As Introduced

132nd General Assembly Regular Session 2017-2018

S. B. No. 63

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Senator Thomas

Cosponsors: Senators Skindell, Brown, Tavares

A BILL

То	amend section 2152.18 of the Revised Code to]
	revise the procedures for determining the	2
	delinquent child confinement credit.	3

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

Section 1. That section 2152.18 of the Revised Code be

amended to read as follows:	5
Sec. 2152.18. (A) When a juvenile court commits a	6
delinquent child to the custody of the department of youth	7
services pursuant to this chapter, the court shall not designate	8
the specific institution in which the department is to place the	9
child but instead shall specify that the child is to be	10
institutionalized in a secure facility.	11
(B) When a juvenile court commits a delinquent child to	12
the custody of the department of youth services pursuant to this	13
chapter, the court shall state in the order of commitment the	14
total number of days that the child has been confined in	15
connection with the delinquent child complaint upon which the	16
order of commitment is based. The court shall not only include	17
days that the child has been under electronic monitoring or	18

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house arrest or days that the child has been confined in a	19
halfway house. The department shall reduce the minimum period of	20
institutionalization that was ordered by both the total number	21
of days that the child has been so confined as stated by the	22
court in the order of commitment and the total number of any	23
additional days that the child has been confined subsequent to	24
the order of commitment but prior to the transfer of physical	25
custody of the child to the department.	26
The juvenile court retains continuing jurisdiction to	27
correct any error not previously raised at disposition in making	28
a determination under this division. The delinquent child may,	29
at any time after disposition, file a motion in the juvenile	30
court to correct any error made in making a determination under	31
this division and the court in its discretion may grant or deny	32
that motion. If the court changes the number of days in its	33
determination or redetermination, the court shall cause the	34
entry granting that change to be delivered to the department of	35
youth services without delay.	36
An inaccurate determination under this division is not	37
grounds for setting aside the delinquent child's adjudication or	38
disposition and does not otherwise render the disposition void	39
or voidable.	40
(C)(1) When a juvenile court commits a delinquent child to	41
the custody of the department of youth services pursuant to this	42
chapter, the court shall provide the department with the child's	43
medical records, a copy of the report of any mental examination	44
of the child ordered by the court, the Revised Code section or	45
sections the child violated and the degree of each violation,	46
the warrant to convey the child to the department, a copy of the	47
court's journal entry ordering the commitment of the child to	48

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the legal custody of the department, a copy of the arrest record	49
pertaining to the act for which the child was adjudicated a	50
delinquent child, a copy of any victim impact statement	51
pertaining to the act, and any other information concerning the	52
child that the department reasonably requests. The court also	53
shall complete the form for the standard predisposition	54
investigation report that the department furnishes pursuant to	55
section 5139.04 of the Revised Code and provide the department	56
with the completed form.	57

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

- (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 76 or 2951.03 of the Revised Code or Criminal Rule 32.2 a 77 presentence investigation report pertaining to a person, the 78

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department shall make available to the officer, for use in	79
preparing the report, any records or reports it possesses	80
regarding that person that it received from a juvenile court	81
pursuant to division (C)(1) of this section or that pertain to	82
the treatment of that person after the person was committed to	83
the custody of the department as a delinquent child.	84
(D)(1) Within ten days after an adjudication that a child	85
is a delinquent child, the court shall give written notice of	86
the adjudication to the superintendent of a city, local,	87
exempted village, or joint vocational school district, and to	88
the principal of the school the child attends, if the basis of	89
the adjudication was the commission of an act that would be a	90
criminal offense if committed by an adult, if the act was	91
committed by the delinquent child when the child was fourteen	92
years of age or older, and if the act is any of the following:	93
(a) An act that would be a felony or an offense of	94
violence if committed by an adult, an act in the commission of	95
which the child used or brandished a firearm, or an act that is	96
a violation of section 2907.06, 2907.07, 2907.08, 2907.09,	97
2907.24, or 2907.241 of the Revised Code and that would be a	98
misdemeanor if committed by an adult;	99
(b) A violation of section 2923.12 of the Revised Code or	100
of a substantially similar municipal ordinance that would be a	101
misdemeanor if committed by an adult and that was committed on	102
property owned or controlled by, or at an activity held under	103
the auspices of, the board of education of that school district;	104
(c) A violation of division (A) of section 2925.03 or	105
2925.11 of the Revised Code that would be a misdemeanor if	106
committed by an adult, that was committed on property owned or	107

controlled by, or at an activity held under the auspices of, the

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board of education of that school district, and that is not a	109
minor drug possession offense;	110
(d) An act that would be a criminal offense if committed	111
by an adult and that results in serious physical harm to persons	112
or serious physical harm to property while the child is at	113
school, on any other property owned or controlled by the board,	114
or at an interscholastic competition, an extracurricular event,	115
or any other school program or activity;	116
(e) Complicity in any violation described in division (D)	117
(1)(a), (b), (c), or (d) of this section that was alleged to	118
have been committed in the manner described in division (D)(1)	119
(a), (b), (c), or (d) of this section, regardless of whether the	120
act of complicity was committed on property owned or controlled	121
by, or at an activity held under the auspices of, the board of	122
education of that school district.	123
(2) The notice given pursuant to division (D)(1) of this	124
section shall include the name of the child who was adjudicated	125
to be a delinquent child, the child's age at the time the child	126
committed the act that was the basis of the adjudication, and	127
identification of the violation of the law or ordinance that was	128
the basis of the adjudication.	129
(3) Within fourteen days after committing a delinquent	130
child to the custody of the department of youth services, the	131
court shall give notice to the school attended by the child of	132
the child's commitment by sending to that school a copy of the	133
court's journal entry ordering the commitment. As soon as	134
possible after receipt of the notice described in this division,	135
the school shall provide the department with the child's school	136
transcript. However, the department shall not refuse to accept a	137

child committed to it, and a child committed to it shall not be

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held in a county or district detention facility, because of a	139
school's failure to provide the school transcript that it is	140
required to provide under this division.	141
(4) Within fourteen days after discharging or releasing a	142
child from an institution under its control, the department of	143
youth services shall provide the court and the superintendent of	144
the school district in which the child is entitled to attend	145
school under section 3313.64 or 3313.65 of the Revised Code with	146
the following:	147
(a) An updated copy of the child's school transcript;	148
(b) A report outlining the child's behavior in school	149
while in the custody of the department;	150
(c) The child's current individualized education program,	151
as defined in section 3323.01 of the Revised Code, if such a	152
program has been developed for the child;	153
(d) A summary of the institutional record of the child's	154
behavior.	155
The department also shall provide the court with a copy of	156
any portion of the child's institutional record that the court	157
specifically requests, within five working days of the request.	158
(E) At any hearing at which a child is adjudicated a	159
delinquent child or as soon as possible after the hearing, the	160
court shall notify all victims of the delinquent act who may be	161
entitled to a recovery under any of the following sections of	162
the right of the victims to recover, pursuant to section 3109.09	163
of the Revised Code, compensatory damages from the child's	164
parents; of the right of the victims to recover, pursuant to	165
section 3109.10 of the Revised Code, compensatory damages from	166
the child's parents for willful and malicious assaults committed	167

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by the child; and of the right of the victims to recover an	168
award of reparations pursuant to sections 2743.51 to 2743.72 of	169
the Revised Code.	170
(F) As used in this section:	171
(1) "Community corrections facility" and "secure facility"	172
have the same meanings as in section 5139.01 of the Revised	173
Code.	174
(2) "Confined" means the placement of a child in any	175
<pre>locked and secure facility, either adult or juvenile, in a</pre>	176
locked and secure section of any facility, either adult or	177
juvenile, or in any community corrections facility.	178
Section 2. That existing section 2152.18 of the Revised	179
Code is hereby repealed.	180