another 1379  
court of this state; 1380

(5) To hear and determine an action commenced under 1381  
section 3111.28 of the Revised Code; 1382

(6) To hear and determine a motion filed under section 1383  
3119.961 of the Revised Code; 1384

(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.

(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;

(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.

(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no jurisdiction.

(D) The juvenile court, except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas



to the juvenile court after a divorce decree has been granted, 1415  
including jurisdiction to modify the judgment and decree of the 1416  
court of common pleas as the same relate to the custody and 1417  
support of children. 1418

(E) The juvenile court, except as provided in divisions 1419  
(G) and (I) of section 2301.03 of the Revised Code, has 1420  
jurisdiction to hear and determine the case of any child 1421  
certified to the court by any court of competent jurisdiction if 1422  
the child comes within the jurisdiction of the juvenile court as 1423  
defined by this section. 1424

(F) (1) The juvenile court shall exercise its jurisdiction 1425  
in child custody matters in accordance with sections 3109.04 and 1426  
3127.01 to 3127.53 of the Revised Code and, as applicable, 1427  
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 1428  
Revised Code. 1429

(2) The juvenile court shall exercise its jurisdiction in 1430  
child support matters in accordance with section 3109.05 of the 1431  
Revised Code. 1432

(G) Any juvenile court that makes or modifies an order for 1433  
child support shall comply with Chapters 3119., 3121., 3123., 1434  
and 3125. of the Revised Code. If any person required to pay 1435  
child support under an order made by a juvenile court on or 1436  
after April 15, 1985, or modified on or after December 1, 1986, 1437  
is found in contempt of court for failure to make support 1438  
payments under the order, the court that makes the finding, in 1439  
addition to any other penalty or remedy imposed, shall assess 1440  
all court costs arising out of the contempt proceeding against 1441  
the person and require the person to pay any reasonable 1442  
attorney's fees of any adverse party, as determined by the 1443  
court, that arose in relation to the act of contempt. 1444

(H) If a child who is charged with an act that would be an offense if committed by an adult was fourteen years of age or older and under eighteen years of age at the time of the alleged act and if the case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code, ~~except as provided in section 2152.121 of the Revised Code,~~ the juvenile court does not have jurisdiction to hear or determine the case subsequent to the transfer. The court to which the case is transferred for criminal prosecution pursuant to that section has jurisdiction subsequent to the transfer to hear and determine the case in the same manner as if the case originally had been commenced in that court, ~~subject to section 2152.121 of the Revised Code,~~ including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child for the commission of the offense that was the basis of the transfer of the case for criminal prosecution, whether the conviction is for the same degree or a lesser degree of the offense charged, for the commission of a lesser-included offense, or for the commission of another offense that is different from the offense charged. However, notwithstanding any other provision of the Revised Code to the contrary, the court shall not impose on the child a sentence of life imprisonment without parole.

(I) If a person under eighteen years of age allegedly commits an act that would be a felony if committed by an adult and if the person is not taken into custody or apprehended for that act until after the person attains twenty-one years of age, the juvenile court does not have jurisdiction to hear or

determine any portion of the case charging the person with 1476  
committing that act. In those circumstances, ~~divisions~~division 1477  
(A) ~~and (B)~~ of section 2152.12 of the Revised Code ~~do~~does not 1478  
apply regarding the act, and the case charging the person with 1479  
committing the act shall be a criminal prosecution commenced and 1480  
heard in the appropriate court having jurisdiction of the 1481  
offense as if the person had been eighteen years of age or older 1482  
when the person committed the act, except that the court shall 1483  
not impose a sentence of life imprisonment without parole for 1484  
any offense committed when the person was under eighteen years 1485  
of age. All proceedings pertaining to the act shall be within 1486  
the jurisdiction of the court having jurisdiction of the 1487  
offense, and that court has all the authority and duties in the 1488  
case that it has in other criminal cases in that court. 1489

(J) In exercising its exclusive original jurisdiction 1490  
under division (A)(16) of this section with respect to any 1491  
proceedings brought under section 2151.34 or 3113.31 of the 1492  
Revised Code in which the respondent is a child, the juvenile 1493  
court retains all dispositional powers consistent with existing 1494  
rules of juvenile procedure and may also exercise its discretion 1495  
to adjudicate proceedings as provided in sections 2151.34 and 1496  
3113.31 of the Revised Code, including the issuance of 1497  
protection orders or the approval of consent agreements under 1498  
those sections. 1499

**Sec. 2151.353.** (A) If a child is adjudicated an abused, 1500  
neglected, or dependent child, the court may make any of the 1501  
following orders of disposition: 1502

(1) Place the child in protective supervision; 1503

(2) Commit the child to the temporary custody of any of 1504  
the following: 1505

(a) A public children services agency;	1506
(b) A private child placing agency;	1507
(c) Either parent;	1508
(d) A relative residing within or outside the state;	1509
(e) A probation officer for placement in a certified foster home;	1510 1511
(f) Any other person approved by the court.	1512
(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:	1513 1514 1515 1516 1517 1518 1519 1520 1521 1522
(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;	1523 1524 1525
(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of	1526 1527 1528 1529 1530 1531 1532 1533

the curriculum of any high school, successful completion of an 1534  
individualized education program developed for the student by 1535  
any high school, or an age and schooling certificate. 1536  
Responsibility beyond the age of majority shall terminate when 1537  
the child ceases to continuously pursue such an education, 1538  
completes such an education, or is excused from such an 1539  
education under standards adopted by the state board of 1540  
education, whichever occurs first. 1541

(c) That the parents of the child have residual parental 1542  
rights, privileges, and responsibilities, including, but not 1543  
limited to, the privilege of reasonable visitation, consent to 1544  
adoption, the privilege to determine the child's religious 1545  
affiliation, and the responsibility for support; 1546

(d) That the person understands that the person must be 1547  
present in court for the dispositional hearing in order to 1548  
affirm the person's intention to become legal custodian, to 1549  
affirm that the person understands the effect of the 1550  
custodianship before the court, and to answer any questions that 1551  
the court or any parties to the case may have. 1552

(4) Commit the child to the permanent custody of a public 1553  
children services agency or private child placing agency, if the 1554  
court determines in accordance with division (E) of section 1555  
2151.414 of the Revised Code that the child cannot be placed 1556  
with one of the child's parents within a reasonable time or 1557  
should not be placed with either parent and determines in 1558  
accordance with division (D) (1) of section 2151.414 of the 1559  
Revised Code that the permanent commitment is in the best 1560  
interest of the child. If the court grants permanent custody 1561  
under this division, the court, upon the request of any party, 1562  
shall file a written opinion setting forth its findings of fact 1563

and conclusions of law in relation to the proceeding. 1564

(5) Place the child in a planned permanent living 1565  
arrangement with a public children services agency or private 1566  
child placing agency, if a public children services agency ~~or,~~ 1567  
private child placing agency, or the child's guardian ad litem 1568  
requests the court, or the court, on its own motion, seeks to 1569  
place the child in a planned permanent living arrangement and if 1570  
the court finds, by clear and convincing evidence, that a 1571  
planned permanent living arrangement is in the best interest of 1572  
the child, that the child is sixteen years of age or older, and 1573  
that one of the following exists: 1574

(a) The child, because of physical, mental, or 1575  
psychological problems or needs, is unable to function in a 1576  
family-like setting and must remain in residential or 1577  
institutional care now and for the foreseeable future beyond the 1578  
date of the dispositional hearing held pursuant to section 1579  
2151.35 of the Revised Code. 1580

(b) The parents of the child have significant physical, 1581  
mental, or psychological problems and are unable to care for the 1582  
child because of those problems, adoption is not in the best 1583  
interest of the child, as determined in accordance with division 1584  
(D)(1) of section 2151.414 of the Revised Code, and the child 1585  
retains a significant and positive relationship with a parent or 1586  
relative. 1587

(c) The child has been counseled on the permanent 1588  
placement options available to the child, and is unwilling to 1589  
accept or unable to adapt to a permanent placement. 1590

(6) Order the removal from the child's home until further 1591  
order of the court of the person who committed abuse as 1592

described in section 2151.031 of the Revised Code against the 1593  
child, who caused or allowed the child to suffer neglect as 1594  
described in section 2151.03 of the Revised Code, or who is the 1595  
parent, guardian, or custodian of a child who is adjudicated a 1596  
dependent child and order any person not to have contact with 1597  
the child or the child's siblings. 1598

(B) (1) When making a determination on whether to place a 1599  
child in a planned permanent living arrangement pursuant to 1600  
division (A) (5) (b) or (c) of this section, the court shall 1601  
consider all relevant information that has been presented to the 1602  
court, including information gathered from the child, the 1603  
child's guardian ad litem, and the public children services 1604  
agency or private child placing agency. 1605

(2) A child who is placed in a planned permanent living 1606  
arrangement pursuant to division (A) (5) (b) or (c) of this 1607  
section shall be placed in an independent living setting or in a 1608  
family setting in which the caregiver has been provided by the 1609  
agency that has custody of the child with a notice that 1610  
addresses the following: 1611

(a) The caregiver understands that the planned permanent 1612  
living arrangement is intended to be permanent in nature and 1613  
that the caregiver will provide a stable placement for the child 1614  
through the child's emancipation or until the court releases the 1615  
child from the custody of the agency, whichever occurs first. 1616

(b) The caregiver is expected to actively participate in 1617  
the youth's independent living case plan, attend agency team 1618  
meetings and court hearings as appropriate, complete training, 1619  
as provided in division (B) of section 5103.035 of the Revised 1620  
Code, related to providing the child independent living 1621  
services, and assist in the child's transition into adulthood. 1622

(3) The department of job and family services shall 1623  
develop a model notice to be provided by an agency that has 1624  
custody of a child to a caregiver under division (B)(2) of this 1625  
section. The agency may modify the model notice to apply to the 1626  
needs of the agency. 1627

(C) No order for permanent custody or temporary custody of 1628  
a child or the placement of a child in a planned permanent 1629  
living arrangement shall be made pursuant to this section unless 1630  
the complaint alleging the abuse, neglect, or dependency 1631  
contains a prayer requesting permanent custody, temporary 1632  
custody, or the placement of the child in a planned permanent 1633  
living arrangement as desired, the summons served on the parents 1634  
of the child contains as is appropriate a full explanation that 1635  
the granting of an order for permanent custody permanently 1636  
divests them of their parental rights, a full explanation that 1637  
an adjudication that the child is an abused, neglected, or 1638  
dependent child may result in an order of temporary custody that 1639  
will cause the removal of the child from their legal custody 1640  
until the court terminates the order of temporary custody or 1641  
permanently divests the parents of their parental rights, or a 1642  
full explanation that the granting of an order for a planned 1643  
permanent living arrangement will result in the removal of the 1644  
child from their legal custody if any of the conditions listed 1645  
in divisions (A)(5)(a) to (c) of this section are found to 1646  
exist, and the summons served on the parents contains a full 1647  
explanation of their right to be represented by counsel and to 1648  
have counsel appointed pursuant to Chapter 120. of the Revised 1649  
Code if they are indigent. 1650

If after making disposition as authorized by division (A) 1651  
(2) of this section, a motion is filed that requests permanent 1652  
custody of the child, the court may grant permanent custody of 1653



the child to the movant in accordance with section 2151.414 of 1654  
the Revised Code. 1655

(D) If the court issues an order for protective 1656  
supervision pursuant to division (A)(1) of this section, the 1657  
court may place any reasonable restrictions upon the child, the 1658  
child's parents, guardian, or custodian, or any other person, 1659  
including, but not limited to, any of the following: 1660

(1) Order a party, within forty-eight hours after the 1661  
issuance of the order, to vacate the child's home indefinitely 1662  
or for a specified period of time; 1663

(2) Order a party, a parent of the child, or a physical 1664  
custodian of the child to prevent any particular person from 1665  
having contact with the child; 1666

(3) Issue an order restraining or otherwise controlling 1667  
the conduct of any person which conduct would not be in the best 1668  
interest of the child. 1669

(E) As part of its dispositional order, the court shall 1670  
journalize a case plan for the child. The journalized case plan 1671  
shall not be changed except as provided in section 2151.412 of 1672  
the Revised Code. 1673

(F)(1) The court shall retain jurisdiction over any child 1674  
for whom the court issues an order of disposition pursuant to 1675  
division (A) of this section or pursuant to section 2151.414 or 1676  
2151.415 of the Revised Code until the child attains the age of 1677  
eighteen years if the child is not mentally retarded, 1678  
developmentally disabled, or physically impaired, the child 1679  
attains the age of twenty-one years if the child is mentally 1680  
retarded, developmentally disabled, or physically impaired, or 1681  
the child is adopted and a final decree of adoption is issued, 1682

except that the court may retain jurisdiction over the child and 1683  
continue any order of disposition under division (A) of this 1684  
section or under section 2151.414 or 2151.415 of the Revised 1685  
Code for a specified period of time to enable the child to 1686  
graduate from high school or vocational school. The court shall 1687  
retain jurisdiction over a person who meets the requirements 1688  
described in division (A)(1) of section 5101.1411 of the Revised 1689  
Code and who is subject to a voluntary participation agreement 1690  
that is in effect. The court shall make an entry continuing its 1691  
jurisdiction under this division in the journal. 1692

(2) Any public children services agency, any private child 1693  
placing agency, the department of job and family services, or 1694  
any party, other than any parent whose parental rights with 1695  
respect to the child have been terminated pursuant to an order 1696  
issued under division (A)(4) of this section, by filing a motion 1697  
with the court, may at any time request the court to modify or 1698  
terminate any order of disposition issued pursuant to division 1699  
(A) of this section or section 2151.414 or 2151.415 of the 1700  
Revised Code. The court shall hold a hearing upon the motion as 1701  
if the hearing were the original dispositional hearing and shall 1702  
give all parties to the action and the guardian ad litem notice 1703  
of the hearing pursuant to the Juvenile Rules. If applicable, 1704  
the court shall comply with section 2151.42 of the Revised Code. 1705

(G) Any temporary custody order issued pursuant to 1706  
division (A) of this section shall terminate one year after the 1707  
earlier of the date on which the complaint in the case was filed 1708  
or the child was first placed into shelter care, except that, 1709  
upon ~~the filing of a motion pursuant to~~ under section 2151.415 1710  
of the Revised Code, the temporary custody order shall continue 1711  
and not terminate until the court issues a dispositional order 1712  
under that section. In resolving the motion, the court shall not 1713

order an existing temporary custody order to continue beyond two 1714  
years after the date on which the complaint was filed or the 1715  
child was first placed into shelter care, whichever date is 1716  
earlier, regardless of whether any extensions have been 1717  
previously ordered pursuant to division (D) of section 2151.415 1718  
of the Revised Code. 1719

(H) (1) No later than one year after the earlier of the 1720  
date the complaint in the case was filed or the child was first 1721  
placed in shelter care, a party may ask the court to extend an 1722  
order for protective supervision for six months or to terminate 1723  
the order. A party requesting extension or termination of the 1724  
order shall file a written request for the extension or 1725  
termination with the court and give notice of the proposed 1726  
extension or termination in writing before the end of the day 1727  
after the day of filing it to all parties and the child's 1728  
guardian ad litem. If a public children services agency or 1729  
private child placing agency requests termination of the order, 1730  
the agency shall file a written status report setting out the 1731  
facts supporting termination of the order at the time it files 1732  
the request with the court. If no party requests extension or 1733  
termination of the order, the court shall notify the parties 1734  
that the court will extend the order for six months or terminate 1735  
it and that it may do so without a hearing unless one of the 1736  
parties requests a hearing. All parties and the guardian ad 1737  
litem shall have seven days from the date a notice is sent 1738  
pursuant to this division to object to and request a hearing on 1739  
the proposed extension or termination. 1740

(a) If it receives a timely request for a hearing, the 1741  
court shall schedule a hearing to be held no later than thirty 1742  
days after the request is received by the court. The court shall 1743  
give notice of the date, time, and location of the hearing to 1744

all parties and the guardian ad litem. At the hearing, the court 1745  
shall determine whether extension or termination of the order is 1746  
in the child's best interest. If termination is in the child's 1747  
best interest, the court shall terminate the order. If extension 1748  
is in the child's best interest, the court shall extend the 1749  
order for six months. 1750

(b) If it does not receive a timely request for a hearing, 1751  
the court may extend the order for six months or terminate it 1752  
without a hearing and shall journalize the order of extension or 1753  
termination not later than fourteen days after receiving the 1754  
request for extension or termination or after the date the court 1755  
notifies the parties that it will extend or terminate the order. 1756  
If the court does not extend or terminate the order, it shall 1757  
schedule a hearing to be held no later than thirty days after 1758  
the expiration of the applicable fourteen-day time period and 1759  
give notice of the date, time, and location of the hearing to 1760  
all parties and the child's guardian ad litem. At the hearing, 1761  
the court shall determine whether extension or termination of 1762  
the order is in the child's best interest. If termination is in 1763  
the child's best interest, the court shall terminate the order. 1764  
If extension is in the child's best interest, the court shall 1765  
issue an order extending the order for protective supervision 1766  
six months. 1767

(2) If the court grants an extension of the order for 1768  
protective supervision pursuant to division (H)(1) of this 1769  
section, a party may, prior to termination of the extension, 1770  
file with the court a request for an additional extension of six 1771  
months or for termination of the order. The court and the 1772  
parties shall comply with division (H)(1) of this section with 1773  
respect to extending or terminating the order. 1774

(3) If a court grants an extension pursuant to division 1775  
(H) (2) of this section, the court shall terminate the order for 1776  
protective supervision at the end of the extension. 1777

(I) The court shall not issue a dispositional order 1778  
pursuant to division (A) of this section that removes a child 1779  
from the child's home unless the court complies with section 1780  
2151.419 of the Revised Code and includes in the dispositional 1781  
order the findings of fact required by that section. 1782

(J) If a motion or application for an order described in 1783  
division (A) (6) of this section is made, the court shall not 1784  
issue the order unless, prior to the issuance of the order, it 1785  
provides to the person all of the following: 1786

(1) Notice and a copy of the motion or application; 1787

(2) The grounds for the motion or application; 1788

(3) An opportunity to present evidence and witnesses at a 1789  
hearing regarding the motion or application; 1790

(4) An opportunity to be represented by counsel at the 1791  
hearing. 1792

(K) The jurisdiction of the court shall terminate one year 1793  
after the date of the award or, if the court takes any further 1794  
action in the matter subsequent to the award, the date of the 1795  
latest further action subsequent to the award, if the court 1796  
awards legal custody of a child to either of the following: 1797

(1) A legal custodian who, at the time of the award of 1798  
legal custody, resides in a county of this state other than the 1799  
county in which the court is located; 1800

(2) A legal custodian who resides in the county in which 1801  
the court is located at the time of the award of legal custody, 1802

but moves to a different county of this state prior to one year 1803  
after the date of the award or, if the court takes any further 1804  
action in the matter subsequent to the award, one year after the 1805  
date of the latest further action subsequent to the award. 1806

The court in the county in which the legal custodian 1807  
resides then shall have jurisdiction in the matter. 1808

**Sec. 2151.415.** (A) Except for cases in which a motion for 1809  
permanent custody described in division (D)(1) of section 1810  
2151.413 of the Revised Code is required to be made, ~~a public-~~ 1811  
~~children services agency or private child placing agency that-~~ 1812  
~~has been given temporary custody of a child pursuant to section-~~ 1813  
~~2151.353 of the Revised Code, and~~ not later than thirty days 1814  
prior to the earlier of the date for the termination of ~~the a~~ 1815  
temporary custody order pursuant to division (H) of section 1816  
2151.353 of the Revised Code or the date set at the 1817  
dispositional hearing for the hearing to be held pursuant to 1818  
this section: 1819

(1) A public children services agency or private child 1820  
placing agency that has temporary custody shall file a motion 1821  
with the court that issued the temporary custody order ~~of~~ 1822  
~~disposition~~ requesting that any of the following orders of 1823  
disposition of the child be issued by the court: 1824

~~(1)~~ (a) An order that the child be returned home and the 1825  
custody of the child's parents, guardian, or custodian without 1826  
any restrictions; 1827

~~(2)~~ (b) An order for protective supervision; 1828

~~(3)~~ (c) An order that the child be placed in the legal 1829  
custody of a relative or other interested individual; 1830

~~(4)~~ (d) An order permanently terminating the parental 1831

rights of the child's parents; 1832

~~(5)~~ (e) An order that the child be placed in a planned 1833  
permanent living arrangement; 1834

~~(6)~~ (f) In accordance with division (D) of this section, 1835  
an order for the extension of temporary custody; and 1836

(2) A child's guardian ad litem may file a motion with the 1837  
court that issued the temporary custody order requesting the 1838  
court to place the child, or the court, on its own motion, may 1839  
seek to place the child, in a planned permanent living 1840  
arrangement. 1841

(B) Upon ~~the filing of a motion pursuant to~~ under division 1842  
(A) of this section, the court shall hold a dispositional 1843  
hearing on the date set at the dispositional hearing held 1844  
pursuant to section 2151.35 of the Revised Code, with notice to 1845  
all parties to the action in accordance with the Juvenile Rules. 1846  
After the dispositional hearing or at a date after the 1847  
dispositional hearing that is not later than one year after the 1848  
earlier of the date on which the complaint in the case was filed 1849  
or the child was first placed into shelter care, the court, in 1850  
accordance with the best interest of the child as supported by 1851  
the evidence presented at the dispositional hearing, shall issue 1852  
an order of disposition as set forth in division (A) of this 1853  
section, except that all orders for permanent custody shall be 1854  
made in accordance with sections 2151.413 and 2151.414 of the 1855  
Revised Code. In issuing an order of disposition under this 1856  
section, the court shall comply with section 2151.42 of the 1857  
Revised Code. 1858

(C) (1) If an agency or guardian ad litem, or a court on 1859  
its own motion, pursuant to division (A) of this section, 1860

requests ~~the court to place~~ a child to be placed into a planned 1861  
permanent living arrangement, the agency, guardian ad litem, or 1862  
court shall present evidence to indicate why a planned permanent 1863  
living arrangement is appropriate for the child, ~~including, but~~ 1864  
~~not limited to, evidence that the~~. The agency also shall 1865  
present evidence that it has tried or considered all other 1866  
possible dispositions for the child. A court shall not place a 1867  
child in a planned permanent living arrangement, unless it 1868  
finds, by clear and convincing evidence, that a planned 1869  
permanent living arrangement is in the best interest of the 1870  
child and that one of the following exists: 1871

(a) The child, because of physical, mental, or 1872  
psychological problems or needs, is unable to function in a 1873  
family-like setting and must remain in residential or 1874  
institutional care. 1875

(b) The parents of the child have significant physical, 1876  
mental, or psychological problems and are unable to care for the 1877  
child because of those problems, adoption is not in the best 1878  
interest of the child, as determined in accordance with division 1879  
(D) (1) of section 2151.414 of the Revised Code, and the child 1880  
retains a significant and positive relationship with a parent or 1881  
relative; 1882

(c) The child is sixteen years of age or older, has been 1883  
counseled on the permanent placement options available, is 1884  
unwilling to accept or unable to adapt to a permanent placement, 1885  
and is in an agency program preparing for independent living. 1886

(2) If the court issues an order placing a child in a 1887  
planned permanent living arrangement, both of the following 1888  
apply: 1889



(a) The court shall issue a finding of fact setting forth 1890  
the reasons for its finding; 1891

(b) The agency may make any appropriate placement for the 1892  
child and shall develop a case plan for the child that is 1893  
designed to assist the child in finding a permanent home outside 1894  
of the home of the parents. 1895

(D) (1) If an agency pursuant to division (A) of this 1896  
section requests the court to grant an extension of temporary 1897  
custody for a period of up to six months, the agency shall 1898  
include in the motion an explanation of the progress on the case 1899  
plan of the child and of its expectations of reunifying the 1900  
child with the child's family, or placing the child in a 1901  
permanent placement, within the extension period. The court 1902  
shall schedule a hearing on the motion, give notice of its date, 1903  
time, and location to all parties and the guardian ad litem of 1904  
the child, and at the hearing consider the evidence presented by 1905  
the parties and the guardian ad litem. The court may extend the 1906  
temporary custody order of the child for a period of up to six 1907  
months, if it determines at the hearing, by clear and convincing 1908  
evidence, that the extension is in the best interest of the 1909  
child, there has been significant progress on the case plan of 1910  
the child, and there is reasonable cause to believe that the 1911  
child will be reunified with one of the parents or otherwise 1912  
permanently placed within the period of extension. In 1913  
determining whether to extend the temporary custody of the child 1914  
pursuant to this division, the court shall comply with section 1915  
2151.42 of the Revised Code. If the court extends the temporary 1916  
custody of the child pursuant to this division, upon request it 1917  
shall issue findings of fact. 1918

(2) Prior to the end of the extension granted pursuant to 1919

division (D) (1) of this section, the agency that received the 1920  
extension shall file a motion with the court requesting the 1921  
issuance of one of the orders of disposition set forth in 1922  
divisions (A) (1) to (5) of this section or requesting the court 1923  
to extend the temporary custody order of the child for an 1924  
additional period of up to six months. If the agency requests 1925  
the issuance of an order of disposition under divisions (A) (1) 1926  
to (5) of this section or does not file any motion prior to the 1927  
expiration of the extension period, the court shall conduct a 1928  
hearing in accordance with division (B) of this section and 1929  
issue an appropriate order of disposition. In issuing an order 1930  
of disposition, the court shall comply with section 2151.42 of 1931  
the Revised Code. 1932

If the agency requests an additional extension of up to 1933  
six months of the temporary custody order of the child, the 1934  
court shall schedule and conduct a hearing in the manner set 1935  
forth in division (D) (1) of this section. The court may extend 1936  
the temporary custody order of the child for an additional 1937  
period of up to six months if it determines at the hearing, by 1938  
clear and convincing evidence, that the additional extension is 1939  
in the best interest of the child, there has been substantial 1940  
additional progress since the original extension of temporary 1941  
custody in the case plan of the child, there has been 1942  
substantial additional progress since the original extension of 1943  
temporary custody toward reunifying the child with one of the 1944  
parents or otherwise permanently placing the child, and there is 1945  
reasonable cause to believe that the child will be reunified 1946  
with one of the parents or otherwise placed in a permanent 1947  
setting before the expiration of the additional extension 1948  
period. In determining whether to grant an additional extension, 1949  
the court shall comply with section 2151.42 of the Revised Code. 1950

If the court extends the temporary custody of the child for an additional period pursuant to this division, upon request it shall issue findings of fact.

(3) Prior to the end of the extension of a temporary custody order granted pursuant to division (D)(2) of this section, the agency that received the extension shall file a motion with the court requesting the issuance of one of the orders of disposition set forth in divisions (A)(1) to (5) of this section. Upon the filing of the motion by the agency or, if the agency does not file the motion prior to the expiration of the extension period, upon its own motion, the court, prior to the expiration of the extension period, shall conduct a hearing in accordance with division (B) of this section and issue an appropriate order of disposition. In issuing an order of disposition, the court shall comply with section 2151.42 of the Revised Code.

(4) No court shall grant an agency more than two extensions of temporary custody pursuant to division (D) of this section and the court shall not order an existing temporary custody order to continue beyond two years after the date on which the complaint was filed or the child was first placed into shelter care, whichever date is earlier, regardless of whether any extensions have been previously ordered pursuant to division (D) of this section.

(E) After the issuance of an order pursuant to division (B) of this section, the court shall retain jurisdiction over the child until the child attains the age of eighteen if the child is not mentally retarded, developmentally disabled, or physically impaired, the child attains the age of twenty-one if the child is mentally retarded, developmentally disabled, or

physically impaired, or the child is adopted and a final decree  
of adoption is issued, unless the court's jurisdiction over the  
child is extended pursuant to division (F) of section 2151.353  
of the Revised Code.

(F) The court, on its own motion or the motion of the  
agency or person with legal custody of the child, the child's  
guardian ad litem, or any other party to the action, may conduct  
a hearing with notice to all parties to determine whether any  
order issued pursuant to this section should be modified or  
terminated or whether any other dispositional order set forth in  
divisions (A) (1) to (5) of this section should be issued. After  
the hearing and consideration of all the evidence presented, the  
court, in accordance with the best interest of the child, may  
modify or terminate any order issued pursuant to this section or  
issue any dispositional order set forth in divisions (A) (1) to  
(5) of this section. In rendering a decision under this  
division, the court shall comply with section 2151.42 of the  
Revised Code.

(G) If the court places a child in a planned permanent  
living arrangement with a public children services agency or a  
private child placing agency pursuant to this section, the  
agency with which the child is placed in a planned permanent  
living arrangement shall not remove the child from the  
residential placement in which the child is originally placed  
pursuant to the case plan for the child or in which the child is  
placed with court approval pursuant to this division, unless the  
court and the guardian ad litem are given notice of the intended  
removal and the court issues an order approving the removal or  
unless the removal is necessary to protect the child from  
physical or emotional harm and the agency gives the court notice  
of the removal and of the reasons why the removal is necessary

to protect the child from physical or emotional harm immediately 2012  
after the removal of the child from the prior setting. 2013

(H) If the hearing held under this section takes the place 2014  
of an administrative review that otherwise would have been held 2015  
under section 2151.416 of the Revised Code, the court at the 2016  
hearing held under this section shall do all of the following in 2017  
addition to any other requirements of this section: 2018

(1) Determine the continued necessity for and the 2019  
appropriateness of the child's placement; 2020

(2) Determine the extent of compliance with the child's 2021  
case plan; 2022

(3) Determine the extent of progress that has been made 2023  
toward alleviating or mitigating the causes necessitating the 2024  
child's placement in foster care; 2025

(4) Project a likely date by which the child may be 2026  
returned to the child's home or placed for adoption or legal 2027  
guardianship; 2028

(5) Approve the permanency plan for the child consistent 2029  
with section 2151.417 of the Revised Code. 2030

**Sec. 2151.42.** (A) At any hearing in which a court is asked 2031  
to modify or terminate an order of disposition issued under 2032  
section 2151.353, 2151.415, or 2151.417 of the Revised Code, the 2033  
court, in determining whether to return the child to the child's 2034  
parents, shall consider whether it is in the best interest of 2035  
the child. 2036

(B) An order of disposition issued under division (A) (3) 2037  
of section 2151.353, division (A) ~~(3)~~ (1) (c) of section 2151.415, 2038  
or section 2151.417 of the Revised Code granting legal custody 2039

of a child to a person is intended to be permanent in nature. A 2040  
court shall not modify or terminate an order granting legal 2041  
custody of a child unless it finds, based on facts that have 2042  
arisen since the order was issued or that were unknown to the 2043  
court at that time, that a change has occurred in the 2044  
circumstances of the child or the person who was granted legal 2045  
custody, and that modification or termination of the order is 2046  
necessary to serve the best interest of the child. 2047

Sec. 2152.011. The amendments to divisions (H) and (I) of 2048  
section 2151.23, to divisions (F), (H), and (P) to (Z) of 2049  
section 2152.02, and to sections 2152.021, 2152.10, 2152.11, 2050  
2152.12, 2152.13, and 2505.02 of the Revised Code made in this 2051  
act, and the repeal of section 2152.121 of the Revised Code by 2052  
this act, apply with respect to all alleged violations of law 2053  
committed on or after the effective date of this section. 2054  
Divisions (H) and (I) of section 2151.23, divisions (F), (H), 2055  
and (P) to (Z) of section 2152.02, and sections 2152.021, 2056  
2152.10, 2152.11, 2152.12, 2152.121, 2152.13, and 2505.02 of the 2057  
Revised Code as they existed immediately prior to the effective 2058  
date of this section apply with respect to any alleged violation 2059  
of law committed prior to the effective date of this section. 2060

**Sec. 2152.02.** As used in this chapter: 2061

(A) "Act charged" means the act that is identified in a 2062  
complaint, indictment, or information alleging that a child is a 2063  
delinquent child. 2064

(B) "Admitted to a department of youth services facility" 2065  
includes admission to a facility operated, or contracted for, by 2066  
the department and admission to a comparable facility outside 2067  
this state by another state or the United States. 2068

(C) (1) "Child" means a person who is under eighteen years of age, except as otherwise provided in divisions (C) (2) to (8) of this section.

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

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

(4) Except as otherwise provided in divisions (C) (5) and (7) of this section, any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code shall be deemed after the transfer not to be a child in the transferred case.

(5) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in that case, unless a serious youthful offender dispositional sentence ~~is was~~ imposed on the child for that offense under division (B) (2) or (3) of former section 2152.121 of the Revised Code as it existed prior to the effective date of this amendment and the adult portion of that sentence is not invoked pursuant to section 2152.14 of the Revised Code, and any person who is adjudicated a delinquent child for the commission of an act, who has a serious youthful offender dispositional sentence imposed

for the act pursuant to section 2152.13 of the Revised Code, and 2099  
whose adult portion of the dispositional sentence is invoked 2100  
pursuant to section 2152.14 of the Revised Code, shall be deemed 2101  
after the conviction, plea, or invocation not to be a child in 2102  
any case in which a complaint is filed against the person. 2103

(6) The juvenile court has jurisdiction over a person who 2104  
is adjudicated a delinquent child or juvenile traffic offender 2105  
prior to attaining eighteen years of age until the person 2106  
attains twenty-one years of age, and, for purposes of that 2107  
jurisdiction related to that adjudication, except as otherwise 2108  
provided in this division, a person who is so adjudicated a 2109  
delinquent child or juvenile traffic offender shall be deemed a 2110  
"child" until the person attains twenty-one years of age. If a 2111  
person is so adjudicated a delinquent child or juvenile traffic 2112  
offender and the court makes a disposition of the person under 2113  
this chapter, at any time after the person attains twenty-one 2114  
years of age, the places at which the person may be held under 2115  
that disposition are not limited to places authorized under this 2116  
chapter solely for confinement of children, and the person may 2117  
be confined under that disposition, in accordance with division 2118  
(F) (2) of section 2152.26 of the Revised Code, in places other 2119  
than those authorized under this chapter solely for confinement 2120  
of children. 2121

(7) The juvenile court has jurisdiction over any person 2122  
whose case is transferred for criminal prosecution solely for 2123  
the purpose of detaining the person as authorized in division 2124  
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 2125  
person is convicted of or pleads guilty to a felony in the adult 2126  
court. 2127

(8) Any person who, while eighteen years of age, violates 2128



division (A) (1) or (2) of section 2919.27 of the Revised Code by 2129  
violating a protection order issued or consent agreement 2130  
approved under section 2151.34 or 3113.31 of the Revised Code 2131  
shall be considered a child for the purposes of that violation 2132  
of section 2919.27 of the Revised Code. 2133

(D) "Community corrections facility," "public safety 2134  
beds," "release authority," and "supervised release" have the 2135  
same meanings as in section 5139.01 of the Revised Code. 2136

(E) "Delinquent child" includes any of the following: 2137

(1) Any child, except a juvenile traffic offender, who 2138  
violates any law of this state or the United States, or any 2139  
ordinance of a political subdivision of the state, that would be 2140  
an offense if committed by an adult; 2141

(2) Any child who violates any lawful order of the court 2142  
made under this chapter, including a child who violates a court 2143  
order regarding the child's prior adjudication as an unruly 2144  
child for being an habitual truant; 2145

(3) Any child who violates any lawful order of the court 2146  
made under Chapter 2151. of the Revised Code other than an order 2147  
issued under section 2151.87 of the Revised Code; 2148

(4) Any child who violates division (C) of section 2149  
2907.39, division (A) of section 2923.211, or division (C) (1) or 2150  
(D) of section 2925.55 of the Revised Code. 2151

(F) "Discretionary serious youthful offender" means a 2152  
person who is eligible for a discretionary SYO and who is not 2153  
transferred to adult court under a ~~mandatory or~~ discretionary 2154  
transfer. 2155

(G) "Discretionary SYO" means a case in which the juvenile 2156

court, in the juvenile court's discretion, may impose a serious 2157  
youthful offender disposition under section 2152.13 of the 2158  
Revised Code. 2159

(H) "Discretionary transfer" means that the juvenile court 2160  
has discretion to transfer a case for criminal prosecution under 2161  
division ~~(B)~~(A) of section 2152.12 of the Revised Code. 2162

(I) "Drug abuse offense," "felony drug abuse offense," and 2163  
"minor drug possession offense" have the same meanings as in 2164  
section 2925.01 of the Revised Code. 2165

(J) "Electronic monitoring" and "electronic monitoring 2166  
device" have the same meanings as in section 2929.01 of the 2167  
Revised Code. 2168

(K) "Economic loss" means any economic detriment suffered 2169  
by a victim of a delinquent act or juvenile traffic offense as a 2170  
direct and proximate result of the delinquent act or juvenile 2171  
traffic offense and includes any loss of income due to lost time 2172  
at work because of any injury caused to the victim and any 2173  
property loss, medical cost, or funeral expense incurred as a 2174  
result of the delinquent act or juvenile traffic offense. 2175  
"Economic loss" does not include non-economic loss or any 2176  
punitive or exemplary damages. 2177

(L) "Firearm" has the same meaning as in section 2923.11 2178  
of the Revised Code. 2179

(M) "Intellectual disability" has the same meaning as in 2180  
section 5123.01 of the Revised Code. 2181

(N) "Juvenile traffic offender" means any child who 2182  
violates any traffic law, traffic ordinance, or traffic 2183  
regulation of this state, the United States, or any political 2184  
subdivision of this state, other than a resolution, ordinance, 2185

or regulation of a political subdivision of this state the 2186  
violation of which is required to be handled by a parking 2187  
violations bureau or a joint parking violations bureau pursuant 2188  
to Chapter 4521. of the Revised Code. 2189

(O) A "legitimate excuse for absence from the public 2190  
school the child is supposed to attend" has the same meaning as 2191  
in section 2151.011 of the Revised Code. 2192

~~(P) "Mandatory serious youthful offender" means a person 2193  
who is eligible for a mandatory SYO and who is not transferred 2194  
to adult court under a mandatory or discretionary transfer and 2195  
also includes, for purposes of imposition of a mandatory serious 2196  
youthful dispositional sentence under section 2152.13 of the 2197  
Revised Code, a person upon whom a juvenile court is required to 2198  
impose such a sentence under division (B) (3) of section 2152.121 2199  
of the Revised Code. 2200~~

~~(Q) "Mandatory SYO" means a case in which the juvenile 2201  
court is required to impose a mandatory serious youthful 2202  
offender disposition under section 2152.13 of the Revised Code. 2203~~

~~(R) "Mandatory transfer" means that a case is required to 2204  
be transferred for criminal prosecution under division (A) of 2205  
section 2152.12 of the Revised Code. 2206~~

~~(S) "Mental illness" has the same meaning as in section 2207  
5122.01 of the Revised Code. 2208~~

~~(T)-(Q) "Monitored time" and "repeat violent offender" 2209  
have the same meanings as in section 2929.01 of the Revised 2210  
Code. 2211~~

~~(U)-(R) "Of compulsory school age" has the same meaning as 2212  
in section 3321.01 of the Revised Code. 2213~~

~~(V)~~-(S) "Public record" has the same meaning as in section 2214  
149.43 of the Revised Code. 2215

~~(W)~~-(T) "Serious youthful offender" means a person who is 2216  
eligible for a ~~mandatory SYO or discretionary SYO~~ but who is not 2217  
transferred to adult court under a ~~mandatory or discretionary~~ 2218  
~~transfer and also includes, for purposes of imposition of a~~ 2219  
~~mandatory serious youthful dispositional sentence under section~~ 2220  
~~2152.13 of the Revised Code, a person upon whom a juvenile court~~ 2221  
~~is required to impose such a sentence under division (B) (3) of~~ 2222  
~~section 2152.121 of the Revised Code.~~ 2223

~~(X)~~-(U) "Sexually oriented offense," "juvenile offender 2224  
registrant," "child-victim oriented offense," "tier I sex 2225  
offender/child-victim offender," "tier II sex offender/child- 2226  
victim offender," "tier III sex offender/child-victim offender," 2227  
and "public registry-qualified juvenile offender registrant" 2228  
have the same meanings as in section 2950.01 of the Revised 2229  
Code. 2230

~~(Y)~~-(V) "Traditional juvenile" means a case that is not 2231  
transferred to adult court under a ~~mandatory or discretionary~~ 2232  
transfer, that is eligible for a disposition under sections 2233  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 2234  
that is not eligible for a disposition under section 2152.13 of 2235  
the Revised Code. 2236

~~(Z)~~-(W) "Transfer" means the transfer for criminal 2237  
prosecution of a case involving the alleged commission by a 2238  
child of an act that would be an offense if committed by an 2239  
adult from the juvenile court to the appropriate court that has 2240  
jurisdiction of the offense. 2241

~~(AA)~~-(X) "Category one offense" means any of the 2242

following: 2243

(1) A violation of section 2903.01 or 2903.02 of the Revised Code; 2244  
2245

(2) A violation of section 2923.02 of the Revised Code involving an attempt to commit aggravated murder or murder. 2246  
2247

~~(BB)~~(Y) "Category two offense" means any of the following: 2248  
2249

(1) A violation of section 2903.03, 2905.01, 2907.02, 2909.02, 2911.01, or 2911.11 of the Revised Code; 2250  
2251

(2) A violation of section 2903.04 of the Revised Code that is a felony of the first degree; 2252  
2253

(3) A violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996. 2254  
2255

~~(CC)~~(Z) "Non-economic loss" means nonpecuniary harm suffered by a victim of a delinquent act or juvenile traffic offense as a result of or related to the delinquent act or juvenile traffic offense, including, but not limited to, pain and suffering; loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education; mental anguish; and any other intangible loss. 2256  
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**Sec. 2152.021.** (A) (1) Subject to division (A) (2) of this section, any person having knowledge of a child who appears to be a juvenile traffic offender or to be a delinquent child may file a sworn complaint with respect to that child in the juvenile court of the county in which the child has a residence or legal settlement or in which the traffic offense or delinquent act allegedly occurred. The sworn complaint may be 2264  
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2270

upon information and belief, and, in addition to the allegation 2271  
that the child is a delinquent child or a juvenile traffic 2272  
offender, the complaint shall allege the particular facts upon 2273  
which the allegation that the child is a delinquent child or a 2274  
juvenile traffic offender is based. 2275

If a child appears to be a delinquent child who is 2276  
eligible for a serious youthful offender dispositional sentence 2277  
under section 2152.11 of the Revised Code and if the prosecuting 2278  
attorney desires to seek a serious youthful offender 2279  
dispositional sentence under section 2152.13 of the Revised Code 2280  
in regard to the child, the prosecuting attorney of the county 2281  
in which the alleged delinquency occurs may initiate a case in 2282  
the juvenile court of the county by presenting the case to a 2283  
grand jury for indictment, by charging the child in a bill of 2284  
information as a serious youthful offender pursuant to section 2285  
2152.13 of the Revised Code, by requesting a serious youthful 2286  
offender dispositional sentence in the original complaint 2287  
alleging that the child is a delinquent child, or by filing with 2288  
the juvenile court a written notice of intent to seek a serious 2289  
youthful offender dispositional sentence. ~~This paragraph does~~ 2290  
~~not apply regarding the imposition of a serious youthful~~ 2291  
~~offender dispositional sentence pursuant to section 2152.121 of~~ 2292  
~~the Revised Code.~~ 2293

(2) Any person having knowledge of a child who appears to 2294  
be a delinquent child for violating a court order regarding the 2295  
child's adjudication as an unruly child for being an habitual 2296  
truant, may file a sworn complaint with respect to that child, 2297  
or with respect to that child and the parent, guardian, or other 2298  
person having care of the child, in the juvenile court of the 2299  
county in which the child has a residence or legal settlement or 2300  
in which the child is supposed to attend public school. The 2301

sworn complaint may be upon information and belief and shall 2302  
allege that the child is a delinquent child for violating a 2303  
court order regarding the child's prior adjudication as an 2304  
unruly child for being a habitual truant and, in addition, the 2305  
particular facts upon which that allegation is based. If the 2306  
complaint contains allegations regarding the child's parent, 2307  
guardian, or other person having care of the child, the 2308  
complaint additionally shall allege that the parent, guardian, 2309  
or other person having care of the child has failed to cause the 2310  
child's attendance at school in violation of section 3321.38 of 2311  
the Revised Code and, in addition, the particular facts upon 2312  
which that allegation is based. 2313

(B) Any person with standing under applicable law may file 2314  
a complaint for the determination of any other matter over which 2315  
the juvenile court is given jurisdiction by section 2151.23 of 2316  
the Revised Code. The complaint shall be filed in the county in 2317  
which the child who is the subject of the complaint is found or 2318  
was last known to be found. 2319

(C) Within ten days after the filing of a complaint or the 2320  
issuance of an indictment, the court shall give written notice 2321  
of the filing of the complaint or the issuance of an indictment 2322  
and of the substance of the complaint or indictment to the 2323  
superintendent of a city, local, exempted village, or joint 2324  
vocational school district if the complaint or indictment 2325  
alleges that a child committed an act that would be a criminal 2326  
offense if committed by an adult, that the child was sixteen 2327  
years of age or older at the time of the commission of the 2328  
alleged act, and that the alleged act is any of the following: 2329

(1) A violation of section 2923.122 of the Revised Code 2330  
that relates to property owned or controlled by, or to an 2331

activity held under the auspices of, the board of education of 2332  
that school district; 2333

(2) A violation of section 2923.12 of the Revised Code, of 2334  
a substantially similar municipal ordinance, or of section 2335  
2925.03 of the Revised Code that was committed on property owned 2336  
or controlled by, or at an activity held under the auspices of, 2337  
the board of education of that school district; 2338

(3) A violation of section 2925.11 of the Revised Code 2339  
that was committed on property owned or controlled by, or at an 2340  
activity held under the auspices of, the board of education of 2341  
that school district, other than a violation of that section 2342  
that would be a minor drug possession offense if committed by an 2343  
adult; 2344

(4) A violation of section 2903.01, 2903.02, 2903.03, 2345  
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 2346  
Code, or a violation of former section 2907.12 of the Revised 2347  
Code, that was committed on property owned or controlled by, or 2348  
at an activity held under the auspices of, the board of 2349  
education of that school district, if the victim at the time of 2350  
the commission of the alleged act was an employee of the board 2351  
of education of that school district; 2352

(5) Complicity in any violation described in division (C) 2353  
(1), (2), (3), or (4) of this section that was alleged to have 2354  
been committed in the manner described in division (C)(1), (2), 2355  
(3), or (4) of this section, regardless of whether the act of 2356  
complicity was committed on property owned or controlled by, or 2357  
at an activity held under the auspices of, the board of 2358  
education of that school district. 2359

(D) A public children services agency, acting pursuant to 2360



a complaint or an action on a complaint filed under this 2361  
section, is not subject to the requirements of section 3127.23 2362  
of the Revised Code. 2363

(E) For purposes of the record to be maintained by the 2364  
clerk under division (B) of section 2152.71 of the Revised Code, 2365  
when a complaint is filed that alleges that a child is a 2366  
delinquent child, the court shall determine if the victim of the 2367  
alleged delinquent act was sixty-five years of age or older or 2368  
permanently and totally disabled at the time of the alleged 2369  
commission of the act. 2370

(F) (1) At any time after the filing of a complaint 2371  
alleging that a child is a delinquent child and before 2372  
adjudication, the court may hold a hearing to determine whether 2373  
to hold the complaint in abeyance pending the child's successful 2374  
completion of actions that constitute a method to divert the 2375  
child from the juvenile court system if the child agrees to the 2376  
hearing and either of the following applies: 2377

(a) The act charged would be a violation of section 2378  
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 2379  
were an adult. 2380

(b) The court has reason to believe that the child is a 2381  
victim of a violation of section 2905.32 of the Revised Code, 2382  
regardless of whether any person has been convicted of a 2383  
violation of that section or of any other section for 2384  
victimizing the child, and the act charged is related to the 2385  
child's victimization. 2386

(2) The prosecuting attorney has the right to participate 2387  
in any hearing held under division (F) (1) of this section, to 2388  
object to holding the complaint that is the subject of the 2389

hearing in abeyance, and to make recommendations related to 2390  
diversion actions. No statement made by a child at a hearing 2391  
held under division (F)(1) of this section is admissible in any 2392  
subsequent proceeding against the child. 2393

(3) If either division (F)(1)(a) or (b) of this section 2394  
applies, the court shall promptly appoint a guardian ad litem 2395  
for the child. The court shall not appoint the child's attorney 2396  
as guardian ad litem. If the court decides to hold the complaint 2397  
in abeyance, the guardian ad litem shall make recommendations 2398  
that are in the best interest of the child to the court. 2399

(4) If after a hearing the court decides to hold the 2400  
complaint in abeyance, the court may make any orders regarding 2401  
placement, services, supervision, diversion actions, and 2402  
conditions of abeyance, including, but not limited to, 2403  
engagement in trauma-based behavioral health services or 2404  
education activities, that the court considers appropriate and 2405  
in the best interest of the child. The court may hold the 2406  
complaint in abeyance for up to ninety days while the child 2407  
engages in diversion actions. If the child violates the 2408  
conditions of abeyance or does not complete the diversion 2409  
actions to the court's satisfaction within ninety days, the 2410  
court may extend the period of abeyance for not more than two 2411  
additional ninety-day periods. 2412

(5) If the court holds the complaint in abeyance and the 2413  
child complies with the conditions of abeyance and completes the 2414  
diversion actions to the court's satisfaction, the court shall 2415  
dismiss the complaint and order that the records pertaining to 2416  
the case be expunged immediately. If the child fails to complete 2417  
the diversion actions to the court's satisfaction, the court 2418  
shall proceed upon the complaint. 2419

~~Sec. 2152.10. (A) A child who is alleged to be a delinquent child is eligible for mandatory transfer and shall be transferred as provided in section 2152.12 of the Revised Code in any of the following circumstances:~~ 2420-2423

~~(1) The child is charged with a category one offense and either of the following apply:~~ 2424-2425

~~(a) The child was sixteen years of age or older at the time of the act charged.~~ 2426-2427

~~(b) The child was fourteen or fifteen years of age at the time of the act charged and previously was adjudicated a delinquent child for committing an act that is a category one or category two offense and was committed to the legal custody of the department of youth services upon the basis of that adjudication.~~ 2428-2433

~~(2) The child is charged with a category two offense, other than a violation of section 2905.01 of the Revised Code, the child was sixteen years of age or older at the time of the commission of the act charged, and either or both of the following apply:~~ 2434-2438

~~(a) The child previously was adjudicated a delinquent child for committing an act that is a category one or a category two offense and was committed to the legal custody of the department of youth services on the basis of that adjudication.~~ 2439-2442

~~(b) The child is alleged to have had a firearm on or about the child's person or under the child's control while committing the act charged and to have displayed the firearm, brandished the firearm, indicated possession of the firearm, or used the firearm to facilitate the commission of the act charged.~~ 2443-2447

~~(3) Division (A) (2) of section 2152.12 of the Revised Code~~ 2448

~~applies.~~ 2449

~~(B) Unless the child is subject to mandatory transfer, if~~ 2450  
If a child is fourteen years of age or older at the time of the 2451  
act charged and if the child is charged with an act that would 2452  
be a felony if committed by an adult, the child is eligible for 2453  
discretionary transfer to the appropriate court for criminal 2454  
prosecution. In determining whether to transfer the child for 2455  
criminal prosecution, the juvenile court shall follow the 2456  
procedures in ~~section 2152.12 of the Revised Code~~ this chapter. 2457  
If the court does not transfer the child and if the court 2458  
adjudicates the child to be a delinquent child for the act 2459  
charged, the court shall issue an order of disposition in 2460  
accordance with ~~section 2152.11 of the Revised Code~~ this 2461  
chapter. 2462

**Sec. 2152.11.** (A) A child who is adjudicated a delinquent 2463  
child for committing an act that would be a felony if committed 2464  
by an adult is eligible for a particular type of disposition 2465  
under this section if the child was not transferred under 2466  
section 2152.12 of the Revised Code. If the complaint, 2467  
indictment, or information charging the act includes one or more 2468  
of the following factors, the act is considered to be enhanced, 2469  
and the child is eligible for a more restrictive disposition 2470  
under this section: 2471

(1) The act charged against the child would be an offense 2472  
of violence if committed by an adult. 2473

(2) During the commission of the act charged, the child 2474  
used a firearm, displayed a firearm, brandished a firearm, or 2475  
indicated that the child possessed a firearm and actually 2476  
possessed a firearm. 2477

(3) The child previously was admitted to a department of youth services facility for the commission of an act that would have been aggravated murder, murder, a felony of the first or second degree if committed by an adult, or an act that would have been a felony of the third degree and an offense of violence if committed by an adult.

(B) If a child is adjudicated a delinquent child for committing an act that would be aggravated murder ~~or, murder,~~ attempted aggravated murder, or attempted murder if committed by an adult, the child is eligible for ~~whichever~~ either of the following ~~is appropriate:~~

(1) ~~Mandatory-Discretionary~~ SYO, if the act allegedly was committed when the child was ~~fourteen or fifteen~~ ten years of age or older;

(2) ~~Discretionary~~ SYO, if the act was committed when the child was ~~ten, eleven, twelve, or thirteen~~ years of age;

~~(3) Traditional juvenile, if divisions~~ division (B) (1) and ~~(2)~~ of this section ~~do~~ does not apply.

(C) ~~If a child is adjudicated a delinquent child for committing an act that would be attempted aggravated murder or attempted murder if committed by an adult, the child is eligible for whichever of the following is appropriate:~~

~~(1) Mandatory~~ SYO, if the act allegedly was committed when the child was ~~fourteen or fifteen~~ years of age;

~~(2) Discretionary~~ SYO, if the act was committed when the child was ~~ten, eleven, twelve, or thirteen~~ years of age;

~~(3) Traditional juvenile, if divisions~~ (C) (1) and (2) of this section ~~do~~ not apply.

~~(D)~~ If a child is adjudicated a delinquent child for 2506  
committing an act that would be a felony of the first degree if 2507  
committed by an adult, the child is eligible for ~~whichever~~ 2508  
either of the following is appropriate: 2509

(1) ~~Mandatory SYO, if the act allegedly was committed when~~ 2510  
~~the child was sixteen or seventeen years of age, and the act is~~ 2511  
~~enhanced by the factors described in division (A) (1) and either~~ 2512  
~~division (A) (2) or (3) of this section;~~ 2513

~~(2)~~ Discretionary SYO, if any of the following applies: 2514

(a) The act allegedly was committed when the child was 2515  
sixteen or seventeen years of age, and ~~division (D) (1) of this~~ 2516  
~~section does not apply the act is enhanced by the factors~~ 2517  
described in division (A) (1) of this section and either division 2518  
(A) (2) or (3) of this section. 2519

(b) The act was committed when the child was fourteen or 2520  
fifteen years of age. 2521

(c) The act was committed when the child was twelve or 2522  
thirteen years of age, and the act is enhanced by any factor 2523  
described in division (A) (1), (2), or (3) of this section. 2524

(d) The act was committed when the child was ten or eleven 2525  
years of age, and the act is enhanced by the factors described 2526  
in division (A) (1) and either division (A) (2) or (3) of this 2527  
section. 2528

~~(3)~~ ~~(2)~~ Traditional juvenile, if ~~divisions (D)~~ division 2529  
(C) (1) and ~~(2)~~ of this section ~~do~~ does not apply. 2530

~~(E)~~ ~~(D)~~ If a child is adjudicated a delinquent child for 2531  
committing an act that would be a felony of the second degree if 2532  
committed by an adult, the child is eligible for whichever of 2533

the following is appropriate: 2534

(1) Discretionary SYO, if the act was committed when the 2535  
child was fourteen, fifteen, sixteen, or seventeen years of age; 2536

(2) Discretionary SYO, if the act was committed when the 2537  
child was twelve or thirteen years of age, and the act is 2538  
enhanced by any factor described in division (A) (1), (2), or (3) 2539  
of this section; 2540

(3) Traditional juvenile, if divisions ~~(E)~~(D) (1) and (2) 2541  
of this section do not apply. 2542

~~(F)~~(E) If a child is adjudicated a delinquent child for 2543  
committing an act that would be a felony of the third degree if 2544  
committed by an adult, the child is eligible for whichever of 2545  
the following is appropriate: 2546

(1) Discretionary SYO, if the act was committed when the 2547  
child was sixteen or seventeen years of age; 2548

(2) Discretionary SYO, if the act was committed when the 2549  
child was fourteen or fifteen years of age, and the act is 2550  
enhanced by any factor described in division (A) (1), (2), or (3) 2551  
of this section; 2552

(3) Traditional juvenile, if divisions ~~(F)~~(E) (1) and (2) 2553  
of this section do not apply. 2554

~~(G)~~(F) If a child is adjudicated a delinquent child for 2555  
committing an act that would be a felony of the fourth or fifth 2556  
degree if committed by an adult, the child is eligible for 2557  
whichever of the following dispositions is appropriate: 2558

(1) Discretionary SYO, if the act was committed when the 2559  
child was sixteen or seventeen years of age, and the act is 2560  
enhanced by any factor described in division (A) (1), (2), or (3) 2561

of this section;	2562
(2) Traditional juvenile, if division <del>(G)</del> (F) (1) of this section does not apply.	2563 2564
<del>(H) The following table describes the dispositions that a juvenile court may impose on a delinquent child:</del>	2565 2566
<del>OFFENSE CATEGORY</del> <del>AGE</del> <del>AGE</del> <del>AGE</del> <del>AGE</del>	2567
<del>(Enhancement factors) 16 &amp; 17 14 &amp; 15 12 &amp; 13 10 &amp; 11</del>	2568
<del>Murder/aggravated murder N/A MSYO, DSYO, DSYO,</del>	2569
<del>TJ TJ TJ</del>	2570
<del>Attempted murder/attempted N/A MSYO, DSYO, DSYO,</del>	2571
<del>aggravated murder TJ TJ TJ</del>	2572
<del>F1 (Enhanced by offense MSYO, DSYO, DSYO, DSYO,</del>	2573
<del>of violence factor and TJ TJ TJ TJ</del>	2574
<del>either disposition</del>	2575
<del>firearm factor or previous</del>	2576
<del>DYS admission factor)</del>	2577
<del>F1 (Enhanced by any single DSYO, DSYO, DSYO, TJ</del>	2578
<del>or other combination of TJ TJ TJ</del>	2579
<del>enhancement factors)</del>	2580
<del>F1 (Not enhanced) DSYO, DSYO, TJ TJ</del>	2581
<del>TJ TJ</del>	2582
<del>F2 (Enhanced by any DSYO, DSYO, DSYO, TJ</del>	2583
<del>enhancement factor) TJ TJ TJ</del>	2584
<del>F2 (Not enhanced) DSYO, DSYO, TJ TJ</del>	2585
<del>TJ TJ</del>	2586
<del>F3 (Enhanced by any DSYO, DSYO, TJ TJ</del>	2587
<del>enhancement factor) TJ TJ</del>	2588



<del>F3 (Not enhanced)</del>	<del>DSYO,</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	2589
	<del>TJ</del>				2590
<del>F4 (Enhanced by any</del>	<del>DSYO,</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	2591
<del>enhancement factor)</del>	<del>TJ</del>				2592
<del>F4 (Not enhanced)</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	2593
<del>F5 (Enhanced by any</del>	<del>DSYO,</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	2594
<del>enhancement factor)</del>	<del>TJ</del>				2595
<del>F5 (Not enhanced)</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	<del>TJ</del>	2596
<del>(I) The table in division (H) of this section is for</del>					2597
<del>illustrative purposes only. If the table conflicts with any</del>					2598
<del>provision of divisions (A) to (G) of this section, divisions (A)</del>					2599
<del>to (G) of this section shall control.</del>					2600
<del>(J) Key for table in division (H) of this section:</del>					2601
<del>(1) "Any enhancement factor" applies when the criteria</del>					2602
<del>described in division (A) (1), (2), or (3) of this section apply.</del>					2603
<del>(2) The "disposition firearm factor" applies when the</del>					2604
<del>criteria described in division (A) (2) of this section apply.</del>					2605
<del>(3) "DSYO" refers to discretionary serious youthful</del>					2606
<del>offender disposition.</del>					2607
<del>(4) "F1" refers to an act that would be a felony of the</del>					2608
<del>first degree if committed by an adult.</del>					2609
<del>(5) "F2" refers to an act that would be a felony of the</del>					2610
<del>second degree if committed by an adult.</del>					2611
<del>(6) "F3" refers to an act that would be a felony of the</del>					2612
<del>third degree if committed by an adult.</del>					2613
<del>(7) "F4" refers to an act that would be a felony of the</del>					2614

~~fourth degree if committed by an adult.~~ 2615

~~(8) "F5" refers to an act that would be a felony of the fifth degree if committed by an adult.~~ 2616  
2617

~~(9) "MSYO" refers to mandatory serious youthful offender disposition.~~ 2618  
2619

~~(10) The "offense of violence factor" applies when the criteria described in division (A) (1) of this section apply.~~ 2620  
2621

~~(11) The "previous DYS admission factor" applies when the criteria described in division (A) (3) of this section apply.~~ 2622  
2623

~~(12) "TJ" refers to traditional juvenile.~~ 2624

**Sec. 2152.12.** ~~(A) (1) (a) After a complaint has been filed alleging that a child is a delinquent child for committing an act that would be aggravated murder, murder, attempted aggravated murder, or attempted murder if committed by an adult, the juvenile court at a hearing shall transfer the case if either of the following applies:~~ 2625  
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2629  
2630

~~(i) The child was sixteen or seventeen years of age at the time of the act charged and there is probable cause to believe that the child committed the act charged.~~ 2631  
2632  
2633

~~(ii) The child was fourteen or fifteen years of age at the time of the act charged, section 2152.10 of the Revised Code provides that the child is eligible for mandatory transfer, and there is probable cause to believe that the child committed the act charged.~~ 2634  
2635  
2636  
2637  
2638

~~(b) After a complaint has been filed alleging that a child is a delinquent child by reason of committing a category two offense, the juvenile court at a hearing shall transfer the case if the child was sixteen or seventeen years of age at the time~~ 2639  
2640  
2641  
2642

~~of the act charged and either of the following applies:~~ 2643

~~(i) Division (A) (2) (a) of section 2152.10 of the Revised Code requires the mandatory transfer of the case, and there is probable cause to believe that the child committed the act charged.~~ 2644  
2645  
2646  
2647

~~(ii) Division (A) (2) (b) of section 2152.10 of the Revised Code requires the mandatory transfer of the case, and there is probable cause to believe that the child committed the act charged.~~ 2648  
2649  
2650  
2651

~~(2) The juvenile court also shall transfer a case in the circumstances described in division (C) (5) of section 2152.02 of the Revised Code or if either of the following applies:~~ 2652  
2653  
2654

~~(a) A complaint is filed against a child who is eligible for a discretionary transfer under section 2152.10 of the Revised Code and who previously was convicted of or pleaded guilty to a felony in a case that was transferred to a criminal court.~~ 2655  
2656  
2657  
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2659

~~(b) A complaint is filed against a child who is domiciled in another state alleging that the child is a delinquent child for committing an act that would be a felony if committed by an adult, and, if the act charged had been committed in that other state, the child would be subject to criminal prosecution as an adult under the law of that other state without the need for a transfer of jurisdiction from a juvenile, family, or similar noncriminal court to a criminal court.~~ 2660  
2661  
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~~(3) If a complaint is filed against a child alleging that the child is a delinquent child and the case is transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of this section and if the child subsequently is convicted of or pleads~~ 2668  
2669  
2670  
2671

~~guilty to an offense in that case, the sentence to be imposed or~~ 2672  
~~disposition to be made of the child shall be determined in~~ 2673  
~~accordance with section 2152.121 of the Revised Code.~~ 2674

~~(B) Except as provided in division (A) of this section,~~ 2675  
~~after~~ After a complaint has been filed alleging that a child is 2676  
a delinquent child for committing an act that would be a felony 2677  
if committed by an adult, the juvenile court at a hearing may 2678  
transfer the case if the court finds all of the following: 2679

(1) The child was fourteen years of age or older at the 2680  
time of the act charged. 2681

(2) There is probable cause to believe that the child 2682  
committed the act charged. 2683

(3) The child is not amenable to care or rehabilitation 2684  
within the juvenile system, and the safety of the community may 2685  
require that the child be subject to adult sanctions. In making 2686  
its decision under this division, the court shall consider 2687  
~~whether~~ the applicable factors under division ~~(D)~~ (C) of this 2688  
section ~~indicating that the case should be transferred outweigh~~ 2689  
~~the applicable factors under division (E) of this section~~ 2690  
~~indicating that the case should not be transferred. The record~~ 2691  
~~shall indicate the specific factors that were applicable and~~ 2692  
~~that the court weighed.~~ 2693

~~(C)~~ (B) Before considering a transfer under division ~~(B)~~ (A) 2694  
of this section, the juvenile court shall order an investigation 2695  
into the child's social history, education, family situation, 2696  
and any other factor bearing on whether the child is amenable to 2697  
juvenile rehabilitation, including a mental examination of the 2698  
child by a public or private agency or a person qualified to 2699  
make the examination. The investigation shall be completed and a 2700

report on the investigation shall be submitted to the court as 2701  
soon as possible but not more than forty-five calendar days 2702  
after the court orders the investigation. The court may grant 2703  
one or more extensions for a reasonable length of time. The 2704  
child may waive the examination required by this division if the 2705  
court finds that the waiver is competently and intelligently 2706  
made. Refusal to submit to a mental examination by the child 2707  
constitutes a waiver of the examination. 2708

~~(D) No report on an investigation conducted pursuant to 2709  
this division shall include details of the alleged offense as 2710  
reported by the child. 2711~~

~~(C) In considering whether to transfer a child under 2712  
division ~~(B)~~ (A) of this section, the juvenile court shall 2713  
consider the following relevant factors, and any other relevant 2714  
factors, in favor of a transfer under that division: 2715~~

~~(1) The victim of the act charged suffered physical or 2716  
psychological harm, or serious economic harm, as a result of the 2717  
alleged act. 2718~~

~~(2) The physical or psychological harm suffered by the 2719  
victim due to the alleged act of the child was exacerbated 2720  
because of the physical or psychological vulnerability or the 2721  
age of the victim. 2722~~

~~(3) The child's relationship with the victim facilitated 2723  
the act charged. 2724~~

~~(4) The child allegedly committed the act charged for hire 2725  
or as a part of a gang or other organized criminal activity. 2726~~

~~(5) The child had a firearm on or about the child's person 2727  
or under the child's control at the time of the act charged, the 2728  
act charged is not a violation of section 2923.12 of the Revised 2729~~

~~Code, and the child, during the commission of the act charged, 2730  
allegedly used or displayed the firearm, brandished the firearm, 2731  
or indicated that the child possessed a firearm. 2732~~

~~(6) At the time of the act charged, the child was awaiting 2733  
adjudication or disposition as a delinquent child, was under a 2734  
community control sanction, or was on parole for a prior 2735  
delinquent child adjudication or conviction. 2736~~

~~(7) The results of any previous juvenile sanctions and 2737  
programs indicate that rehabilitation of the child will not 2738  
occur in the juvenile system. 2739~~

~~(8) The child is emotionally, physically, or 2740  
psychologically mature enough for the transfer. 2741~~

~~(9) There is not sufficient time to rehabilitate the child 2742  
within the juvenile system. 2743~~

~~(E) In considering whether to transfer a child under 2744  
division (B) of this section, the juvenile court shall consider 2745  
the following relevant factors, and any other relevant factors, 2746  
against a transfer under that division: 2747~~

~~(1) The victim induced or facilitated the act charged. 2748~~

~~(2) The child acted under provocation in allegedly 2749  
committing the act charged. 2750~~

~~(3) The child was not the principal actor in the act 2751  
charged, or, at the time of the act charged, the child was under 2752  
the negative influence or coercion of another person. 2753~~

~~(4) The child did not cause physical harm to any person or 2754  
property, or have reasonable cause to believe that harm of that 2755  
nature would occur, in allegedly committing the act charged. 2756~~

- ~~(5) The child previously has not been adjudicated a delinquent child.~~ 2757  
2758
- ~~(6) The child is not emotionally, physically, or psychologically mature enough for the transfer.~~ 2759  
2760
- ~~(7) The child has a mental illness or intellectual disability.~~ 2761  
2762
- ~~(8) There is sufficient time to rehabilitate the child within the juvenile system and the level of security available in the juvenile system provides a reasonable assurance of public safety.~~ 2763  
2764  
2765  
2766
- ~~(F) If one or more complaints are filed alleging that a child is a delinquent child for committing two or more acts that would be offenses if committed by an adult, if a motion is made alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred, and if a motion also is made requesting that the case or cases involving one or more of the acts charged be transferred pursuant to division (B) of this section, the juvenile court, in deciding the motions, shall proceed in the following manner:~~ 2767  
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2776
- ~~(1) Initially, the court shall decide the motion alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred.~~ 2777  
2778  
2779  
2780
- ~~(2) If the court determines that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred, the court shall transfer the case or cases in accordance with that division. After the transfer pursuant to division (A) of this section, the~~ 2781  
2782  
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2785

~~court shall decide, in accordance with division (B) of this  
section, whether to grant the motion requesting that the case or  
cases involving one or more of the acts charged be transferred  
pursuant to that division. Notwithstanding division (B) of this  
section, prior to transferring a case pursuant to division (A)  
of this section, the court is not required to consider any  
factor specified in division (D) or (E) of this section or to  
conduct an investigation under division (C) of this section.~~

~~(3) If the court determines that division (A) of this  
section does not require that the case or cases involving one or  
more of the acts charged be transferred, the court shall decide  
in accordance with division (B) of this section whether to grant  
the motion requesting that the case or cases involving one or  
more of the acts charged be transferred pursuant to that  
division.~~

~~(4) No report on an investigation conducted pursuant to  
division (C) of this section shall include details of the  
alleged offense as reported by the child.~~

~~(G)(1) The risk level of the child as determined by an  
evidence-based risk assessment tool, which may be such a tool  
developed by the court, such a tool endorsed by the department  
of youth services under division (I) of this section, or any  
other such tool the court determines to be appropriate, that is  
administered by a trained court professional;~~

~~(2) The level of harm to the victim in the alleged act of  
the child, including the following:~~

~~(a) The level of physical, psychological, or serious  
economic harm suffered by the victim or whether the child did  
not cause physical harm to any person or property, or have~~



reasonable cause to believe that harm of that nature would 2815  
occur; 2816

(b) Whether the physical or psychological harm suffered by 2817  
the victim was exacerbated because of the physical or 2818  
psychological vulnerability or age of the victim. 2819

(3) The role of the victim, including the following: 2820

(a) Whether the child's relationship with the victim 2821  
facilitated the act charged; 2822

(b) Whether the victim induced or facilitated the act 2823  
charged or the child acted under provocation in allegedly 2824  
committing the act charged. 2825

(4) The circumstances of the offense, including the 2826  
following: 2827

(a) Whether the child was not the principle actor in the 2828  
act charged, or, at the time of the act charged, the child was 2829  
under the negative influence or coercion of another person; 2830

(b) Whether the child allegedly committed the act charged 2831  
for hire or as part of a gang; 2832

(c) Whether the child did or did not have a firearm on or 2833  
about the child's person or under the child's control at the 2834  
time of the act charged, the act charged is not a violation of 2835  
section 2923.12 of the Revised Code, and the child, during the 2836  
commission of the act charged, allegedly used or displayed the 2837  
firearm, brandished the firearm, or indicated that the child 2838  
possesses a firearm. 2839

(5) The child's prior experience in the juvenile court, 2840  
including the presence or lack of any prior or current cases and 2841  
rehabilitative efforts by the juvenile court and the 2842

availability of a reasonable and appropriate juvenile sanction 2843  
or program that has not yet been utilized; 2844

(6) The child's individual developmental characteristics, 2845  
including the following: 2846

(a) Whether the child is emotionally, physically, or 2847  
psychologically mature enough for the transfer; 2848

(b) Whether the child has a behavioral health issue, 2849  
including a mental illness, substance abuse disorder, or 2850  
developmental disability. 2851

(7) The child's background, including family and 2852  
environment, and trauma history; 2853

(8) Whether there is sufficient time to rehabilitate the 2854  
child within the juvenile system. 2855

(D) The court shall give notice in writing of the time, 2856  
place, and purpose of any hearing held pursuant to division (A) 2857  
or (B) of this section to the child's parents, guardian, or 2858  
other custodian and to the child's counsel at least three days 2859  
prior to the hearing. 2860

~~(H)~~(E) A child who has been found not amenable to care or 2861  
rehabilitation within the juvenile system under division (B) of 2862  
this section has a right to appeal the transfer under division 2863  
(B) (8) of section 2505.02 of the Revised Code. Upon issuing the 2864  
order for transfer, the juvenile court shall immediately stay 2865  
the transfer for a period of fourteen days, unless waived by the 2866  
child. 2867

(F) No person, either before or after reaching eighteen 2868  
years of age, shall be prosecuted as an adult for an offense 2869  
committed prior to becoming eighteen years of age, unless the 2870

person has been transferred as provided in division (A) ~~or (B)~~ 2871  
of this section or unless division ~~(J)~~ (H) of this section 2872  
applies. Any prosecution that is had in a criminal court on the 2873  
mistaken belief that the person who is the subject of the case 2874  
was eighteen years of age or older at the time of the commission 2875  
of the offense shall be deemed a nullity, and the person shall 2876  
not be considered to have been in jeopardy on the offense. 2877

~~(I)~~ (G) Upon the transfer of a case under division (A) ~~or~~ 2878  
~~(B)~~ of this section, the juvenile court shall state the reasons 2879  
for the transfer on the record, and shall order the child to 2880  
enter into a recognizance with good and sufficient surety for 2881  
the child's appearance before the appropriate court for any 2882  
disposition that the court is authorized to make for a similar 2883  
act committed by an adult. The transfer abates the jurisdiction 2884  
of the juvenile court with respect to the delinquent acts 2885  
alleged in the complaint, and, upon the transfer, all further 2886  
proceedings pertaining to the act charged shall be discontinued 2887  
in the juvenile court, and the case then shall be within the 2888  
jurisdiction of the court to which it is transferred as 2889  
described in division (H) of section 2151.23 of the Revised 2890  
Code. 2891

~~(J)~~ (H) If a person under eighteen years of age allegedly 2892  
commits an act that would be a felony if committed by an adult 2893  
and if the person is not taken into custody or apprehended for 2894  
that act until after the person attains twenty-one years of age, 2895  
the juvenile court does not have jurisdiction to hear or 2896  
determine any portion of the case charging the person with 2897  
committing that act. In those circumstances, ~~divisions~~ division 2898  
(A) ~~and (B)~~ of this section ~~do~~ does not apply regarding the act, 2899  
and the case charging the person with committing the act shall 2900  
be a criminal prosecution commenced and heard in the appropriate 2901

court having jurisdiction of the offense as if the person had 2902  
been eighteen years of age or older when the person committed 2903  
the act, except that the court shall not impose a sentence of 2904  
life imprisonment without parole for any offense committed when 2905  
the person was under eighteen years of age. All proceedings 2906  
pertaining to the act shall be within the jurisdiction of the 2907  
court having jurisdiction of the offense, and that court has all 2908  
the authority and duties in the case as it has in other criminal 2909  
cases in that court. 2910

(I) The department of youth services shall develop and 2911  
provide to each juvenile court a list of standardized, evidence- 2912  
based risk assessment tools that the department endorses for use 2913  
by courts under division (C) of this section. A court may use, 2914  
but is not required to use, a tool from the endorsed list in 2915  
performing the functions described in that division. 2916

**Sec. 2152.13.** (A) A juvenile court ~~shall impose a serious-~~ 2917  
~~youthful dispositional sentence on a child when required under-~~ 2918  
~~division (B) (3) of section 2152.121 of the Revised Code. In such-~~ 2919  
~~a case, the remaining provisions of this division and divisions-~~ 2920  
~~(B) and (C) do not apply to the child, and the court shall-~~ 2921  
~~impose the mandatory serious youthful dispositional sentence-~~ 2922  
~~under division (D) (1) of this section.~~ 2923

~~In all other cases, a juvenile court may impose a serious~~ 2924  
~~youthful offender dispositional sentence on a child only if the~~ 2925  
~~prosecuting attorney of the county in which the delinquent act~~ 2926  
~~allegedly occurred initiates the process against the child in~~ 2927  
~~accordance with this division, and the child is an alleged~~ 2928  
~~delinquent child who is eligible for the dispositional sentence.~~ 2929  
The prosecuting attorney may initiate the process in any of the 2930  
following ways: 2931

(1) Obtaining an indictment of the child as a serious 2932  
youthful offender; 2933

(2) The child waives the right to indictment, charging the 2934  
child in a bill of information as a serious youthful offender; 2935

(3) Until an indictment or information is obtained, 2936  
requesting a serious youthful offender dispositional sentence in 2937  
the original complaint alleging that the child is a delinquent 2938  
child; 2939

(4) Until an indictment or information is obtained, if the 2940  
original complaint does not request a serious youthful offender 2941  
dispositional sentence, filing with the juvenile court a written 2942  
notice of intent to seek a serious youthful offender 2943  
dispositional sentence within twenty days after the later of the 2944  
following, unless the time is extended by the juvenile court for 2945  
good cause shown: 2946

(a) The date of the child's first juvenile court hearing 2947  
regarding the complaint; 2948

(b) The date the juvenile court determines not to transfer 2949  
the case under section 2152.12 of the Revised Code. 2950

After a written notice is filed under division (A) (4) of 2951  
this section, the juvenile court shall serve a copy of the 2952  
notice on the child and advise the child of the prosecuting 2953  
attorney's intent to seek a serious youthful offender 2954  
dispositional sentence in the case. 2955

(B) If an alleged delinquent child is not indicted or 2956  
charged by information as described in division (A) (1) or (2) of 2957  
this section and if a notice or complaint as described in 2958  
division (A) (3) or (4) of this section indicates that the 2959  
prosecuting attorney intends to pursue a serious youthful 2960

offender dispositional sentence in the case, the juvenile court 2961  
shall hold a preliminary hearing to determine if there is 2962  
probable cause that the child committed the act charged and is 2963  
by age eligible for, ~~or required to receive,~~ a serious youthful 2964  
offender dispositional sentence. 2965

(C) (1) A child for whom a serious youthful offender 2966  
dispositional sentence is sought by a prosecuting attorney has 2967  
the right to a grand jury determination of probable cause that 2968  
the child committed the act charged and that the child is 2969  
eligible by age for a serious youthful offender dispositional 2970  
sentence. The grand jury may be impaneled by the court of common 2971  
pleas or the juvenile court. 2972

Once a child is indicted, or charged by information or the 2973  
juvenile court determines that the child is eligible for a 2974  
serious youthful offender dispositional sentence, the child is 2975  
entitled to an open and speedy trial by jury in juvenile court 2976  
and to be provided with a transcript of the proceedings. The 2977  
time within which the trial is to be held under Title XXIX of 2978  
the Revised Code commences on whichever of the following dates 2979  
is applicable: 2980

(a) If the child is indicted or charged by information, on 2981  
the date of the filing of the indictment or information. 2982

(b) If the child is charged by an original complaint that 2983  
requests a serious youthful offender dispositional sentence, on 2984  
the date of the filing of the complaint. 2985

(c) If the child is not charged by an original complaint 2986  
that requests a serious youthful offender dispositional 2987  
sentence, on the date that the prosecuting attorney files the 2988  
written notice of intent to seek a serious youthful offender 2989

dispositional sentence. 2990

(2) If the child is detained awaiting adjudication, upon 2991  
indictment or being charged by information, the child has the 2992  
same right to bail as an adult charged with the offense the 2993  
alleged delinquent act would be if committed by an adult. Except 2994  
as provided in division (D) of section 2152.14 of the Revised 2995  
Code, all provisions of Title XXIX of the Revised Code and the 2996  
Criminal Rules shall apply in the case and to the child. The 2997  
juvenile court shall afford the child all rights afforded a 2998  
person who is prosecuted for committing a crime including the 2999  
right to counsel and the right to raise the issue of competency. 3000  
The child may not waive the right to counsel. 3001

~~(D) (1) If a child is adjudicated a delinquent child for~~ 3002  
~~committing an act under circumstances that require the juvenile~~ 3003  
~~court to impose upon the child a serious youthful offender~~ 3004  
~~dispositional sentence under section 2152.11 of the Revised~~ 3005  
~~Code, all of the following apply:~~ 3006

~~(a) The juvenile court shall impose upon the child a~~ 3007  
~~sentence available for the violation, as if the child were an~~ 3008  
~~adult, under Chapter 2929. of the Revised Code, except that the~~ 3009  
~~juvenile court shall not impose on the child a sentence of death~~ 3010  
~~or life imprisonment without parole.~~ 3011

~~(b) The juvenile court also shall impose upon the child~~ 3012  
~~one or more traditional juvenile dispositions under sections~~ 3013  
~~2152.16, 2152.19, and 2152.20, and, if applicable, section~~ 3014  
~~2152.17 of the Revised Code.~~ 3015

~~(c) The juvenile court shall stay the adult portion of the~~ 3016  
~~serious youthful offender dispositional sentence pending the~~ 3017  
~~successful completion of the traditional juvenile dispositions~~ 3018

~~imposed.~~ 3019

~~(2)(a)~~ If a child is adjudicated a delinquent child for 3020  
committing an act under circumstances that allow, ~~but do not~~ 3021  
~~require,~~ the juvenile court to impose on the child a serious 3022  
youthful offender dispositional sentence under section 2152.11 3023  
of the Revised Code, all of the following apply: 3024

~~(i)~~ (a) If the juvenile court on the record makes a 3025  
finding that, given the nature and circumstances of the 3026  
violation and the history of the child, the length of time, 3027  
level of security, and types of programming and resources 3028  
available in the juvenile system alone are not adequate to 3029  
provide the juvenile court with a reasonable expectation that 3030  
the purposes set forth in section 2152.01 of the Revised Code 3031  
will be met, the juvenile court may impose upon the child a 3032  
sentence available for the violation, as if the child were an 3033  
adult, under Chapter 2929. of the Revised Code, except that the 3034  
juvenile court shall not impose on the child a sentence of death 3035  
or life imprisonment without parole. 3036

~~(ii)~~ (b) If a sentence is imposed under division (D) ~~(2)(1)~~ 3037  
(a) ~~(i)~~ of this section, the juvenile court also shall impose 3038  
upon the child one or more traditional juvenile dispositions 3039  
under sections 2152.16, 2152.19, and 2152.20 and, if applicable, 3040  
section 2152.17 of the Revised Code. 3041

~~(iii)~~ (c) The juvenile court shall stay the adult portion 3042  
of the serious youthful offender dispositional sentence pending 3043  
the successful completion of the traditional juvenile 3044  
dispositions imposed. 3045

~~(b)~~ (2) If the juvenile court does not find that a 3046  
sentence should be imposed under division (D) ~~(2)(1)~~ (a) ~~(i)~~ of 3047



this section, the juvenile court may impose one or more 3048  
traditional juvenile dispositions under sections 2152.16, 3049  
2152.19, 2152.20, and, if applicable, section 2152.17 of the 3050  
Revised Code. 3051

~~(3)~~ (E) A child upon whom a serious youthful offender 3052  
dispositional sentence is imposed under division (D) ~~(1) or (2)~~ 3053  
of this section has a right to appeal under division (A) (1), 3054  
(3), (4), or (5) of section 2953.08 of the Revised Code the 3055  
adult portion of the serious youthful offender dispositional 3056  
sentence when any of those divisions apply. The child may appeal 3057  
the adult portion, and the court shall consider the appeal as if 3058  
the adult portion were not stayed. 3059

**Sec. 2152.14.** (A) (1) The director of youth services may 3060  
request the prosecuting attorney of the county in which is 3061  
located the juvenile court that imposed a serious youthful 3062  
offender dispositional sentence upon a person under section 3063  
~~2152.121 or 2152.13~~ of the Revised Code, or under former section 3064  
2152.121 of the Revised Code as it existed prior to the 3065  
effective date of this amendment, to file a motion with that 3066  
juvenile court to invoke the adult portion of the dispositional 3067  
sentence if all of the following apply to the person: 3068

(a) The person is at least fourteen years of age. 3069

(b) The person is in the institutional custody, or an 3070  
escapee from the custody, of the department of youth services. 3071

(c) The person is serving the juvenile portion of the 3072  
serious youthful offender dispositional sentence. 3073

(2) The motion shall state that there is reasonable cause 3074  
to believe that either of the following misconduct has occurred 3075  
and shall state that at least one incident of misconduct of that 3076

nature occurred after the person reached fourteen years of age: 3077

(a) The person committed an act that is a violation of the 3078  
rules of the institution and that could be charged as any felony 3079  
or as a first degree misdemeanor offense of violence if 3080  
committed by an adult. 3081

(b) The person has engaged in conduct that creates a 3082  
substantial risk to the safety or security of the institution, 3083  
the community, or the victim. 3084

(B) If a person is at least fourteen years of age, is 3085  
serving the juvenile portion of a serious youthful offender 3086  
dispositional sentence imposed under section ~~2152.121~~ or 2152.13 3087  
of the Revised Code, or under former section 2152.121 of the 3088  
Revised Code as it existed prior to the effective date of this 3089  
amendment, and is on parole or aftercare from a department of 3090  
youth services facility, or on community control, the director 3091  
of youth services, the juvenile court that imposed the serious 3092  
youthful offender dispositional sentence on the person, or the 3093  
probation department supervising the person may request the 3094  
prosecuting attorney of the county in which is located the 3095  
juvenile court to file a motion with the juvenile court to 3096  
invoke the adult portion of the dispositional sentence. The 3097  
prosecuting attorney may file a motion to invoke the adult 3098  
portion of the dispositional sentence even if no request is 3099  
made. The motion shall state that there is reasonable cause to 3100  
believe that either of the following occurred and shall state 3101  
that at least one incident of misconduct of that nature occurred 3102  
after the person reached fourteen years of age: 3103

(1) The person committed an act that is a violation of the 3104  
conditions of supervision and that could be charged as any 3105  
felony or as a first degree misdemeanor offense of violence if 3106

committed by an adult. 3107

(2) The person has engaged in conduct that creates a 3108  
substantial risk to the safety or security of the community or 3109  
of the victim. 3110

(C) If the prosecuting attorney declines a request to file 3111  
a motion that was made by the department of youth services or 3112  
the supervising probation department under division (A) or (B) 3113  
of this section or fails to act on a request made under either 3114  
division by the department within a reasonable time, the 3115  
department of youth services or the supervising probation 3116  
department may file a motion of the type described in division 3117  
(A) or (B) of this section with the juvenile court to invoke the 3118  
adult portion of the serious youthful offender dispositional 3119  
sentence. If the prosecuting attorney declines a request to file 3120  
a motion that was made by the juvenile court under division (B) 3121  
of this section or fails to act on a request from the court 3122  
under that division within a reasonable time, the juvenile court 3123  
may hold the hearing described in division (D) of this section 3124  
on its own motion. 3125

(D) Upon the filing of a motion described in division (A), 3126  
(B), or (C) of this section, the Ohio public defender shall be 3127  
served a copy of the motion. The juvenile court may hold a 3128  
hearing to determine whether to invoke the adult portion of a 3129  
person's serious juvenile offender dispositional sentence. The 3130  
juvenile court shall not invoke the adult portion of the 3131  
dispositional sentence without a hearing. At the hearing the 3132  
person who is the subject of the serious youthful offender 3133  
disposition has the right to be present, to receive notice of 3134  
the grounds upon which the adult sentence portion is sought to 3135  
be invoked, to be represented by counsel including counsel 3136

appointed under Juvenile Rule 4(A), to be advised on the 3137  
procedures and protections set forth in the Juvenile Rules, and 3138  
to present evidence on the person's own behalf, including 3139  
evidence that the person has a mental illness or intellectual 3140  
disability. The person may not waive the right to counsel. The 3141  
hearing shall be open to the public. If the person presents 3142  
evidence that the person has a mental illness or intellectual 3143  
disability, the juvenile court shall consider that evidence in 3144  
determining whether to invoke the adult portion of the serious 3145  
youthful offender dispositional sentence. 3146

(E) (1) The juvenile court may invoke the adult portion of 3147  
a person's serious youthful offender dispositional sentence if 3148  
the juvenile court finds all of the following on the record by 3149  
clear and convincing evidence: 3150

(a) The person is serving the juvenile portion of a 3151  
serious youthful offender dispositional sentence. 3152

(b) The person is at least fourteen years of age and has 3153  
been admitted to a department of youth services facility, or 3154  
criminal charges are pending against the person. 3155

(c) The person engaged in the conduct or acts charged 3156  
under division (A), (B), or (C) of this section, and the 3157  
person's conduct demonstrates that the person is unlikely to be 3158  
rehabilitated during the remaining period of juvenile 3159  
jurisdiction. 3160

(2) The court may modify the adult sentence the court 3161  
invokes to consist of any lesser prison term that could be 3162  
imposed for the offense and, in addition to the prison term or 3163  
in lieu of the prison term if the prison term was not mandatory, 3164  
any community control sanction that the offender was eligible to 3165

receive at sentencing. 3166

(F) If a juvenile court issues an order invoking the adult 3167  
portion of a serious youthful offender dispositional sentence 3168  
under division (E) of this section, the juvenile portion of the 3169  
dispositional sentence shall terminate, and the department of 3170  
youth services shall transfer the person to the department of 3171  
rehabilitation and correction or place the person under another 3172  
sanction imposed as part of the sentence. The juvenile court 3173  
shall state in its order the total number of days that the 3174  
person has been held in detention or in a facility operated by, 3175  
or under contract with, the department of youth services under 3176  
the juvenile portion of the dispositional sentence. The time the 3177  
person must serve on a prison term imposed under the adult 3178  
portion of the dispositional sentence shall be reduced by the 3179  
total number of days specified in the order plus any additional 3180  
days the person is held in a juvenile facility or in detention 3181  
after the order is issued and before the person is transferred 3182  
to the custody of the department of rehabilitation and 3183  
correction. In no case shall the total prison term as calculated 3184  
under this division exceed the maximum prison term available for 3185  
an adult who is convicted of violating the same sections of the 3186  
Revised Code. 3187

Any community control imposed as part of the adult 3188  
sentence or as a condition of a judicial release from prison 3189  
shall be under the supervision of the entity that provides adult 3190  
probation services in the county. Any post-release control 3191  
imposed after the offender otherwise is released from prison 3192  
shall be supervised by the adult parole authority. 3193

**Sec. 2152.18.** (A) When a juvenile court commits a 3194  
delinquent child to the custody of the department of youth 3195

services pursuant to this chapter, the court shall not designate 3196  
the specific institution in which the department is to place the 3197  
child but instead shall specify that the child is to be 3198  
institutionalized in a secure facility. 3199

(B) When a juvenile court commits a delinquent child to 3200  
the custody of the department of youth services pursuant to this 3201  
chapter, the court shall state in the order of commitment the 3202  
total number of days that the child has been confined in 3203  
connection with the delinquent child complaint upon which the 3204  
order of commitment is based. The court shall ~~not only include~~ 3205  
~~days that the child has been under electronic monitoring or~~ 3206  
~~house arrest or days that the child has been confined in a~~ 3207  
~~halfway house.~~ The department shall reduce the minimum period of 3208  
institutionalization that was ordered by both the total number 3209  
of days that the child has been so confined as stated by the 3210  
court in the order of commitment and the total number of any 3211  
additional days that the child has been confined subsequent to 3212  
the order of commitment but prior to the transfer of physical 3213  
custody of the child to the department. 3214

The juvenile court retains continuing jurisdiction to 3215  
correct any error not previously raised at disposition in making 3216  
a determination under this division. The delinquent child may, 3217  
at any time after disposition, file a motion in the juvenile 3218  
court to correct any error made in making a determination under 3219  
this division and the court in its discretion may grant or deny 3220  
that motion. If the court changes the number of days in its 3221  
determination or redetermination, the court shall cause the 3222  
entry granting that change to be delivered to the department of 3223  
youth services without delay. 3224

An inaccurate determination under this division is not 3225

grounds for setting aside the delinquent child's adjudication or 3226  
disposition and does not otherwise render the disposition void 3227  
or voidable. 3228

(C) (1) When a juvenile court commits a delinquent child to 3229  
the custody of the department of youth services pursuant to this 3230  
chapter, the court shall provide the department with the child's 3231  
medical records, a copy of the report of any mental examination 3232  
of the child ordered by the court, the Revised Code section or 3233  
sections the child violated and the degree of each violation, 3234  
the warrant to convey the child to the department, a copy of the 3235  
court's journal entry ordering the commitment of the child to 3236  
the legal custody of the department, a copy of the arrest record 3237  
pertaining to the act for which the child was adjudicated a 3238  
delinquent child, a copy of any victim impact statement 3239  
pertaining to the act, and any other information concerning the 3240  
child that the department reasonably requests. The court also 3241  
shall complete the form for the standard predisposition 3242  
investigation report that the department furnishes pursuant to 3243  
section 5139.04 of the Revised Code and provide the department 3244  
with the completed form. 3245

The department may refuse to accept physical custody of a 3246  
delinquent child who is committed to the legal custody of the 3247  
department until the court provides to the department the 3248  
documents specified in this division. No officer or employee of 3249  
the department who refuses to accept physical custody of a 3250  
delinquent child who is committed to the legal custody of the 3251  
department shall be subject to prosecution or contempt of court 3252  
for the refusal if the court fails to provide the documents 3253  
specified in this division at the time the court transfers the 3254  
physical custody of the child to the department. 3255

(2) Within twenty working days after the department of youth services receives physical custody of a delinquent child from a juvenile court, the court shall provide the department with a certified copy of the child's birth certificate and the child's social security number or, if the court made all reasonable efforts to obtain the information but was unsuccessful, with documentation of the efforts it made to obtain the information.

(3) If an officer is preparing pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a presentence investigation report pertaining to a person, the department shall make available to the officer, for use in preparing the report, any records or reports it possesses regarding that person that it received from a juvenile court pursuant to division (C) (1) of this section or that pertain to the treatment of that person after the person was committed to the custody of the department as a delinquent child.

(D) (1) Within ten days after an adjudication that a child is a delinquent child, the court shall give written notice of the adjudication to the superintendent of a city, local, exempted village, or joint vocational school district, and to the principal of the school the child attends, if the basis of the adjudication was the commission of an act that would be a criminal offense if committed by an adult, if the act was committed by the delinquent child when the child was fourteen years of age or older, and if the act is any of the following:

(a) An act that would be a felony or an offense of violence if committed by an adult, an act in the commission of which the child used or brandished a firearm, or an act that is a violation of section 2907.06, 2907.07, 2907.08, 2907.09,



2907.24, or 2907.241 of the Revised Code and that would be a 3286  
misdemeanor if committed by an adult; 3287

(b) A violation of section 2923.12 of the Revised Code or 3288  
of a substantially similar municipal ordinance that would be a 3289  
misdemeanor if committed by an adult and that was committed on 3290  
property owned or controlled by, or at an activity held under 3291  
the auspices of, the board of education of that school district; 3292

(c) A violation of division (A) of section 2925.03 or 3293  
2925.11 of the Revised Code that would be a misdemeanor if 3294  
committed by an adult, that was committed on property owned or 3295  
controlled by, or at an activity held under the auspices of, the 3296  
board of education of that school district, and that is not a 3297  
minor drug possession offense; 3298

(d) An act that would be a criminal offense if committed 3299  
by an adult and that results in serious physical harm to persons 3300  
or serious physical harm to property while the child is at 3301  
school, on any other property owned or controlled by the board, 3302  
or at an interscholastic competition, an extracurricular event, 3303  
or any other school program or activity; 3304

(e) Complicity in any violation described in division (D) 3305  
(1) (a), (b), (c), or (d) of this section that was alleged to 3306  
have been committed in the manner described in division (D) (1) 3307  
(a), (b), (c), or (d) of this section, regardless of whether the 3308  
act of complicity was committed on property owned or controlled 3309  
by, or at an activity held under the auspices of, the board of 3310  
education of that school district. 3311

(2) The notice given pursuant to division (D) (1) of this 3312  
section shall include the name of the child who was adjudicated 3313  
to be a delinquent child, the child's age at the time the child 3314

committed the act that was the basis of the adjudication, and 3315  
identification of the violation of the law or ordinance that was 3316  
the basis of the adjudication. 3317

(3) Within fourteen days after committing a delinquent 3318  
child to the custody of the department of youth services, the 3319  
court shall give notice to the school attended by the child of 3320  
the child's commitment by sending to that school a copy of the 3321  
court's journal entry ordering the commitment. As soon as 3322  
possible after receipt of the notice described in this division, 3323  
the school shall provide the department with the child's school 3324  
transcript. However, the department shall not refuse to accept a 3325  
child committed to it, and a child committed to it shall not be 3326  
held in a county or district detention facility, because of a 3327  
school's failure to provide the school transcript that it is 3328  
required to provide under this division. 3329

(4) Within fourteen days after discharging or releasing a 3330  
child from an institution under its control, the department of 3331  
youth services shall provide the court and the superintendent of 3332  
the school district in which the child is entitled to attend 3333  
school under section 3313.64 or 3313.65 of the Revised Code with 3334  
the following: 3335

(a) An updated copy of the child's school transcript; 3336

(b) A report outlining the child's behavior in school 3337  
while in the custody of the department; 3338

(c) The child's current individualized education program, 3339  
as defined in section 3323.01 of the Revised Code, if such a 3340  
program has been developed for the child; 3341

(d) A summary of the institutional record of the child's 3342  
behavior. 3343

The department also shall provide the court with a copy of 3344  
any portion of the child's institutional record that the court 3345  
specifically requests, within five working days of the request. 3346

(E) At any hearing at which a child is adjudicated a 3347  
delinquent child or as soon as possible after the hearing, the 3348  
court shall notify all victims of the delinquent act who may be 3349  
entitled to a recovery under any of the following sections of 3350  
the right of the victims to recover, pursuant to section 3109.09 3351  
of the Revised Code, compensatory damages from the child's 3352  
parents; of the right of the victims to recover, pursuant to 3353  
section 3109.10 of the Revised Code, compensatory damages from 3354  
the child's parents for willful and malicious assaults committed 3355  
by the child; and of the right of the victims to recover an 3356  
award of reparations pursuant to sections 2743.51 to 2743.72 of 3357  
the Revised Code. 3358

(F) As used in this section: 3359

(1) "Community corrections facility" and "secure facility" 3360  
have the same meanings as in section 5139.01 of the Revised 3361  
Code. 3362

(2) "Confined" means the placement of a child in any 3363  
locked and secure facility, either adult or juvenile, in a 3364  
locked and secure section of any facility, either adult or 3365  
juvenile, or in any community corrections facility. 3366

**Sec. 2152.20.** (A) If a child is adjudicated a delinquent 3367  
child or a juvenile traffic offender, the court may order any of 3368  
the following dispositions, in addition to any other disposition 3369  
authorized or required by this chapter: 3370

(1) Impose a fine in accordance with the following 3371  
schedule: 3372

- (a) For an act that would be a minor misdemeanor or an unclassified misdemeanor if committed by an adult, a fine not to exceed fifty dollars; 3373  
3374  
3375
- (b) For an act that would be a misdemeanor of the fourth degree if committed by an adult, a fine not to exceed one hundred dollars; 3376  
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- (c) For an act that would be a misdemeanor of the third degree if committed by an adult, a fine not to exceed one hundred fifty dollars; 3379  
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- (d) For an act that would be a misdemeanor of the second degree if committed by an adult, a fine not to exceed two hundred dollars; 3382  
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- (e) For an act that would be a misdemeanor of the first degree if committed by an adult, a fine not to exceed two hundred fifty dollars; 3385  
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- (f) For an act that would be a felony of the fifth degree or an unclassified felony if committed by an adult, a fine not to exceed three hundred dollars; 3388  
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- (g) For an act that would be a felony of the fourth degree if committed by an adult, a fine not to exceed four hundred dollars; 3391  
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- (h) For an act that would be a felony of the third degree if committed by an adult, a fine not to exceed seven hundred fifty dollars; 3394  
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- (i) For an act that would be a felony of the second degree if committed by an adult, a fine not to exceed one thousand dollars; 3397  
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- (j) For an act that would be a felony of the first degree 3400

if committed by an adult, a fine not to exceed one thousand five hundred dollars; 3401  
3402

(k) For an act that would be aggravated murder or murder if committed by an adult, a fine not to exceed two thousand dollars. 3403  
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(2) Require the child to pay costs, including, but not limited to, costs described in section 2746.05 of the Revised Code; 3406  
3407  
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(3) Unless the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau, require the child to make restitution ~~to the victim of the child's delinquent act or juvenile traffic offense or, if the victim is deceased, to a survivor of the victim in an amount based upon the victim's economic loss caused by or related to the delinquent act or juvenile traffic offense. The court may not require a child to make restitution pursuant to this division if the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau. If the court requires restitution under this division, the restitution shall be made directly to the victim in open court or to the probation department that serves the jurisdiction or the clerk of courts on behalf of the victim.~~ 3409  
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~~If the court requires restitution under this division, the restitution may be in the form of a cash reimbursement paid in a~~ 3429  
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~~lump sum or in installments, the performance of repair work to 3431  
restore any damaged property to its original condition, the 3432  
performance of a reasonable amount of labor for the victim or 3433  
survivor of the victim, the performance of community service 3434  
work, any other form of restitution devised by the court, or any 3435  
combination of the previously described forms of restitution. 3436~~

~~If the court requires restitution under this division, the 3437  
court may base the restitution order on an amount recommended by 3438  
the victim or survivor of the victim, the delinquent child, the 3439  
juvenile traffic offender, a presentence investigation report, 3440  
estimates or receipts indicating the cost of repairing or 3441  
replacing property, and any other information, provided that the 3442  
amount the court orders as restitution shall not exceed the 3443  
amount of the economic loss suffered by the victim as a direct 3444  
and proximate result of the delinquent act or juvenile traffic 3445  
offense. If the court decides to order restitution under this 3446  
division and the amount of the restitution is disputed by the 3447  
victim or survivor or by the delinquent child or juvenile 3448  
traffic offender, the court shall hold a hearing on the 3449  
restitution. If the court requires restitution under this 3450  
division, the court shall determine, or order the determination 3451  
of, the amount of restitution to be paid by the delinquent child 3452  
or juvenile traffic offender. All restitution payments shall be 3453  
credited against any recovery of economic loss in a civil action 3454  
brought by or on behalf of the victim against the delinquent 3455  
child or juvenile traffic offender or the delinquent child's or 3456  
juvenile traffic offender's parent, guardian, or other 3457  
custodian. 3458~~

~~If the court requires restitution under this division, the 3459  
court may order that the delinquent child or juvenile traffic 3460  
offender pay a surcharge, in an amount not exceeding five per 3461~~

~~cent of the amount of restitution otherwise ordered under this~~ 3462  
~~division, to the entity responsible for collecting and~~ 3463  
~~processing the restitution payments.~~ 3464

~~The victim or the survivor of the victim may request that~~ 3465  
~~the prosecuting authority file a motion, or the delinquent child~~ 3466  
~~or juvenile traffic offender may file a motion, for modification~~ 3467  
~~of the payment terms of any restitution ordered under this~~ 3468  
~~division. If the court grants the motion, it may modify the~~ 3469  
~~payment terms as it determines appropriate as provided under~~ 3470  
~~section 2152.203 of the Revised Code.~~ 3471

(4) Require the child to reimburse any or all of the costs 3472  
incurred for services or sanctions provided or imposed, 3473  
including, but not limited to, the following: 3474

(a) All or part of the costs of implementing any community 3475  
control imposed as a disposition under section 2152.19 of the 3476  
Revised Code, including a supervision fee; 3477

(b) All or part of the costs of confinement in a 3478  
residential facility described in section 2152.19 of the Revised 3479  
Code ~~or in a department of youth services institution,~~ 3480  
including, but not limited to, a per diem fee for room and 3481  
board, the costs of medical and dental treatment provided, and 3482  
the costs of repairing property the delinquent child damaged 3483  
while so confined. ~~The amount of reimbursement ordered for a~~ 3484  
~~child under this division shall not exceed the total amount of~~ 3485  
~~reimbursement the child is able to pay as determined at a~~ 3486  
~~hearing and shall not exceed the actual cost of the confinement.~~ 3487  
~~The court may collect any reimbursement ordered under this~~ 3488  
~~division. If the court does not order reimbursement under this~~ 3489  
~~division, confinement costs may be assessed pursuant to a~~ 3490  
~~repayment policy adopted under section 2929.37 of the Revised~~ 3491

~~Code and division (D) of section 307.93, division (A) of section 341.19, division (C) of section 341.23 or 753.16, division (C) of section 2301.56, or division (B) of section 341.14, 753.02, 753.04, or 2947.19 of the Revised Code.~~ 3492  
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(B) Chapter 2981. of the Revised Code applies to a child 3496  
who is adjudicated a delinquent child for violating section 3497  
2923.32 or 2923.42 of the Revised Code or for committing an act 3498  
that, if committed by an adult, would be a felony drug abuse 3499  
offense. 3500

(C) ~~The court may, at disposition, shall~~ hold a hearing ~~if~~ 3501  
~~necessary~~ to determine whether a child is able to pay a sanction 3502  
under this section. 3503

The amount of any sanction ordered under this section 3504  
shall not exceed the total amount of such sanctions that the 3505  
child is able to pay. The court may collect any sanction ordered 3506  
under this section. 3507

A person required to pay a financial sanction imposed 3508  
under this section is the obligor under the sanction. 3509

(D) If a child who is adjudicated a delinquent child is 3510  
indigent, the court shall consider imposing a term of community 3511  
service under division (A) of section 2152.19 of the Revised 3512  
Code in lieu of imposing a financial sanction under this 3513  
section. If a child who is adjudicated a delinquent child is not 3514  
indigent, the court may impose a term of community service under 3515  
that division in lieu of, or in addition to, imposing a 3516  
financial sanction under this section. The court may order 3517  
community service for an act that if committed by an adult would 3518  
be a minor misdemeanor. 3519

If a child fails to pay a financial sanction imposed under 3520



this section, the court may impose a term of community service 3521  
in lieu of the sanction. 3522

(E) The clerk of the court, or another person authorized 3523  
by law or by the court to collect a financial sanction imposed 3524  
under this section, may do any of the following: 3525

(1) Enter into contracts with one or more public agencies 3526  
~~or private vendors~~ for the collection of the amounts due under 3527  
the financial sanction, which amounts may include interest from 3528  
the date of imposition of the financial sanction; 3529

(2) Permit payment of all, or any portion of, the 3530  
financial sanction in installments, by credit or debit card, by 3531  
another type of electronic transfer, or by any other reasonable 3532  
method, within any period of time, and on any terms that the 3533  
court considers just, except that the maximum time permitted for 3534  
payment shall not exceed five years or extend beyond the child's 3535  
twenty-first birthday, whichever occurs first. The clerk may pay 3536  
any fee associated with processing an electronic transfer out of 3537  
public money and may charge the fee to the delinquent child. 3538

(3) To defray administrative costs, charge a reasonable 3539  
fee to ~~a child who~~ the obligor, if the obligor elects a payment 3540  
plan rather than a lump sum payment of a financial sanction. 3541

**Sec. 2152.203.** (A) If a child is adjudicated a delinquent 3542  
child or a juvenile traffic offender, unless the child's 3543  
delinquent act or juvenile traffic offense would be a minor 3544  
misdemeanor if committed by an adult or could be disposed of by 3545  
the juvenile traffic violations bureau serving the court under 3546  
Traffic Rule 13.1 if the court has established a juvenile 3547  
traffic violations bureau, the court, as an order of disposition 3548  
imposed under division (A) (3) of section 2152.20 of the Revised 3549

Code, may order the child to make restitution to the victim of 3550  
the child's delinquent act or juvenile traffic offense or, if 3551  
the victim is deceased, to a survivor of the victim in an amount 3552  
based upon the victim's economic loss caused by or related to 3553  
the delinquent act or juvenile traffic offense. If the court 3554  
requires restitution under this division, the restitution shall 3555  
be made directly to the victim in open court or to the probation 3556  
department that serves the jurisdiction or the clerk of courts 3557  
on behalf of the victim. 3558

(B) If the court requires restitution under division (A) 3559  
of this section, the court may order that the restitution be in 3560  
the form of a cash reimbursement paid in a lump sum or in 3561  
installments, the performance of repair work to restore any 3562  
damaged property to its original condition, the performance of a 3563  
reasonable amount of labor for the victim or survivor of the 3564  
victim, the performance of community service work, any other 3565  
form of restitution devised by the court, including, but not 3566  
limited to, alternative restorative justice or alternative means 3567  
to restitution, or any combination of the previously described 3568  
forms of restitution. An order of alternative restorative 3569  
justice or alternative means to restitution may include a 3570  
requirement to return personal property. 3571

(C) If the court requires restitution under division (A) 3572  
of this section, the court may base the restitution order on an 3573  
amount recommended by the victim or survivor of the victim, the 3574  
delinquent child, the juvenile traffic offender, a presentence 3575  
investigation report, estimates or receipts indicating the cost 3576  
of repairing or replacing property, and any other information, 3577  
provided that the amount the court orders as restitution shall 3578  
not exceed the amount of the economic loss suffered by the 3579  
victim as a direct and proximate result of the delinquent act or 3580

juvenile traffic offense. If the court decides to order 3581  
restitution under division (A) of this section and the amount of 3582  
the restitution is disputed by the victim or survivor or by the 3583  
delinquent child or juvenile traffic offender, the court shall 3584  
hold a hearing on the restitution. If the court requires 3585  
restitution under division (A) of this section, the court shall 3586  
determine, or order the determination of, the amount of 3587  
restitution to be paid by the delinquent child or juvenile 3588  
traffic offender. All restitution payments shall be credited 3589  
against any recovery of economic loss in a civil action brought 3590  
by or on behalf of the victim against the delinquent child or 3591  
juvenile traffic offender or the delinquent child's or juvenile 3592  
traffic offender's parent, guardian, or other custodian. 3593

(D) If the court requires restitution under division (A) 3594  
of this section, the court may order the payment of a surcharge, 3595  
in an amount not exceeding five per cent of the amount of 3596  
restitution otherwise ordered under that division to the entity 3597  
responsible for collecting and processing the restitution 3598  
payments. The amount so ordered shall be ordered as costs under 3599  
section 2152.20 of the Revised Code. 3600

(E) Any court order for restitution under this section 3601  
expires upon the earlier of the following events: 3602

(1) The satisfaction of the restitution, either through 3603  
payment, community service, or at the advice of the victim; 3604

(2) The completion of the entire disposition ordered by 3605  
the court for the delinquent child or juvenile traffic offender 3606  
against whom the order is made; 3607

(3) The attainment of twenty-one years of age by the 3608  
delinquent child or juvenile traffic offender against whom the 3609

order is made. 3610

(F) If a court requires restitution under division (A) of 3611  
this section, in establishing a payment plan, the court shall 3612  
consider the child's present and future ability to pay in 3613  
addition to any other factors the court finds relevant in 3614  
determining the number and amount of restitution payments. 3615

(G) Except as otherwise provided in this division, a court 3616  
order for restitution imposed under this section may be reduced 3617  
to a civil judgment in favor of the victim at the time specified 3618  
in this division. If the order is reduced to such a judgment, 3619  
the person required to pay the restitution under the order is 3620  
the judgment debtor. The order may be reduced to such a judgment 3621  
on or after the termination of the court's jurisdiction upon the 3622  
delinquent child's or juvenile traffic offender's attainment of 3623  
twenty-one years of age or, if the order for restitution has not 3624  
been satisfied after the exhaustion of the options specified in 3625  
division (B) of this section, by order of the court, whichever 3626  
occurs first. When an order for restitution has been reduced to 3627  
a civil judgment in favor of the victim under this division, the 3628  
victim may do any of the following: 3629

(1) Obtain from the clerk of the court in which the 3630  
judgment was entered a certificate of judgment that shall be in 3631  
the same manner and form as a certificate of judgment issued in 3632  
a civil action; 3633

(2) Obtain execution of the judgment or order through any 3634  
available procedure, including: 3635

(a) An execution against the property of the judgment 3636  
debtor under Chapter 2329. of the Revised Code; 3637

(b) An execution against the person of the judgment debtor 3638

<u>under Chapter 2331. of the Revised Code;</u>	3639
<u>(c) A proceeding in aid of execution under Chapter 2333.</u>	3640
<u>of the Revised Code, including:</u>	3641
<u>(i) A proceeding for the examination of the judgment</u>	3642
<u>debtor under sections 2333.09 to 2333.12 and sections 2333.15 to</u>	3643
<u>2333.27 of the Revised Code;</u>	3644
<u>(ii) A proceeding for attachment of the person of the</u>	3645
<u>judgment debtor under section 2333.28 of the Revised Code;</u>	3646
<u>(iii) A creditor's suit under section 2333.01 of the</u>	3647
<u>Revised Code.</u>	3648
<u>(d) The attachment of the property of the judgment debtor</u>	3649
<u>under Chapter 2715. of the Revised Code;</u>	3650
<u>(e) The garnishment of the property of the judgment debtor</u>	3651
<u>under Chapter 2716. of the Revised Code.</u>	3652
<u>(3) Obtain an order for the assignment of wages of the</u>	3653
<u>judgment debtor under section 1321.33 of the Revised Code.</u>	3654
<b>Sec. 2152.21.</b> (A) Unless division (C) of this section	3655
applies, if a child is adjudicated a juvenile traffic offender,	3656
the court may make any of the following orders of disposition:	3657
(1) Impose costs and one or more financial sanctions in	3658
accordance with section 2152.20 of the Revised Code;	3659
(2) Suspend the child's driver's license, probationary	3660
driver's license, or temporary instruction permit for a definite	3661
period not exceeding two years or suspend the registration of	3662
all motor vehicles registered in the name of the child for a	3663
definite period not exceeding two years. A child whose license	3664
or permit is so suspended is ineligible for issuance of a	3665

license or permit during the period of suspension. At the end of 3666  
the period of suspension, the child shall not be reissued a 3667  
license or permit until the child has paid any applicable 3668  
reinstatement fee and complied with all requirements governing 3669  
license reinstatement. 3670

(3) Place the child on community control; 3671

(4) If the child is adjudicated a juvenile traffic 3672  
offender for an act other than an act that would be a minor 3673  
misdemeanor if committed by an adult and other than an act that 3674  
could be disposed of by the juvenile traffic violations bureau 3675  
serving the court under Traffic Rule 13.1 if the court has 3676  
established a juvenile traffic violations bureau, require the 3677  
child to make restitution pursuant to division (A) (3) of section 3678  
2152.20 and section 2152.203 of the Revised Code; 3679

(5) (a) If the child is adjudicated a juvenile traffic 3680  
offender for committing a violation of division (A) of section 3681  
4511.19 of the Revised Code or of a municipal ordinance that is 3682  
substantially equivalent to that division, commit the child, for 3683  
not longer than five days, to either of the following: 3684

(i) The temporary custody of a detention facility or 3685  
district detention facility established under section 2152.41 of 3686  
the Revised Code; 3687

(ii) The temporary custody of any school, camp, 3688  
institution, or other facility for children operated in whole or 3689  
in part for the care of juvenile traffic offenders of that 3690  
nature by the county, by a district organized under section 3691  
2151.65 or 2152.41 of the Revised Code, or by a private agency 3692  
or organization within the state that is authorized and 3693  
qualified to provide the care, treatment, or placement required. 3694

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

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

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

probationary driver's license, or driver's license issued, and 3726  
the court shall return the permit or license if it terminates 3727  
the suspension as described in this division. 3728

(C) If a child is adjudicated a juvenile traffic offender 3729  
for violating division (B) (1) of section 4513.263 of the Revised 3730  
Code, the court shall impose the appropriate fine set forth in 3731  
division (G) of that section. If a child is adjudicated a 3732  
juvenile traffic offender for violating division (B) (3) of 3733  
section 4513.263 of the Revised Code and if the child is sixteen 3734  
years of age or older, the court shall impose the fine set forth 3735  
in division (G) (2) of that section. If a child is adjudicated a 3736  
juvenile traffic offender for violating division (B) (3) of 3737  
section 4513.263 of the Revised Code and if the child is under 3738  
sixteen years of age, the court shall not impose a fine but may 3739  
place the child on probation or community control. 3740

(D) A juvenile traffic offender is subject to sections 3741  
4509.01 to 4509.78 of the Revised Code. 3742

**Sec. 2152.26.** (A) Except as provided in divisions (B) and 3743  
(F) of this section, a child alleged to be or adjudicated a 3744  
delinquent child or a juvenile traffic offender may be held only 3745  
in the following places: 3746

(1) A certified foster home or a home approved by the 3747  
court; 3748

(2) A facility operated by a certified child welfare 3749  
agency; 3750

(3) Any other suitable place designated by the court. 3751

(B) In addition to the places listed in division (A) of 3752  
this section, a child alleged to be or adjudicated a delinquent 3753  
child or a person described in division (C) (7) of section 3754



2152.02 of the Revised Code may be held in a detention facility 3755  
for delinquent children that is under the direction or 3756  
supervision of the court or other public authority or of a 3757  
private agency and approved by the court, and a child 3758  
adjudicated a delinquent child may be held in accordance with 3759  
division (F) (2) of this section in a facility of a type 3760  
specified in that division. 3761

(C) (1) Except as provided under division (C) (1) of section 3762  
2151.311 of the Revised Code or division (A) (5) of section 3763  
2152.21 of the Revised Code, a child alleged to be or 3764  
adjudicated a juvenile traffic offender may not be held in any 3765  
of the following facilities: 3766

(a) A state correctional institution, county, multicounty, 3767  
or municipal jail or workhouse, or other place in which an adult 3768  
convicted of crime, under arrest, or charged with a crime is 3769  
held. 3770

(b) A secure correctional facility. 3771

(2) Except as provided under this section, sections 3772  
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 3773  
2152.21 of the Revised Code, a child alleged to be or 3774  
adjudicated a juvenile traffic offender may not be held for more 3775  
than twenty-four hours in a detention facility. 3776

(D) Except as provided in division (F) of this section or 3777  
in division (C) of section 2151.311, in division (C) (2) of 3778  
section 5139.06 and section 5120.162, or in division (B) of 3779  
section 5120.16 of the Revised Code, a child who is alleged to 3780  
be or is adjudicated a delinquent child or a person described in 3781  
division (C) (7) of section 2152.02 of the Revised Code may not 3782  
be held in a state correctional institution, county, 3783

multicounty, or municipal jail or workhouse, or other place 3784  
where an adult convicted of crime, under arrest, or charged with 3785  
crime is held. 3786

(E) Unless the detention is pursuant to division (F) of 3787  
this section or division (C) of section 2151.311, division (C) 3788  
(2) of section 5139.06 and section 5120.162, or division (B) of 3789  
section 5120.16 of the Revised Code, the official in charge of 3790  
the institution, jail, workhouse, or other facility shall inform 3791  
the court immediately when a person who is or appears to be 3792  
under the age of eighteen years, or a person who is charged with 3793  
a violation of an order of a juvenile court or a violation of 3794  
probation or parole conditions imposed by a juvenile court and 3795  
who is or appears to be between the ages of eighteen and twenty- 3796  
one years, is received at the facility and shall deliver the 3797  
person to the court upon request or transfer the person to a 3798  
detention facility designated by the court. 3799

(F) (1) If a case is transferred to another court for 3800  
criminal prosecution pursuant to section 2152.12 of the Revised 3801  
Code and the alleged offender is a person described in division 3802  
(C) (7) of section 2152.02 of the Revised Code, the person may 3803  
not be transferred for detention pending the criminal 3804  
prosecution in a jail or other facility except under the 3805  
circumstances described in division (F) (4) of this section. Any 3806  
child held in accordance with division (F) (3) of this section 3807  
shall be confined in a manner that keeps the child beyond the 3808  
sight and sound of all adult detainees. The child shall be 3809  
supervised at all times during the detention. 3810

(2) If a person is adjudicated a delinquent child or 3811  
juvenile traffic offender or is a person described in division 3812  
(C) (7) of section 2152.02 of the Revised Code and the court 3813

makes a disposition of the person under this chapter, at any 3814  
time after the person attains twenty-one years of age, the 3815  
person may be held under that disposition or under the 3816  
circumstances described in division (F) (4) of this section in 3817  
places other than those specified in division (A) of this 3818  
section, including, but not limited to, a county, multicounty, 3819  
or municipal jail or workhouse, or other place where an adult 3820  
convicted of crime, under arrest, or charged with crime is held. 3821

(3) (a) A person alleged to be a delinquent child may be 3822  
held in places other than those specified in division (A) of 3823  
this section, including, but not limited to, a county, 3824  
multicounty, or municipal jail, if the delinquent act that the 3825  
child allegedly committed would be a felony if committed by an 3826  
adult, and if either of the following applies: 3827

(i) The person attains twenty-one years of age before the 3828  
person is arrested or apprehended for that act. 3829

(ii) The person is arrested or apprehended for that act 3830  
before the person attains twenty-one years of age, but the 3831  
person attains twenty-one years of age before the court orders a 3832  
disposition in the case. 3833

(b) If, pursuant to division (F) (3) (a) of this section, a 3834  
person is held in a place other than a place specified in 3835  
division (A) of this section, the person has the same rights to 3836  
bail as an adult charged with the same offense who is confined 3837  
in a jail pending trial. 3838

(4) (a) Any person whose case is transferred for criminal 3839  
prosecution pursuant to section 2152.10 or 2152.12 of the 3840  
Revised Code or any person who has attained the age of eighteen 3841  
years but has not attained the age of twenty-one years and who 3842

is being held in a place specified in division (B) of this 3843  
section may be held under that disposition or charge in places 3844  
other than those specified in division (B) of this section, 3845  
including a county, multicounty, or municipal jail or workhouse, 3846  
or other place where an adult under arrest or charged with crime 3847  
is held if the juvenile court, upon its own motion or upon 3848  
motion by the prosecutor and after notice and hearing, 3849  
establishes by a preponderance of the evidence and makes written 3850  
findings of either of the following: 3851

(i) With respect to a person whose case is transferred for 3852  
criminal prosecution pursuant to either specified section or who 3853  
has attained the age of eighteen years but who has not attained 3854  
the age of twenty-one years and is being so held, that the youth 3855  
is a threat to the safety and security of the facility; 3856

(ii) With respect to a person who has attained the age of 3857  
eighteen years but who has not attained the age of twenty-one 3858  
years and is being so held, that the best interests of the youth 3859  
require that the youth be held in a place other than a place 3860  
specified in division (B) of this section, including a county, 3861  
multicounty, or municipal jail or workhouse, or other place 3862  
where an adult under arrest or charged with crime is held. 3863

(b) In determining for purposes of division (F) (4) (a) (i) 3864  
of this section whether a youth is a threat to the safety and 3865  
security of the facility, evidence that the youth is a threat to 3866  
the safety and security of the facility may include, but is not 3867  
limited to, whether the youth has done any of the following: 3868

(i) Injured or created an imminent danger to the life or 3869  
health of another youth or staff member in the facility or 3870  
program by violent behavior; 3871

(ii) Escaped from the facility or program in which the youth is being held on more than one occasion; 3872  
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(iii) Established a pattern of disruptive behavior as verified by a written record that the youth's behavior is not conducive to the established policies and procedures of the facility or program in which the youth is being held. 3874  
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(c) If a prosecutor submits a motion requesting that a person be held in a place other than those specified in division (B) of this section or if the court submits its own motion, the juvenile court shall hold a hearing within five days of the filing of the motion, and, in determining whether a place other than those specified in division (B) of this section is the appropriate place of confinement for the person, the court shall consider the following factors: 3878  
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(i) The age of the person; 3886

(ii) Whether the person would be deprived of contact with other people for a significant portion of the day or would not have access to recreational facilities or age-appropriate educational opportunities in order to provide physical separation from adults; 3887  
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(iii) The person's current emotional state, intelligence, and developmental maturity, including any emotional and psychological trauma, and the risk to the person in an adult facility, which may be evidenced by mental health or psychological assessments or screenings made available to the prosecuting attorney and the defense counsel; 3892  
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(iv) Whether detention in a juvenile facility would adequately serve the need for community protection pending the outcome of the criminal proceeding; 3898  
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(v) The relative ability of the available adult and juvenile detention facilities to meet the needs of the person, including the person's need for age-appropriate mental health and educational services delivered by individuals specifically trained to deal with youth;

(vi) Whether the person presents an imminent risk of self-inflicted harm or an imminent risk of harm to others within a juvenile facility;

(vii) Any other factors the juvenile court considers to be relevant.

(d) If the juvenile court determines that a place other than those specified in division (B) of this section is the appropriate place for confinement of a person pursuant to division (F) (4) (a) of this section, the person may petition the juvenile court for a review hearing thirty days after the initial confinement decision, thirty days after any subsequent review hearing, or at any time after the initial confinement decision upon an emergency petition by the youth due to the youth facing an imminent danger from others or the youth's self. Upon receipt of the petition, the juvenile court has discretion over whether to conduct the review hearing and may set the matter for a review hearing if the youth has alleged facts or circumstances that, if true, would warrant reconsideration of the youth's placement in a place other than those specified in division (B) of this section based on the factors listed in division (F) (4) (c) of this section.

(e) Upon the admission of a person described in division (F) (4) (a) of this section to a place other than those specified in division (B) of this section, the facility shall advise the person of the person's right to request a review hearing as

described in division (F) (4) (d) of this section. 3931

(f) Any person transferred under division (F) (4) (a) of 3932  
this section to a place other than those specified in division 3933  
(B) of this section shall be confined in a manner that keeps 3934  
those under eighteen years of age beyond sight and sound of all 3935  
adult detainees. Those under eighteen years of age shall be 3936  
supervised at all times during the detention. 3937

(G) (1) If a person who is alleged to be or has been 3938  
adjudicated a delinquent child or who is in any other category 3939  
of persons identified in this section or section 2151.311 of the 3940  
Revised Code is confined under authority of any Revised Code 3941  
section in a place other than a place specified in division (B) 3942  
of this section, including a county, multicounty, or municipal 3943  
jail or workhouse, or other place where an adult under arrest or 3944  
charged with crime is held, subject to division (G) (2) of this 3945  
section, all identifying information, other than the person's 3946  
county of residence, age, gender, and race and the charges 3947  
against the person, that relates to the person's admission to 3948  
and confinement in that place is not a public record open for 3949  
inspection or copying under section 149.43 of the Revised Code 3950  
and is confidential and shall not be released to any person 3951  
other than to a court, to a law enforcement agency for law 3952  
enforcement purposes, or to a person specified by court order. 3953

(2) Division (G) (1) of this section does not apply with 3954  
respect to a person whose case is transferred for criminal 3955  
prosecution pursuant to section 2152.10 or 2152.12 of the 3956  
Revised Code, who is convicted of or pleads guilty to an offense 3957  
in that case, who is confined after that conviction or guilty 3958  
plea in a place other than a place specified in division (B) of 3959  
this section, and to whom one of the following applies: 3960

(a) The case was transferred other than pursuant to former 3961  
division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the 3962  
Revised Code as it existed prior to the effective date of this 3963  
amendment, or was transferred pursuant to division (A) of 3964  
section 2152.12 of the Revised Code as it exists on and after 3965  
the effective date of this amendment. 3966

(b) The case was transferred pursuant to former division 3967  
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 3968  
Code as it existed prior to the effective date of this 3969  
amendment, and the person ~~is~~ was sentenced for the offense 3970  
pursuant to division (B) (4) of former section 2152.121 of the 3971  
Revised Code as it existed prior to the effective date of this 3972  
amendment. 3973

(c) The case was transferred pursuant to former division 3974  
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 3975  
Code as it existed prior to the effective date of this 3976  
amendment, the person ~~is~~ was sentenced for the offense pursuant 3977  
to division (B) (3) of former section 2152.121 of the Revised 3978  
Code as it existed prior to the effective date of this amendment 3979  
by the court in which the person was convicted of or pleaded 3980  
guilty to the offense, and the sentence imposed by that court ~~is~~ 3981  
was invoked pursuant to division (B) (3) (b) of former section 3982  
2152.121 of the Revised Code as it existed prior to the 3983  
effective date of this amendment. 3984

**Sec. 2505.02.** (A) As used in this section: 3985

(1) "Substantial right" means a right that the United 3986  
States Constitution, the Ohio Constitution, a statute, the 3987  
common law, or a rule of procedure entitles a person to enforce 3988  
or protect. 3989



(2) "Special proceeding" means an action or proceeding 3990  
that is specially created by statute and that prior to 1853 was 3991  
not denoted as an action at law or a suit in equity. 3992

(3) "Provisional remedy" means a proceeding ancillary to 3993  
an action, including, but not limited to, a proceeding for a 3994  
preliminary injunction, attachment, discovery of privileged 3995  
matter, suppression of evidence, a prima-facie showing pursuant 3996  
to section 2307.85 or 2307.86 of the Revised Code, a prima-facie 3997  
showing pursuant to section 2307.92 of the Revised Code, or a 3998  
finding made pursuant to division (A) (3) of section 2307.93 of 3999  
the Revised Code. 4000

(B) An order is a final order that may be reviewed, 4001  
affirmed, modified, or reversed, with or without retrial, when 4002  
it is one of the following: 4003

(1) An order that affects a substantial right in an action 4004  
that in effect determines the action and prevents a judgment; 4005

(2) An order that affects a substantial right made in a 4006  
special proceeding or upon a summary application in an action 4007  
after judgment; 4008

(3) An order that vacates or sets aside a judgment or 4009  
grants a new trial; 4010

(4) An order that grants or denies a provisional remedy 4011  
and to which both of the following apply: 4012

(a) The order in effect determines the action with respect 4013  
to the provisional remedy and prevents a judgment in the action 4014  
in favor of the appealing party with respect to the provisional 4015  
remedy. 4016

(b) The appealing party would not be afforded a meaningful 4017

or effective remedy by an appeal following final judgment as to 4018  
all proceedings, issues, claims, and parties in the action. 4019

(5) An order that determines that an action may or may not 4020  
be maintained as a class action; 4021

(6) An order determining the constitutionality of any 4022  
changes to the Revised Code made by Am. Sub. S.B. 281 of the 4023  
124th general assembly, including the amendment of sections 4024  
1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 4025  
2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 4026  
2919.16, 3923.63, 3923.64, 4705.15, and 5111.018 (renumbered as 4027  
5164.07 by H.B. 59 of the 130th general assembly), and the 4028  
enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of 4029  
the Revised Code or any changes made by Sub. S.B. 80 of the 4030  
125th general assembly, including the amendment of sections 4031  
2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the 4032  
Revised Code; 4033

(7) An order in an appropriation proceeding that may be 4034  
appealed pursuant to division (B)(3) of section 163.09 of the 4035  
Revised Code; 4036

(8) An order for transfer pursuant to section 2152.10 or 4037  
2152.12 of the Revised Code. 4038

(C) When a court issues an order that vacates or sets 4039  
aside a judgment or grants a new trial, the court, upon the 4040  
request of either party, shall state in the order the grounds 4041  
upon which the new trial is granted or the judgment vacated or 4042  
set aside. 4043

(D) This section applies to and governs any action, 4044  
including an appeal, that is pending in any court on July 22, 4045  
1998, and all claims filed or actions commenced on or after July 4046

22, 1998, notwithstanding any provision of any prior statute or 4047  
rule of law of this state. 4048

**Sec. 2929.02.** (A) Whoever is convicted of or pleads guilty 4049  
to aggravated murder in violation of section 2903.01 of the 4050  
Revised Code shall suffer death or be imprisoned for life, as 4051  
determined pursuant to sections 2929.022, 2929.03, and 2929.04 4052  
of the Revised Code, except that no person who raises the matter 4053  
of age pursuant to section 2929.023 of the Revised Code and who 4054  
is not found to have been eighteen years of age or older at the 4055  
time of the commission of the offense shall suffer death or be 4056  
imprisoned for life without parole. In addition, the offender 4057  
may be fined an amount fixed by the court, but not more than 4058  
twenty-five thousand dollars. 4059

(B) (1) Except as otherwise provided in division (B) (2) or 4060  
(3) of this section, whoever is convicted of or pleads guilty to 4061  
murder in violation of section 2903.02 of the Revised Code shall 4062  
be imprisoned for an indefinite term of fifteen years to life. 4063

(2) Except as otherwise provided in division (B) (3) of 4064  
this section, if a person is convicted of or pleads guilty to 4065  
murder in violation of section 2903.02 of the Revised Code, the 4066  
victim of the offense was less than thirteen years of age, and 4067  
the offender also is convicted of or pleads guilty to a sexual 4068  
motivation specification that was included in the indictment, 4069  
count in the indictment, or information charging the offense, 4070  
the court shall impose an indefinite prison term of thirty years 4071  
to life pursuant to division (B) (3) of section 2971.03 of the 4072  
Revised Code. 4073

(3) If a person is convicted of or pleads guilty to murder 4074  
in violation of section 2903.02 of the Revised Code and also is 4075  
convicted of or pleads guilty to a sexual motivation 4076

specification and a sexually violent predator specification that 4077  
were included in the indictment, count in the indictment, or 4078  
information that charged the murder, the court shall impose upon 4079  
the offender a term of life imprisonment without parole that 4080  
shall be served pursuant to section 2971.03 of the Revised Code. 4081

(4) In addition, the offender may be fined an amount fixed 4082  
by the court, but not more than fifteen thousand dollars. 4083

(C) If an offender receives or received a sentence of life 4084  
imprisonment without parole, a sentence of life imprisonment, or 4085  
a sentence to an indefinite prison term under this chapter for 4086  
an offense committed when the offender was less than eighteen 4087  
years of age, the offender's parole eligibility shall be 4088  
determined under section 2967.132 of the Revised Code. 4089

(D) The court shall not impose a fine or fines for 4090  
aggravated murder or murder which, in the aggregate and to the 4091  
extent not suspended by the court, exceeds the amount which the 4092  
offender is or will be able to pay by the method and within the 4093  
time allowed without undue hardship to the offender or to the 4094  
dependents of the offender, or will prevent the offender from 4095  
making reparation for the victim's wrongful death. 4096

~~(D)~~ (E) (1) In addition to any other sanctions imposed for a 4097  
violation of section 2903.01 or 2903.02 of the Revised Code, if 4098  
the offender used a motor vehicle as the means to commit the 4099  
violation, the court shall impose upon the offender a class two 4100  
suspension of the offender's driver's license, commercial 4101  
driver's license, temporary instruction permit, probationary 4102  
license, or nonresident operating privilege as specified in 4103  
division (A) (2) of section 4510.02 of the Revised Code. 4104

(2) As used in division ~~(D)~~ (E) of this section, "motor 4105

vehicle" has the same meaning as in section 4501.01 of the Revised Code.

Sec. 2929.07. Notwithstanding any provision of the Revised Code to the contrary, a court shall not impose a sentence of life imprisonment without parole upon any person for an offense that was committed when the person was less than eighteen years of age. If an offender receives or received a sentence of life imprisonment without parole for an offense committed when the offender was less than eighteen years of age, the offender's parole eligibility shall be determined under section 2967.132 of the Revised Code.

**Sec. 2929.14.** (A) Except as provided in division (B) (1), (B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), (E), (G), (H), (J), or (K) of this section or in division (D) (6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a definite prison term that shall be one of the following:

(1) For a felony of the first degree, the prison term shall be three, four, five, six, seven, eight, nine, ten, or eleven years.

(2) For a felony of the second degree, the prison term shall be two, three, four, five, six, seven, or eight years.

(3) (a) For a felony of the third degree that is a violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2907.05, or 3795.04 of the Revised Code or that is a violation of section 2911.02 or 2911.12 of the Revised Code if the

offender previously has been convicted of or pleaded guilty in 4135  
two or more separate proceedings to two or more violations of 4136  
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 4137  
Code, the prison term shall be twelve, eighteen, twenty-four, 4138  
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 4139  
months. 4140

(b) For a felony of the third degree that is not an 4141  
offense for which division (A) (3) (a) of this section applies, 4142  
the prison term shall be nine, twelve, eighteen, twenty-four, 4143  
thirty, or thirty-six months. 4144

(4) For a felony of the fourth degree, the prison term 4145  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 4146  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 4147

(5) For a felony of the fifth degree, the prison term 4148  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 4149

(B) (1) (a) Except as provided in division (B) (1) (e) of this 4150  
section, if an offender who is convicted of or pleads guilty to 4151  
a felony also is convicted of or pleads guilty to a 4152  
specification of the type described in section 2941.141, 4153  
2941.144, or 2941.145 of the Revised Code, the court shall 4154  
impose on the offender one of the following prison terms: 4155

(i) A prison term of six years if the specification is of 4156  
the type described in division (A) of section 2941.144 of the 4157  
Revised Code that charges the offender with having a firearm 4158  
that is an automatic firearm or that was equipped with a firearm 4159  
muffler or suppressor on or about the offender's person or under 4160  
the offender's control while committing the offense; 4161

(ii) A prison term of three years if the specification is 4162  
of the type described in division (A) of section 2941.145 of the 4163

Revised Code that charges the offender with having a firearm on 4164  
or about the offender's person or under the offender's control 4165  
while committing the offense and displaying the firearm, 4166  
brandishing the firearm, indicating that the offender possessed 4167  
the firearm, or using it to facilitate the offense; 4168

(iii) A prison term of one year if the specification is of 4169  
the type described in division (A) of section 2941.141 of the 4170  
Revised Code that charges the offender with having a firearm on 4171  
or about the offender's person or under the offender's control 4172  
while committing the offense; 4173

(iv) A prison term of nine years if the specification is 4174  
of the type described in division (D) of section 2941.144 of the 4175  
Revised Code that charges the offender with having a firearm 4176  
that is an automatic firearm or that was equipped with a firearm 4177  
muffler or suppressor on or about the offender's person or under 4178  
the offender's control while committing the offense and 4179  
specifies that the offender previously has been convicted of or 4180  
pleaded guilty to a specification of the type described in 4181  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4182  
the Revised Code; 4183

(v) A prison term of fifty-four months if the 4184  
specification is of the type described in division (D) of 4185  
section 2941.145 of the Revised Code that charges the offender 4186  
with having a firearm on or about the offender's person or under 4187  
the offender's control while committing the offense and 4188  
displaying the firearm, brandishing the firearm, indicating that 4189  
the offender possessed the firearm, or using the firearm to 4190  
facilitate the offense and that the offender previously has been 4191  
convicted of or pleaded guilty to a specification of the type 4192  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4193

2941.1412 of the Revised Code; 4194

(vi) A prison term of eighteen months if the specification 4195  
is of the type described in division (D) of section 2941.141 of 4196  
the Revised Code that charges the offender with having a firearm 4197  
on or about the offender's person or under the offender's 4198  
control while committing the offense and that the offender 4199  
previously has been convicted of or pleaded guilty to a 4200  
specification of the type described in section 2941.141, 4201  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 4202

(b) If a court imposes a prison term on an offender under 4203  
division (B) (1) (a) of this section, the prison term shall not be 4204  
reduced pursuant to section 2967.19, section 2929.20, section 4205  
2967.193, or any other provision of Chapter 2967. or Chapter 4206  
5120. of the Revised Code. Except as provided in division (B) (1) 4207  
(g) of this section, a court shall not impose more than one 4208  
prison term on an offender under division (B) (1) (a) of this 4209  
section for felonies committed as part of the same act or 4210  
transaction. 4211

(c) (i) Except as provided in division (B) (1) (e) of this 4212  
section, if an offender who is convicted of or pleads guilty to 4213  
a violation of section 2923.161 of the Revised Code or to a 4214  
felony that includes, as an essential element, purposely or 4215  
knowingly causing or attempting to cause the death of or 4216  
physical harm to another, also is convicted of or pleads guilty 4217  
to a specification of the type described in division (A) of 4218  
section 2941.146 of the Revised Code that charges the offender 4219  
with committing the offense by discharging a firearm from a 4220  
motor vehicle other than a manufactured home, the court, after 4221  
imposing a prison term on the offender for the violation of 4222  
section 2923.161 of the Revised Code or for the other felony 4223



offense under division (A), (B) (2), or (B) (3) of this section, 4224  
shall impose an additional prison term of five years upon the 4225  
offender that shall not be reduced pursuant to section 2929.20, 4226  
section 2967.19, section 2967.193, or any other provision of 4227  
Chapter 2967. or Chapter 5120. of the Revised Code. 4228

(ii) Except as provided in division (B) (1) (e) of this 4229  
section, if an offender who is convicted of or pleads guilty to 4230  
a violation of section 2923.161 of the Revised Code or to a 4231  
felony that includes, as an essential element, purposely or 4232  
knowingly causing or attempting to cause the death of or 4233  
physical harm to another, also is convicted of or pleads guilty 4234  
to a specification of the type described in division (C) of 4235  
section 2941.146 of the Revised Code that charges the offender 4236  
with committing the offense by discharging a firearm from a 4237  
motor vehicle other than a manufactured home and that the 4238  
offender previously has been convicted of or pleaded guilty to a 4239  
specification of the type described in section 2941.141, 4240  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 4241  
the court, after imposing a prison term on the offender for the 4242  
violation of section 2923.161 of the Revised Code or for the 4243  
other felony offense under division (A), (B) (2), or (3) of this 4244  
section, shall impose an additional prison term of ninety months 4245  
upon the offender that shall not be reduced pursuant to section 4246  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 4247  
2967. or Chapter 5120. of the Revised Code. 4248

(iii) A court shall not impose more than one additional 4249  
prison term on an offender under division (B) (1) (c) of this 4250  
section for felonies committed as part of the same act or 4251  
transaction. If a court imposes an additional prison term on an 4252  
offender under division (B) (1) (c) of this section relative to an 4253  
offense, the court also shall impose a prison term under 4254

division (B) (1) (a) of this section relative to the same offense, 4255  
provided the criteria specified in that division for imposing an 4256  
additional prison term are satisfied relative to the offender 4257  
and the offense. 4258

(d) If an offender who is convicted of or pleads guilty to 4259  
an offense of violence that is a felony also is convicted of or 4260  
pleads guilty to a specification of the type described in 4261  
section 2941.1411 of the Revised Code that charges the offender 4262  
with wearing or carrying body armor while committing the felony 4263  
offense of violence, the court shall impose on the offender a 4264  
prison term of two years. The prison term so imposed, subject to 4265  
divisions (C) to (I) of section 2967.19 of the Revised Code, 4266  
shall not be reduced pursuant to section 2929.20, section 4267  
2967.19, section 2967.193, or any other provision of Chapter 4268  
2967. or Chapter 5120. of the Revised Code. A court shall not 4269  
impose more than one prison term on an offender under division 4270  
(B) (1) (d) of this section for felonies committed as part of the 4271  
same act or transaction. If a court imposes an additional prison 4272  
term under division (B) (1) (a) or (c) of this section, the court 4273  
is not precluded from imposing an additional prison term under 4274  
division (B) (1) (d) of this section. 4275

(e) The court shall not impose any of the prison terms 4276  
described in division (B) (1) (a) of this section or any of the 4277  
additional prison terms described in division (B) (1) (c) of this 4278  
section upon an offender for a violation of section 2923.12 or 4279  
2923.123 of the Revised Code. The court shall not impose any of 4280  
the prison terms described in division (B) (1) (a) or (b) of this 4281  
section upon an offender for a violation of section 2923.122 4282  
that involves a deadly weapon that is a firearm other than a 4283  
dangerous ordnance, section 2923.16, or section 2923.121 of the 4284  
Revised Code. The court shall not impose any of the prison terms 4285

described in division (B) (1) (a) of this section or any of the 4286  
additional prison terms described in division (B) (1) (c) of this 4287  
section upon an offender for a violation of section 2923.13 of 4288  
the Revised Code unless all of the following apply: 4289

(i) The offender previously has been convicted of 4290  
aggravated murder, murder, or any felony of the first or second 4291  
degree. 4292

(ii) Less than five years have passed since the offender 4293  
was released from prison or post-release control, whichever is 4294  
later, for the prior offense. 4295

(f) (i) If an offender is convicted of or pleads guilty to 4296  
a felony that includes, as an essential element, causing or 4297  
attempting to cause the death of or physical harm to another and 4298  
also is convicted of or pleads guilty to a specification of the 4299  
type described in division (A) of section 2941.1412 of the 4300  
Revised Code that charges the offender with committing the 4301  
offense by discharging a firearm at a peace officer as defined 4302  
in section 2935.01 of the Revised Code or a corrections officer, 4303  
as defined in section 2941.1412 of the Revised Code, the court, 4304  
after imposing a prison term on the offender for the felony 4305  
offense under division (A), (B) (2), or (B) (3) of this section, 4306  
shall impose an additional prison term of seven years upon the 4307  
offender that shall not be reduced pursuant to section 2929.20, 4308  
section 2967.19, section 2967.193, or any other provision of 4309  
Chapter 2967. or Chapter 5120. of the Revised Code. 4310

(ii) If an offender is convicted of or pleads guilty to a 4311  
felony that includes, as an essential element, causing or 4312  
attempting to cause the death of or physical harm to another and 4313  
also is convicted of or pleads guilty to a specification of the 4314  
type described in division (B) of section 2941.1412 of the 4315

Revised Code that charges the offender with committing the 4316  
offense by discharging a firearm at a peace officer, as defined 4317  
in section 2935.01 of the Revised Code, or a corrections 4318  
officer, as defined in section 2941.1412 of the Revised Code, 4319  
and that the offender previously has been convicted of or 4320  
pleaded guilty to a specification of the type described in 4321  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4322  
the Revised Code, the court, after imposing a prison term on the 4323  
offender for the felony offense under division (A), (B) (2), or 4324  
(3) of this section, shall impose an additional prison term of 4325  
one hundred twenty-six months upon the offender that shall not 4326  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 4327  
any other provision of Chapter 2967. or 5120. of the Revised 4328  
Code. 4329

(iii) If an offender is convicted of or pleads guilty to 4330  
two or more felonies that include, as an essential element, 4331  
causing or attempting to cause the death or physical harm to 4332  
another and also is convicted of or pleads guilty to a 4333  
specification of the type described under division (B) (1) (f) of 4334  
this section in connection with two or more of the felonies of 4335  
which the offender is convicted or to which the offender pleads 4336  
guilty, the sentencing court shall impose on the offender the 4337  
prison term specified under division (B) (1) (f) of this section 4338  
for each of two of the specifications of which the offender is 4339  
convicted or to which the offender pleads guilty and, in its 4340  
discretion, also may impose on the offender the prison term 4341  
specified under that division for any or all of the remaining 4342  
specifications. If a court imposes an additional prison term on 4343  
an offender under division (B) (1) (f) of this section relative to 4344  
an offense, the court shall not impose a prison term under 4345  
division (B) (1) (a) or (c) of this section relative to the same 4346

offense. 4347

(g) If an offender is convicted of or pleads guilty to two 4348  
or more felonies, if one or more of those felonies are 4349  
aggravated murder, murder, attempted aggravated murder, 4350  
attempted murder, aggravated robbery, felonious assault, or 4351  
rape, and if the offender is convicted of or pleads guilty to a 4352  
specification of the type described under division (B)(1)(a) of 4353  
this section in connection with two or more of the felonies, the 4354  
sentencing court shall impose on the offender the prison term 4355  
specified under division (B)(1)(a) of this section for each of 4356  
the two most serious specifications of which the offender is 4357  
convicted or to which the offender pleads guilty and, in its 4358  
discretion, also may impose on the offender the prison term 4359  
specified under that division for any or all of the remaining 4360  
specifications. 4361

(2)(a) If division (B)(2)(b) of this section does not 4362  
apply, the court may impose on an offender, in addition to the 4363  
longest prison term authorized or required for the offense, an 4364  
additional definite prison term of one, two, three, four, five, 4365  
six, seven, eight, nine, or ten years if all of the following 4366  
criteria are met: 4367

(i) The offender is convicted of or pleads guilty to a 4368  
specification of the type described in section 2941.149 of the 4369  
Revised Code that the offender is a repeat violent offender. 4370

(ii) The offense of which the offender currently is 4371  
convicted or to which the offender currently pleads guilty is 4372  
aggravated murder and the court does not impose a sentence of 4373  
death or life imprisonment without parole, murder, terrorism and 4374  
the court does not impose a sentence of life imprisonment 4375  
without parole, any felony of the first degree that is an 4376

offense of violence and the court does not impose a sentence of 4377  
life imprisonment without parole, or any felony of the second 4378  
degree that is an offense of violence and the trier of fact 4379  
finds that the offense involved an attempt to cause or a threat 4380  
to cause serious physical harm to a person or resulted in 4381  
serious physical harm to a person. 4382

(iii) The court imposes the longest prison term for the 4383  
offense that is not life imprisonment without parole. 4384

(iv) The court finds that the prison terms imposed 4385  
pursuant to division (B)(2)(a)(iii) of this section and, if 4386  
applicable, division (B)(1) or (3) of this section are 4387  
inadequate to punish the offender and protect the public from 4388  
future crime, because the applicable factors under section 4389  
2929.12 of the Revised Code indicating a greater likelihood of 4390  
recidivism outweigh the applicable factors under that section 4391  
indicating a lesser likelihood of recidivism. 4392

(v) The court finds that the prison terms imposed pursuant 4393  
to division (B)(2)(a)(iii) of this section and, if applicable, 4394  
division (B)(1) or (3) of this section are demeaning to the 4395  
seriousness of the offense, because one or more of the factors 4396  
under section 2929.12 of the Revised Code indicating that the 4397  
offender's conduct is more serious than conduct normally 4398  
constituting the offense are present, and they outweigh the 4399  
applicable factors under that section indicating that the 4400  
offender's conduct is less serious than conduct normally 4401  
constituting the offense. 4402

(b) The court shall impose on an offender the longest 4403  
prison term authorized or required for the offense and shall 4404  
impose on the offender an additional definite prison term of 4405  
one, two, three, four, five, six, seven, eight, nine, or ten 4406

years if all of the following criteria are met: 4407

(i) The offender is convicted of or pleads guilty to a 4408  
specification of the type described in section 2941.149 of the 4409  
Revised Code that the offender is a repeat violent offender. 4410

(ii) The offender within the preceding twenty years has 4411  
been convicted of or pleaded guilty to three or more offenses 4412  
described in division (CC) (1) of section 2929.01 of the Revised 4413  
Code, including all offenses described in that division of which 4414  
the offender is convicted or to which the offender pleads guilty 4415  
in the current prosecution and all offenses described in that 4416  
division of which the offender previously has been convicted or 4417  
to which the offender previously pleaded guilty, whether 4418  
prosecuted together or separately. 4419

(iii) The offense or offenses of which the offender 4420  
currently is convicted or to which the offender currently pleads 4421  
guilty is aggravated murder and the court does not impose a 4422  
sentence of death or life imprisonment without parole, murder, 4423  
terrorism and the court does not impose a sentence of life 4424  
imprisonment without parole, any felony of the first degree that 4425  
is an offense of violence and the court does not impose a 4426  
sentence of life imprisonment without parole, or any felony of 4427  
the second degree that is an offense of violence and the trier 4428  
of fact finds that the offense involved an attempt to cause or a 4429  
threat to cause serious physical harm to a person or resulted in 4430  
serious physical harm to a person. 4431

(c) For purposes of division (B) (2) (b) of this section, 4432  
two or more offenses committed at the same time or as part of 4433  
the same act or event shall be considered one offense, and that 4434  
one offense shall be the offense with the greatest penalty. 4435

(d) A sentence imposed under division (B) (2) (a) or (b) of 4436  
this section shall not be reduced pursuant to section 2929.20, 4437  
section 2967.19, or section 2967.193, or any other provision of 4438  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 4439  
shall serve an additional prison term imposed under this section 4440  
consecutively to and prior to the prison term imposed for the 4441  
underlying offense. 4442

(e) When imposing a sentence pursuant to division (B) (2) 4443  
(a) or (b) of this section, the court shall state its findings 4444  
explaining the imposed sentence. 4445

(3) Except when an offender commits a violation of section 4446  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 4447  
for the violation is life imprisonment or commits a violation of 4448  
section 2903.02 of the Revised Code, if the offender commits a 4449  
violation of section 2925.03 or 2925.11 of the Revised Code and 4450  
that section classifies the offender as a major drug offender, 4451  
if the offender commits a felony violation of section 2925.02, 4452  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4453  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 4454  
division (E) of section 4729.51, or division (J) of section 4455  
4729.54 of the Revised Code that includes the sale, offer to 4456  
sell, or possession of a schedule I or II controlled substance, 4457  
with the exception of marihuana, and the court imposing sentence 4458  
upon the offender finds that the offender is guilty of a 4459  
specification of the type described in section 2941.1410 of the 4460  
Revised Code charging that the offender is a major drug 4461  
offender, if the court imposing sentence upon an offender for a 4462  
felony finds that the offender is guilty of corrupt activity 4463  
with the most serious offense in the pattern of corrupt activity 4464  
being a felony of the first degree, or if the offender is guilty 4465  
of an attempted violation of section 2907.02 of the Revised Code 4466



and, had the offender completed the violation of section 2907.02 4467  
of the Revised Code that was attempted, the offender would have 4468  
been subject to a sentence of life imprisonment or life 4469  
imprisonment without parole for the violation of section 2907.02 4470  
of the Revised Code, the court shall impose upon the offender 4471  
for the felony violation a mandatory prison term of the maximum 4472  
prison term prescribed for a felony of the first degree that, 4473  
subject to divisions (C) to (I) of section 2967.19 of the 4474  
Revised Code, cannot be reduced pursuant to section 2929.20, 4475  
section 2967.19, or any other provision of Chapter 2967. or 4476  
5120. of the Revised Code. 4477

(4) If the offender is being sentenced for a third or 4478  
fourth degree felony OVI offense under division (G) (2) of 4479  
section 2929.13 of the Revised Code, the sentencing court shall 4480  
impose upon the offender a mandatory prison term in accordance 4481  
with that division. In addition to the mandatory prison term, if 4482  
the offender is being sentenced for a fourth degree felony OVI 4483  
offense, the court, notwithstanding division (A) (4) of this 4484  
section, may sentence the offender to a definite prison term of 4485  
not less than six months and not more than thirty months, and if 4486  
the offender is being sentenced for a third degree felony OVI 4487  
offense, the sentencing court may sentence the offender to an 4488  
additional prison term of any duration specified in division (A) 4489  
(3) of this section. In either case, the additional prison term 4490  
imposed shall be reduced by the sixty or one hundred twenty days 4491  
imposed upon the offender as the mandatory prison term. The 4492  
total of the additional prison term imposed under division (B) 4493  
(4) of this section plus the sixty or one hundred twenty days 4494  
imposed as the mandatory prison term shall equal a definite term 4495  
in the range of six months to thirty months for a fourth degree 4496  
felony OVI offense and shall equal one of the authorized prison 4497

terms specified in division (A) (3) of this section for a third 4498  
degree felony OVI offense. If the court imposes an additional 4499  
prison term under division (B) (4) of this section, the offender 4500  
shall serve the additional prison term after the offender has 4501  
served the mandatory prison term required for the offense. In 4502  
addition to the mandatory prison term or mandatory and 4503  
additional prison term imposed as described in division (B) (4) 4504  
of this section, the court also may sentence the offender to a 4505  
community control sanction under section 2929.16 or 2929.17 of 4506  
the Revised Code, but the offender shall serve all of the prison 4507  
terms so imposed prior to serving the community control 4508  
sanction. 4509

If the offender is being sentenced for a fourth degree 4510  
felony OVI offense under division (G) (1) of section 2929.13 of 4511  
the Revised Code and the court imposes a mandatory term of local 4512  
incarceration, the court may impose a prison term as described 4513  
in division (A) (1) of that section. 4514

(5) If an offender is convicted of or pleads guilty to a 4515  
violation of division (A) (1) or (2) of section 2903.06 of the 4516  
Revised Code and also is convicted of or pleads guilty to a 4517  
specification of the type described in section 2941.1414 of the 4518  
Revised Code that charges that the victim of the offense is a 4519  
peace officer, as defined in section 2935.01 of the Revised 4520  
Code, or an investigator of the bureau of criminal 4521  
identification and investigation, as defined in section 2903.11 4522  
of the Revised Code, the court shall impose on the offender a 4523  
prison term of five years. If a court imposes a prison term on 4524  
an offender under division (B) (5) of this section, the prison 4525  
term, subject to divisions (C) to (I) of section 2967.19 of the 4526  
Revised Code, shall not be reduced pursuant to section 2929.20, 4527  
section 2967.19, section 2967.193, or any other provision of 4528

Chapter 2967. or Chapter 5120. of the Revised Code. A court 4529  
shall not impose more than one prison term on an offender under 4530  
division (B) (5) of this section for felonies committed as part 4531  
of the same act. 4532

(6) If an offender is convicted of or pleads guilty to a 4533  
violation of division (A) (1) or (2) of section 2903.06 of the 4534  
Revised Code and also is convicted of or pleads guilty to a 4535  
specification of the type described in section 2941.1415 of the 4536  
Revised Code that charges that the offender previously has been 4537  
convicted of or pleaded guilty to three or more violations of 4538  
division (A) or (B) of section 4511.19 of the Revised Code or an 4539  
equivalent offense, as defined in section 2941.1415 of the 4540  
Revised Code, or three or more violations of any combination of 4541  
those divisions and offenses, the court shall impose on the 4542  
offender a prison term of three years. If a court imposes a 4543  
prison term on an offender under division (B) (6) of this 4544  
section, the prison term, subject to divisions (C) to (I) of 4545  
section 2967.19 of the Revised Code, shall not be reduced 4546  
pursuant to section 2929.20, section 2967.19, section 2967.193, 4547  
or any other provision of Chapter 2967. or Chapter 5120. of the 4548  
Revised Code. A court shall not impose more than one prison term 4549  
on an offender under division (B) (6) of this section for 4550  
felonies committed as part of the same act. 4551

(7) (a) If an offender is convicted of or pleads guilty to 4552  
a felony violation of section 2905.01, 2905.02, 2907.21, 4553  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 4554  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 4555  
the Revised Code and also is convicted of or pleads guilty to a 4556  
specification of the type described in section 2941.1422 of the 4557  
Revised Code that charges that the offender knowingly committed 4558  
the offense in furtherance of human trafficking, the court shall 4559

impose on the offender a mandatory prison term that is one of 4560  
the following: 4561

(i) If the offense is a felony of the first degree, a 4562  
definite prison term of not less than five years and not greater 4563  
than ten years; 4564

(ii) If the offense is a felony of the second or third 4565  
degree, a definite prison term of not less than three years and 4566  
not greater than the maximum prison term allowed for the offense 4567  
by division (A) of section 2929.14 of the Revised Code; 4568

(iii) If the offense is a felony of the fourth or fifth 4569  
degree, a definite prison term that is the maximum prison term 4570  
allowed for the offense by division (A) of section 2929.14 of 4571  
the Revised Code. 4572

(b) Subject to divisions (C) to (I) of section 2967.19 of 4573  
the Revised Code, the prison term imposed under division (B) (7) 4574  
(a) of this section shall not be reduced pursuant to section 4575  
2929.20, section 2967.19, section 2967.193, or any other 4576  
provision of Chapter 2967. of the Revised Code. A court shall 4577  
not impose more than one prison term on an offender under 4578  
division (B) (7) (a) of this section for felonies committed as 4579  
part of the same act, scheme, or plan. 4580

(8) If an offender is convicted of or pleads guilty to a 4581  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 4582  
Revised Code and also is convicted of or pleads guilty to a 4583  
specification of the type described in section 2941.1423 of the 4584  
Revised Code that charges that the victim of the violation was a 4585  
woman whom the offender knew was pregnant at the time of the 4586  
violation, notwithstanding the range of prison terms prescribed 4587  
in division (A) of this section for felonies of the same degree 4588

as the violation, the court shall impose on the offender a 4589  
mandatory prison term that is either a definite prison term of 4590  
six months or one of the prison terms prescribed in section 4591  
2929.14 of the Revised Code for felonies of the same degree as 4592  
the violation. 4593

(9) (a) If an offender is convicted of or pleads guilty to 4594  
a violation of division (A) (1) or (2) of section 2903.11 of the 4595  
Revised Code and also is convicted of or pleads guilty to a 4596  
specification of the type described in section 2941.1425 of the 4597  
Revised Code, the court shall impose on the offender a mandatory 4598  
prison term of six years if either of the following applies: 4599

(i) The violation is a violation of division (A) (1) of 4600  
section 2903.11 of the Revised Code and the specification 4601  
charges that the offender used an accelerant in committing the 4602  
violation and the serious physical harm to another or to 4603  
another's unborn caused by the violation resulted in a 4604  
permanent, serious disfigurement or permanent, substantial 4605  
incapacity; 4606

(ii) The violation is a violation of division (A) (2) of 4607  
section 2903.11 of the Revised Code and the specification 4608  
charges that the offender used an accelerant in committing the 4609  
violation, that the violation caused physical harm to another or 4610  
to another's unborn, and that the physical harm resulted in a 4611  
permanent, serious disfigurement or permanent, substantial 4612  
incapacity. 4613

(b) If a court imposes a prison term on an offender under 4614  
division (B) (9) (a) of this section, the prison term shall not be 4615  
reduced pursuant to section 2929.20, section 2967.19, section 4616  
2967.193, or any other provision of Chapter 2967. or Chapter 4617  
5120. of the Revised Code. A court shall not impose more than 4618

one prison term on an offender under division (B) (9) of this 4619  
section for felonies committed as part of the same act. 4620

(c) The provisions of divisions (B) (9) and (C) (6) of this 4621  
section and of division (D) (2) of section 2903.11, division (F) 4622  
(20) of section 2929.13, and section 2941.1425 of the Revised 4623  
Code shall be known as "Judy's Law." 4624

(C) (1) (a) Subject to division (C) (1) (b) of this section, 4625  
if a mandatory prison term is imposed upon an offender pursuant 4626  
to division (B) (1) (a) of this section for having a firearm on or 4627  
about the offender's person or under the offender's control 4628  
while committing a felony, if a mandatory prison term is imposed 4629  
upon an offender pursuant to division (B) (1) (c) of this section 4630  
for committing a felony specified in that division by 4631  
discharging a firearm from a motor vehicle, or if both types of 4632  
mandatory prison terms are imposed, the offender shall serve any 4633  
mandatory prison term imposed under either division 4634  
consecutively to any other mandatory prison term imposed under 4635  
either division or under division (B) (1) (d) of this section, 4636  
consecutively to and prior to any prison term imposed for the 4637  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 4638  
this section or any other section of the Revised Code, and 4639  
consecutively to any other prison term or mandatory prison term 4640  
previously or subsequently imposed upon the offender. 4641

(b) If a mandatory prison term is imposed upon an offender 4642  
pursuant to division (B) (1) (d) of this section for wearing or 4643  
carrying body armor while committing an offense of violence that 4644  
is a felony, the offender shall serve the mandatory term so 4645  
imposed consecutively to any other mandatory prison term imposed 4646  
under that division or under division (B) (1) (a) or (c) of this 4647  
section, consecutively to and prior to any prison term imposed 4648

for the underlying felony under division (A), (B) (2), or (B) (3) 4649  
of this section or any other section of the Revised Code, and 4650  
consecutively to any other prison term or mandatory prison term 4651  
previously or subsequently imposed upon the offender. 4652

(c) If a mandatory prison term is imposed upon an offender 4653  
pursuant to division (B) (1) (f) of this section, the offender 4654  
shall serve the mandatory prison term so imposed consecutively 4655  
to and prior to any prison term imposed for the underlying 4656  
felony under division (A), (B) (2), or (B) (3) of this section or 4657  
any other section of the Revised Code, and consecutively to any 4658  
other prison term or mandatory prison term previously or 4659  
subsequently imposed upon the offender. 4660

(d) If a mandatory prison term is imposed upon an offender 4661  
pursuant to division (B) (7) or (8) of this section, the offender 4662  
shall serve the mandatory prison term so imposed consecutively 4663  
to any other mandatory prison term imposed under that division 4664  
or under any other provision of law and consecutively to any 4665  
other prison term or mandatory prison term previously or 4666  
subsequently imposed upon the offender. 4667

(2) If an offender who is an inmate in a jail, prison, or 4668  
other residential detention facility violates section 2917.02, 4669  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 4670  
(2) of section 2921.34 of the Revised Code, if an offender who 4671  
is under detention at a detention facility commits a felony 4672  
violation of section 2923.131 of the Revised Code, or if an 4673  
offender who is an inmate in a jail, prison, or other 4674  
residential detention facility or is under detention at a 4675  
detention facility commits another felony while the offender is 4676  
an escapee in violation of division (A) (1) or (2) of section 4677  
2921.34 of the Revised Code, any prison term imposed upon the 4678

offender for one of those violations shall be served by the 4679  
offender consecutively to the prison term or term of 4680  
imprisonment the offender was serving when the offender 4681  
committed that offense and to any other prison term previously 4682  
or subsequently imposed upon the offender. 4683

(3) If a prison term is imposed for a violation of 4684  
division (B) of section 2911.01 of the Revised Code, a violation 4685  
of division (A) of section 2913.02 of the Revised Code in which 4686  
the stolen property is a firearm or dangerous ordnance, or a 4687  
felony violation of division (B) of section 2921.331 of the 4688  
Revised Code, the offender shall serve that prison term 4689  
consecutively to any other prison term or mandatory prison term 4690  
previously or subsequently imposed upon the offender. 4691

(4) If multiple prison terms are imposed on an offender 4692  
for convictions of multiple offenses, the court may require the 4693  
offender to serve the prison terms consecutively if the court 4694  
finds that the consecutive service is necessary to protect the 4695  
public from future crime or to punish the offender and that 4696  
consecutive sentences are not disproportionate to the 4697  
seriousness of the offender's conduct and to the danger the 4698  
offender poses to the public, and if the court also finds any of 4699  
the following: 4700

(a) The offender committed one or more of the multiple 4701  
offenses while the offender was awaiting trial or sentencing, 4702  
was under a sanction imposed pursuant to section 2929.16, 4703  
2929.17, or 2929.18 of the Revised Code, or was under post- 4704  
release control for a prior offense. 4705

(b) At least two of the multiple offenses were committed 4706  
as part of one or more courses of conduct, and the harm caused 4707  
by two or more of the multiple offenses so committed was so 4708



great or unusual that no single prison term for any of the 4709  
offenses committed as part of any of the courses of conduct 4710  
adequately reflects the seriousness of the offender's conduct. 4711

(c) The offender's history of criminal conduct 4712  
demonstrates that consecutive sentences are necessary to protect 4713  
the public from future crime by the offender. 4714

(5) If a mandatory prison term is imposed upon an offender 4715  
pursuant to division (B) (5) or (6) of this section, the offender 4716  
shall serve the mandatory prison term consecutively to and prior 4717  
to any prison term imposed for the underlying violation of 4718  
division (A) (1) or (2) of section 2903.06 of the Revised Code 4719  
pursuant to division (A) of this section or section 2929.142 of 4720  
the Revised Code. If a mandatory prison term is imposed upon an 4721  
offender pursuant to division (B) (5) of this section, and if a 4722  
mandatory prison term also is imposed upon the offender pursuant 4723  
to division (B) (6) of this section in relation to the same 4724  
violation, the offender shall serve the mandatory prison term 4725  
imposed pursuant to division (B) (5) of this section 4726  
consecutively to and prior to the mandatory prison term imposed 4727  
pursuant to division (B) (6) of this section and consecutively to 4728  
and prior to any prison term imposed for the underlying 4729  
violation of division (A) (1) or (2) of section 2903.06 of the 4730  
Revised Code pursuant to division (A) of this section or section 4731  
2929.142 of the Revised Code. 4732

(6) If a mandatory prison term is imposed on an offender 4733  
pursuant to division (B) (9) of this section, the offender shall 4734  
serve the mandatory prison term consecutively to and prior to 4735  
any prison term imposed for the underlying violation of division 4736  
(A) (1) or (2) of section 2903.11 of the Revised Code and 4737  
consecutively to and prior to any other prison term or mandatory 4738

prison term previously or subsequently imposed on the offender. 4739

(7) When consecutive prison terms are imposed pursuant to 4740  
division (C)(1), (2), (3), (4), (5), or (6) or division (H)(1) 4741  
or (2) of this section, the term to be served is the aggregate 4742  
of all of the terms so imposed. 4743

(D)(1) If a court imposes a prison term for a felony of 4744  
the first degree, for a felony of the second degree, for a 4745  
felony sex offense, or for a felony of the third degree that is 4746  
not a felony sex offense and in the commission of which the 4747  
offender caused or threatened to cause physical harm to a 4748  
person, it shall include in the sentence a requirement that the 4749  
offender be subject to a period of post-release control after 4750  
the offender's release from imprisonment, in accordance with 4751  
that division. If a court imposes a sentence including a prison 4752  
term of a type described in this division on or after July 11, 4753  
2006, the failure of a court to include a post-release control 4754  
requirement in the sentence pursuant to this division does not 4755  
negate, limit, or otherwise affect the mandatory period of post- 4756  
release control that is required for the offender under division 4757  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 4758  
the Revised Code applies if, prior to July 11, 2006, a court 4759  
imposed a sentence including a prison term of a type described 4760  
in this division and failed to include in the sentence pursuant 4761  
to this division a statement regarding post-release control. 4762

(2) If a court imposes a prison term for a felony of the 4763  
third, fourth, or fifth degree that is not subject to division 4764  
(D)(1) of this section, it shall include in the sentence a 4765  
requirement that the offender be subject to a period of post- 4766  
release control after the offender's release from imprisonment, 4767  
in accordance with that division, if the parole board determines 4768

that a period of post-release control is necessary. Section 4769  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4770  
a court imposed a sentence including a prison term of a type 4771  
described in this division and failed to include in the sentence 4772  
pursuant to this division a statement regarding post-release 4773  
control. 4774

(E) The court shall impose sentence upon the offender in 4775  
accordance with section 2971.03 of the Revised Code, and Chapter 4776  
2971. of the Revised Code applies regarding the prison term or 4777  
term of life imprisonment without parole imposed upon the 4778  
offender and the service of that term of imprisonment if any of 4779  
the following apply: 4780

(1) A person is convicted of or pleads guilty to a violent 4781  
sex offense or a designated homicide, assault, or kidnapping 4782  
offense, and, in relation to that offense, the offender is 4783  
adjudicated a sexually violent predator. 4784

(2) A person is convicted of or pleads guilty to a 4785  
violation of division (A) (1) (b) of section 2907.02 of the 4786  
Revised Code committed on or after January 2, 2007, and either 4787  
the court does not impose a sentence of life without parole when 4788  
authorized pursuant to division (B) of section 2907.02 of the 4789  
Revised Code, or division (B) of section 2907.02 of the Revised 4790  
Code provides that the court shall not sentence the offender 4791  
pursuant to section 2971.03 of the Revised Code. 4792

(3) A person is convicted of or pleads guilty to attempted 4793  
rape committed on or after January 2, 2007, and a specification 4794  
of the type described in section 2941.1418, 2941.1419, or 4795  
2941.1420 of the Revised Code. 4796

(4) A person is convicted of or pleads guilty to a 4797

violation of section 2905.01 of the Revised Code committed on or 4798  
after January 1, 2008, and that section requires the court to 4799  
sentence the offender pursuant to section 2971.03 of the Revised 4800  
Code. 4801

(5) A person is convicted of or pleads guilty to 4802  
aggravated murder committed on or after January 1, 2008, and 4803  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 4804  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 4805  
(d) of section 2929.03, or division (A) or (B) of section 4806  
2929.06 of the Revised Code requires the court to sentence the 4807  
offender pursuant to division (B) (3) of section 2971.03 of the 4808  
Revised Code. 4809

(6) A person is convicted of or pleads guilty to murder 4810  
committed on or after January 1, 2008, and division (B) (2) of 4811  
section 2929.02 of the Revised Code requires the court to 4812  
sentence the offender pursuant to section 2971.03 of the Revised 4813  
Code. 4814

(F) If a person who has been convicted of or pleaded 4815  
guilty to a felony is sentenced to a prison term or term of 4816  
imprisonment under this section, sections 2929.02 to 2929.06 of 4817  
the Revised Code, section 2929.142 of the Revised Code, section 4818  
2971.03 of the Revised Code, or any other provision of law, 4819  
section 5120.163 of the Revised Code applies regarding the 4820  
person while the person is confined in a state correctional 4821  
institution. 4822

(G) If an offender who is convicted of or pleads guilty to 4823  
a felony that is an offense of violence also is convicted of or 4824  
pleads guilty to a specification of the type described in 4825  
section 2941.142 of the Revised Code that charges the offender 4826  
with having committed the felony while participating in a 4827

criminal gang, the court shall impose upon the offender an 4828  
additional prison term of one, two, or three years. 4829

(H) (1) If an offender who is convicted of or pleads guilty 4830  
to aggravated murder, murder, or a felony of the first, second, 4831  
or third degree that is an offense of violence also is convicted 4832  
of or pleads guilty to a specification of the type described in 4833  
section 2941.143 of the Revised Code that charges the offender 4834  
with having committed the offense in a school safety zone or 4835  
towards a person in a school safety zone, the court shall impose 4836  
upon the offender an additional prison term of two years. The 4837  
offender shall serve the additional two years consecutively to 4838  
and prior to the prison term imposed for the underlying offense. 4839

(2) (a) If an offender is convicted of or pleads guilty to 4840  
a felony violation of section 2907.22, 2907.24, 2907.241, or 4841  
2907.25 of the Revised Code and to a specification of the type 4842  
described in section 2941.1421 of the Revised Code and if the 4843  
court imposes a prison term on the offender for the felony 4844  
violation, the court may impose upon the offender an additional 4845  
prison term as follows: 4846

(i) Subject to division (H) (2) (a) (ii) of this section, an 4847  
additional prison term of one, two, three, four, five, or six 4848  
months; 4849

(ii) If the offender previously has been convicted of or 4850  
pleaded guilty to one or more felony or misdemeanor violations 4851  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4852  
the Revised Code and also was convicted of or pleaded guilty to 4853  
a specification of the type described in section 2941.1421 of 4854  
the Revised Code regarding one or more of those violations, an 4855  
additional prison term of one, two, three, four, five, six, 4856  
seven, eight, nine, ten, eleven, or twelve months. 4857

(b) In lieu of imposing an additional prison term under 4858  
division (H) (2) (a) of this section, the court may directly 4859  
impose on the offender a sanction that requires the offender to 4860  
wear a real-time processing, continual tracking electronic 4861  
monitoring device during the period of time specified by the 4862  
court. The period of time specified by the court shall equal the 4863  
duration of an additional prison term that the court could have 4864  
imposed upon the offender under division (H) (2) (a) of this 4865  
section. A sanction imposed under this division shall commence 4866  
on the date specified by the court, provided that the sanction 4867  
shall not commence until after the offender has served the 4868  
prison term imposed for the felony violation of section 2907.22, 4869  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4870  
residential sanction imposed for the violation under section 4871  
2929.16 of the Revised Code. A sanction imposed under this 4872  
division shall be considered to be a community control sanction 4873  
for purposes of section 2929.15 of the Revised Code, and all 4874  
provisions of the Revised Code that pertain to community control 4875  
sanctions shall apply to a sanction imposed under this division, 4876  
except to the extent that they would by their nature be clearly 4877  
inapplicable. The offender shall pay all costs associated with a 4878  
sanction imposed under this division, including the cost of the 4879  
use of the monitoring device. 4880

(I) At the time of sentencing, the court may recommend the 4881  
offender for placement in a program of shock incarceration under 4882  
section 5120.031 of the Revised Code or for placement in an 4883  
intensive program prison under section 5120.032 of the Revised 4884  
Code, disapprove placement of the offender in a program of shock 4885  
incarceration or an intensive program prison of that nature, or 4886  
make no recommendation on placement of the offender. In no case 4887  
shall the department of rehabilitation and correction place the 4888

offender in a program or prison of that nature unless the 4889  
department determines as specified in section 5120.031 or 4890  
5120.032 of the Revised Code, whichever is applicable, that the 4891  
offender is eligible for the placement. 4892

If the court disapproves placement of the offender in a 4893  
program or prison of that nature, the department of 4894  
rehabilitation and correction shall not place the offender in 4895  
any program of shock incarceration or intensive program prison. 4896

If the court recommends placement of the offender in a 4897  
program of shock incarceration or in an intensive program 4898  
prison, and if the offender is subsequently placed in the 4899  
recommended program or prison, the department shall notify the 4900  
court of the placement and shall include with the notice a brief 4901  
description of the placement. 4902

If the court recommends placement of the offender in a 4903  
program of shock incarceration or in an intensive program prison 4904  
and the department does not subsequently place the offender in 4905  
the recommended program or prison, the department shall send a 4906  
notice to the court indicating why the offender was not placed 4907  
in the recommended program or prison. 4908

If the court does not make a recommendation under this 4909  
division with respect to an offender and if the department 4910  
determines as specified in section 5120.031 or 5120.032 of the 4911  
Revised Code, whichever is applicable, that the offender is 4912  
eligible for placement in a program or prison of that nature, 4913  
the department shall screen the offender and determine if there 4914  
is an available program of shock incarceration or an intensive 4915  
program prison for which the offender is suited. If there is an 4916  
available program of shock incarceration or an intensive program 4917  
prison for which the offender is suited, the department shall 4918

notify the court of the proposed placement of the offender as 4919  
specified in section 5120.031 or 5120.032 of the Revised Code 4920  
and shall include with the notice a brief description of the 4921  
placement. The court shall have ten days from receipt of the 4922  
notice to disapprove the placement. 4923

(J) If a person is convicted of or pleads guilty to 4924  
aggravated vehicular homicide in violation of division (A) (1) of 4925  
section 2903.06 of the Revised Code and division (B) (2) (c) of 4926  
that section applies, the person shall be sentenced pursuant to 4927  
section 2929.142 of the Revised Code. 4928

(K) (1) The court shall impose an additional mandatory 4929  
prison term of two, three, four, five, six, seven, eight, nine, 4930  
ten, or eleven years on an offender who is convicted of or 4931  
pleads guilty to a violent felony offense if the offender also 4932  
is convicted of or pleads guilty to a specification of the type 4933  
described in section 2941.1424 of the Revised Code that charges 4934  
that the offender is a violent career criminal and had a firearm 4935  
on or about the offender's person or under the offender's 4936  
control while committing the presently charged violent felony 4937  
offense and displayed or brandished the firearm, indicated that 4938  
the offender possessed a firearm, or used the firearm to 4939  
facilitate the offense. The offender shall serve the prison term 4940  
imposed under this division consecutively to and prior to the 4941  
prison term imposed for the underlying offense. The prison term 4942  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 4943  
any other provision of Chapter 2967. or 5120. of the Revised 4944  
Code. A court may not impose more than one sentence under 4945  
division (B) (2) (a) of this section and this division for acts 4946  
committed as part of the same act or transaction. 4947

(2) As used in division (K) (1) of this section, "violent 4948



career criminal" and "violent felony offense" have the same 4949  
meanings as in section 2923.132 of the Revised Code. 4950

(L) If an offender receives or received a sentence of life 4951  
imprisonment without parole, a sentence of life imprisonment, or 4952  
a sentence to an indefinite prison term under this chapter for 4953  
an offense committed when the offender was less than eighteen 4954  
years of age, the offender's parole eligibility shall be 4955  
determined under section 2967.132 of the Revised Code. 4956

**Sec. 2967.13.** (A) Except as provided in division (G) of 4957  
this section and section 2967.132 of the Revised Code, a 4958  
prisoner serving a sentence of imprisonment for life for an 4959  
offense committed on or after July 1, 1996, is not entitled to 4960  
any earned credit under section 2967.193 of the Revised Code and 4961  
becomes eligible for parole as follows: 4962

(1) If a sentence of imprisonment for life was imposed for 4963  
the offense of murder, at the expiration of the prisoner's 4964  
minimum term; 4965

(2) If a sentence of imprisonment for life with parole 4966  
eligibility after serving twenty years of imprisonment was 4967  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 4968  
Code, after serving a term of twenty years; 4969

(3) If a sentence of imprisonment for life with parole 4970  
eligibility after serving twenty-five full years of imprisonment 4971  
was imposed pursuant to section 2929.022 or 2929.03 of the 4972  
Revised Code, after serving a term of twenty-five full years; 4973

(4) If a sentence of imprisonment for life with parole 4974  
eligibility after serving thirty full years of imprisonment was 4975  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 4976  
Code, after serving a term of thirty full years; 4977

(5) If a sentence of imprisonment for life was imposed for rape, after serving a term of ten full years' imprisonment;

(6) If a sentence of imprisonment for life with parole eligibility after serving fifteen years of imprisonment was imposed for a violation of section 2927.24 of the Revised Code, after serving a term of fifteen years.

(B) Except as provided in division (G) of this section and section 2967.132 of the Revised Code, a prisoner serving a sentence of imprisonment for life with parole eligibility after serving twenty years of imprisonment or a sentence of imprisonment for life with parole eligibility after serving twenty-five full years or thirty full years of imprisonment imposed pursuant to section 2929.022 or 2929.03 of the Revised Code for an offense committed on or after July 1, 1996, consecutively to any other term of imprisonment, becomes eligible for parole after serving twenty years, twenty full years, or thirty full years, as applicable, as to each such sentence of life imprisonment, which shall not be reduced for earned credits under section 2967.193 of the Revised Code, plus the term or terms of the other sentences consecutively imposed or, if one of the other sentences is another type of life sentence with parole eligibility, the number of years before parole eligibility for that sentence.

(C) Except as provided in division (G) of this section and section 2967.132 of the Revised Code, a prisoner serving consecutively two or more sentences in which an indefinite term of imprisonment is imposed becomes eligible for parole upon the expiration of the aggregate of the minimum terms of the sentences.

(D) Except as provided in division (G) of this section and

section 2967.132 of the Revised Code, a prisoner serving a term 5008  
of imprisonment who is described in division (A) of section 5009  
2967.021 of the Revised Code becomes eligible for parole as 5010  
described in that division or, if the prisoner is serving a 5011  
definite term of imprisonment, shall be released as described in 5012  
that division. 5013

(E) ~~A~~ Except as provided in section 2967.132 of the 5014  
Revised Code, a prisoner serving a sentence of life imprisonment 5015  
without parole imposed pursuant to section 2907.02 or section 5016  
2929.03 or 2929.06 of the Revised Code is not eligible for 5017  
parole and shall be imprisoned until death. 5018

(F) A prisoner serving a stated prison term shall be 5019  
released in accordance with section 2967.28 of the Revised Code. 5020

(G) ~~A~~ Except as provided in section 2967.132 of the 5021  
Revised Code, a prisoner serving a prison term or term of life 5022  
imprisonment without parole imposed pursuant to section 2971.03 5023  
of the Revised Code never becomes eligible for parole during 5024  
that term of imprisonment. 5025

**Sec. 2967.132.** (A) As used in this section: 5026

(1) "Aggravated homicide offense" means aggravated murder 5027  
or any other offense or combination of offenses that involved 5028  
the purposeful killing of three or more persons, when the 5029  
offender is the principal offender in each offense. 5030

(2) "Homicide offense" means a violation of section 5031  
2903.02, 2903.03, 2903.04, or 2903.041 of the Revised Code. 5032

(B) This section applies to any prisoner serving a prison 5033  
sentence for an offense or offenses that was or were committed 5034  
when the prisoner was less than eighteen years of age. 5035  
Regardless of whether the prisoner's stated prison term includes 5036

mandatory time, this section shall apply automatically and 5037  
cannot be limited by the sentencing court. 5038

(C) Notwithstanding any provision of the Revised Code to 5039  
the contrary, and regardless of when the offense or offenses 5040  
were committed and when the sentence was imposed, a prisoner who 5041  
is serving a prison sentence for an offense other than an 5042  
aggravated homicide offense and who was under eighteen years of 5043  
age at the time of the offense is eligible for parole as 5044  
follows: 5045

(1) Except as provided in division (C)(2) or (3) of this 5046  
section, the prisoner is eligible for parole after serving 5047  
eighteen years in prison. 5048

(2) Except as provided in division (C)(3) of this section, 5049  
if the prisoner is serving a sentence for a homicide offense 5050  
other than an aggravated homicide offense, the prisoner is 5051  
eligible for parole after serving twenty-five years in prison. 5052

(3) If the prisoner is serving a sentence that permits 5053  
parole earlier than the parole eligibility date specified in 5054  
division (C)(1) or (2) of this section, the prisoner is eligible 5055  
for parole after serving the period of time in prison specified 5056  
in the sentence. 5057

(D) If the prisoner is serving a sentence of life 5058  
imprisonment without parole for an aggravated homicide offense, 5059  
the sentencing court shall set aside the original sentence and 5060  
determine a parole eligibility date for the prisoner. 5061

(E) Once a prisoner is eligible for parole pursuant to 5062  
division (C) or (D) of this section, the parole board, within a 5063  
reasonable time after the prisoner becomes eligible, shall 5064  
conduct a hearing to consider the prisoner's release onto parole 5065

supervision. The board shall conduct the hearing in accordance 5066  
with Chapters 2930., 2967., and 5149. of the Revised Code and in 5067  
accordance with the board's policies and procedures. Those 5068  
policies and procedures must permit the prisoner's privately 5069  
retained counsel or the Ohio public defender to appear at the 5070  
prisoner's hearing to make a statement in support of the 5071  
prisoner's release. 5072

The parole board shall ensure that the review process 5073  
provides the prisoner a meaningful opportunity to obtain 5074  
release. In addition to any other factors the board is required 5075  
or authorized to consider by rule or statute, the board shall 5076  
consider the following factors as mitigation: 5077

(1) The age of the offender at the time of the offense; 5078

(2) The diminished culpability of youth; 5079

(3) Common characteristics of youth, including immaturity 5080  
and failure to appreciate risks and consequences; 5081

(4) The family and home environment of the offender at the 5082  
time of the offense; 5083

(5) Any subsequent growth or increase in the prisoner's 5084  
maturity during imprisonment. 5085

(F) In accordance with section 2967.131 of the Revised 5086  
Code, the parole board shall impose appropriate terms and 5087  
conditions of release upon each prisoner granted a parole under 5088  
this section. 5089

(G) If the parole board denies release pursuant to this 5090  
section, the board shall conduct a subsequent release review not 5091  
later than ten years after release was denied. 5092

(H) In addition to any notice required by rule or statute, 5093

the parole board shall notify the Ohio public defender and the 5094  
appropriate prosecuting attorney of a prisoner's eligibility for 5095  
review under this section at least sixty days before the board 5096  
begins any review or proceedings involving that prisoner under 5097  
this section. 5098

(I) This section shall apply to determine the parole 5099  
eligibility of all prisoners described in this section who 5100  
committed an offense prior to, on, or after the effective date 5101  
of this section, regardless of when the prisoner was sentenced 5102  
for the offense. 5103

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 5104  
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 5105  
another section of the Revised Code, other than divisions (B) 5106  
and (C) of section 2929.14 of the Revised Code, that authorizes 5107  
or requires a specified prison term or a mandatory prison term 5108  
for a person who is convicted of or pleads guilty to a felony or 5109  
that specifies the manner and place of service of a prison term 5110  
or term of imprisonment, the court shall impose a sentence upon 5111  
a person who is convicted of or pleads guilty to a violent sex 5112  
offense and who also is convicted of or pleads guilty to a 5113  
sexually violent predator specification that was included in the 5114  
indictment, count in the indictment, or information charging 5115  
that offense, and upon a person who is convicted of or pleads 5116  
guilty to a designated homicide, assault, or kidnapping offense 5117  
and also is convicted of or pleads guilty to both a sexual 5118  
motivation specification and a sexually violent predator 5119  
specification that were included in the indictment, count in the 5120  
indictment, or information charging that offense, as follows: 5121

(1) If the offense for which the sentence is being imposed 5122  
is aggravated murder and if the court does not impose upon the 5123

offender a sentence of death, it shall impose upon the offender 5124  
a term of life imprisonment without parole. If the court 5125  
sentences the offender to death and the sentence of death is 5126  
vacated, overturned, or otherwise set aside, the court shall 5127  
impose upon the offender a term of life imprisonment without 5128  
parole. 5129

(2) If the offense for which the sentence is being imposed 5130  
is murder; or if the offense is rape committed in violation of 5131  
division (A) (1) (b) of section 2907.02 of the Revised Code when 5132  
the offender purposely compelled the victim to submit by force 5133  
or threat of force, when the victim was less than ten years of 5134  
age, when the offender previously has been convicted of or 5135  
pleaded guilty to either rape committed in violation of that 5136  
division or a violation of an existing or former law of this 5137  
state, another state, or the United States that is substantially 5138  
similar to division (A) (1) (b) of section 2907.02 of the Revised 5139  
Code, or when the offender during or immediately after the 5140  
commission of the rape caused serious physical harm to the 5141  
victim; or if the offense is an offense other than aggravated 5142  
murder or murder for which a term of life imprisonment may be 5143  
imposed, it shall impose upon the offender a term of life 5144  
imprisonment without parole. 5145

(3) (a) Except as otherwise provided in division (A) (3) (b), 5146  
(c), (d), or (e) or (A) (4) of this section, if the offense for 5147  
which the sentence is being imposed is an offense other than 5148  
aggravated murder, murder, or rape and other than an offense for 5149  
which a term of life imprisonment may be imposed, it shall 5150  
impose an indefinite prison term consisting of a minimum term 5151  
fixed by the court from among the range of terms available as a 5152  
definite term for the offense, but not less than two years, and 5153  
a maximum term of life imprisonment. 5154

(b) Except as otherwise provided in division (A)(4) of 5155  
this section, if the offense for which the sentence is being 5156  
imposed is kidnapping that is a felony of the first degree, it 5157  
shall impose an indefinite prison term as follows: 5158

(i) If the kidnapping is committed on or after January 1, 5159  
2008, and the victim of the offense is less than thirteen years 5160  
of age, except as otherwise provided in this division, it shall 5161  
impose an indefinite prison term consisting of a minimum term of 5162  
fifteen years and a maximum term of life imprisonment. If the 5163  
kidnapping is committed on or after January 1, 2008, the victim 5164  
of the offense is less than thirteen years of age, and the 5165  
offender released the victim in a safe place unharmed, it shall 5166  
impose an indefinite prison term consisting of a minimum term of 5167  
ten years and a maximum term of life imprisonment. 5168

(ii) If the kidnapping is committed prior to January 1, 5169  
2008, or division (A)(3)(b)(i) of this section does not apply, 5170  
it shall impose an indefinite term consisting of a minimum term 5171  
fixed by the court that is not less than ten years and a maximum 5172  
term of life imprisonment. 5173

(c) Except as otherwise provided in division (A)(4) of 5174  
this section, if the offense for which the sentence is being 5175  
imposed is kidnapping that is a felony of the second degree, it 5176  
shall impose an indefinite prison term consisting of a minimum 5177  
term fixed by the court that is not less than eight years, and a 5178  
maximum term of life imprisonment. 5179

(d) Except as otherwise provided in division (A)(4) of 5180  
this section, if the offense for which the sentence is being 5181  
imposed is rape for which a term of life imprisonment is not 5182  
imposed under division (A)(2) of this section or division (B) of 5183  
section 2907.02 of the Revised Code, it shall impose an 5184



indefinite prison term as follows: 5185

(i) If the rape is committed on or after January 2, 2007, 5186  
in violation of division (A) (1) (b) of section 2907.02 of the 5187  
Revised Code, it shall impose an indefinite prison term 5188  
consisting of a minimum term of twenty-five years and a maximum 5189  
term of life imprisonment. 5190

(ii) If the rape is committed prior to January 2, 2007, or 5191  
the rape is committed on or after January 2, 2007, other than in 5192  
violation of division (A) (1) (b) of section 2907.02 of the 5193  
Revised Code, it shall impose an indefinite prison term 5194  
consisting of a minimum term fixed by the court that is not less 5195  
than ten years, and a maximum term of life imprisonment. 5196

(e) Except as otherwise provided in division (A) (4) of 5197  
this section, if the offense for which sentence is being imposed 5198  
is attempted rape, it shall impose an indefinite prison term as 5199  
follows: 5200

(i) Except as otherwise provided in division (A) (3) (e) 5201  
(ii), (iii), or (iv) of this section, it shall impose an 5202  
indefinite prison term pursuant to division (A) (3) (a) of this 5203  
section. 5204

(ii) If the attempted rape for which sentence is being 5205  
imposed was committed on or after January 2, 2007, and if the 5206  
offender also is convicted of or pleads guilty to a 5207  
specification of the type described in section 2941.1418 of the 5208  
Revised Code, it shall impose an indefinite prison term 5209  
consisting of a minimum term of five years and a maximum term of 5210  
twenty-five years. 5211

(iii) If the attempted rape for which sentence is being 5212  
imposed was committed on or after January 2, 2007, and if the 5213

offender also is convicted of or pleads guilty to a 5214  
specification of the type described in section 2941.1419 of the 5215  
Revised Code, it shall impose an indefinite prison term 5216  
consisting of a minimum term of ten years and a maximum of life 5217  
imprisonment. 5218

(iv) If the attempted rape for which sentence is being 5219  
imposed was committed on or after January 2, 2007, and if the 5220  
offender also is convicted of or pleads guilty to a 5221  
specification of the type described in section 2941.1420 of the 5222  
Revised Code, it shall impose an indefinite prison term 5223  
consisting of a minimum term of fifteen years and a maximum of 5224  
life imprisonment. 5225

(4) For any offense for which the sentence is being 5226  
imposed, if the offender previously has been convicted of or 5227  
pleaded guilty to a violent sex offense and also to a sexually 5228  
violent predator specification that was included in the 5229  
indictment, count in the indictment, or information charging 5230  
that offense, or previously has been convicted of or pleaded 5231  
guilty to a designated homicide, assault, or kidnapping offense 5232  
and also to both a sexual motivation specification and a 5233  
sexually violent predator specification that were included in 5234  
the indictment, count in the indictment, or information charging 5235  
that offense, it shall impose upon the offender a term of life 5236  
imprisonment without parole. 5237

(B) (1) Notwithstanding section 2929.13, division (A) or 5238  
(D) of section 2929.14, or another section of the Revised Code 5239  
other than division (B) of section 2907.02 or divisions (B) and 5240  
(C) of section 2929.14 of the Revised Code that authorizes or 5241  
requires a specified prison term or a mandatory prison term for 5242  
a person who is convicted of or pleads guilty to a felony or 5243

that specifies the manner and place of service of a prison term 5244  
or term of imprisonment, if a person is convicted of or pleads 5245  
guilty to a violation of division (A) (1) (b) of section 2907.02 5246  
of the Revised Code committed on or after January 2, 2007, if 5247  
division (A) of this section does not apply regarding the 5248  
person, and if the court does not impose a sentence of life 5249  
without parole when authorized pursuant to division (B) of 5250  
section 2907.02 of the Revised Code, the court shall impose upon 5251  
the person an indefinite prison term consisting of one of the 5252  
following: 5253

(a) Except as otherwise required in division (B) (1) (b) or 5254  
(c) of this section, a minimum term of ten years and a maximum 5255  
term of life imprisonment. 5256

(b) If the victim was less than ten years of age, a 5257  
minimum term of fifteen years and a maximum of life 5258  
imprisonment. 5259

(c) If the offender purposely compels the victim to submit 5260  
by force or threat of force, or if the offender previously has 5261  
been convicted of or pleaded guilty to violating division (A) (1) 5262  
(b) of section 2907.02 of the Revised Code or to violating an 5263  
existing or former law of this state, another state, or the 5264  
United States that is substantially similar to division (A) (1) 5265  
(b) of that section, or if the offender during or immediately 5266  
after the commission of the offense caused serious physical harm 5267  
to the victim, a minimum term of twenty-five years and a maximum 5268  
of life imprisonment. 5269

(2) Notwithstanding section 2929.13, division (A) or (D) 5270  
of section 2929.14, or another section of the Revised Code other 5271  
than divisions (B) and (C) of section 2929.14 of the Revised 5272  
Code that authorizes or requires a specified prison term or a 5273

mandatory prison term for a person who is convicted of or pleads 5274  
guilty to a felony or that specifies the manner and place of 5275  
service of a prison term or term of imprisonment and except as 5276  
otherwise provided in division (B) of section 2907.02 of the 5277  
Revised Code, if a person is convicted of or pleads guilty to 5278  
attempted rape committed on or after January 2, 2007, and if 5279  
division (A) of this section does not apply regarding the 5280  
person, the court shall impose upon the person an indefinite 5281  
prison term consisting of one of the following: 5282

(a) If the person also is convicted of or pleads guilty to 5283  
a specification of the type described in section 2941.1418 of 5284  
the Revised Code, the court shall impose upon the person an 5285  
indefinite prison term consisting of a minimum term of five 5286  
years and a maximum term of twenty-five years. 5287

(b) If the person also is convicted of or pleads guilty to 5288  
a specification of the type described in section 2941.1419 of 5289  
the Revised Code, the court shall impose upon the person an 5290  
indefinite prison term consisting of a minimum term of ten years 5291  
and a maximum term of life imprisonment. 5292

(c) If the person also is convicted of or pleads guilty to 5293  
a specification of the type described in section 2941.1420 of 5294  
the Revised Code, the court shall impose upon the person an 5295  
indefinite prison term consisting of a minimum term of fifteen 5296  
years and a maximum term of life imprisonment. 5297

(3) Notwithstanding section 2929.13, division (A) or (D) 5298  
of section 2929.14, or another section of the Revised Code other 5299  
than divisions (B) and (C) of section 2929.14 of the Revised 5300  
Code that authorizes or requires a specified prison term or a 5301  
mandatory prison term for a person who is convicted of or pleads 5302  
guilty to a felony or that specifies the manner and place of 5303

service of a prison term or term of imprisonment, if a person is 5304  
convicted of or pleads guilty to an offense described in 5305  
division (B) (3) (a), (b), (c), or (d) of this section committed 5306  
on or after January 1, 2008, if the person also is convicted of 5307  
or pleads guilty to a sexual motivation specification that was 5308  
included in the indictment, count in the indictment, or 5309  
information charging that offense, and if division (A) of this 5310  
section does not apply regarding the person, the court shall 5311  
impose upon the person an indefinite prison term consisting of 5312  
one of the following: 5313

(a) An indefinite prison term consisting of a minimum of 5314  
ten years and a maximum term of life imprisonment if the offense 5315  
for which the sentence is being imposed is kidnapping, the 5316  
victim of the offense is less than thirteen years of age, and 5317  
the offender released the victim in a safe place unharmed; 5318

(b) An indefinite prison term consisting of a minimum of 5319  
fifteen years and a maximum term of life imprisonment if the 5320  
offense for which the sentence is being imposed is kidnapping 5321  
when the victim of the offense is less than thirteen years of 5322  
age and division (B) (3) (a) of this section does not apply; 5323

(c) An indefinite term consisting of a minimum of thirty 5324  
years and a maximum term of life imprisonment if the offense for 5325  
which the sentence is being imposed is aggravated murder, when 5326  
the victim of the offense is less than thirteen years of age, a 5327  
sentence of death or life imprisonment without parole is not 5328  
imposed for the offense, and division (A) (2) (b) (ii) of section 5329  
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 5330  
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 5331  
division (A) or (B) of section 2929.06 of the Revised Code 5332  
requires that the sentence for the offense be imposed pursuant 5333

to this division; 5334

(d) An indefinite prison term consisting of a minimum of 5335  
thirty years and a maximum term of life imprisonment if the 5336  
offense for which the sentence is being imposed is murder when 5337  
the victim of the offense is less than thirteen years of age. 5338

(C) (1) If the offender is sentenced to a prison term 5339  
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 5340  
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 5341  
parole board shall have control over the offender's service of 5342  
the term during the entire term unless the parole board 5343  
terminates its control in accordance with section 2971.04 of the 5344  
Revised Code. 5345

(2) Except as provided in division (C) (3) of this section, 5346  
an offender sentenced to a prison term or term of life 5347  
imprisonment without parole pursuant to division (A) of this 5348  
section shall serve the entire prison term or term of life 5349  
imprisonment in a state correctional institution. The offender 5350  
is not eligible for judicial release under section 2929.20 of 5351  
the Revised Code. 5352

(3) For a prison term imposed pursuant to division (A) (3), 5353  
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 5354  
(b), (c), or (d) of this section, the court, in accordance with 5355  
section 2971.05 of the Revised Code, may terminate the prison 5356  
term or modify the requirement that the offender serve the 5357  
entire term in a state correctional institution if all of the 5358  
following apply: 5359

(a) The offender has served at least the minimum term 5360  
imposed as part of that prison term. 5361

(b) The parole board, pursuant to section 2971.04 of the 5362

Revised Code, has terminated its control over the offender's 5363  
service of that prison term. 5364

(c) The court has held a hearing and found, by clear and 5365  
convincing evidence, one of the following: 5366

(i) In the case of termination of the prison term, that 5367  
the offender is unlikely to commit a sexually violent offense in 5368  
the future; 5369

(ii) In the case of modification of the requirement, that 5370  
the offender does not represent a substantial risk of physical 5371  
harm to others. 5372

(4) An offender who has been sentenced to a term of life 5373  
imprisonment without parole pursuant to division (A)(1), (2), or 5374  
(4) of this section shall not be released from the term of life 5375  
imprisonment or be permitted to serve a portion of it in a place 5376  
other than a state correctional institution. 5377

(D) If a court sentences an offender to a prison term or 5378  
term of life imprisonment without parole pursuant to division 5379  
(A) of this section and the court also imposes on the offender 5380  
one or more additional prison terms pursuant to division (B) of 5381  
section 2929.14 of the Revised Code, all of the additional 5382  
prison terms shall be served consecutively with, and prior to, 5383  
the prison term or term of life imprisonment without parole 5384  
imposed upon the offender pursuant to division (A) of this 5385  
section. 5386

(E) If the offender is convicted of or pleads guilty to 5387  
two or more offenses for which a prison term or term of life 5388  
imprisonment without parole is required to be imposed pursuant 5389  
to division (A) of this section, divisions (A) to (D) of this 5390  
section shall be applied for each offense. All minimum terms 5391

imposed upon the offender pursuant to division (A) (3) or (B) of 5392  
this section for those offenses shall be aggregated and served 5393  
consecutively, as if they were a single minimum term imposed 5394  
under that division. 5395

(F) (1) If an offender is convicted of or pleads guilty to 5396  
a violent sex offense and also is convicted of or pleads guilty 5397  
to a sexually violent predator specification that was included 5398  
in the indictment, count in the indictment, or information 5399  
charging that offense, or is convicted of or pleads guilty to a 5400  
designated homicide, assault, or kidnapping offense and also is 5401  
convicted of or pleads guilty to both a sexual motivation 5402  
specification and a sexually violent predator specification that 5403  
were included in the indictment, count in the indictment, or 5404  
information charging that offense, the conviction of or plea of 5405  
guilty to the offense and the sexually violent predator 5406  
specification automatically classifies the offender as a tier 5407  
III sex offender/child-victim offender for purposes of Chapter 5408  
2950. of the Revised Code. 5409

(2) If an offender is convicted of or pleads guilty to 5410  
committing on or after January 2, 2007, a violation of division 5411  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 5412  
offender is sentenced under section 2971.03 of the Revised Code 5413  
or a sentence of life without parole is imposed under division 5414  
(B) of section 2907.02 of the Revised Code, the conviction of or 5415  
plea of guilty to the offense automatically classifies the 5416  
offender as a tier III sex offender/child-victim offender for 5417  
purposes of Chapter 2950. of the Revised Code. 5418

(3) If a person is convicted of or pleads guilty to 5419  
committing on or after January 2, 2007, attempted rape and also 5420  
is convicted of or pleads guilty to a specification of the type 5421



described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code, the conviction of or plea of guilty to the offense and the specification automatically classify the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code.

(4) If a person is convicted of or pleads guilty to one of the offenses described in division (B) (3) (a), (b), (c), or (d) of this section and a sexual motivation specification related to the offense and the victim of the offense is less than thirteen years of age, the conviction of or plea of guilty to the offense automatically classifies the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender receives or received a sentence of life imprisonment without parole or a sentence to an indefinite prison term under this chapter for an offense committed when the offender was less than eighteen years of age, the offender's parole eligibility shall be determined under section 2967.132 of the Revised Code.

**Sec. 5149.101.** (A) (1) A board hearing officer, a board member, or the office of victims' services may petition the board for a full board hearing that relates to the proposed parole or re-parole of a prisoner, including any prisoner described in section 2967.132 of the Revised Code. At a meeting of the board at which a majority of board members are present, the majority of those present shall determine whether a full board hearing shall be held.

(2) A victim of a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of

the first, second, or third degree, or an offense punished by a 5452  
sentence of life imprisonment, the victim's representative, or 5453  
any person described in division (B)(5) of this section may 5454  
request the board to hold a full board hearing that relates to 5455  
the proposed parole or re-parole of the person that committed 5456  
the violation. If a victim, victim's representative, or other 5457  
person requests a full board hearing pursuant to this division, 5458  
the board shall hold a full board hearing. 5459

At least thirty days before the full hearing, except as 5460  
otherwise provided in this division, the board shall give notice 5461  
of the date, time, and place of the hearing to the victim 5462  
regardless of whether the victim has requested the notification. 5463  
The notice of the date, time, and place of the hearing shall not 5464  
be given under this division to a victim if the victim has 5465  
requested pursuant to division (B)(2) of section 2930.03 of the 5466  
Revised Code that the notice not be provided to the victim. At 5467  
least thirty days before the full board hearing and regardless 5468  
of whether the victim has requested that the notice be provided 5469  
or not be provided under this division to the victim, the board 5470  
shall give similar notice to the prosecuting attorney in the 5471  
case, the law enforcement agency that arrested the prisoner if 5472  
any officer of that agency was a victim of the offense, and, if 5473  
different than the victim, the person who requested the full 5474  
hearing. If the prosecuting attorney has not previously been 5475  
sent an institutional summary report with respect to the 5476  
prisoner, upon the request of the prosecuting attorney, the 5477  
board shall include with the notice sent to the prosecuting 5478  
attorney an institutional summary report that covers the 5479  
offender's participation while confined in a state correctional 5480  
institution in training, work, and other rehabilitative 5481  
activities and any disciplinary action taken against the 5482

offender while so confined. Upon the request of a law 5483  
enforcement agency that has not previously been sent an 5484  
institutional summary report with respect to the prisoner, the 5485  
board also shall send a copy of the institutional summary report 5486  
to the law enforcement agency. If notice is to be provided as 5487  
described in this division, the board may give the notice by any 5488  
reasonable means, including regular mail, telephone, and 5489  
electronic mail, in accordance with division (D) (1) of section 5490  
2930.16 of the Revised Code. If the notice is based on an 5491  
offense committed prior to ~~the effective date of this amendment~~ 5492  
March 22, 2013, the notice also shall include the opt-out 5493  
information described in division (D) (1) of section 2930.16 of 5494  
the Revised Code. The board, in accordance with division (D) (2) 5495  
of section 2930.16 of the Revised Code, shall keep a record of 5496  
all attempts to provide the notice, and of all notices provided, 5497  
under this division. 5498

The preceding paragraph, and the notice-related provisions 5499  
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 5500  
of section 2930.16, division (H) of section 2967.12, division 5501  
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 5502  
2967.26, and division (D) (1) of section 2967.28 of the Revised 5503  
Code enacted in the act in which this paragraph was enacted, 5504  
shall be known as "Roberta's Law." 5505

(B) At a full board hearing that relates to the proposed 5506  
parole or re-parole of a prisoner and that has been petitioned 5507  
for or requested in accordance with division (A) of this 5508  
section, the parole board shall permit the following persons to 5509  
appear and to give testimony or to submit written statements: 5510

(1) The prosecuting attorney of the county in which the 5511  
original indictment against the prisoner was found and members 5512

of any law enforcement agency that assisted in the prosecution 5513  
of the original offense; 5514

(2) The judge of the court of common pleas who imposed the 5515  
original sentence of incarceration upon the prisoner, or the 5516  
judge's successor; 5517

(3) The victim of the original offense for which the 5518  
prisoner is serving the sentence or the victim's representative 5519  
designated pursuant to section 2930.02 of the Revised Code; 5520

(4) The victim of any behavior that resulted in parole 5521  
being revoked; 5522

(5) With respect to a full board hearing held pursuant to 5523  
division (A)(2) of this section, all of the following: 5524

(a) The spouse of the victim of the original offense; 5525

(b) The parent or parents of the victim of the original 5526  
offense; 5527

(c) The sibling of the victim of the original offense; 5528

(d) The child or children of the victim of the original 5529  
offense. 5530

(6) Counsel or some other person designated by the 5531  
prisoner as a representative, as described in division (C) of 5532  
this section. 5533

(C) Except as otherwise provided in this division, a full 5534  
board hearing of the parole board is not subject to section 5535  
121.22 of the Revised Code. The persons who may attend a full 5536  
board hearing are the persons described in divisions (B)(1) to 5537  
(6) of this section, and representatives of the press, radio and 5538  
television stations, and broadcasting networks who are members 5539

of a generally recognized professional media organization. 5540

At the request of a person described in division (B)(3) of 5541  
this section, representatives of the news media described in 5542  
this division shall be excluded from the hearing while that 5543  
person is giving testimony at the hearing. The prisoner being 5544  
considered for parole has no right to be present at the hearing, 5545  
but may be represented by counsel or some other person 5546  
designated by the prisoner. 5547

If there is an objection at a full board hearing to a 5548  
recommendation for the parole of a prisoner, the board may 5549  
approve or disapprove the recommendation or defer its decision 5550  
until a subsequent full board hearing. The board may permit 5551  
interested persons other than those listed in this division and 5552  
division (B) of this section to attend full board hearings 5553  
pursuant to rules adopted by the adult parole authority. 5554

(D) If the victim of the original offense died as a result 5555  
of the offense and the offense was aggravated murder, murder, an 5556  
offense of violence that is a felony of the first, second, or 5557  
third degree, or an offense punished by a sentence of life 5558  
imprisonment, the family of the victim may show at a full board 5559  
hearing a video recording not exceeding five minutes in length 5560  
memorializing the victim. 5561

(E) The adult parole authority shall adopt rules for the 5562  
implementation of this section. The rules shall specify 5563  
reasonable restrictions on the number of media representatives 5564  
that may attend a hearing, based on considerations of space, and 5565  
other procedures designed to accomplish an effective, orderly 5566  
process for full board hearings. 5567

**Section 2.** That existing sections 109.42, 109.57, 121.37, 5568

2151.23, 2151.353, 2151.415, 2151.42, 2152.02, 2152.021, 5569  
2152.10, 2152.11, 2152.12, 2152.13, 2152.14, 2152.18, 2152.20, 5570  
2152.21, 2152.26, 2505.02, 2929.02, 2929.14, 2967.13, 2971.03, 5571  
and 5149.101 and section 2152.121 of the Revised Code are hereby 5572  
repealed. 5573

**Section 3.** The General Assembly, applying the principle 5574  
stated in division (B) of section 1.52 of the Revised Code that 5575  
amendments are to be harmonized if reasonably capable of 5576  
simultaneous operation, finds that the following sections, 5577  
presented in this act as composites of the sections as amended 5578  
by the acts indicated, are the resulting versions of the 5579  
sections in effect prior to the effective date of the sections 5580  
as presented in this act: 5581

Section 109.57 of the Revised Code as amended by both Sub. 5582  
H.B. 359 and Am. Sub. S.B. 227 of the 132nd General Assembly. 5583

Section 2151.415 of the Revised Code as amended by both 5584  
Sub. H.B. 50 and Sub. H.B. 158 of the 131st General Assembly. 5585