

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 63

Senator Thomas

Cosponsors: Senators Skindell, Brown, Tavares

A BILL

To amend section 2152.18 of the Revised Code to 1
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 4
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

~~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

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

The department may refuse to accept physical custody of a 58
delinquent child who is committed to the legal custody of the 59
department until the court provides to the department the 60
documents specified in this division. No officer or employee of 61
the department who refuses to accept physical custody of a 62
delinquent child who is committed to the legal custody of the 63
department shall be subject to prosecution or contempt of court 64
for the refusal if the court fails to provide the documents 65
specified in this division at the time the court transfers the 66
physical custody of the child to the department. 67

(2) Within twenty working days after the department of 68
youth services receives physical custody of a delinquent child 69
from a juvenile court, the court shall provide the department 70
with a certified copy of the child's birth certificate and the 71
child's social security number or, if the court made all 72
reasonable efforts to obtain the information but was 73
unsuccessful, with documentation of the efforts it made to 74
obtain the information. 75

(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

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 108

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 138

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

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
locked and secure facility, either adult or juvenile, in a 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