

As Introduced

132nd General Assembly

Regular Session

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S. B. No. 64

Senator Thomas

Cosponsors: Senators Yuko, Brown, Tavares, Williams, Lehner

A BILL

To amend sections 109.57, 2151.23, 2152.02, 1
2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2
2152.26, and 2505.02 and to repeal section 3
2152.121 of the Revised Code to eliminate 4
mandatory bindovers and reverse bindovers, and 5
modify the rules and procedures regarding a 6
discretionary bindover, of an alleged juvenile 7
offender from a juvenile court to a criminal 8
court. 9

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

Section 1. That sections 109.57, 2151.23, 2152.02, 10
2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2152.26, and 11
2505.02 of the Revised Code be amended to read as follows: 12

Sec. 109.57. (A) (1) The superintendent of the bureau of 13
criminal identification and investigation shall procure from 14
wherever procurable and file for record photographs, pictures, 15
descriptions, fingerprints, measurements, and other information 16
that may be pertinent of all persons who have been convicted of 17
committing within this state a felony, any crime constituting a 18

misdemeanor on the first offense and a felony on subsequent 19
offenses, or any misdemeanor described in division (A) (1) (a), 20
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 21
of all children under eighteen years of age who have been 22
adjudicated delinquent children for committing within this state 23
an act that would be a felony or an offense of violence if 24
committed by an adult or who have been convicted of or pleaded 25
guilty to committing within this state a felony or an offense of 26
violence, and of all well-known and habitual criminals. The 27
person in charge of any county, multicounty, municipal, 28
municipal-county, or multicounty-municipal jail or workhouse, 29
community-based correctional facility, halfway house, 30
alternative residential facility, or state correctional 31
institution and the person in charge of any state institution 32
having custody of a person suspected of having committed a 33
felony, any crime constituting a misdemeanor on the first 34
offense and a felony on subsequent offenses, or any misdemeanor 35
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 36
section 109.572 of the Revised Code or having custody of a child 37
under eighteen years of age with respect to whom there is 38
probable cause to believe that the child may have committed an 39
act that would be a felony or an offense of violence if 40
committed by an adult shall furnish such material to the 41
superintendent of the bureau. Fingerprints, photographs, or 42
other descriptive information of a child who is under eighteen 43
years of age, has not been arrested or otherwise taken into 44
custody for committing an act that would be a felony or an 45
offense of violence who is not in any other category of child 46
specified in this division, if committed by an adult, has not 47
been adjudicated a delinquent child for committing an act that 48
would be a felony or an offense of violence if committed by an 49
adult, has not been convicted of or pleaded guilty to committing 50

a felony or an offense of violence, and is not a child with 51
respect to whom there is probable cause to believe that the 52
child may have committed an act that would be a felony or an 53
offense of violence if committed by an adult shall not be 54
procured by the superintendent or furnished by any person in 55
charge of any county, multicounty, municipal, municipal-county, 56
or multicounty-municipal jail or workhouse, community-based 57
correctional facility, halfway house, alternative residential 58
facility, or state correctional institution, except as 59
authorized in section 2151.313 of the Revised Code. 60

(2) Every clerk of a court of record in this state, other 61
than the supreme court or a court of appeals, shall send to the 62
superintendent of the bureau a weekly report containing a 63
summary of each case involving a felony, involving any crime 64
constituting a misdemeanor on the first offense and a felony on 65
subsequent offenses, involving a misdemeanor described in 66
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 67
of the Revised Code, or involving an adjudication in a case in 68
which a child under eighteen years of age was alleged to be a 69
delinquent child for committing an act that would be a felony or 70
an offense of violence if committed by an adult. The clerk of 71
the court of common pleas shall include in the report and 72
summary the clerk sends under this division all information 73
described in divisions (A) (2) (a) to (f) of this section 74
regarding a case before the court of appeals that is served by 75
that clerk. The summary shall be written on the standard forms 76
furnished by the superintendent pursuant to division (B) of this 77
section and shall include the following information: 78

(a) The incident tracking number contained on the standard 79
forms furnished by the superintendent pursuant to division (B) 80
of this section; 81

(b) The style and number of the case;	82
(c) The date of arrest, offense, summons, or arraignment;	83
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	84 85 86 87 88 89 90 91 92 93 94 95
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	96 97
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	98 99 100 101
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	102 103 104 105 106
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of	107 108 109 110

identification of all persons arrested on a charge of a felony, 111
any crime constituting a misdemeanor on the first offense and a 112
felony on subsequent offenses, or a misdemeanor described in 113
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 114
of the Revised Code and of all children under eighteen years of 115
age arrested or otherwise taken into custody for committing an 116
act that would be a felony or an offense of violence if 117
committed by an adult. The superintendent also shall file for 118
record the fingerprint impressions of all persons confined in a 119
county, multicounty, municipal, municipal-county, or 120
multicounty-municipal jail or workhouse, community-based 121
correctional facility, halfway house, alternative residential 122
facility, or state correctional institution for the violation of 123
state laws and of all children under eighteen years of age who 124
are confined in a county, multicounty, municipal, municipal- 125
county, or multicounty-municipal jail or workhouse, community- 126
based correctional facility, halfway house, alternative 127
residential facility, or state correctional institution or in 128
any facility for delinquent children for committing an act that 129
would be a felony or an offense of violence if committed by an 130
adult, and any other information that the superintendent may 131
receive from law enforcement officials of the state and its 132
political subdivisions. 133

(4) The superintendent shall carry out Chapter 2950. of 134
the Revised Code with respect to the registration of persons who 135
are convicted of or plead guilty to a sexually oriented offense 136
or a child-victim oriented offense and with respect to all other 137
duties imposed on the bureau under that chapter. 138

(5) The bureau shall perform centralized recordkeeping 139
functions for criminal history records and services in this 140
state for purposes of the national crime prevention and privacy 141

compact set forth in section 109.571 of the Revised Code and is 142
the criminal history record repository as defined in that 143
section for purposes of that compact. The superintendent or the 144
superintendent's designee is the compact officer for purposes of 145
that compact and shall carry out the responsibilities of the 146
compact officer specified in that compact. 147

(6) The superintendent shall, upon request, assist a 148
county coroner in the identification of a deceased person 149
through the use of fingerprint impressions obtained pursuant to 150
division (A) (1) of this section or collected pursuant to section 151
109.572 or 311.41 of the Revised Code. 152

(B) The superintendent shall prepare and furnish to every 153
county, multicounty, municipal, municipal-county, or 154
multicounty-municipal jail or workhouse, community-based 155
correctional facility, halfway house, alternative residential 156
facility, or state correctional institution and to every clerk 157
of a court in this state specified in division (A) (2) of this 158
section standard forms for reporting the information required 159
under division (A) of this section. The standard forms that the 160
superintendent prepares pursuant to this division may be in a 161
tangible format, in an electronic format, or in both tangible 162
formats and electronic formats. 163

(C) (1) The superintendent may operate a center for 164
electronic, automated, or other data processing for the storage 165
and retrieval of information, data, and statistics pertaining to 166
criminals and to children under eighteen years of age who are 167
adjudicated delinquent children for committing an act that would 168
be a felony or an offense of violence if committed by an adult, 169
criminal activity, crime prevention, law enforcement, and 170
criminal justice, and may establish and operate a statewide 171

communications network to be known as the Ohio law enforcement 172
gateway to gather and disseminate information, data, and 173
statistics for the use of law enforcement agencies and for other 174
uses specified in this division. The superintendent may gather, 175
store, retrieve, and disseminate information, data, and 176
statistics that pertain to children who are under eighteen years 177
of age and that are gathered pursuant to sections 109.57 to 178
109.61 of the Revised Code together with information, data, and 179
statistics that pertain to adults and that are gathered pursuant 180
to those sections. 181

(2) The superintendent or the superintendent's designee 182
shall gather information of the nature described in division (C) 183
(1) of this section that pertains to the offense and delinquency 184
history of a person who has been convicted of, pleaded guilty 185
to, or been adjudicated a delinquent child for committing a 186
sexually oriented offense or a child-victim oriented offense for 187
inclusion in the state registry of sex offenders and child- 188
victim offenders maintained pursuant to division (A) (1) of 189
section 2950.13 of the Revised Code and in the internet database 190
operated pursuant to division (A) (13) of that section and for 191
possible inclusion in the internet database operated pursuant to 192
division (A) (11) of that section. 193

(3) In addition to any other authorized use of 194
information, data, and statistics of the nature described in 195
division (C) (1) of this section, the superintendent or the 196
superintendent's designee may provide and exchange the 197
information, data, and statistics pursuant to the national crime 198
prevention and privacy compact as described in division (A) (5) 199
of this section. 200

(4) The Ohio law enforcement gateway shall contain the 201

name, confidential address, and telephone number of program 202
participants in the address confidentiality program established 203
under sections 111.41 to 111.47 of the Revised Code. 204

(5) The attorney general may adopt rules under Chapter 205
119. of the Revised Code establishing guidelines for the 206
operation of and participation in the Ohio law enforcement 207
gateway. The rules may include criteria for granting and 208
restricting access to information gathered and disseminated 209
through the Ohio law enforcement gateway. The attorney general 210
shall adopt rules under Chapter 119. of the Revised Code that 211
grant access to information in the gateway regarding an address 212
confidentiality program participant under sections 111.41 to 213
111.47 of the Revised Code to only chiefs of police, village 214
marshals, county sheriffs, county prosecuting attorneys, and a 215
designee of each of these individuals. The attorney general 216
shall permit the state medical board and board of nursing to 217
access and view, but not alter, information gathered and 218
disseminated through the Ohio law enforcement gateway. 219

The attorney general may appoint a steering committee to 220
advise the attorney general in the operation of the Ohio law 221
enforcement gateway that is comprised of persons who are 222
representatives of the criminal justice agencies in this state 223
that use the Ohio law enforcement gateway and is chaired by the 224
superintendent or the superintendent's designee. 225

(D) (1) The following are not public records under section 226
149.43 of the Revised Code: 227

(a) Information and materials furnished to the 228
superintendent pursuant to division (A) of this section; 229

(b) Information, data, and statistics gathered or 230

disseminated through the Ohio law enforcement gateway pursuant	231
to division (C) (1) of this section;	232
(c) Information and materials furnished to any board or	233
person under division (F) or (G) of this section.	234
(2) The superintendent or the superintendent's designee	235
shall gather and retain information so furnished under division	236
(A) of this section that pertains to the offense and delinquency	237
history of a person who has been convicted of, pleaded guilty	238
to, or been adjudicated a delinquent child for committing a	239
sexually oriented offense or a child-victim oriented offense for	240
the purposes described in division (C) (2) of this section.	241
(E) (1) The attorney general shall adopt rules, in	242
accordance with Chapter 119. of the Revised Code and subject to	243
division (E) (2) of this section, setting forth the procedure by	244
which a person may receive or release information gathered by	245
the superintendent pursuant to division (A) of this section. A	246
reasonable fee may be charged for this service. If a temporary	247
employment service submits a request for a determination of	248
whether a person the service plans to refer to an employment	249
position has been convicted of or pleaded guilty to an offense	250
listed or described in division (A) (1), (2), or (3) of section	251
109.572 of the Revised Code, the request shall be treated as a	252
single request and only one fee shall be charged.	253
(2) Except as otherwise provided in this division or	254
division (E) (3) or (4) of this section, a rule adopted under	255
division (E) (1) of this section may provide only for the release	256
of information gathered pursuant to division (A) of this section	257
that relates to the conviction of a person, or a person's plea	258
of guilty to, a criminal offense or to the arrest of a person as	259
provided in division (E) (3) of this section. The superintendent	260

shall not release, and the attorney general shall not adopt any 261
rule under division (E) (1) of this section that permits the 262
release of, any information gathered pursuant to division (A) of 263
this section that relates to an adjudication of a child as a 264
delinquent child, or that relates to a criminal conviction of a 265
person under eighteen years of age if the person's case was 266
transferred back to a juvenile court under division (B) (2) or 267
(3) of former section 2152.121 of the Revised Code as it existed 268
prior to the effective date of this amendment and the juvenile 269
court imposed a disposition or serious youthful offender 270
disposition upon the person under either division, unless either 271
of the following applies with respect to the adjudication or 272
conviction: 273

(a) The adjudication or conviction was for a violation of 274
section 2903.01 or 2903.02 of the Revised Code. 275

(b) The adjudication or conviction was for a sexually 276
oriented offense, the juvenile court was required to classify 277
the child a juvenile offender registrant for that offense under 278
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 279
classification has not been removed, and the records of the 280
adjudication or conviction have not been sealed or expunged 281
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 282
section 2952.32 of the Revised Code. 283

(3) A rule adopted under division (E) (1) of this section 284
may provide for the release of information gathered pursuant to 285
division (A) of this section that relates to the arrest of a 286
person who is eighteen years of age or older when the person has 287
not been convicted as a result of that arrest if any of the 288
following applies: 289

(a) The arrest was made outside of this state. 290

(b) A criminal action resulting from the arrest is 291
pending, and the superintendent confirms that the criminal 292
action has not been resolved at the time the criminal records 293
check is performed. 294

(c) The bureau cannot reasonably determine whether a 295
criminal action resulting from the arrest is pending, and not 296
more than one year has elapsed since the date of the arrest. 297

(4) A rule adopted under division (E) (1) of this section 298
may provide for the release of information gathered pursuant to 299
division (A) of this section that relates to an adjudication of 300
a child as a delinquent child if not more than five years have 301
elapsed since the date of the adjudication, the adjudication was 302
for an act that would have been a felony if committed by an 303
adult, the records of the adjudication have not been sealed or 304
expunged pursuant to sections 2151.355 to 2151.358 of the 305
Revised Code, and the request for information is made under 306
division (F) of this section or under section 109.572 of the 307
Revised Code. In the case of an adjudication for a violation of 308
the terms of community control or supervised release, the five- 309
year period shall be calculated from the date of the 310
adjudication to which the community control or supervised 311
release pertains. 312

(F) (1) As used in division (F) (2) of this section, "head 313
start agency" means an entity in this state that has been 314
approved to be an agency for purposes of subchapter II of the 315
"Community Economic Development Act," 95 Stat. 489 (1981), 42 316
U.S.C.A. 9831, as amended. 317

(2) (a) In addition to or in conjunction with any request 318
that is required to be made under section 109.572, 2151.86, 319
3301.32, 3301.541, division (C) of section 3310.58, or section 320

3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 321
5153.111 of the Revised Code or that is made under section 322
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 323
board of education of any school district; the director of 324
developmental disabilities; any county board of developmental 325
disabilities; any provider or subcontractor as defined in 326
section 5123.081 of the Revised Code; the chief administrator of 327
any chartered nonpublic school; the chief administrator of a 328
registered private provider that is not also a chartered 329
nonpublic school; the chief administrator of any home health 330
agency; the chief administrator of or person operating any child 331
day-care center, type A family day-care home, or type B family 332
day-care home licensed under Chapter 5104. of the Revised Code; 333
the chief administrator of any head start agency; the executive 334
director of a public children services agency; a private company 335
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 336
the Revised Code; or an employer described in division (J)(2) of 337
section 3327.10 of the Revised Code may request that the 338
superintendent of the bureau investigate and determine, with 339
respect to any individual who has applied for employment in any 340
position after October 2, 1989, or any individual wishing to 341
apply for employment with a board of education may request, with 342
regard to the individual, whether the bureau has any information 343
gathered under division (A) of this section that pertains to 344
that individual. On receipt of the request, subject to division 345
(E)(2) of this section, the superintendent shall determine 346
whether that information exists and, upon request of the person, 347
board, or entity requesting information, also shall request from 348
the federal bureau of investigation any criminal records it has 349
pertaining to that individual. The superintendent or the 350
superintendent's designee also may request criminal history 351
records from other states or the federal government pursuant to 352

the national crime prevention and privacy compact set forth in 353
section 109.571 of the Revised Code. Within thirty days of the 354
date that the superintendent receives a request, subject to 355
division (E) (2) of this section, the superintendent shall send 356
to the board, entity, or person a report of any information that 357
the superintendent determines exists, including information 358
contained in records that have been sealed under section 2953.32 359
of the Revised Code, and, within thirty days of its receipt, 360
subject to division (E) (2) of this section, shall send the 361
board, entity, or person a report of any information received 362
from the federal bureau of investigation, other than information 363
the dissemination of which is prohibited by federal law. 364

(b) When a board of education or a registered private 365
provider is required to receive information under this section 366
as a prerequisite to employment of an individual pursuant to 367
division (C) of section 3310.58 or section 3319.39 of the 368
Revised Code, it may accept a certified copy of records that 369
were issued by the bureau of criminal identification and 370
investigation and that are presented by an individual applying 371
for employment with the district in lieu of requesting that 372
information itself. In such a case, the board shall accept the 373
certified copy issued by the bureau in order to make a photocopy 374
of it for that individual's employment application documents and 375
shall return the certified copy to the individual. In a case of 376
that nature, a district or provider only shall accept a 377
certified copy of records of that nature within one year after 378
the date of their issuance by the bureau. 379

(c) Notwithstanding division (F) (2) (a) of this section, in 380
the case of a request under section 3319.39, 3319.391, or 381
3327.10 of the Revised Code only for criminal records maintained 382
by the federal bureau of investigation, the superintendent shall 383

not determine whether any information gathered under division 384
(A) of this section exists on the person for whom the request is 385
made. 386

(3) The state board of education may request, with respect 387
to any individual who has applied for employment after October 388
2, 1989, in any position with the state board or the department 389
of education, any information that a school district board of 390
education is authorized to request under division (F) (2) of this 391
section, and the superintendent of the bureau shall proceed as 392
if the request has been received from a school district board of 393
education under division (F) (2) of this section. 394

(4) When the superintendent of the bureau receives a 395
request for information under section 3319.291 of the Revised 396
Code, the superintendent shall proceed as if the request has 397
been received from a school district board of education and 398
shall comply with divisions (F) (2) (a) and (c) of this section. 399

(5) When a recipient of a classroom reading improvement 400
grant paid under section 3301.86 of the Revised Code requests, 401
with respect to any individual who applies to participate in 402
providing any program or service funded in whole or in part by 403
the grant, the information that a school district board of 404
education is authorized to request under division (F) (2) (a) of 405
this section, the superintendent of the bureau shall proceed as 406
if the request has been received from a school district board of 407
education under division (F) (2) (a) of this section. 408

(G) In addition to or in conjunction with any request that 409
is required to be made under section 3701.881, 3712.09, or 410
3721.121 of the Revised Code with respect to an individual who 411
has applied for employment in a position that involves providing 412
direct care to an older adult or adult resident, the chief 413

administrator of a home health agency, hospice care program, 414
home licensed under Chapter 3721. of the Revised Code, or adult 415
day-care program operated pursuant to rules adopted under 416
section 3721.04 of the Revised Code may request that the 417
superintendent of the bureau investigate and determine, with 418
respect to any individual who has applied after January 27, 419
1997, for employment in a position that does not involve 420
providing direct care to an older adult or adult resident, 421
whether the bureau has any information gathered under division 422
(A) of this section that pertains to that individual. 423

In addition to or in conjunction with any request that is 424
required to be made under section 173.27 of the Revised Code 425
with respect to an individual who has applied for employment in 426
a position that involves providing ombudsman services to 427
residents of long-term care facilities or recipients of 428
community-based long-term care services, the state long-term 429
care ombudsman, the director of aging, a regional long-term care 430
ombudsman program, or the designee of the ombudsman, director, 431
or program may request that the superintendent investigate and 432
determine, with respect to any individual who has applied for 433
employment in a position that does not involve providing such 434
ombudsman services, whether the bureau has any information 435
gathered under division (A) of this section that pertains to 436
that applicant. 437

In addition to or in conjunction with any request that is 438
required to be made under section 173.38 of the Revised Code 439
with respect to an individual who has applied for employment in 440
a direct-care position, the chief administrator of a provider, 441
as defined in section 173.39 of the Revised Code, may request 442
that the superintendent investigate and determine, with respect 443
to any individual who has applied for employment in a position 444

that is not a direct-care position, whether the bureau has any 445
information gathered under division (A) of this section that 446
pertains to that applicant. 447

In addition to or in conjunction with any request that is 448
required to be made under section 3712.09 of the Revised Code 449
with respect to an individual who has applied for employment in 450
a position that involves providing direct care to a pediatric 451
respite care patient, the chief administrator of a pediatric 452
respite care program may request that the superintendent of the 453
bureau investigate and determine, with respect to any individual 454
who has applied for employment in a position that does not 455
involve providing direct care to a pediatric respite care 456
patient, whether the bureau has any information gathered under 457
division (A) of this section that pertains to that individual. 458

On receipt of a request under this division, the 459
superintendent shall determine whether that information exists 460
and, on request of the individual requesting information, shall 461
also request from the federal bureau of investigation any 462
criminal records it has pertaining to the applicant. The 463
superintendent or the superintendent's designee also may request 464
criminal history records from other states or the federal 465
government pursuant to the national crime prevention and privacy 466
compact set forth in section 109.571 of the Revised Code. Within 467
thirty days of the date a request is received, subject to 468
division (E) (2) of this section, the superintendent shall send 469
to the requester a report of any information determined to 470
exist, including information contained in records that have been 471
sealed under section 2953.32 of the Revised Code, and, within 472
thirty days of its receipt, shall send the requester a report of 473
any information received from the federal bureau of 474
investigation, other than information the dissemination of which 475

is prohibited by federal law. 476

(H) Information obtained by a government entity or person 477
under this section is confidential and shall not be released or 478
disseminated. 479

(I) The superintendent may charge a reasonable fee for 480
providing information or criminal records under division (F) (2) 481
or (G) of this section. 482

(J) As used in this section: 483

(1) "Pediatric respite care program" and "pediatric care 484
patient" have the same meanings as in section 3712.01 of the 485
Revised Code. 486

(2) "Sexually oriented offense" and "child-victim oriented 487
offense" have the same meanings as in section 2950.01 of the 488
Revised Code. 489

(3) "Registered private provider" means a nonpublic school 490
or entity registered with the superintendent of public 491
instruction under section 3310.41 of the Revised Code to 492
participate in the autism scholarship program or section 3310.58 493
of the Revised Code to participate in the Jon Peterson special 494
needs scholarship program. 495

Sec. 2151.23. (A) The juvenile court has exclusive 496
original jurisdiction under the Revised Code as follows: 497

(1) Concerning any child who on or about the date 498
specified in the complaint, indictment, or information is 499
alleged to have violated section 2151.87 of the Revised Code or 500
an order issued under that section or to be a juvenile traffic 501
offender or a delinquent, unruly, abused, neglected, or 502
dependent child and, based on and in relation to the allegation 503

pertaining to the child, concerning the parent, guardian, or 504
other person having care of a child who is alleged to be an 505
unruly child for being an habitual truant or who is alleged to 506
be a delinquent child for violating a court order regarding the 507
child's prior adjudication as an unruly child for being an 508
habitual truant; 509

(2) Subject to divisions (G), (K), and (V) of section 510
2301.03 of the Revised Code, to determine the custody of any 511
child not a ward of another court of this state; 512

(3) To hear and determine any application for a writ of 513
habeas corpus involving the custody of a child; 514

(4) To exercise the powers and jurisdiction given the 515
probate division of the court of common pleas in Chapter 5122. 516
of the Revised Code, if the court has probable cause to believe 517
that a child otherwise within the jurisdiction of the court is a 518
mentally ill person subject to court order, as defined in 519
section 5122.01 of the Revised Code; 520

(5) To hear and determine all criminal cases charging 521
adults with the violation of any section of this chapter; 522

(6) To hear and determine all criminal cases in which an 523
adult is charged with a violation of division (C) of section 524
2919.21, division (B) (1) of section 2919.22, section 2919.222, 525
division (B) of section 2919.23, or section 2919.24 of the 526
Revised Code, provided the charge is not included in an 527
indictment that also charges the alleged adult offender with the 528
commission of a felony arising out of the same actions that are 529
the basis of the alleged violation of division (C) of section 530
2919.21, division (B) (1) of section 2919.22, section 2919.222, 531
division (B) of section 2919.23, or section 2919.24 of the 532

Revised Code;	533
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	534 535
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	536 537 538 539
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	540 541 542 543
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	544 545
(11) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	546 547 548 549 550 551 552
(12) Concerning an action commenced under section 121.38 of the Revised Code;	553 554
(13) To hear and determine violations of section 3321.38 of the Revised Code;	555 556
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining	557 558 559 560

to the child;	561
(15) To conduct the hearings, and to make the	562
determinations, adjudications, and orders authorized or required	563
under sections 2152.82 to 2152.86 and Chapter 2950. of the	564
Revised Code regarding a child who has been adjudicated a	565
delinquent child and to refer the duties conferred upon the	566
juvenile court judge under sections 2152.82 to 2152.86 and	567
Chapter 2950. of the Revised Code to magistrates appointed by	568
the juvenile court judge in accordance with Juvenile Rule 40;	569
(16) To hear and determine a petition for a protection	570
order against a child under section 2151.34 or 3113.31 of the	571
Revised Code and to enforce a protection order issued or a	572
consent agreement approved under either section against a child	573
until a date certain but not later than the date the child	574
attains nineteen years of age.	575
(B) Except as provided in divisions (G) and (I) of section	576
2301.03 of the Revised Code, the juvenile court has original	577
jurisdiction under the Revised Code:	578
(1) To hear and determine all cases of misdemeanors	579
charging adults with any act or omission with respect to any	580
child, which act or omission is a violation of any state law or	581
any municipal ordinance;	582
(2) To determine the paternity of any child alleged to	583
have been born out of wedlock pursuant to sections 3111.01 to	584
3111.18 of the Revised Code;	585
(3) Under the uniform interstate family support act in	586
Chapter 3115. of the Revised Code;	587
(4) To hear and determine an application for an order for	588
the support of any child, if the child is not a ward of another	589

court of this state;	590
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	591 592
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	593 594
(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.	595 596 597
(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;	598 599 600
(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.	601 602 603 604
(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	605 606 607 608 609 610 611 612 613 614 615 616 617 618

certification, over which the juvenile court has no 619
jurisdiction. 620

(D) The juvenile court, except as provided in divisions 621
(G) and (I) of section 2301.03 of the Revised Code, has 622
jurisdiction to hear and determine all matters as to custody and 623
support of children duly certified by the court of common pleas 624
to the juvenile court after a divorce decree has been granted, 625
including jurisdiction to modify the judgment and decree of the 626
court of common pleas as the same relate to the custody and 627
support of children. 628

(E) The juvenile court, except as provided in divisions 629
(G) and (I) of section 2301.03 of the Revised Code, has 630
jurisdiction to hear and determine the case of any child 631
certified to the court by any court of competent jurisdiction if 632
the child comes within the jurisdiction of the juvenile court as 633
defined by this section. 634

(F) (1) The juvenile court shall exercise its jurisdiction 635
in child custody matters in accordance with sections 3109.04 and 636
3127.01 to 3127.53 of the Revised Code and, as applicable, 637
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 638
Revised Code. 639

(2) The juvenile court shall exercise its jurisdiction in 640
child support matters in accordance with section 3109.05 of the 641
Revised Code. 642

(G) Any juvenile court that makes or modifies an order for 643
child support shall comply with Chapters 3119., 3121., 3123., 644
and 3125. of the Revised Code. If any person required to pay 645
child support under an order made by a juvenile court on or 646
after April 15, 1985, or modified on or after December 1, 1986, 647

is found in contempt of court for failure to make support 648
payments under the order, the court that makes the finding, in 649
addition to any other penalty or remedy imposed, shall assess 650
all court costs arising out of the contempt proceeding against 651
the person and require the person to pay any reasonable 652
attorney's fees of any adverse party, as determined by the 653
court, that arose in relation to the act of contempt. 654

(H) If a child who is charged with an act that would be an 655
offense if committed by an adult was fourteen years of age or 656
older and under eighteen years of age at the time of the alleged 657
act and if the case is transferred for criminal prosecution 658
pursuant to section 2152.12 of the Revised Code, ~~except as~~ 659
~~provided in section 2152.121 of the Revised Code,~~ the juvenile 660
court does not have jurisdiction to hear or determine the case 661
subsequent to the transfer. The court to which the case is 662
transferred for criminal prosecution pursuant to that section 663
has jurisdiction subsequent to the transfer to hear and 664
determine the case in the same manner as if the case originally 665
had been commenced in that court, ~~subject to section 2152.121 of~~ 666
~~the Revised Code,~~ including, but not limited to, jurisdiction to 667
accept a plea of guilty or another plea authorized by Criminal 668
Rule 11 or another section of the Revised Code and jurisdiction 669
to accept a verdict and to enter a judgment of conviction 670
pursuant to the Rules of Criminal Procedure against the child 671
for the commission of the offense that was the basis of the 672
transfer of the case for criminal prosecution, whether the 673
conviction is for the same degree or a lesser degree of the 674
offense charged, for the commission of a lesser-included 675
offense, or for the commission of another offense that is 676
different from the offense charged. 677

(I) If a person under eighteen years of age allegedly 678

commits an act that would be a felony if committed by an adult 679
and if the person is not taken into custody or apprehended for 680
that act until after the person attains twenty-one years of age, 681
the juvenile court does not have jurisdiction to hear or 682
determine any portion of the case charging the person with 683
committing that act. In those circumstances, ~~divisions~~division 684
(A) ~~and (B)~~ of section 2152.12 of the Revised Code ~~do~~does not 685
apply regarding the act, and the case charging the person with 686
committing the act shall be a criminal prosecution commenced and 687
heard in the appropriate court having jurisdiction of the 688
offense as if the person had been eighteen years of age or older 689
when the person committed the act. All proceedings pertaining to 690
the act shall be within the jurisdiction of the court having 691
jurisdiction of the offense, and that court has all the 692
authority and duties in the case that it has in other criminal 693
cases in that court. 694

(J) In exercising its exclusive original jurisdiction 695
under division (A) (16) of this section with respect to any 696
proceedings brought under section 2151.34 or 3113.31 of the 697
Revised Code in which the respondent is a child, the juvenile 698
court retains all dispositional powers consistent with existing 699
rules of juvenile procedure and may also exercise its discretion 700
to adjudicate proceedings as provided in sections 2151.34 and 701
3113.31 of the Revised Code, including the issuance of 702
protection orders or the approval of consent agreements under 703
those sections. 704

Sec. 2152.02. As used in this chapter: 705

(A) "Act charged" means the act that is identified in a 706
complaint, indictment, or information alleging that a child is a 707
delinquent child. 708

(B) "Admitted to a department of youth services facility" 709
includes admission to a facility operated, or contracted for, by 710
the department and admission to a comparable facility outside 711
this state by another state or the United States. 712

(C) (1) "Child" means a person who is under eighteen years 713
of age, except as otherwise provided in divisions (C) (2) to (8) 714
of this section. 715

(2) Subject to division (C) (3) of this section, any person 716
who violates a federal or state law or a municipal ordinance 717
prior to attaining eighteen years of age shall be deemed a 718
"child" irrespective of that person's age at the time the 719
complaint with respect to that violation is filed or the hearing 720
on the complaint is held. 721

(3) Any person who, while under eighteen years of age, 722
commits an act that would be a felony if committed by an adult 723
and who is not taken into custody or apprehended for that act 724
until after the person attains twenty-one years of age is not a 725
child in relation to that act. 726

(4) Except as otherwise provided in divisions (C) (5) and 727
(7) of this section, any person whose case is transferred for 728
criminal prosecution pursuant to section 2152.12 of the Revised 729
Code shall be deemed after the transfer not to be a child in the 730
transferred case. 731

(5) Any person whose case is transferred for criminal 732
prosecution pursuant to section 2152.12 of the Revised Code and 733
who subsequently is convicted of or pleads guilty to a felony in 734
that case, unless a serious youthful offender dispositional 735
sentence ~~is was~~ imposed on the child for that offense under 736
division (B) (2) or (3) of former section 2152.121 of the Revised 737

Code as it existed prior to the effective date of this amendment 738
and the adult portion of that sentence is not invoked pursuant 739
to section 2152.14 of the Revised Code, and any person who is 740
adjudicated a delinquent child for the commission of an act, who 741
has a serious youthful offender dispositional sentence imposed 742
for the act pursuant to section 2152.13 of the Revised Code, and 743
whose adult portion of the dispositional sentence is invoked 744
pursuant to section 2152.14 of the Revised Code, shall be deemed 745
after the conviction, plea, or invocation not to be a child in 746
any case in which a complaint is filed against the person. 747

(6) The juvenile court has jurisdiction over a person who 748
is adjudicated a delinquent child or juvenile traffic offender 749
prior to attaining eighteen years of age until the person 750
attains twenty-one years of age, and, for purposes of that 751
jurisdiction related to that adjudication, except as otherwise 752
provided in this division, a person who is so adjudicated a 753
delinquent child or juvenile traffic offender shall be deemed a 754
"child" until the person attains twenty-one years of age. If a 755
person is so adjudicated a delinquent child or juvenile traffic 756
offender and the court makes a disposition of the person under 757
this chapter, at any time after the person attains twenty-one 758
years of age, the places at which the person may be held under 759
that disposition are not limited to places authorized under this 760
chapter solely for confinement of children, and the person may 761
be confined under that disposition, in accordance with division 762
(F) (2) of section 2152.26 of the Revised Code, in places other 763
than those authorized under this chapter solely for confinement 764
of children. 765

(7) The juvenile court has jurisdiction over any person 766
whose case is transferred for criminal prosecution solely for 767
the purpose of detaining the person as authorized in division 768

(F) (1) or (4) of section 2152.26 of the Revised Code unless the person is convicted of or pleads guilty to a felony in the adult court. 769
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(8) Any person who, while eighteen years of age, violates division (A) (1) or (2) of section 2919.27 of the Revised Code by violating a protection order issued or consent agreement approved under section 2151.34 or 3113.31 of the Revised Code shall be considered a child for the purposes of that violation of section 2919.27 of the Revised Code. 772
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(D) "Chronic truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for seven or more consecutive school days, ten or more school days in one school month, or fifteen or more school days in a school year. 778
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(E) "Community corrections facility," "public safety beds," "release authority," and "supervised release" have the same meanings as in section 5139.01 of the Revised Code. 783
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(F) "Delinquent child" includes any of the following: 786

(1) Any child, except a juvenile traffic offender, who violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult; 787
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(2) Any child who violates any lawful order of the court made under this chapter or under Chapter 2151. of the Revised Code other than an order issued under section 2151.87 of the Revised Code; 791
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(3) Any child who violates division (C) of section 2907.39, division (A) of section 2923.211, or division (C) (1) or (D) of section 2925.55 of the Revised Code; 795
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(4) Any child who is a habitual truant and who previously has been adjudicated an unruly child for being a habitual truant;	798 799 800
(5) Any child who is a chronic truant.	801
(G) "Discretionary serious youthful offender" means a person who is eligible for a discretionary SYO and who is not transferred to adult court under a mandatory or discretionary transfer.	802 803 804 805
(H) "Discretionary SYO" means a case in which the juvenile court, in the juvenile court's discretion, may impose a serious youthful offender disposition under section 2152.13 of the Revised Code.	806 807 808 809
(I) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division (B) <u>(A)</u> of section 2152.12 of the Revised Code.	810 811 812
(J) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code.	813 814 815
(K) "Electronic monitoring" and "electronic monitoring device" have the same meanings as in section 2929.01 of the Revised Code.	816 817 818
(L) "Economic loss" means any economic detriment suffered by a victim of a delinquent act or juvenile traffic offense as a direct and proximate result of the delinquent act or juvenile traffic offense and includes any loss of income due to lost time at work because of any injury caused to the victim and any property loss, medical cost, or funeral expense incurred as a result of the delinquent act or juvenile traffic offense. "Economic loss" does not include non-economic loss or any	819 820 821 822 823 824 825 826

punitive or exemplary damages.	827
(M) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.	828 829
(N) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.	830 831
(O) "Juvenile traffic offender" means any child who violates any traffic law, traffic ordinance, or traffic regulation of this state, the United States, or any political subdivision of this state, other than a resolution, ordinance, or regulation of a political subdivision of this state the violation of which is required to be handled by a parking violations bureau or a joint parking violations bureau pursuant to Chapter 4521. of the Revised Code.	832 833 834 835 836 837 838 839
(P) A "legitimate excuse for absence from the public school the child is supposed to attend" has the same meaning as in section 2151.011 of the Revised Code.	840 841 842
(Q) "Mandatory serious youthful offender" means a person who is eligible for a mandatory SYO and who is not transferred to adult court under a mandatory or discretionary transfer and also includes, for purposes of imposition of a mandatory serious youthful dispositional sentence under section 2152.13 of the Revised Code, a person upon whom a juvenile court is required to impose such a sentence under division (B) (3) of section 2152.121 of the Revised Code.	843 844 845 846 847 848 849 850
(R) "Mandatory SYO" means a case in which the juvenile court is required to impose a mandatory serious youthful offender disposition under section 2152.13 of the Revised Code.	851 852 853
(S) "Mandatory transfer" means that a case is required to be transferred for criminal prosecution under division (A) of	854 855

~~section 2152.12 of the Revised Code.~~ 856

~~(T)~~ "Mental illness" has the same meaning as in section 857
5122.01 of the Revised Code. 858

~~(U)~~ (T) "Monitored time" and "repeat violent offender" have 859
the same meanings as in section 2929.01 of the Revised Code. 860

~~(V)~~ (U) "Of compulsory school age" has the same meaning as 861
in section 3321.01 of the Revised Code. 862

~~(W)~~ (V) "Public record" has the same meaning as in section 863
149.43 of the Revised Code. 864

~~(X)~~ (W) "Serious youthful offender" means a person who is 865
eligible for a mandatory SYO or discretionary SYO but who is not 866
transferred to adult court under a ~~mandatory or~~ discretionary 867
~~transfer and also includes, for purposes of imposition of a~~ 868
~~mandatory serious youthful dispositional sentence under section~~ 869
~~2152.13 of the Revised Code, a person upon whom a juvenile court~~ 870
~~is required to impose such a sentence under division (B) (3) of~~ 871
~~section 2152.121 of the Revised Code.~~ 872

~~(Y)~~ (X) "Sexually oriented offense," "juvenile offender 873
registrant," "child-victim oriented offense," "tier I sex 874
offender/child-victim offender," "tier II sex offender/child- 875
victim offender," "tier III sex offender/child-victim offender," 876
and "public registry-qualified juvenile offender registrant" 877
have the same meanings as in section 2950.01 of the Revised 878
Code. 879

~~(Z)~~ (Y) "Traditional juvenile" means a case that is not 880
transferred to adult court under a ~~mandatory or~~ discretionary 881
transfer, that is eligible for a disposition under sections 882
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 883
that is not eligible for a disposition under section 2152.13 of 884

the Revised Code. 885

~~(AA)~~ (Z) "Transfer" means the transfer for criminal 886
prosecution of a case involving the alleged commission by a 887
child of an act that would be an offense if committed by an 888
adult from the juvenile court to the appropriate court that has 889
jurisdiction of the offense. 890

~~(BB)~~ (AA) "Category one offense" means any of the 891
following: 892

(1) A violation of section 2903.01 or 2903.02 of the 893
Revised Code; 894

(2) A violation of section 2923.02 of the Revised Code 895
involving an attempt to commit aggravated murder or murder. 896

~~(CC)~~ (BB) "Category two offense" means any of the 897
following: 898

(1) A violation of section 2903.03, 2905.01, 2907.02, 899
2909.02, 2911.01, or 2911.11 of the Revised Code; 900

(2) A violation of section 2903.04 of the Revised Code 901
that is a felony of the first degree; 902

(3) A violation of section 2907.12 of the Revised Code as 903
it existed prior to September 3, 1996. 904

~~(DD)~~ (CC) "Non-economic loss" means nonpecuniary harm 905
suffered by a victim of a delinquent act or juvenile traffic 906
offense as a result of or related to the delinquent act or 907
juvenile traffic offense, including, but not limited to, pain 908
and suffering; loss of society, consortium, companionship, care, 909
assistance, attention, protection, advice, guidance, counsel, 910
instruction, training, or education; mental anguish; and any 911
other intangible loss. 912

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 913
section, any person having knowledge of a child who appears to 914
be a juvenile traffic offender or to be a delinquent child may 915
file a sworn complaint with respect to that child in the 916
juvenile court of the county in which the child has a residence 917
or legal settlement or in which the traffic offense or 918
delinquent act allegedly occurred. The sworn complaint may be 919
upon information and belief, and, in addition to the allegation 920
that the child is a delinquent child or a juvenile traffic 921
offender, the complaint shall allege the particular facts upon 922
which the allegation that the child is a delinquent child or a 923
juvenile traffic offender is based. 924

If a child appears to be a delinquent child who is 925
eligible for a serious youthful offender dispositional sentence 926
under section 2152.11 of the Revised Code and if the prosecuting 927
attorney desires to seek a serious youthful offender 928
dispositional sentence under section 2152.13 of the Revised Code 929
in regard to the child, the prosecuting attorney of the county 930
in which the alleged delinquency occurs may initiate a case in 931
the juvenile court of the county by presenting the case to a 932
grand jury for indictment, by charging the child in a bill of 933
information as a serious youthful offender pursuant to section 934
2152.13 of the Revised Code, by requesting a serious youthful 935
offender dispositional sentence in the original complaint 936
alleging that the child is a delinquent child, or by filing with 937
the juvenile court a written notice of intent to seek a serious 938
youthful offender dispositional sentence. ~~This paragraph does~~ 939
~~not apply regarding the imposition of a serious youthful~~ 940
~~offender dispositional sentence pursuant to section 2152.121 of~~ 941
~~the Revised Code.~~ 942

(2) Any person having knowledge of a child who appears to 943

be a delinquent child for being an habitual or chronic truant 944
may file a sworn complaint with respect to that child, or with 945
respect to that child and the parent, guardian, or other person 946
having care of the child, in the juvenile court of the county in 947
which the child has a residence or legal settlement or in which 948
the child is supposed to attend public school. The sworn 949
complaint may be upon information and belief and shall allege 950
that the child is a delinquent child for being a chronic truant 951
or an habitual truant who previously has been adjudicated an 952
unruly child for being a habitual truant and, in addition, the 953
particular facts upon which that allegation is based. If the 954
complaint contains allegations regarding the child's parent, 955
guardian, or other person having care of the child, the 956
complaint additionally shall allege that the parent, guardian, 957
or other person having care of the child has failed to cause the 958
child's attendance at school in violation of section 3321.38 of 959
the Revised Code and, in addition, the particular facts upon 960
which that allegation is based. 961

(B) Any person with standing under applicable law may file 962
a complaint for the determination of any other matter over which 963
the juvenile court is given jurisdiction by section 2151.23 of 964
the Revised Code. The complaint shall be filed in the county in 965
which the child who is the subject of the complaint is found or 966
was last known to be found. 967

(C) Within ten days after the filing of a complaint or the 968
issuance of an indictment, the court shall give written notice 969
of the filing of the complaint or the issuance of an indictment 970
and of the substance of the complaint or indictment to the 971
superintendent of a city, local, exempted village, or joint 972
vocational school district if the complaint or indictment 973
alleges that a child committed an act that would be a criminal 974

offense if committed by an adult, that the child was sixteen 975
years of age or older at the time of the commission of the 976
alleged act, and that the alleged act is any of the following: 977

(1) A violation of section 2923.122 of the Revised Code 978
that relates to property owned or controlled by, or to an 979
activity held under the auspices of, the board of education of 980
that school district; 981

(2) A violation of section 2923.12 of the Revised Code, of 982
a substantially similar municipal ordinance, or of section 983
2925.03 of the Revised Code that was committed on property owned 984
or controlled by, or at an activity held under the auspices of, 985
the board of education of that school district; 986

(3) A violation of section 2925.11 of the Revised Code 987
that was committed on property owned or controlled by, or at an 988
activity held under the auspices of, the board of education of 989
that school district, other than a violation of that section 990
that would be a minor drug possession offense if committed by an 991
adult; 992

(4) A violation of section 2903.01, 2903.02, 2903.03, 993
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 994
Code, or a violation of former section 2907.12 of the Revised 995
Code, that was committed on property owned or controlled by, or 996
at an activity held under the auspices of, the board of 997
education of that school district, if the victim at the time of 998
the commission of the alleged act was an employee of the board 999
of education of that school district; 1000

(5) Complicity in any violation described in division (C) 1001
(1), (2), (3), or (4) of this section that was alleged to have 1002
been committed in the manner described in division (C) (1), (2), 1003

(3), or (4) of this section, regardless of whether the act of 1004
complicity was committed on property owned or controlled by, or 1005
at an activity held under the auspices of, the board of 1006
education of that school district. 1007

(D) A public children services agency, acting pursuant to 1008
a complaint or an action on a complaint filed under this 1009
section, is not subject to the requirements of section 3127.23 1010
of the Revised Code. 1011

(E) For purposes of the record to be maintained by the 1012
clerk under division (B) of section 2152.71 of the Revised Code, 1013
when a complaint is filed that alleges that a child is a 1014
delinquent child, the court shall determine if the victim of the 1015
alleged delinquent act was sixty-five years of age or older or 1016
permanently and totally disabled at the time of the alleged 1017
commission of the act. 1018

(F) (1) At any time after the filing of a complaint 1019
alleging that a child is a delinquent child and before 1020
adjudication, the court may hold a hearing to determine whether 1021
to hold the complaint in abeyance pending the child's successful 1022
completion of actions that constitute a method to divert the 1023
child from the juvenile court system if the child agrees to the 1024
hearing and either of the following applies: 1025

(a) The act charged would be a violation of section 1026
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 1027
were an adult. 1028

(b) The court has reason to believe that the child is a 1029
victim of a violation of section 2905.32 of the Revised Code, 1030
regardless of whether any person has been convicted of a 1031
violation of that section or of any other section for 1032

victimizing the child, and the act charged is related to the 1033
child's victimization. 1034

(2) The prosecuting attorney has the right to participate 1035
in any hearing held under division (F)(1) of this section, to 1036
object to holding the complaint that is the subject of the 1037
hearing in abeyance, and to make recommendations related to 1038
diversion actions. No statement made by a child at a hearing 1039
held under division (F)(1) of this section is admissible in any 1040
subsequent proceeding against the child. 1041

(3) If either division (F)(1)(a) or (b) of this section 1042
applies, the court shall promptly appoint a guardian ad litem 1043
for the child. The court shall not appoint the child's attorney 1044
as guardian ad litem. If the court decides to hold the complaint 1045
in abeyance, the guardian ad litem shall make recommendations 1046
that are in the best interest of the child to the court. 1047

(4) If after a hearing the court decides to hold the 1048
complaint in abeyance, the court may make any orders regarding 1049
placement, services, supervision, diversion actions, and 1050
conditions of abeyance, including, but not limited to, 1051
engagement in trauma-based behavioral health services or 1052
education activities, that the court considers appropriate and 1053
in the best interest of the child. The court may hold the 1054
complaint in abeyance for up to ninety days while the child 1055
engages in diversion actions. If the child violates the 1056
conditions of abeyance or does not complete the diversion 1057
actions to the court's satisfaction within ninety days, the 1058
court may extend the period of abeyance for not more than two 1059
additional ninety-day periods. 1060

(5) If the court holds the complaint in abeyance and the 1061
child complies with the conditions of abeyance and completes the 1062

diversion actions to the court's satisfaction, the court shall 1063
dismiss the complaint and order that the records pertaining to 1064
the case be expunged immediately. If the child fails to complete 1065
the diversion actions to the court's satisfaction, the court 1066
shall proceed upon the complaint. 1067

Sec. 2152.10. ~~(A) A child who is alleged to be a 1068
delinquent child is eligible for mandatory transfer and shall be 1069
transferred as provided in section 2152.12 of the Revised Code 1070
in any of the following circumstances: 1071~~

~~(1) The child is charged with a category one offense and 1072
either of the following apply: 1073~~

~~(a) The child was sixteen years of age or older at the 1074
time of the act charged. 1075~~

~~(b) The child was fourteen or fifteen years of age at the 1076
time of the act charged and previously was adjudicated a 1077
delinquent child for committing an act that is a category one or 1078
category two offense and was committed to the legal custody of 1079
the department of youth services upon the basis of that 1080
adjudication. 1081~~

~~(2) The child is charged with a category two offense, 1082
other than a violation of section 2905.01 of the Revised Code, 1083
the child was sixteen years of age or older at the time of the 1084
commission of the act charged, and either or both of the 1085
following apply: 1086~~

~~(a) The child previously was adjudicated a delinquent 1087
child for committing an act that is a category one or a category 1088
two offense and was committed to the legal custody of the 1089
department of youth services on the basis of that adjudication. 1090~~

~~(b) The child is alleged to have had a firearm on or about 1091~~

~~the child's person or under the child's control while committing~~ 1092
~~the act charged and to have displayed the firearm, brandished~~ 1093
~~the firearm, indicated possession of the firearm, or used the~~ 1094
~~firearm to facilitate the commission of the act charged.~~ 1095

~~(3) Division (A) (2) of section 2152.12 of the Revised Code~~ 1096
~~applies.~~ 1097

~~(B) Unless the child is subject to mandatory transfer, if~~ 1098
If a child is fourteen years of age or older at the time of the 1099
act charged and if the child is charged with an act that would 1100
be a felony if committed by an adult, the child is eligible for 1101
discretionary transfer to the appropriate court for criminal 1102
prosecution. In determining whether to transfer the child for 1103
criminal prosecution, the juvenile court shall follow the 1104
procedures in ~~section 2152.12 of the Revised Code~~ this chapter. 1105
If the court does not transfer the child and if the court 1106
adjudicates the child to be a delinquent child for the act 1107
charged, the court shall issue an order of disposition in 1108
accordance with ~~section 2152.11 of the Revised Code~~ this 1109
chapter. 1110

Sec. 2152.12. (A) ~~(1) (a) After a complaint has been filed~~ 1111
~~alleging that a child is a delinquent child for committing an~~ 1112
~~act that would be aggravated murder, murder, attempted~~ 1113
~~aggravated murder, or attempted murder if committed by an adult,~~ 1114
~~the juvenile court at a hearing shall transfer the case if~~ 1115
~~either of the following applies:~~ 1116

~~(i) The child was sixteen or seventeen years of age at the~~ 1117
~~time of the act charged and there is probable cause to believe~~ 1118
~~that the child committed the act charged.~~ 1119

~~(ii) The child was fourteen or fifteen years of age at the~~ 1120

~~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.~~ 1121
1122
1123
1124

~~(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 of the act charged and either of the following applies:~~ 1125
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1127
1128
1129

~~(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.~~ 1130
1131
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1133

~~(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.~~ 1134
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~~(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:~~ 1138
1139
1140

~~(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.~~ 1141
1142
1143
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~~(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~~ 1146
1147
1148
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~~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.~~ 1150-1153

~~(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 guilty to an offense in that case, the sentence to be imposed or disposition to be made of the child shall be determined in accordance with section 2152.121 of the Revised Code.~~ 1154-1160

~~(B) Except as provided in division (A) of this section,~~ 1161
~~after~~ After a complaint has been filed alleging that a child is a delinquent child for committing an act that would be a felony if committed by an adult, the juvenile court at a hearing may transfer the case if the court finds all of the following: 1162-1165

(1) The child was fourteen years of age or older at the time of the act charged. 1166-1167

(2) There is probable cause to believe that the child committed the act charged. 1168-1169

(3) The child is not amenable to care or rehabilitation within the juvenile system, and the safety of the community may require that the child be subject to adult sanctions. In making its decision under this division, the court shall consider ~~whether~~ the applicable factors under division ~~(D)~~ (C) of this section ~~indicating that the case should be transferred outweigh the applicable factors under division (E) of this section indicating that the case should not be transferred. The record shall indicate the specific factors that were applicable and~~ 1170-1178

~~that the court weighed.~~ 1179

~~(C)~~ (B) Before considering a transfer under division ~~(B)~~ (A) 1180
of this section, the juvenile court shall order an investigation 1181
into the child's social history, education, family situation, 1182
and any other factor bearing on whether the child is amenable to 1183
juvenile rehabilitation, including a mental examination of the 1184
child by a public or private agency or a person qualified to 1185
make the examination. The investigation shall be completed and a 1186
report on the investigation shall be submitted to the court as 1187
soon as possible but not more than forty-five calendar days 1188
after the court orders the investigation. The court may grant 1189
one or more extensions for a reasonable length of time. The 1190
child may waive the examination required by this division if the 1191
court finds that the waiver is competently and intelligently 1192
made. Refusal to submit to a mental examination by the child 1193
constitutes a waiver of the examination. 1194

~~(D)~~ (C) In considering whether to transfer a child under 1195
division ~~(B)~~ (A) of this section, the juvenile court shall 1196
consider the following relevant factors, ~~and any other relevant~~ 1197
~~factors, in favor of a transfer under that division:~~ 1198

~~(1) The victim of the act charged suffered physical or~~ 1199
~~psychological harm, or serious economic harm, as a result of the~~ 1200
~~alleged act.~~ 1201

~~(2) The physical or psychological harm suffered by the~~ 1202
~~victim due to the alleged act of the child was exacerbated~~ 1203
~~because of the physical or psychological vulnerability or the~~ 1204
~~age of the victim.~~ 1205

~~(3) The child's relationship with the victim facilitated~~ 1206
~~the act charged.~~ 1207

~~(4) The child allegedly committed the act charged for hire or as a part of a gang or other organized criminal activity.~~ 1208
1209

~~(5) The child had a firearm on or about the child's person or under the child's control at the time of the act charged, the act charged is not a violation of section 2923.12 of the Revised Code, and the child, during the commission of the act charged, allegedly used or displayed the firearm, brandished the firearm, or indicated that the child possessed a firearm.~~ 1210
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~~(6) At the time of the act charged, the child was awaiting adjudication or disposition as a delinquent child, was under a community control sanction, or was on parole for a prior delinquent child adjudication or conviction.~~ 1216
1217
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1219

~~(7) The results of any previous juvenile sanctions and programs indicate that rehabilitation of the child will not occur in the juvenile system.~~ 1220
1221
1222

~~(8) The child is emotionally, physically, or psychologically mature enough for the transfer.~~ 1223
1224

~~(9) There is not sufficient time to rehabilitate the child within the juvenile system.~~ 1225
1226

~~(E) In considering whether to transfer a child under division (B) of this section, the juvenile court shall consider the following relevant factors, and any other relevant factors, against a transfer under that division:~~ 1227
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1229
1230

~~(1) The victim induced or facilitated the act charged.~~ 1231

~~(2) The child acted under provocation in allegedly committing the act charged.~~ 1232
1233

~~(3) The child was not the principal actor in the act charged, or, at the time of the act charged, the child was under~~ 1234
1235

~~the negative influence or coercion of another person.~~ 1236

~~(4) The child did not cause physical harm to any person or property, or have reasonable cause to believe that harm of that nature would occur, in allegedly committing the act charged.~~ 1237
1238
1239

~~(5) The child previously has not been adjudicated a delinquent child.~~ 1240
1241

~~(6) The child is not emotionally, physically, or psychologically mature enough for the transfer.~~ 1242
1243

~~(7) The child has a mental illness or intellectual disability.~~ 1244
1245

~~(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.~~ 1246
1247
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~~(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:~~ 1250
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~~(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.~~ 1260
1261
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1263

~~(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 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.~~(1) The risk level of the child as determined by a standardized, evidence-based risk assessment tool as endorsed by the department of youth services and 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 1294
reasonable cause to believe that harm of that nature would 1295
occur; 1296

(b) Whether the physical or psychological harm suffered by 1297
the victim was exacerbated because of the physical or 1298
psychological vulnerability or age of the victim. 1299

(3) The role of the victim, including the following: 1300

(a) Whether the child's relationship with the victim 1301
facilitated the act charged; 1302

(b) Whether the victim induced or facilitated the act 1303
charged or the child acted under provocation in allegedly 1304
committing the act charged. 1305

(4) The circumstances of the offense, including the 1306
following: 1307

(a) Whether the child was not the principle actor in the 1308
act charged, or, at the time of the act charged, the child was 1309
under the negative influence or coercion of another person; 1310

(b) Whether the child allegedly committed the act charged 1311
for hire or as part of a gang; 1312

(c) Whether the child did or did not have a firearm on or 1313
about the child's person or under the child's control at the 1314
time of the act charged, the act charged is not a violation of 1315
section 2923.12 of the Revised Code, and the child, during the 1316
commission of the act charged, allegedly used or displayed the 1317
firearm, brandished the firearm, or indicated that the child 1318
possesses a firearm. 1319

(5) The child's prior experience in the juvenile court, 1320
including the presence or lack of any prior or current cases and 1321

rehabilitative efforts by the juvenile court and the 1322
availability of a reasonable and appropriate juvenile sanction 1323
or program that has not yet been utilized; 1324

(6) The child's individual developmental characteristics, 1325
including the following: 1326

(a) Whether the child is emotionally, physically, or 1327
psychologically mature enough for the transfer; 1328

(b) Whether the child has a behavioral health issue, 1329
including a mental illness, substance abuse disorder, or 1330
developmental disability. 1331

(7) The child's background, including family and 1332
environment, and trauma history; 1333

(8) Whether there is sufficient time to rehabilitate the 1334
child within the juvenile system. 1335

~~(G)~~ (D) The court shall give notice in writing of the time, 1336
place, and purpose of any hearing held pursuant to division (A) 1337
~~or (B)~~ of this section to the child's parents, guardian, or 1338
other custodian and to the child's counsel at least three days 1339
prior to the hearing. 1340

(E) A child who has been found not amenable to care or 1341
rehabilitation within the juvenile system under division (B) of 1342
this section has a right to appeal the transfer under division 1343
(B) (8) of section 2505.02 of the Revised Code. Upon issuing the 1344
order for transfer, the juvenile court shall immediately stay 1345
the transfer for a period of fourteen days, unless waived by the 1346
child. 1347

~~(H)~~ (F) No person, either before or after reaching eighteen 1348
years of age, shall be prosecuted as an adult for an offense 1349

committed prior to becoming eighteen years of age, unless the 1350
person has been transferred as provided in division (A) ~~or (B)~~ 1351
of this section or unless division ~~(J)~~ (H) of this section 1352
applies. Any prosecution that is had in a criminal court on the 1353
mistaken belief that the person who is the subject of the case 1354
was eighteen years of age or older at the time of the commission 1355
of the offense shall be deemed a nullity, and the person shall 1356
not be considered to have been in jeopardy on the offense. 1357

~~(I)~~ (G) Upon the transfer of a case under division (A) ~~or~~ 1358
~~(B)~~ of this section, the juvenile court shall state the reasons 1359
for the transfer on the record, and shall order the child to 1360
enter into a recognizance with good and sufficient surety for 1361
the child's appearance before the appropriate court for any 1362
disposition that the court is authorized to make for a similar 1363
act committed by an adult. The transfer abates the jurisdiction 1364
of the juvenile court with respect to the delinquent acts 1365
alleged in the complaint, and, upon the transfer, all further 1366
proceedings pertaining to the act charged shall be discontinued 1367
in the juvenile court, and the case then shall be within the 1368
jurisdiction of the court to which it is transferred as 1369
described in division (H) of section 2151.23 of the Revised 1370
Code. 1371

~~(J)~~ (H) If a person under eighteen years of age allegedly 1372
commits an act that would be a felony if committed by an adult 1373
and if the person is not taken into custody or apprehended for 1374
that act until after the person attains twenty-one years of age, 1375
the juvenile court does not have jurisdiction to hear or 1376
determine any portion of the case charging the person with 1377
committing that act. In those circumstances, ~~divisions~~ division 1378
(A) ~~and (B)~~ of this section ~~do~~ does not apply regarding the act, 1379
and the case charging the person with committing the act shall 1380

be a criminal prosecution commenced and heard in the appropriate 1381
court having jurisdiction of the offense as if the person had 1382
been eighteen years of age or older when the person committed 1383
the act. All proceedings pertaining to the act shall be within 1384
the jurisdiction of the court having jurisdiction of the 1385
offense, and that court has all the authority and duties in the 1386
case as it has in other criminal cases in that court. 1387

Sec. 2152.13. (A) A juvenile court ~~shall impose a serious~~ 1388
~~youthful dispositional sentence on a child when required under~~ 1389
~~division (B) (3) of section 2152.121 of the Revised Code. In such~~ 1390
~~a case, the remaining provisions of this division and divisions~~ 1391
~~(B) and (C) do not apply to the child, and the court shall~~ 1392
~~impose the mandatory serious youthful dispositional sentence~~ 1393
~~under division (D) (1) of this section.~~ 1394

~~In all other cases, a juvenile court may~~ impose a serious 1395
youthful offender dispositional sentence on a child only if the 1396
prosecuting attorney of the county in which the delinquent act 1397
allegedly occurred initiates the process against the child in 1398
accordance with this division, and the child is an alleged 1399
delinquent child who is eligible for the dispositional sentence. 1400
The prosecuting attorney may initiate the process in any of the 1401
following ways: 1402

(1) Obtaining an indictment of the child as a serious 1403
youthful offender; 1404

(2) The child waives the right to indictment, charging the 1405
child in a bill of information as a serious youthful offender; 1406

(3) Until an indictment or information is obtained, 1407
requesting a serious youthful offender dispositional sentence in 1408
the original complaint alleging that the child is a delinquent 1409

child; 1410

(4) Until an indictment or information is obtained, if the 1411
original complaint does not request a serious youthful offender 1412
dispositional sentence, filing with the juvenile court a written 1413
notice of intent to seek a serious youthful offender 1414
dispositional sentence within twenty days after the later of the 1415
following, unless the time is extended by the juvenile court for 1416
good cause shown: 1417

(a) The date of the child's first juvenile court hearing 1418
regarding the complaint; 1419

(b) The date the juvenile court determines not to transfer 1420
the case under section 2152.12 of the Revised Code. 1421

After a written notice is filed under division (A) (4) of 1422
this section, the juvenile court shall serve a copy of the 1423
notice on the child and advise the child of the prosecuting 1424
attorney's intent to seek a serious youthful offender 1425
dispositional sentence in the case. 1426

(B) If an alleged delinquent child is not indicted or 1427
charged by information as described in division (A) (1) or (2) of 1428
this section and if a notice or complaint as described in 1429
division (A) (3) or (4) of this section indicates that the 1430
prosecuting attorney intends to pursue a serious youthful 1431
offender dispositional sentence in the case, the juvenile court 1432
shall hold a preliminary hearing to determine if there is 1433
probable cause that the child committed the act charged and is 1434
by age eligible for, or required to receive, a serious youthful 1435
offender dispositional sentence. 1436

(C) (1) A child for whom a serious youthful offender 1437
dispositional sentence is sought by a prosecuting attorney has 1438

the right to a grand jury determination of probable cause that 1439
the child committed the act charged and that the child is 1440
eligible by age for a serious youthful offender dispositional 1441
sentence. The grand jury may be impaneled by the court of common 1442
pleas or the juvenile court. 1443

Once a child is indicted, or charged by information or the 1444
juvenile court determines that the child is eligible for a 1445
serious youthful offender dispositional sentence, the child is 1446
entitled to an open and speedy trial by jury in juvenile court 1447
and to be provided with a transcript of the proceedings. The 1448
time within which the trial is to be held under Title XXIX of 1449
the Revised Code commences on whichever of the following dates 1450
is applicable: 1451

(a) If the child is indicted or charged by information, on 1452
the date of the filing of the indictment or information. 1453

(b) If the child is charged by an original complaint that 1454
requests a serious youthful offender dispositional sentence, on 1455
the date of the filing of the complaint. 1456

(c) If the child is not charged by an original complaint 1457
that requests a serious youthful offender dispositional 1458
sentence, on the date that the prosecuting attorney files the 1459
written notice of intent to seek a serious youthful offender 1460
dispositional sentence. 1461

(2) If the child is detained awaiting adjudication, upon 1462
indictment or being charged by information, the child has the 1463
same right to bail as an adult charged with the offense the 1464
alleged delinquent act would be if committed by an adult. Except 1465
as provided in division (D) of section 2152.14 of the Revised 1466
Code, all provisions of Title XXIX of the Revised Code and the 1467

Criminal Rules shall apply in the case and to the child. The 1468
juvenile court shall afford the child all rights afforded a 1469
person who is prosecuted for committing a crime including the 1470
right to counsel and the right to raise the issue of competency. 1471
The child may not waive the right to counsel. 1472

~~(D) (1) If a child is adjudicated a delinquent child for 1473
committing an act under circumstances that require the juvenile 1474
court to impose upon the child a serious youthful offender 1475
dispositional sentence under section 2152.11 of the Revised 1476
Code, all of the following apply: 1477~~

~~(a) The juvenile court shall impose upon the child a 1478
sentence available for the violation, as if the child were an 1479
adult, under Chapter 2929. of the Revised Code, except that the 1480
juvenile court shall not impose on the child a sentence of death 1481
or life imprisonment without parole. 1482~~

~~(b) The juvenile court also shall impose upon the child 1483
one or more traditional juvenile dispositions under sections 1484
2152.16, 2152.19, and 2152.20, and, if applicable, section 1485
2152.17 of the Revised Code. 1486~~

~~(c) The juvenile court shall stay the adult portion of the 1487
serious youthful offender dispositional sentence pending the 1488
successful completion of the traditional juvenile dispositions 1489
imposed. 1490~~

~~(2) (a) If a child is adjudicated a delinquent child for 1491
committing an act under circumstances that allow, but do not 1492
require, the juvenile court to impose on the child a serious 1493
youthful offender dispositional sentence under section 2152.11 1494
of the Revised Code, all of the following apply: 1495~~

~~(i) If the juvenile court on the record makes a finding 1496~~

that, given the nature and circumstances of the violation and 1497
the history of the child, the length of time, level of security, 1498
and types of programming and resources available in the juvenile 1499
system alone are not adequate to provide the juvenile court with 1500
a reasonable expectation that the purposes set forth in section 1501
2152.01 of the Revised Code will be met, the juvenile court may 1502
impose upon the child a sentence available for the violation, as 1503
if the child were an adult, under Chapter 2929. of the Revised 1504
Code, except that the juvenile court shall not impose on the 1505
child a sentence of death or life imprisonment without parole. 1506

(ii) If a sentence is imposed under division (D) ~~(2)~~ (1) (a) 1507
(i) of this section, the juvenile court also shall impose upon 1508
the child one or more traditional juvenile dispositions under 1509
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 1510
section 2152.17 of the Revised Code. 1511

(iii) The juvenile court shall stay the adult portion of 1512
the serious youthful offender dispositional sentence pending the 1513
successful completion of the traditional juvenile dispositions 1514
imposed. 1515

(b) If the juvenile court does not find that a sentence 1516
should be imposed under division (D) ~~(2)~~ (1) (a) (i) of this 1517
section, the juvenile court may impose one or more traditional 1518
juvenile dispositions under sections 2152.16, 2152.19, 2152.20, 1519
and, if applicable, section 2152.17 of the Revised Code. 1520

~~(3)~~ (2) A child upon whom a serious youthful offender 1521
dispositional sentence is imposed under division (D) (1) ~~or (2)~~ 1522
of this section has a right to appeal under division (A) (1), 1523
(3), (4), or (5) of section 2953.08 of the Revised Code the 1524
adult portion of the serious youthful offender dispositional 1525
sentence when any of those divisions apply. The child may appeal 1526

the adult portion, and the court shall consider the appeal as if 1527
the adult portion were not stayed. 1528

Sec. 2152.14. (A) (1) The director of youth services may 1529
request the prosecuting attorney of the county in which is 1530
located the juvenile court that imposed a serious youthful 1531
offender dispositional sentence upon a person under section 1532
~~2152.121 or 2152.13~~ of the Revised Code, or under former section 1533
2152.121 of the Revised Code as it existed prior to the 1534
effective date of this amendment, to file a motion with that 1535
juvenile court to invoke the adult portion of the dispositional 1536
sentence if all of the following apply to the person: 1537

(a) The person is at least fourteen years of age. 1538

(b) The person is in the institutional custody, or an 1539
escapee from the custody, of the department of youth services. 1540

(c) The person is serving the juvenile portion of the 1541
serious youthful offender dispositional sentence. 1542

(2) The motion shall state that there is reasonable cause 1543
to believe that either of the following misconduct has occurred 1544
and shall state that at least one incident of misconduct of that 1545
nature occurred after the person reached fourteen years of age: 1546

(a) The person committed an act that is a violation of the 1547
rules of the institution and that could be charged as any felony 1548
or as a first degree misdemeanor offense of violence if 1549
committed by an adult. 1550

(b) The person has engaged in conduct that creates a 1551
substantial risk to the safety or security of the institution, 1552
the community, or the victim. 1553

(B) If a person is at least fourteen years of age, is 1554

1555 serving the juvenile portion of a serious youthful offender
1556 dispositional sentence imposed under section ~~2152.121~~ or 2152.13
1557 of the Revised Code, or under former section 2152.121 of the
1558 Revised Code as it existed prior to the effective date of this
1559 amendment, and is on parole or aftercare from a department of
1560 youth services facility, or on community control, the director
1561 of youth services, the juvenile court that imposed the serious
1562 youthful offender dispositional sentence on the person, or the
1563 probation department supervising the person may request the
1564 prosecuting attorney of the county in which is located the
1565 juvenile court to file a motion with the juvenile court to
1566 invoke the adult portion of the dispositional sentence. The
1567 prosecuting attorney may file a motion to invoke the adult
1568 portion of the dispositional sentence even if no request is
1569 made. The motion shall state that there is reasonable cause to
1570 believe that either of the following occurred and shall state
1571 that at least one incident of misconduct of that nature occurred
1572 after the person reached fourteen years of age:

1573 (1) The person committed an act that is a violation of the
1574 conditions of supervision and that could be charged as any
1575 felony or as a first degree misdemeanor offense of violence if
1576 committed by an adult.

1577 (2) The person has engaged in conduct that creates a
1578 substantial risk to the safety or security of the community or
1579 of the victim.

1580 (C) If the prosecuting attorney declines a request to file
1581 a motion that was made by the department of youth services or
1582 the supervising probation department under division (A) or (B)
1583 of this section or fails to act on a request made under either
1584 division by the department within a reasonable time, the

department of youth services or the supervising probation 1585
department may file a motion of the type described in division 1586
(A) or (B) of this section with the juvenile court to invoke the 1587
adult portion of the serious youthful offender dispositional 1588
sentence. If the prosecuting attorney declines a request to file 1589
a motion that was made by the juvenile court under division (B) 1590
of this section or fails to act on a request from the court 1591
under that division within a reasonable time, the juvenile court 1592
may hold the hearing described in division (D) of this section 1593
on its own motion. 1594

(D) Upon the filing of a motion described in division (A), 1595
(B), or (C) of this section, the juvenile court may hold a 1596
hearing to determine whether to invoke the adult portion of a 1597
person's serious juvenile offender dispositional sentence. The 1598
juvenile court shall not invoke the adult portion of the 1599
dispositional sentence without a hearing. At the hearing the 1600
person who is the subject of the serious youthful offender 1601
disposition has the right to be present, to receive notice of 1602
the grounds upon which the adult sentence portion is sought to 1603
be invoked, to be represented by counsel including counsel 1604
appointed under Juvenile Rule 4(A), to be advised on the 1605
procedures and protections set forth in the Juvenile Rules, and 1606
to present evidence on the person's own behalf, including 1607
evidence that the person has a mental illness or intellectual 1608
disability. The person may not waive the right to counsel. The 1609
hearing shall be open to the public. If the person presents 1610
evidence that the person has a mental illness or intellectual 1611
disability, the juvenile court shall consider that evidence in 1612
determining whether to invoke the adult portion of the serious 1613
youthful offender dispositional sentence. 1614

(E) (1) The juvenile court may invoke the adult portion of 1615

a person's serious youthful offender dispositional sentence if 1616
the juvenile court finds all of the following on the record by 1617
clear and convincing evidence: 1618

(a) The person is serving the juvenile portion of a 1619
serious youthful offender dispositional sentence. 1620

(b) The person is at least fourteen years of age and has 1621
been admitted to a department of youth services facility, or 1622
criminal charges are pending against the person. 1623

(c) The person engaged in the conduct or acts charged 1624
under division (A), (B), or (C) of this section, and the 1625
person's conduct demonstrates that the person is unlikely to be 1626
rehabilitated during the remaining period of juvenile 1627
jurisdiction. 1628

(2) The court may modify the adult sentence the court 1629
invokes to consist of any lesser prison term that could be 1630
imposed for the offense and, in addition to the prison term or 1631
in lieu of the prison term if the prison term was not mandatory, 1632
any community control sanction that the offender was eligible to 1633
receive at sentencing. 1634

(F) If a juvenile court issues an order invoking the adult 1635
portion of a serious youthful offender dispositional sentence 1636
under division (E) of this section, the juvenile portion of the 1637
dispositional sentence shall terminate, and the department of 1638
youth services shall transfer the person to the department of 1639
rehabilitation and correction or place the person under another 1640
sanction imposed as part of the sentence. The juvenile court 1641
shall state in its order the total number of days that the 1642
person has been held in detention or in a facility operated by, 1643
or under contract with, the department of youth services under 1644

the juvenile portion of the dispositional sentence. The time the 1645
person must serve on a prison term imposed under the adult 1646
portion of the dispositional sentence shall be reduced by the 1647
total number of days specified in the order plus any additional 1648
days the person is held in a juvenile facility or in detention 1649
after the order is issued and before the person is transferred 1650
to the custody of the department of rehabilitation and 1651
correction. In no case shall the total prison term as calculated 1652
under this division exceed the maximum prison term available for 1653
an adult who is convicted of violating the same sections of the 1654
Revised Code. 1655

Any community control imposed as part of the adult 1656
sentence or as a condition of a judicial release from prison 1657
shall be under the supervision of the entity that provides adult 1658
probation services in the county. Any post-release control 1659
imposed after the offender otherwise is released from prison 1660
shall be supervised by the adult parole authority. 1661

Sec. 2152.26. (A) Except as provided in divisions (B) and 1662
(F) of this section, a child alleged to be or adjudicated a 1663
delinquent child or a juvenile traffic offender may be held only 1664
in the following places: 1665

(1) A certified foster home or a home approved by the 1666
court; 1667

(2) A facility operated by a certified child welfare 1668
agency; 1669

(3) Any other suitable place designated by the court. 1670

(B) In addition to the places listed in division (A) of 1671
this section, a child alleged to be or adjudicated a delinquent 1672
child or a person described in division (C) (7) of section 1673

2152.02 of the Revised Code may be held in a detention facility 1674
for delinquent children that is under the direction or 1675
supervision of the court or other public authority or of a 1676
private agency and approved by the court, and a child 1677
adjudicated a delinquent child may be held in accordance with 1678
division (F) (2) of this section in a facility of a type 1679
specified in that division. This division does not apply to a 1680
child alleged to be or adjudicated a delinquent child for 1681
chronic truancy, unless the child violated a lawful court order 1682
made pursuant to division (A) (6) of section 2152.19 of the 1683
Revised Code. This division also does not apply to a child 1684
alleged to be or adjudicated a delinquent child for being an 1685
habitual truant who previously has been adjudicated an unruly 1686
child for being an habitual truant, unless the child violated a 1687
lawful court order made pursuant to division (C) (1) (e) of 1688
section 2151.354 of the Revised Code. 1689

(C) (1) Except as provided under division (C) (1) of section 1690
2151.311 of the Revised Code or division (A) (5) of section 1691
2152.21 of the Revised Code, a child alleged to be or 1692
adjudicated a juvenile traffic offender may not be held in any 1693
of the following facilities: 1694

(a) A state correctional institution, county, multicounty, 1695
or municipal jail or workhouse, or other place in which an adult 1696
convicted of crime, under arrest, or charged with a crime is 1697
held. 1698

(b) A secure correctional facility. 1699

(2) Except as provided under this section, sections 1700
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 1701
2152.21 of the Revised Code, a child alleged to be or 1702
adjudicated a juvenile traffic offender may not be held for more 1703

than twenty-four hours in a detention facility. 1704

(D) Except as provided in division (F) of this section or 1705
in division (C) of section 2151.311, in division (C)(2) of 1706
section 5139.06 and section 5120.162, or in division (B) of 1707
section 5120.16 of the Revised Code, a child who is alleged to 1708
be or is adjudicated a delinquent child or a person described in 1709
division (C)(7) of section 2152.02 of the Revised Code may not 1710
be held in a state correctional institution, county, 1711
multicounty, or municipal jail or workhouse, or other place 1712
where an adult convicted of crime, under arrest, or charged with 1713
crime is held. 1714

(E) Unless the detention is pursuant to division (F) of 1715
this section or division (C) of section 2151.311, division (C) 1716
(2) of section 5139.06 and section 5120.162, or division (B) of 1717
section 5120.16 of the Revised Code, the official in charge of 1718
the institution, jail, workhouse, or other facility shall inform 1719
the court immediately when a person who is or appears to be 1720
under the age of eighteen years, or a person who is charged with 1721
a violation of an order of a juvenile court or a violation of 1722
probation or parole conditions imposed by a juvenile court and 1723
who is or appears to be between the ages of eighteen and twenty- 1724
one years, is received at the facility and shall deliver the 1725
person to the court upon request or transfer the person to a 1726
detention facility designated by the court. 1727

(F)(1) If a case is transferred to another court for 1728
criminal prosecution pursuant to section 2152.12 of the Revised 1729
Code and the alleged offender is a person described in division 1730
(C)(7) of section 2152.02 of the Revised Code, the person may 1731
not be transferred for detention pending the criminal 1732
prosecution in a jail or other facility except under the 1733

circumstances described in division (F) (4) of this section. Any 1734
child held in accordance with division (F) (3) of this section 1735
shall be confined in a manner that keeps the child beyond the 1736
sight and sound of all adult detainees. The child shall be 1737
supervised at all times during the detention. 1738

(2) If a person is adjudicated a delinquent child or 1739
juvenile traffic offender or is a person described in division 1740
(C) (7) of section 2152.02 of the Revised Code and the court 1741
makes a disposition of the person under this chapter, at any 1742
time after the person attains twenty-one years of age, the 1743
person may be held under that disposition or under the 1744
circumstances described in division (F) (4) of this section in 1745
places other than those specified in division (A) of this 1746
section, including, but not limited to, a county, multicounty, 1747
or municipal jail or workhouse, or other place where an adult 1748
convicted of crime, under arrest, or charged with crime is held. 1749

(3) (a) A person alleged to be a delinquent child may be 1750
held in places other than those specified in division (A) of 1751
this section, including, but not limited to, a county, 1752
multicounty, or municipal jail, if the delinquent act that the 1753
child allegedly committed would be a felony if committed by an 1754
adult, and if either of the following applies: 1755

(i) The person attains twenty-one years of age before the 1756
person is arrested or apprehended for that act. 1757

(ii) The person is arrested or apprehended for that act 1758
before the person attains twenty-one years of age, but the 1759
person attains twenty-one years of age before the court orders a 1760
disposition in the case. 1761

(b) If, pursuant to division (F) (3) (a) of this section, a 1762

person is held in a place other than a place specified in 1763
division (A) of this section, the person has the same rights to 1764
bail as an adult charged with the same offense who is confined 1765
in a jail pending trial. 1766

(4) (a) Any person whose case is transferred for criminal 1767
prosecution pursuant to section 2152.10 or 2152.12 of the 1768
Revised Code or any person who has attained the age of eighteen 1769
years but has not attained the age of twenty-one years and who 1770
is being held in a place specified in division (B) of this 1771
section may be held under that disposition or charge in places 1772
other than those specified in division (B) of this section, 1773
including a county, multicounty, or municipal jail or workhouse, 1774
or other place where an adult under arrest or charged with crime 1775
is held if the juvenile court, upon its own motion or upon 1776
motion by the prosecutor and after notice and hearing, 1777
establishes by a preponderance of the evidence and makes written 1778
findings of either of the following: 1779

(i) With respect to a person whose case is transferred for 1780
criminal prosecution pursuant to either specified section or who 1781
has attained the age of eighteen years but who has not attained 1782
the age of twenty-one years and is being so held, that the youth 1783
is a threat to the safety and security of the facility; 1784

(ii) With respect to a person who has attained the age of 1785
eighteen years but who has not attained the age of twenty-one 1786
years and is being so held, that the best interests of the youth 1787
require that the youth be held in a place other than a place 1788
specified in division (B) of this section, including a county, 1789
multicounty, or municipal jail or workhouse, or other place 1790
where an adult under arrest or charged with crime is held. 1791

(b) In determining for purposes of division (F) (4) (a) (i) 1792

of this section whether a youth is a threat to the safety and security of the facility, evidence that the youth is a threat to the safety and security of the facility may include, but is not limited to, whether the youth has done any of the following:

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

(ii) Escaped from the facility or program in which the youth is being held on more than one occasion;

(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.

(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:

(i) The age of the person;

(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;

(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 1822
facility, which may be evidenced by mental health or 1823
psychological assessments or screenings made available to the 1824
prosecuting attorney and the defense counsel; 1825

(iv) Whether detention in a juvenile facility would 1826
adequately serve the need for community protection pending the 1827
outcome of the criminal proceeding; 1828

(v) The relative ability of the available adult and 1829
juvenile detention facilities to meet the needs of the person, 1830
including the person's need for age-appropriate mental health 1831
and educational services delivered by individuals specifically 1832
trained to deal with youth; 1833

(vi) Whether the person presents an imminent risk of self- 1834
inflicted harm or an imminent risk of harm to others within a 1835
juvenile facility; 1836

(vii) Any other factors the juvenile court considers to be 1837
relevant. 1838

(d) If the juvenile court determines that a place other 1839
than those specified in division (B) of this section is the 1840
appropriate place for confinement of a person pursuant to 1841
division (F) (4) (a) of this section, the person may petition the 1842
juvenile court for a review hearing thirty days after the 1843
initial confinement decision, thirty days after any subsequent 1844
review hearing, or at any time after the initial confinement 1845
decision upon an emergency petition by the youth due to the 1846
youth facing an imminent danger from others or the youth's self. 1847
Upon receipt of the petition, the juvenile court has discretion 1848
over whether to conduct the review hearing and may set the 1849
matter for a review hearing if the youth has alleged facts or 1850

circumstances that, if true, would warrant reconsideration of 1851
the youth's placement in a place other than those specified in 1852
division (B) of this section based on the factors listed in 1853
division (F) (4) (c) of this section. 1854

(e) Upon the admission of a person described in division 1855
(F) (4) (a) of this section to a place other than those specified 1856
in division (B) of this section, the facility shall advise the 1857
person of the person's right to request a review hearing as 1858
described in division (F) (4) (d) of this section. 1859

(f) Any person transferred under division (F) (4) (a) of 1860
this section to a place other than those specified in division 1861
(B) of this section shall be confined in a manner that keeps 1862
those under eighteen years of age beyond sight and sound of all 1863
adult detainees. Those under eighteen years of age shall be 1864
supervised at all times during the detention. 1865

(G) (1) If a person who is alleged to be or has been 1866
adjudicated a delinquent child or who is in any other category 1867
of persons identified in this section or section 2151.311 of the 1868
Revised Code is confined under authority of any Revised Code 1869
section in a place other than a place specified in division (B) 1870
of this section, including a county, multicounty, or municipal 1871
jail or workhouse, or other place where an adult under arrest or 1872
charged with crime is held, subject to division (G) (2) of this 1873
section, all identifying information, other than the person's 1874
county of residence, age, gender, and race and the charges 1875
against the person, that relates to the person's admission to 1876
and confinement in that place is not a public record open for 1877
inspection or copying under section 149.43 of the Revised Code 1878
and is confidential and shall not be released to any person 1879
other than to a court, to a law enforcement agency for law 1880

enforcement purposes, or to a person specified by court order. 1881

(2) Division (G) (1) of this section does not apply with 1882
respect to a person whose case is transferred for criminal 1883
prosecution pursuant to section 2152.10 or 2152.12 of the 1884
Revised Code, who is convicted of or pleads guilty to an offense 1885
in that case, who is confined after that conviction or guilty 1886
plea in a place other than a place specified in division (B) of 1887
this section, and to whom one of the following applies: 1888

(a) The case was transferred other than pursuant to former 1889
division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the 1890
Revised Code as it existed prior to the effective date of this 1891
amendment, or was transferred pursuant to division (A) of 1892
section 2152.12 of the Revised Code as it exists on and after 1893
the effective date of this amendment. 1894

(b) The case was transferred pursuant to former division 1895
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 1896
Code as it existed prior to the effective date of this 1897
amendment, and the person ~~is~~ was sentenced for the offense 1898
pursuant to division (B) (4) of former section 2152.121 of the 1899
Revised Code as it existed prior to the effective date of this 1900
amendment. 1901

(c) The case was transferred pursuant to former division 1902
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 1903
Code as it existed prior to the effective date of this 1904
amendment, the person ~~is~~ was sentenced for the offense pursuant 1905
to division (B) (3) of former section 2152.121 of the Revised 1906
Code as it existed prior to the effective date of this amendment 1907
by the court in which the person was convicted of or pleaded 1908
guilty to the offense, and the sentence imposed by that court ~~is~~ 1909
was invoked pursuant to division (B) (3) (b) of former section 1910

2152.121 of the Revised Code as it existed prior to the 1911
effective date of this amendment. 1912

Sec. 2505.02. (A) As used in this section: 1913

(1) "Substantial right" means a right that the United 1914
States Constitution, the Ohio Constitution, a statute, the 1915
common law, or a rule of procedure entitles a person to enforce 1916
or protect. 1917

(2) "Special proceeding" means an action or proceeding 1918
that is specially created by statute and that prior to 1853 was 1919
not denoted as an action at law or a suit in equity. 1920

(3) "Provisional remedy" means a proceeding ancillary to 1921
an action, including, but not limited to, a proceeding for a 1922
preliminary injunction, attachment, discovery of privileged 1923
matter, suppression of evidence, a prima-facie showing pursuant 1924
to section 2307.85 or 2307.86 of the Revised Code, a prima-facie 1925
showing pursuant to section 2307.92 of the Revised Code, or a 1926
finding made pursuant to division (A) (3) of section 2307.93 of 1927
the Revised Code. 1928

(B) An order is a final order that may be reviewed, 1929
affirmed, modified, or reversed, with or without retrial, when 1930
it is one of the following: 1931

(1) An order that affects a substantial right in an action 1932
that in effect determines the action and prevents a judgment; 1933

(2) An order that affects a substantial right made in a 1934
special proceeding or upon a summary application in an action 1935
after judgment; 1936

(3) An order that vacates or sets aside a judgment or 1937
grants a new trial; 1938

(4) An order that grants or denies a provisional remedy	1939
and to which both of the following apply:	1940
(a) The order in effect determines the action with respect	1941
to the provisional remedy and prevents a judgment in the action	1942
in favor of the appealing party with respect to the provisional	1943
remedy.	1944
(b) The appealing party would not be afforded a meaningful	1945
or effective remedy by an appeal following final judgment as to	1946
all proceedings, issues, claims, and parties in the action.	1947
(5) An order that determines that an action may or may not	1948
be maintained as a class action;	1949
(6) An order determining the constitutionality of any	1950
changes to the Revised Code made by Am. Sub. S.B. 281 of the	1951
124th general assembly, including the amendment of sections	1952
1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54,	1953
2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43,	1954
2919.16, 3923.63, 3923.64, 4705.15, and 5111.018 (renumbered as	1955
5164.07 by H.B. 59 of the 130th general assembly), and the	1956
enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of	1957
the Revised Code or any changes made by Sub. S.B. 80 of the	1958
125th general assembly, including the amendment of sections	1959
2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the	1960
Revised Code;	1961
(7) An order in an appropriation proceeding that may be	1962
appealed pursuant to division (B) (3) of section 163.09 of the	1963
Revised Code;	1964
<u>(8) An order for transfer pursuant to section 2152.10 or</u>	1965
<u>2152.12 of the Revised Code.</u>	1966
(C) When a court issues an order that vacates or sets	1967

aside a judgment or grants a new trial, the court, upon the 1968
request of either party, shall state in the order the grounds 1969
upon which the new trial is granted or the judgment vacated or 1970
set aside. 1971

(D) This section applies to and governs any action, 1972
including an appeal, that is pending in any court on July 22, 1973
1998, and all claims filed or actions commenced on or after July 1974
22, 1998, notwithstanding any provision of any prior statute or 1975
rule of law of this state. 1976

Section 2. That existing sections 109.57, 2151.23, 1977
2152.02, 2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2152.26, 1978
and 2505.02 and section 2152.121 of the Revised Code are hereby 1979
repealed. 1980

Section 3. Section 109.57 of the Revised Code is presented 1981
in this act as a composite of the section as amended by both 1982
Sub. H.B. 359 and Am. Sub. S.B. 227 of the 131st General 1983
Assembly. The General Assembly, applying the principle stated in 1984
division (B) of section 1.52 of the Revised Code that amendments 1985
are to be harmonized if reasonably capable of simultaneous 1986
operation, finds that the composite is the resulting version of 1987
the section in effect prior to the effective date of the section 1988
as presented in this act. 1989