



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

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Sub. H.B. 394

132nd General Assembly
(H. Criminal Justice)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (L_132_1279-2)	Sub. Version (L_132_1279-3)
Mandatory bindover	<p>Eliminates mandatory transfers (bindovers) of a child's case from juvenile court to criminal court for prosecution (<i>repealed R.C. 2152.10(A) and 2152.12(A)</i>).</p> <p>Eliminates reverse transfers (bindovers) of a mandatory transfer case back to juvenile court for disposition (<i>repealed R.C. 2152.121</i>).</p>	<p>Restores existing law requiring a transfer to criminal court when a child is charged with aggravated murder and the child was age 16 or 17 at the time of the act charged (<i>R.C. 2152.10(A) and 2152.12</i>).</p> <p>Restores existing provisions requiring the reverse transfer of certain mandatory transfer cases back to juvenile court for disposition (<i>R.C. 2152.121(B)(3)</i>).</p>
Right to appeal transfer	<p>Provides that a child has a right to appeal a discretionary transfer (<i>R.C. 2152.12(E)</i>).</p>	<p>Specifies that failure to appeal the transfer within 14 days of the order for transfer does not waive the child's right to appeal the transfer at the conclusion of the proceedings in criminal court (<i>R.C. 2152.12(F)</i>).</p>

Topic	Previous Version (L_132_1279-2)	Sub. Version (L_132_1279-3)
		Requests that the Supreme Court amend the Rules of Appellate Procedure within one year of the bill's effective date to expedite the interlocutory appeal of a discretionary bindover decision (<i>Section 3</i>).
Serious youthful offender disposition	<p>Repeals existing law that mandates a serious youthful offender (SYO) disposition in certain juvenile cases and modifies the circumstances in which a discretionary SYO disposition may be imposed as follows (<i>R.C. 2152.02, 2152.11(B) and (C), 2152.13(B) and (D)</i>):</p> <ul style="list-style-type: none"> • If the act would be aggravated murder, murder, or an attempt of either if committed by an adult, the child is eligible if the child was age 10 or older at the time of the act; • If the act would be a first degree felony if committed by an adult, the child is eligible if: <ul style="list-style-type: none"> ○ The act allegedly was committed when the child was age 16 or 17 and certain aggravating circumstances apply. ○ The child was age 14 or 15 at the time of the act. ○ The child was age 10, 11, 12, or 13 and certain aggravating circumstances apply. 	<p>Restores existing law that requires an SYO disposition in cases that were transferred back from criminal court to juvenile court after a mandatory transfer (<i>R.C. 2152.121(B)(3) and 2152.13(D)(1)</i>).</p> <p>If an act would be a first degree felony if committed by an adult, provides that a court may impose a discretionary SYO disposition if the act allegedly was committed when the child was age 10 or older and certain aggravating circumstances apply (<i>R.C. 2152.11(C)(1)</i>).</p>

Topic	Previous Version (L_132_1279-2)	Sub. Version (L_132_1279-3)
Life imprisonment without parole	<p>Prohibits imposing a sentence of life imprisonment without parole upon any person for an offense that was committed when the person was under age 18 (R.C. 2151.23(H) and (I), 2152.12(H), 2929.02(A), and 2929.07).</p> <p>Provides that if an offender receives or received a sentence of life imprisonment without parole for an offense committed when the offender was under age 18, the offender's parole eligibility is to be determined according to the provisions described under "Parole eligibility" (R.C. 2929.07).</p>	<p>Same, except that the provision does not apply if the offense was committed before the bill's effective date (R.C. 2151.23(H) and (I), 2152.12(I), 2929.02(A), and 2929.07).</p>
Definite sentences	<p>No provision.</p>	<p>Provides that if an offender receives or received a definite sentence of more than 18 years for an offense committed when the offender was under age 18, the offender is eligible for parole according to the provisions described under "Parole eligibility" (R.C. 2929.02(C) and 2929.14(L)).</p>
Parole eligibility	<p>Provides the following parole eligibility dates for persons with an indefinite sentence for an offense, other than an "aggravated homicide offense," committed when the person was under age 18 (R.C. 2967.132(C)):</p> <p>(1) Except as provided in (2) and (3) below, after serving 18 years in prison.</p>	<p>Instead provides the following parole eligibility dates for persons sentenced for one or more offenses committed when the person was under age 18, other than aggravated murder committed before the bill's effective date (R.C. 2967.132(B)):</p> <p>(1) Except as provided in (2) and (3) below, after serving 18 years in prison.</p>

Topic	Previous Version (L_132_1279-2)	Sub. Version (L_132_1279-3)
	<p>(2) Except as provided in (3) below, if the prisoner is serving a sentence for a homicide offense other than an aggravated homicide offense, after serving 25 years in prison.</p> <p>(3) If the prisoner is serving a sentence that permits parole earlier than the parole eligibility date specified in (1) or (2), after serving the period of time in prison specified in the sentence.</p> <p>Defines "homicide offense" as murder, voluntary manslaughter, involuntary manslaughter, or reckless homicide (<i>R.C. 2967.132(A)(2)</i>).</p> <p>If a prisoner is serving a sentence of life imprisonment without parole for an "aggravated homicide offense," as defined below, requires the sentencing court to set aside the original sentence and determine a parole eligibility date for the prisoner (<i>R.C. 2967.132(D)</i>).</p> <p>Defines "aggravated homicide offense" as aggravated murder or any other offense or combination of offenses that involved the purposeful killing of three or more persons, when the offender is the principal offender in each offense (<i>R.C. 2967.132(A)(1)</i>).</p>	<p>(2) If the prisoner is serving a sentence for aggravated murder that permits parole after more than 25 years in prison, then after serving 25 years in prison.</p> <p>(3) If the prisoner is serving a sentence that permits parole earlier than the parole eligibility date specified in (1) or (2), after serving the period of time in prison specified in the sentence.</p> <p>No provision.</p> <p>If a prisoner is serving a sentence of life imprisonment without parole for aggravated murder and the prisoner committed the offense before the bill's effective date, provides that the prisoner remains ineligible for parole (<i>R.C. 2967.132(C) and (H)</i>).</p> <p>No provision.</p>