

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 394

Representative Rezabek

A BILL

To amend sections 109.42, 109.57, 2151.23, 2152.02, 1
2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2
2152.18, 2152.20, 2152.21, 2152.26, 2505.02, 3
2929.02, 2929.14, 2967.13, 2971.03, and 4
5149.101, to enact sections 2152.011, 2152.203, 5
and 2967.132, and to repeal section 2152.121 of 6
the Revised Code to eliminate mandatory and 7
reverse bindovers, and modify the procedures for 8
discretionary bindovers, of an alleged juvenile 9
offender from a juvenile court to a criminal 10
court; to revise the procedures for determining 11
the delinquent child confinement credit; to 12
revise certain delinquent child financial 13
sanction dispositions and procedures and 14
establish a separate restitution disposition; 15
and to provide special parole eligibility dates 16
for persons with an indefinite or life sentence 17
imposed for an offense other than aggravated 18
murder or another crime involving the purposeful 19
killing of multiple persons committed when the 20
person was under age 18 and special Parole Board 21
procedures in those cases. 22

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

Section 1. That sections 109.42, 109.57, 2151.23, 2152.02, 23
2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2152.18, 2152.20, 24
2152.21, 2152.26, 2505.02, 2929.02, 2929.14, 2967.13, 2971.03, 25
and 5149.101 be amended and sections 2152.011, 2152.203, and 26
2967.132 of the Revised Code be enacted to read as follows: 27

Sec. 109.42. (A) The attorney general shall prepare and 28
have printed a pamphlet that contains a compilation of all 29
statutes relative to victim's rights in which the attorney 30
general lists and explains the statutes in the form of a 31
victim's bill of rights. The attorney general shall distribute 32
the pamphlet to all sheriffs, marshals, municipal corporation 33
and township police departments, constables, and other law 34
enforcement agencies, to all prosecuting attorneys, city 35
directors of law, village solicitors, and other similar chief 36
legal officers of municipal corporations, and to organizations 37
that represent or provide services for victims of crime. The 38
victim's bill of rights set forth in the pamphlet shall contain 39
a description of all of the rights of victims that are provided 40
for in Chapter 2930. or in any other section of the Revised Code 41
and shall include, but not be limited to, all of the following: 42

(1) The right of a victim or a victim's representative to 43
attend a proceeding before a grand jury, in a juvenile case, or 44
in a criminal case pursuant to a subpoena without being 45
discharged from the victim's or representative's employment, 46
having the victim's or representative's employment terminated, 47
having the victim's or representative's pay decreased or 48
withheld, or otherwise being punished, penalized, or threatened 49
as a result of time lost from regular employment because of the 50
victim's or representative's attendance at the proceeding 51
pursuant to the subpoena, as set forth in section 2151.211, 52
2930.18, 2939.121, or 2945.451 of the Revised Code; 53

(2) The potential availability pursuant to section 54
2151.359 or 2152.61 of the Revised Code of a forfeited 55
recognizance to pay damages caused by a child when the 56
delinquency of the child or child's violation of probation or 57
community control is found to be proximately caused by the 58
failure of the child's parent or guardian to subject the child 59
to reasonable parental authority or to faithfully discharge the 60
conditions of probation or community control; 61

(3) The availability of awards of reparations pursuant to 62
sections 2743.51 to 2743.72 of the Revised Code for injuries 63
caused by criminal offenses; 64

(4) The right of the victim in certain criminal or 65
juvenile cases or a victim's representative to receive, pursuant 66
to section 2930.06 of the Revised Code, notice of the date, 67
time, and place of the trial or delinquency proceeding in the 68
case or, if there will not be a trial or delinquency proceeding, 69
information from the prosecutor, as defined in section 2930.01 70
of the Revised Code, regarding the disposition of the case; 71

(5) The right of the victim in certain criminal or 72
juvenile cases or a victim's representative to receive, pursuant 73
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 74
notice of the name of the person charged with the violation, the 75
case or docket number assigned to the charge, and a telephone 76
number or numbers that can be called to obtain information about 77
the disposition of the case; 78

(6) The right of the victim in certain criminal or 79
juvenile cases or of the victim's representative pursuant to 80
section 2930.13 or 2930.14 of the Revised Code, subject to any 81
reasonable terms set by the court as authorized under section 82
2930.14 of the Revised Code, to make a statement about the 83

victimization and, if applicable, a statement relative to the 84
sentencing or disposition of the offender; 85

(7) The opportunity to obtain a court order, pursuant to 86
section 2945.04 of the Revised Code, to prevent or stop the 87
commission of the offense of intimidation of a crime victim or 88
witness or an offense against the person or property of the 89
complainant, or of the complainant's ward or child; 90

(8) The right of the victim in certain criminal or 91
juvenile cases or a victim's representative pursuant to sections 92
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 93
Code to receive notice of a pending motion for judicial release, 94
release pursuant to section 2967.19 of the Revised Code, or 95
other early release of the person who committed the offense 96
against the victim, to make an oral or written statement at the 97
court hearing on the motion, and to be notified of the court's 98
decision on the motion; 99

(9) The right of the victim in certain criminal or 100
juvenile cases or a victim's representative pursuant to section 101
2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to 102
receive notice of any pending commutation, pardon, parole, 103
transitional control, discharge, other form of authorized 104
release, post-release control, or supervised release for the 105
person who committed the offense against the victim or any 106
application for release of that person and to send a written 107
statement relative to the victimization and the pending action 108
to the adult parole authority or the release authority of the 109
department of youth services; 110

(10) The right of the victim to bring a civil action 111
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 112
obtain money from the offender's profit fund; 113

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

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

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

(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency;

(15) The right of a victim of domestic violence to seek the issuance of a civil protection order pursuant to section 3113.31 of the Revised Code, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance, or an offense of violence who is a family or household member of the offender at

the time of the offense to seek the issuance of a temporary 144
protection order pursuant to section 2919.26 of the Revised 145
Code, and the right of both types of victims to be accompanied 146
by a victim advocate during court proceedings; 147

(16) The right of a victim of a sexually oriented offense 148
or of a child-victim oriented offense that is committed by a 149
person who is convicted of, pleads guilty to, or is adjudicated 150
a delinquent child for committing the offense and who is in a 151
category specified in division (B) of section 2950.10 of the 152
Revised Code to receive, pursuant to that section, notice that 153
the person has registered with a sheriff under section 2950.04, 154
2950.041, or 2950.05 of the Revised Code and notice of the 155
person's name, the person's residence that is registered, and 156
the offender's school, institution of higher education, or place 157
of employment address or addresses that are registered, the 158
person's photograph, and a summary of the manner in which the 159
victim must make a request to receive the notice. As used in 160
this division, "sexually oriented offense" and "child-victim 161
oriented offense" have the same meanings as in section 2950.01 162
of the Revised Code. 163

(17) The right of a victim of certain sexually violent 164
offenses committed by an offender who also is convicted of or 165
pleads guilty to a sexually violent predator specification and 166
who is sentenced to a prison term pursuant to division (A) (3) of 167
section 2971.03 of the Revised Code, of a victim of a violation 168
of division (A) (1) (b) of section 2907.02 of the Revised Code 169
committed on or after January 2, 2007, by an offender who is 170
sentenced for the violation pursuant to division (B) (1) (a), (b), 171
or (c) of section 2971.03 of the Revised Code, of a victim of an 172
attempted rape committed on or after January 2, 2007, by an 173
offender who also is convicted of or pleads guilty to a 174

specification of the type described in section 2941.1418, 175
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 176
the violation pursuant to division (B) (2) (a), (b), or (c) of 177
section 2971.03 of the Revised Code, and of a victim of an 178
offense that is described in division (B) (3) (a), (b), (c), or 179
(d) of section 2971.03 of the Revised Code and is committed by 180
an offender who is sentenced pursuant to one of those divisions 181
to receive, pursuant to section 2930.16 of the Revised Code, 182
notice of a hearing to determine whether to modify the 183
requirement that the offender serve the entire prison term in a 184
state correctional facility, whether to continue, revise, or 185
revoke any existing modification of that requirement, or whether 186
to terminate the prison term. As used in this division, 187
"sexually violent offense" and "sexually violent predator 188
specification" have the same meanings as in section 2971.01 of 189
the Revised Code. 190

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 191
prosecuting attorney, assistant prosecuting attorney, city 192
director of law, assistant city director of law, village 193
solicitor, assistant village solicitor, or similar chief legal 194
officer of a municipal corporation or an assistant of any of 195
those officers who prosecutes an offense committed in this 196
state, upon first contact with the victim of the offense, the 197
victim's family, or the victim's dependents, shall give the 198
victim, the victim's family, or the victim's dependents a copy 199
of the pamphlet prepared pursuant to division (A) of this 200
section and explain, upon request, the information in the 201
pamphlet to the victim, the victim's family, or the victim's 202
dependents. 203

(b) Subject to division (B) (1) (c) of this section, a law 204
enforcement agency that investigates an offense or delinquent 205

act committed in this state shall give the victim of the offense 206
or delinquent act, the victim's family, or the victim's 207
dependents a copy of the pamphlet prepared pursuant to division 208
(A) of this section at one of the following times: 209

(i) Upon first contact with the victim, the victim's 210
family, or the victim's dependents; 211

(ii) If the offense or delinquent act is an offense of 212
violence, if the circumstances of the offense or delinquent act 213
and the condition of the victim, the victim's family, or the 214
victim's dependents indicate that the victim, the victim's 215
family, or the victim's dependents will not be able to 216
understand the significance of the pamphlet upon first contact 217
with the agency, and if the agency anticipates that it will have 218
an additional contact with the victim, the victim's family, or 219
the victim's dependents, upon the agency's second contact with 220
the victim, the victim's family, or the victim's dependents. 221

If the agency does not give the victim, the victim's 222
family, or the victim's dependents a copy of the pamphlet upon 223
first contact with them and does not have a second contact with 224
the victim, the victim's family, or the victim's dependents, the 225
agency shall mail a copy of the pamphlet to the victim, the 226
victim's family, or the victim's dependents at their last known 227
address. 228

(c) In complying on and after December 9, 1994, with the 229
duties imposed by division (B) (1) (a) or (b) of this section, an 230
official or a law enforcement agency shall use copies of the 231
pamphlet that are in the official's or agency's possession on 232
December 9, 1994, until the official or agency has distributed 233
all of those copies. After the official or agency has 234
distributed all of those copies, the official or agency shall 235

use only copies of the pamphlet that contain at least the 236
information described in divisions (A) (1) to (17) of this 237
section. 238

(2) The failure of a law enforcement agency or of a 239
prosecuting attorney, assistant prosecuting attorney, city 240
director of law, assistant city director of law, village 241
solicitor, assistant village solicitor, or similar chief legal 242
officer of a municipal corporation or an assistant to any of 243
those officers to give, as required by division (B) (1) of this 244
section, the victim of an offense or delinquent act, the 245
victim's family, or the victim's dependents a copy of the 246
pamphlet prepared pursuant to division (A) of this section does 247
not give the victim, the victim's family, the victim's 248
dependents, or a victim's representative any rights under 249
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 250
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 251
other provision of the Revised Code and does not affect any 252
right under those sections. 253

(3) A law enforcement agency, a prosecuting attorney or 254
assistant prosecuting attorney, or a city director of law, 255
assistant city director of law, village solicitor, assistant 256
village solicitor, or similar chief legal officer of a municipal 257
corporation that distributes a copy of the pamphlet prepared 258
pursuant to division (A) of this section shall not be required 259
to distribute a copy of an information card or other printed 260
material provided by the clerk of the court of claims pursuant 261
to section 2743.71 of the Revised Code. 262

(C) The cost of printing and distributing the pamphlet 263
prepared pursuant to division (A) of this section shall be paid 264
out of the reparations fund, created pursuant to section 265

2743.191 of the Revised Code, in accordance with division (D) of that section.	266 267
(D) As used in this section:	268
(1) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code;	269 270
(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	271 272
Sec. 109.57. (A) (1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and the person in charge of any state institution having custody of a person suspected of having committed a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor	273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295

described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 296
section 109.572 of the Revised Code or having custody of a child 297
under eighteen years of age with respect to whom there is 298
probable cause to believe that the child may have committed an 299
act that would be a felony or an offense of violence if 300
committed by an adult shall furnish such material to the 301
superintendent of the bureau. Fingerprints, photographs, or 302
other descriptive information of a child who is under eighteen 303
years of age, has not been arrested or otherwise taken into 304
custody for committing an act that would be a felony or an 305
offense of violence who is not in any other category of child 306
specified in this division, if committed by an adult, has not 307
been adjudicated a delinquent child for committing an act that 308
would be a felony or an offense of violence if committed by an 309
adult, has not been convicted of or pleaded guilty to committing 310
a felony or an offense of violence, and is not a child with 311
respect to whom there is probable cause to believe that the 312
child may have committed an act that would be a felony or an 313
offense of violence if committed by an adult shall not be 314
procured by the superintendent or furnished by any person in 315
charge of any county, multicounty, municipal, municipal-county, 316
or multicounty-municipal jail or workhouse, community-based 317
correctional facility, halfway house, alternative residential 318
facility, or state correctional institution, except as 319
authorized in section 2151.313 of the Revised Code. 320

(2) Every clerk of a court of record in this state, other 321
than the supreme court or a court of appeals, shall send to the 322
superintendent of the bureau a weekly report containing a 323
summary of each case involving a felony, involving any crime 324
constituting a misdemeanor on the first offense and a felony on 325
subsequent offenses, involving a misdemeanor described in 326

division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 327
of the Revised Code, or involving an adjudication in a case in 328
which a child under eighteen years of age was alleged to be a 329
delinquent child for committing an act that would be a felony or 330
an offense of violence if committed by an adult. The clerk of 331
the court of common pleas shall include in the report and 332
summary the clerk sends under this division all information 333
described in divisions (A) (2) (a) to (f) of this section 334
regarding a case before the court of appeals that is served by 335
that clerk. The summary shall be written on the standard forms 336
furnished by the superintendent pursuant to division (B) of this 337
section and shall include the following information: 338

(a) The incident tracking number contained on the standard 339
forms furnished by the superintendent pursuant to division (B) 340
of this section; 341

(b) The style and number of the case; 342

(c) The date of arrest, offense, summons, or arraignment; 343

(d) The date that the person was convicted of or pleaded 344
guilty to the offense, adjudicated a delinquent child for 345
committing the act that would be a felony or an offense of 346
violence if committed by an adult, found not guilty of the 347
offense, or found not to be a delinquent child for committing an 348
act that would be a felony or an offense of violence if 349
committed by an adult, the date of an entry dismissing the 350
charge, an entry declaring a mistrial of the offense in which 351
the person is discharged, an entry finding that the person or 352
child is not competent to stand trial, or an entry of a nolle 353
prosequi, or the date of any other determination that 354
constitutes final resolution of the case; 355

(e) A statement of the original charge with the section of 356
the Revised Code that was alleged to be violated; 357

(f) If the person or child was convicted, pleaded guilty, 358
or was adjudicated a delinquent child, the sentence or terms of 359
probation imposed or any other disposition of the offender or 360
the delinquent child. 361

If the offense involved the disarming of a law enforcement 362
officer or an attempt to disarm a law enforcement officer, the 363
clerk shall clearly state that fact in the summary, and the 364
superintendent shall ensure that a clear statement of that fact 365
is placed in the bureau's records. 366

(3) The superintendent shall cooperate with and assist 367
sheriffs, chiefs of police, and other law enforcement officers 368
in the establishment of a complete system of criminal 369
identification and in obtaining fingerprints and other means of 370
identification of all persons arrested on a charge of a felony, 371
any crime constituting a misdemeanor on the first offense and a 372
felony on subsequent offenses, or a misdemeanor described in 373
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 374
of the Revised Code and of all children under eighteen years of 375
age arrested or otherwise taken into custody for committing an 376
act that would be a felony or an offense of violence if 377
committed by an adult. The superintendent also shall file for 378
record the fingerprint impressions of all persons confined in a 379
county, multicounty, municipal, municipal-county, or 380
multicounty-municipal jail or workhouse, community-based 381
correctional facility, halfway house, alternative residential 382
facility, or state correctional institution for the violation of 383
state laws and of all children under eighteen years of age who 384
are confined in a county, multicounty, municipal, municipal- 385

county, or multicounty-municipal jail or workhouse, community- 386
based correctional facility, halfway house, alternative 387
residential facility, or state correctional institution or in 388
any facility for delinquent children for committing an act that 389
would be a felony or an offense of violence if committed by an 390
adult, and any other information that the superintendent may 391
receive from law enforcement officials of the state and its 392
political subdivisions. 393

(4) The superintendent shall carry out Chapter 2950. of 394
the Revised Code with respect to the registration of persons who 395
are convicted of or plead guilty to a sexually oriented offense 396
or a child-victim oriented offense and with respect to all other 397
duties imposed on the bureau under that chapter. 398

(5) The bureau shall perform centralized recordkeeping 399
functions for criminal history records and services in this 400
state for purposes of the national crime prevention and privacy 401
compact set forth in section 109.571 of the Revised Code and is 402
the criminal history record repository as defined in that 403
section for purposes of that compact. The superintendent or the 404
superintendent's designee is the compact officer for purposes of 405
that compact and shall carry out the responsibilities of the 406
compact officer specified in that compact. 407

(6) The superintendent shall, upon request, assist a 408
county coroner in the identification of a deceased person 409
through the use of fingerprint impressions obtained pursuant to 410
division (A) (1) of this section or collected pursuant to section 411
109.572 or 311.41 of the Revised Code. 412

(B) The superintendent shall prepare and furnish to every 413
county, multicounty, municipal, municipal-county, or 414
multicounty-municipal jail or workhouse, community-based 415

correctional facility, halfway house, alternative residential 416
facility, or state correctional institution and to every clerk 417
of a court in this state specified in division (A) (2) of this 418
section standard forms for reporting the information required 419
under division (A) of this section. The standard forms that the 420
superintendent prepares pursuant to this division may be in a 421
tangible format, in an electronic format, or in both tangible 422
formats and electronic formats. 423

(C) (1) The superintendent may operate a center for 424
electronic, automated, or other data processing for the storage 425
and retrieval of information, data, and statistics pertaining to 426
criminals and to children under eighteen years of age who are 427
adjudicated delinquent children for committing an act that would 428
be a felony or an offense of violence if committed by an adult, 429
criminal activity, crime prevention, law enforcement, and 430
criminal justice, and may establish and operate a statewide 431
communications network to be known as the Ohio law enforcement 432
gateway to gather and disseminate information, data, and 433
statistics for the use of law enforcement agencies and for other 434
uses specified in this division. The superintendent may gather, 435
store, retrieve, and disseminate information, data, and 436
statistics that pertain to children who are under eighteen years 437
of age and that are gathered pursuant to sections 109.57 to 438
109.61 of the Revised Code together with information, data, and 439
statistics that pertain to adults and that are gathered pursuant 440
to those sections. 441

(2) The superintendent or the superintendent's designee 442
shall gather information of the nature described in division (C) 443
(1) of this section that pertains to the offense and delinquency 444
history of a person who has been convicted of, pleaded guilty 445
to, or been adjudicated a delinquent child for committing a 446

sexually oriented offense or a child-victim oriented offense for 447
inclusion in the state registry of sex offenders and child- 448
victim offenders maintained pursuant to division (A) (1) of 449
section 2950.13 of the Revised Code and in the internet database 450
operated pursuant to division (A) (13) of that section and for 451
possible inclusion in the internet database operated pursuant to 452
division (A) (11) of that section. 453

(3) In addition to any other authorized use of 454
information, data, and statistics of the nature described in 455
division (C) (1) of this section, the superintendent or the 456
superintendent's designee may provide and exchange the 457
information, data, and statistics pursuant to the national crime 458
prevention and privacy compact as described in division (A) (5) 459
of this section. 460

(4) The Ohio law enforcement gateway shall contain the 461
name, confidential address, and telephone number of program 462
participants in the address confidentiality program established 463
under sections 111.41 to 111.47 of the Revised Code. 464

(5) The attorney general may adopt rules under Chapter 465
119. of the Revised Code establishing guidelines for the 466
operation of and participation in the Ohio law enforcement 467
gateway. The rules may include criteria for granting and 468
restricting access to information gathered and disseminated 469
through the Ohio law enforcement gateway. The attorney general 470
shall adopt rules under Chapter 119. of the Revised Code that 471
grant access to information in the gateway regarding an address 472
confidentiality program participant under sections 111.41 to 473
111.47 of the Revised Code to only chiefs of police, village 474
marshals, county sheriffs, county prosecuting attorneys, and a 475
designee of each of these individuals. The attorney general 476

shall permit the state medical board and board of nursing to 477
access and view, but not alter, information gathered and 478
disseminated through the Ohio law enforcement gateway. 479

The attorney general may appoint a steering committee to 480
advise the attorney general in the operation of the Ohio law 481
enforcement gateway that is comprised of persons who are 482
representatives of the criminal justice agencies in this state 483
that use the Ohio law enforcement gateway and is chaired by the 484
superintendent or the superintendent's designee. 485

(D) (1) The following are not public records under section 486
149.43 of the Revised Code: 487

(a) Information and materials furnished to the 488
superintendent pursuant to division (A) of this section; 489

(b) Information, data, and statistics gathered or 490
disseminated through the Ohio law enforcement gateway pursuant 491
to division (C) (1) of this section; 492

(c) Information and materials furnished to any board or 493
person under division (F) or (G) of this section. 494

(2) The superintendent or the superintendent's designee 495
shall gather and retain information so furnished under division 496
(A) of this section that pertains to the offense and delinquency 497
history of a person who has been convicted of, pleaded guilty 498
to, or been adjudicated a delinquent child for committing a 499
sexually oriented offense or a child-victim oriented offense for 500
the purposes described in division (C) (2) of this section. 501

(E) (1) The attorney general shall adopt rules, in 502
accordance with Chapter 119. of the Revised Code and subject to 503
division (E) (2) of this section, setting forth the procedure by 504
which a person may receive or release information gathered by 505

the superintendent pursuant to division (A) of this section. A 506
reasonable fee may be charged for this service. If a temporary 507
employment service submits a request for a determination of 508
whether a person the service plans to refer to an employment 509
position has been convicted of or pleaded guilty to an offense 510
listed or described in division (A) (1), (2), or (3) of section 511
109.572 of the Revised Code, the request shall be treated as a 512
single request and only one fee shall be charged. 513

(2) Except as otherwise provided in this division or 514
division (E) (3) or (4) of this section, a rule adopted under 515
division (E) (1) of this section may provide only for the release 516
of information gathered pursuant to division (A) of this section 517
that relates to the conviction of a person, or a person's plea 518
of guilty to, a criminal offense or to the arrest of a person as 519
provided in division (E) (3) of this section. The superintendent 520
shall not release, and the attorney general shall not adopt any 521
rule under division (E) (1) of this section that permits the 522
release of, any information gathered pursuant to division (A) of 523
this section that relates to an adjudication of a child as a 524
delinquent child, or that relates to a criminal conviction of a 525
person under eighteen years of age if the person's case was 526
transferred back to a juvenile court under division (B) (2) or 527
(3) of former section 2152.121 of the Revised Code as it existed 528
prior to the effective date of this amendment and the juvenile 529
court imposed a disposition or serious youthful offender 530
disposition upon the person under either division, unless either 531
of the following applies with respect to the adjudication or 532
conviction: 533

(a) The adjudication or conviction was for a violation of 534
section 2903.01 or 2903.02 of the Revised Code. 535

(b) The adjudication or conviction was for a sexually 536
oriented offense, the juvenile court was required to classify 537
the child a juvenile offender registrant for that offense under 538
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 539
classification has not been removed, and the records of the 540
adjudication or conviction have not been sealed or expunged 541
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 542
section 2952.32 of the Revised Code. 543

(3) A rule adopted under division (E)(1) of this section 544
may provide for the release of information gathered pursuant to 545
division (A) of this section that relates to the arrest of a 546
person who is eighteen years of age or older when the person has 547
not been convicted as a result of that arrest if any of the 548
following applies: 549

(a) The arrest was made outside of this state. 550

(b) A criminal action resulting from the arrest is 551
pending, and the superintendent confirms that the criminal 552
action has not been resolved at the time the criminal records 553
check is performed. 554

(c) The bureau cannot reasonably determine whether a 555
criminal action resulting from the arrest is pending, and not 556
more than one year has elapsed since the date of the arrest. 557

(4) A rule adopted under division (E)(1) of this section 558
may provide for the release of information gathered pursuant to 559
division (A) of this section that relates to an adjudication of 560
a child as a delinquent child if not more than five years have 561
elapsed since the date of the adjudication, the adjudication was 562
for an act that would have been a felony if committed by an 563
adult, the records of the adjudication have not been sealed or 564

expunged pursuant to sections 2151.355 to 2151.358 of the Revised Code, and the request for information is made under division (F) of this section or under section 109.572 of the Revised Code. In the case of an adjudication for a violation of the terms of community control or supervised release, the five-year period shall be calculated from the date of the adjudication to which the community control or supervised release pertains.

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

(2) (a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of a public children services agency; a private company

described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 596
the Revised Code; or an employer described in division (J) (2) of 597
section 3327.10 of the Revised Code may request that the 598
superintendent of the bureau investigate and determine, with 599
respect to any individual who has applied for employment in any 600
position after October 2, 1989, or any individual wishing to 601
apply for employment with a board of education may request, with 602
regard to the individual, whether the bureau has any information 603
gathered under division (A) of this section that pertains to 604
that individual. On receipt of the request, subject to division 605
(E) (2) of this section, the superintendent shall determine 606
whether that information exists and, upon request of the person, 607
board, or entity requesting information, also shall request from 608
the federal bureau of investigation any criminal records it has 609
pertaining to that individual. The superintendent or the 610
superintendent's designee also may request criminal history 611
records from other states or the federal government pursuant to 612
the national crime prevention and privacy compact set forth in 613
section 109.571 of the Revised Code. Within thirty days of the 614
date that the superintendent receives a request, subject to 615
division (E) (2) of this section, the superintendent shall send 616
to the board, entity, or person a report of any information that 617
the superintendent determines exists, including information 618
contained in records that have been sealed under section 2953.32 619
of the Revised Code, and, within thirty days of its receipt, 620
subject to division (E) (2) of this section, shall send the 621
board, entity, or person a report of any information received 622
from the federal bureau of investigation, other than information 623
the dissemination of which is prohibited by federal law. 624

(b) When a board of education or a registered private 625
provider is required to receive information under this section 626

as a prerequisite to employment of an individual pursuant to 627
division (C) of section 3310.58 or section 3319.39 of the 628
Revised Code, it may accept a certified copy of records that 629
were issued by the bureau of criminal identification and 630
investigation and that are presented by an individual applying 631
for employment with the district in lieu of requesting that 632
information itself. In such a case, the board shall accept the 633
certified copy issued by the bureau in order to make a photocopy 634
of it for that individual's employment application documents and 635
shall return the certified copy to the individual. In a case of 636
that nature, a district or provider only shall accept a 637
certified copy of records of that nature within one year after 638
the date of their issuance by the bureau. 639

(c) Notwithstanding division (F) (2) (a) of this section, in 640
the case of a request under section 3319.39, 3319.391, or 641
3327.10 of the Revised Code only for criminal records maintained 642
by the federal bureau of investigation, the superintendent shall 643
not determine whether any information gathered under division 644
(A) of this section exists on the person for whom the request is 645
made. 646

(3) The state board of education may request, with respect 647
to any individual who has applied for employment after October 648
2, 1989, in any position with the state board or the department 649
of education, any information that a school district board of 650
education is authorized to request under division (F) (2) of this 651
section, and the superintendent of the bureau shall proceed as 652
if the request has been received from a school district board of 653
education under division (F) (2) of this section. 654

(4) When the superintendent of the bureau receives a 655
request for information under section 3319.291 of the Revised 656

Code, the superintendent shall proceed as if the request has 657
been received from a school district board of education and 658
shall comply with divisions (F) (2) (a) and (c) of this section. 659

(5) When a recipient of a classroom reading improvement 660
grant paid under section 3301.86 of the Revised Code requests, 661
with respect to any individual who applies to participate in 662
providing any program or service funded in whole or in part by 663
the grant, the information that a school district board of 664
education is authorized to request under division (F) (2) (a) of 665
this section, the superintendent of the bureau shall proceed as 666
if the request has been received from a school district board of 667
education under division (F) (2) (a) of this section. 668

(G) In addition to or in conjunction with any request that 669
is required to be made under section 3701.881, 3712.09, or 670
3721.121 of the Revised Code with respect to an individual who 671
has applied for employment in a position that involves providing 672
direct care to an older adult or adult resident, the chief 673
administrator of a home health agency, hospice care program, 674
home licensed under Chapter 3721. of the Revised Code, or adult 675
day-care program operated pursuant to rules adopted under 676
section 3721.04 of the Revised Code may request that the 677
superintendent of the bureau investigate and determine, with 678
respect to any individual who has applied after January 27, 679
1997, for employment in a position that does not involve 680
providing direct care to an older adult or adult resident, 681
whether the bureau has any information gathered under division 682
(A) of this section that pertains to that individual. 683

In addition to or in conjunction with any request that is 684
required to be made under section 173.27 of the Revised Code 685
with respect to an individual who has applied for employment in 686

a position that involves providing ombudsman services to 687
residents of long-term care facilities or recipients of 688
community-based long-term care services, the state long-term 689
care ombudsman, the director of aging, a regional long-term care 690
ombudsman program, or the designee of the ombudsman, director, 691
or program may request that the superintendent investigate and 692
determine, with respect to any individual who has applied for 693
employment in a position that does not involve providing such 694
ombudsman services, whether the bureau has any information 695
gathered under division (A) of this section that pertains to 696
that applicant. 697

In addition to or in conjunction with any request that is 698
required to be made under section 173.38 of the Revised Code 699
with respect to an individual who has applied for employment in 700
a direct-care position, the chief administrator of a provider, 701
as defined in section 173.39 of the Revised Code, may request 702
that the superintendent investigate and determine, with respect 703
to any individual who has applied for employment in a position 704
that is not a direct-care position, whether the bureau has any 705
information gathered under division (A) of this section that 706
pertains to that applicant. 707

In addition to or in conjunction with any request that is 708
required to be made under section 3712.09 of the Revised Code 709
with respect to an individual who has applied for employment in 710
a position that involves providing direct care to a pediatric 711
respite care patient, the chief administrator of a pediatric 712
respite care program may request that the superintendent of the 713
bureau investigate and determine, with respect to any individual 714
who has applied for employment in a position that does not 715
involve providing direct care to a pediatric respite care 716
patient, whether the bureau has any information gathered under 717

division (A) of this section that pertains to that individual. 718

On receipt of a request under this division, the 719
superintendent shall determine whether that information exists 720
and, on request of the individual requesting information, shall 721
also request from the federal bureau of investigation any 722
criminal records it has pertaining to the applicant. The 723
superintendent or the superintendent's designee also may request 724
criminal history records from other states or the federal 725
government pursuant to the national crime prevention and privacy 726
compact set forth in section 109.571 of the Revised Code. Within 727
thirty days of the date a request is received, subject to 728
division (E) (2) of this section, the superintendent shall send 729
to the requester a report of any information determined to 730
exist, including information contained in records that have been 731
sealed under section 2953.32 of the Revised Code, and, within 732
thirty days of its receipt, shall send the requester a report of 733
any information received from the federal bureau of 734
investigation, other than information the dissemination of which 735
is prohibited by federal law. 736

(H) Information obtained by a government entity or person 737
under this section is confidential and shall not be released or 738
disseminated. 739

(I) The superintendent may charge a reasonable fee for 740
providing information or criminal records under division (F) (2) 741
or (G) of this section. 742

(J) As used in this section: 743

(1) "Pediatric respite care program" and "pediatric care 744
patient" have the same meanings as in section 3712.01 of the 745
Revised Code. 746

(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 747
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(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program. 750
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Sec. 2151.23. (A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows: 756
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(1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have violated section 2151.87 of the Revised Code or an order issued under that section or to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child and, based on and in relation to the allegation pertaining to the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly child for being an habitual truant or who is alleged to be a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant; 758
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(2) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state; 770
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(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child; 773
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(4) To exercise the powers and jurisdiction given the 775

probate division of the court of common pleas in Chapter 5122. 776
of the Revised Code, if the court has probable cause to believe 777
that a child otherwise within the jurisdiction of the court is a 778
mentally ill person subject to court order, as defined in 779
section 5122.01 of the Revised Code; 780

(5) To hear and determine all criminal cases charging 781
adults with the violation of any section of this chapter; 782

(6) To hear and determine all criminal cases in which an 783
adult is charged with a violation of division (C) of section 784
2919.21, division (B)(1) of section 2919.22, section 2919.222, 785
division (B) of section 2919.23, or section 2919.24 of the 786
Revised Code, provided the charge is not included in an 787
indictment that also charges the alleged adult offender with the 788
commission of a felony arising out of the same actions that are 789
the basis of the alleged violation of division (C) of section 790
2919.21, division (B)(1) of section 2919.22, section 2919.222, 791
division (B) of section 2919.23, or section 2919.24 of the 792
Revised Code; 793

(7) Under the interstate compact on juveniles in section 794
2151.56 of the Revised Code; 795

(8) Concerning any child who is to be taken into custody 796
pursuant to section 2151.31 of the Revised Code, upon being 797
notified of the intent to take the child into custody and the 798
reasons for taking the child into custody; 799

(9) To hear and determine requests for the extension of 800
temporary custody agreements, and requests for court approval of 801
permanent custody agreements, that are filed pursuant to section 802
5103.15 of the Revised Code; 803

(10) To hear and determine applications for consent to 804

marry pursuant to section 3101.04 of the Revised Code; 805

(11) Subject to divisions (G), (K), and (V) of section 806
2301.03 of the Revised Code, to hear and determine a request for 807
an order for the support of any child if the request is not 808
ancillary to an action for divorce, dissolution of marriage, 809
annulment, or legal separation, a criminal or civil action 810
involving an allegation of domestic violence, or an action for 811
support brought under Chapter 3115. of the Revised Code; 812

(12) Concerning an action commenced under section 121.38 813
of the Revised Code; 814

(13) To hear and determine violations of section 3321.38 815
of the Revised Code; 816

(14) To exercise jurisdiction and authority over the 817
parent, guardian, or other person having care of a child alleged 818
to be a delinquent child, unruly child, or juvenile traffic 819
offender, based on and in relation to the allegation pertaining 820
to the child; 821

(15) To conduct the hearings, and to make the 822
determinations, adjudications, and orders authorized or required 823
under sections 2152.82 to 2152.86 and Chapter 2950. of the 824
Revised Code regarding a child who has been adjudicated a 825
delinquent child and to refer the duties conferred upon the 826
juvenile court judge under sections 2152.82 to 2152.86 and 827
Chapter 2950. of the Revised Code to magistrates appointed by 828
the juvenile court judge in accordance with Juvenile Rule 40; 829

(16) To hear and determine a petition for a protection 830
order against a child under section 2151.34 or 3113.31 of the 831
Revised Code and to enforce a protection order issued or a 832
consent agreement approved under either section against a child 833

until a date certain but not later than the date the child 834
attains nineteen years of age. 835

(B) Except as provided in divisions (G) and (I) of section 836
2301.03 of the Revised Code, the juvenile court has original 837
jurisdiction under the Revised Code: 838

(1) To hear and determine all cases of misdemeanors 839
charging adults with any act or omission with respect to any 840
child, which act or omission is a violation of any state law or 841
any municipal ordinance; 842

(2) To determine the paternity of any child alleged to 843
have been born out of wedlock pursuant to sections 3111.01 to 844
3111.18 of the Revised Code; 845

(3) Under the uniform interstate family support act in 846
Chapter 3115. of the Revised Code; 847

(4) To hear and determine an application for an order for 848
the support of any child, if the child is not a ward of another 849
court of this state; 850

(5) To hear and determine an action commenced under 851
section 3111.28 of the Revised Code; 852

(6) To hear and determine a motion filed under section 853
3119.961 of the Revised Code; 854

(7) To receive filings under section 3109.74 of the 855
Revised Code, and to hear and determine actions arising under 856
sections 3109.51 to 3109.80 of the Revised Code. 857

(8) To enforce an order for the return of a child made 858
under the Hague Convention on the Civil Aspects of International 859
Child Abduction pursuant to section 3127.32 of the Revised Code; 860

(9) To grant any relief normally available under the laws 861
of this state to enforce a child custody determination made by a 862
court of another state and registered in accordance with section 863
3127.35 of the Revised Code. 864

(C) The juvenile court, except as to juvenile courts that 865
are a separate division of the court of common pleas or a 866
separate and independent juvenile court, has jurisdiction to 867
hear, determine, and make a record of any action for divorce or 868
legal separation that involves the custody or care of children 869
and that is filed in the court of common pleas and certified by 870
the court of common pleas with all the papers filed in the 871
action to the juvenile court for trial, provided that no 872
certification of that nature shall be made to any juvenile court 873
unless the consent of the juvenile judge first is obtained. 874
After a certification of that nature is made and consent is 875
obtained, the juvenile court shall proceed as if the action 876
originally had been begun in that court, except as to awards for 877
spousal support or support due and unpaid at the time of 878
certification, over which the juvenile court has no 879
jurisdiction. 880

(D) The juvenile court, except as provided in divisions 881
(G) and (I) of section 2301.03 of the Revised Code, has 882
jurisdiction to hear and determine all matters as to custody and 883
support of children duly certified by the court of common pleas 884
to the juvenile court after a divorce decree has been granted, 885
including jurisdiction to modify the judgment and decree of the 886
court of common pleas as the same relate to the custody and 887
support of children. 888

(E) The juvenile court, except as provided in divisions 889
(G) and (I) of section 2301.03 of the Revised Code, has 890

jurisdiction to hear and determine the case of any child 891
certified to the court by any court of competent jurisdiction if 892
the child comes within the jurisdiction of the juvenile court as 893
defined by this section. 894

(F) (1) The juvenile court shall exercise its jurisdiction 895
in child custody matters in accordance with sections 3109.04 and 896
3127.01 to 3127.53 of the Revised Code and, as applicable, 897
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 898
Revised Code. 899

(2) The juvenile court shall exercise its jurisdiction in 900
child support matters in accordance with section 3109.05 of the 901
Revised Code. 902

(G) Any juvenile court that makes or modifies an order for 903
child support shall comply with Chapters 3119., 3121., 3123., 904
and 3125. of the Revised Code. If any person required to pay 905
child support under an order made by a juvenile court on or 906
after April 15, 1985, or modified on or after December 1, 1986, 907
is found in contempt of court for failure to make support 908
payments under the order, the court that makes the finding, in 909
addition to any other penalty or remedy imposed, shall assess 910
all court costs arising out of the contempt proceeding against 911
the person and require the person to pay any reasonable 912
attorney's fees of any adverse party, as determined by the 913
court, that arose in relation to the act of contempt. 914

(H) If a child who is charged with an act that would be an 915
offense if committed by an adult was fourteen years of age or 916
older and under eighteen years of age at the time of the alleged 917
act and if the case is transferred for criminal prosecution 918
pursuant to section 2152.12 of the Revised Code, ~~except as~~ 919
~~provided in section 2152.121 of the Revised Code,~~ the juvenile 920

court does not have jurisdiction to hear or determine the case 921
subsequent to the transfer. The court to which the case is 922
transferred for criminal prosecution pursuant to that section 923
has jurisdiction subsequent to the transfer to hear and 924
determine the case in the same manner as if the case originally 925
had been commenced in that court, ~~subject to section 2152.121 of~~ 926
~~the Revised Code,~~ including, but not limited to, jurisdiction to 927
accept a plea of guilty or another plea authorized by Criminal 928
Rule 11 or another section of the Revised Code and jurisdiction 929
to accept a verdict and to enter a judgment of conviction 930
pursuant to the Rules of Criminal Procedure against the child 931
for the commission of the offense that was the basis of the 932
transfer of the case for criminal prosecution, whether the 933
conviction is for the same degree or a lesser degree of the 934
offense charged, for the commission of a lesser-included 935
offense, or for the commission of another offense that is 936
different from the offense charged. 937

(I) If a person under eighteen years of age allegedly 938
commits an act that would be a felony if committed by an adult 939
and if the person is not taken into custody or apprehended for 940
that act until after the person attains twenty-one years of age, 941
the juvenile court does not have jurisdiction to hear or 942
determine any portion of the case charging the person with 943
committing that act. In those circumstances, ~~divisions~~ division 944
(A) ~~and (B)~~ of section 2152.12 of the Revised Code ~~do~~ does not 945
apply regarding the act, and the case charging the person with 946
committing the act shall be a criminal prosecution commenced and 947
heard in the appropriate court having jurisdiction of the 948
offense as if the person had been eighteen years of age or older 949
when the person committed the act. All proceedings pertaining to 950
the act shall be within the jurisdiction of the court having 951

jurisdiction of the offense, and that court has all the 952
authority and duties in the case that it has in other criminal 953
cases in that court. 954

(J) In exercising its exclusive original jurisdiction 955
under division (A)(16) of this section with respect to any 956
proceedings brought under section 2151.34 or 3113.31 of the 957
Revised Code in which the respondent is a child, the juvenile 958
court retains all dispositional powers consistent with existing 959
rules of juvenile procedure and may also exercise its discretion 960
to adjudicate proceedings as provided in sections 2151.34 and 961
3113.31 of the Revised Code, including the issuance of 962
protection orders or the approval of consent agreements under 963
those sections. 964

Sec. 2152.011. The amendments to divisions (H) and (I) of 965
section 2151.23, to divisions (F), (H), and (P) to (BB) of 966
section 2152.02, and to sections 2152.021, 2152.10, 2152.12, 967
2152.13, and 2505.02 of the Revised Code made in this act, and 968
the repeal of section 2152.121 of the Revised Code by this act, 969
apply with respect to all alleged violations of law committed on 970
or after the effective date of this section. Divisions (H) and 971
(I) of section 2151.23, divisions (F), (H), and (P) to (BB) of 972
section 2152.02, and sections 2152.021, 2152.10, 2152.12, 973
2152.121, 2152.13, and 2505.02 of the Revised Code as they 974
existed immediately prior to the effective date of this section 975
apply with respect to any alleged violation of law committed 976
prior to the effective date of this section. 977

Sec. 2152.02. As used in this chapter: 978

(A) "Act charged" means the act that is identified in a 979
complaint, indictment, or information alleging that a child is a 980
delinquent child. 981

(B) "Admitted to a department of youth services facility" 982
includes admission to a facility operated, or contracted for, by 983
the department and admission to a comparable facility outside 984
this state by another state or the United States. 985

(C) (1) "Child" means a person who is under eighteen years 986
of age, except as otherwise provided in divisions (C) (2) to (8) 987
of this section. 988

(2) Subject to division (C) (3) of this section, any person 989
who violates a federal or state law or a municipal ordinance 990
prior to attaining eighteen years of age shall be deemed a 991
"child" irrespective of that person's age at the time the 992
complaint with respect to that violation is filed or the hearing 993
on the complaint is held. 994

(3) Any person who, while under eighteen years of age, 995
commits an act that would be a felony if committed by an adult 996
and who is not taken into custody or apprehended for that act 997
until after the person attains twenty-one years of age is not a 998
child in relation to that act. 999

(4) Except as otherwise provided in divisions (C) (5) and 1000
(7) of this section, any person whose case is transferred for 1001
criminal prosecution pursuant to section 2152.12 of the Revised 1002
Code shall be deemed after the transfer not to be a child in the 1003
transferred case. 1004

(5) Any person whose case is transferred for criminal 1005
prosecution pursuant to section 2152.12 of the Revised Code and 1006
who subsequently is convicted of or pleads guilty to a felony in 1007
that case, unless a serious youthful offender dispositional 1008
sentence ~~is was~~ imposed on the child for that offense under 1009
division (B) (2) or (3) of former section 2152.121 of the Revised 1010

Code as it existed prior to the effective date of this amendment 1011
and the adult portion of that sentence is not invoked pursuant 1012
to section 2152.14 of the Revised Code, and any person who is 1013
adjudicated a delinquent child for the commission of an act, who 1014
has a serious youthful offender dispositional sentence imposed 1015
for the act pursuant to section 2152.13 of the Revised Code, and 1016
whose adult portion of the dispositional sentence is invoked 1017
pursuant to section 2152.14 of the Revised Code, shall be deemed 1018
after the conviction, plea, or invocation not to be a child in 1019
any case in which a complaint is filed against the person. 1020

(6) The juvenile court has jurisdiction over a person who 1021
is adjudicated a delinquent child or juvenile traffic offender 1022
prior to attaining eighteen years of age until the person 1023
attains twenty-one years of age, and, for purposes of that 1024
jurisdiction related to that adjudication, except as otherwise 1025
provided in this division, a person who is so adjudicated a 1026
delinquent child or juvenile traffic offender shall be deemed a 1027
"child" until the person attains twenty-one years of age. If a 1028
person is so adjudicated a delinquent child or juvenile traffic 1029
offender and the court makes a disposition of the person under 1030
this chapter, at any time after the person attains twenty-one 1031
years of age, the places at which the person may be held under 1032
that disposition are not limited to places authorized under this 1033
chapter solely for confinement of children, and the person may 1034
be confined under that disposition, in accordance with division 1035
(F) (2) of section 2152.26 of the Revised Code, in places other 1036
than those authorized under this chapter solely for confinement 1037
of children. 1038

(7) The juvenile court has jurisdiction over any person 1039
whose case is transferred for criminal prosecution solely for 1040
the purpose of detaining the person as authorized in division 1041

(F) (1) or (4) of section 2152.26 of the Revised Code unless the 1042
person is convicted of or pleads guilty to a felony in the adult 1043
court. 1044

(8) Any person who, while eighteen years of age, violates 1045
division (A) (1) or (2) of section 2919.27 of the Revised Code by 1046
violating a protection order issued or consent agreement 1047
approved under section 2151.34 or 3113.31 of the Revised Code 1048
shall be considered a child for the purposes of that violation 1049
of section 2919.27 of the Revised Code. 1050

(D) "Community corrections facility," "public safety 1051
beds," "release authority," and "supervised release" have the 1052
same meanings as in section 5139.01 of the Revised Code. 1053

(E) "Delinquent child" includes any of the following: 1054

(1) Any child, except a juvenile traffic offender, who 1055
violates any law of this state or the United States, or any 1056
ordinance of a political subdivision of the state, that would be 1057
an offense if committed by an adult; 1058

(2) Any child who violates any lawful order of the court 1059
made under this chapter, including a child who violates a court 1060
order regarding the child's prior adjudication as an unruly 1061
child for being an habitual truant; 1062

(3) Any child who violates any lawful order of the court 1063
made under Chapter 2151. of the Revised Code other than an order 1064
issued under section 2151.87 of the Revised Code; 1065

(4) Any child who violates division (C) of section 1066
2907.39, division (A) of section 2923.211, or division (C) (1) or 1067
(D) of section 2925.55 of the Revised Code. 1068

(F) "Discretionary serious youthful offender" means a 1069

person who is eligible for a discretionary SYO and who is not 1070
transferred to adult court under a ~~mandatory or~~ discretionary 1071
transfer. 1072

(G) "Discretionary SYO" means a case in which the juvenile 1073
court, in the juvenile court's discretion, may impose a serious 1074
youthful offender disposition under section 2152.13 of the 1075
Revised Code. 1076

(H) "Discretionary transfer" means that the juvenile court 1077
has discretion to transfer a case for criminal prosecution under 1078
division ~~(B)~~ (A) of section 2152.12 of the Revised Code. 1079

(I) "Drug abuse offense," "felony drug abuse offense," and 1080
"minor drug possession offense" have the same meanings as in 1081
section 2925.01 of the Revised Code. 1082

(J) "Electronic monitoring" and "electronic monitoring 1083
device" have the same meanings as in section 2929.01 of the 1084
Revised Code. 1085

(K) "Economic loss" means any economic detriment suffered 1086
by a victim of a delinquent act or juvenile traffic offense as a 1087
direct and proximate result of the delinquent act or juvenile 1088
traffic offense and includes any loss of income due to lost time 1089
at work because of any injury caused to the victim and any 1090
property loss, medical cost, or funeral expense incurred as a 1091
result of the delinquent act or juvenile traffic offense. 1092
"Economic loss" does not include non-economic loss or any 1093
punitive or exemplary damages. 1094

(L) "Firearm" has the same meaning as in section 2923.11 1095
of the Revised Code. 1096

(M) "Intellectual disability" has the same meaning as in 1097
section 5123.01 of the Revised Code. 1098

(N) "Juvenile traffic offender" means any child who 1099
violates any traffic law, traffic ordinance, or traffic 1100
regulation of this state, the United States, or any political 1101
subdivision of this state, other than a resolution, ordinance, 1102
or regulation of a political subdivision of this state the 1103
violation of which is required to be handled by a parking 1104
violations bureau or a joint parking violations bureau pursuant 1105
to Chapter 4521. of the Revised Code. 1106

(O) A "legitimate excuse for absence from the public 1107
school the child is supposed to attend" has the same meaning as 1108
in section 2151.011 of the Revised Code. 1109

(P) "Mandatory serious youthful offender" means a person 1110
who is eligible for a mandatory SYO and who is not transferred 1111
to adult court under a ~~mandatory or discretionary transfer and~~ 1112
~~also includes, for purposes of imposition of a mandatory serious~~ 1113
~~youthful dispositional sentence under section 2152.13 of the~~ 1114
~~Revised Code, a person upon whom a juvenile court is required to~~ 1115
~~impose such a sentence under division (B)(3) of section 2152.121~~ 1116
~~of the Revised Code.~~ 1117

(Q) "Mandatory SYO" means a case in which the juvenile 1118
court is required to impose a mandatory serious youthful 1119
offender disposition under section 2152.13 of the Revised Code. 1120

(R) ~~"Mandatory transfer" means that a case is required to~~ 1121
~~be transferred for criminal prosecution under division (A) of~~ 1122
~~section 2152.12 of the Revised Code.~~ 1123

~~(S)~~ "Mental illness" has the same meaning as in section 1124
5122.01 of the Revised Code. 1125

~~(T)~~ (S) "Monitored time" and "repeat violent offender" have 1126
the same meanings as in section 2929.01 of the Revised Code. 1127

~~(U)~~ (T) "Of compulsory school age" has the same meaning as 1128
in section 3321.01 of the Revised Code. 1129

~~(V)~~ (U) "Public record" has the same meaning as in section 1130
149.43 of the Revised Code. 1131

~~(W)~~ (V) "Serious youthful offender" means a person who is 1132
eligible for a mandatory SYO or discretionary SYO but who is not 1133
transferred to adult court under a ~~mandatory or~~ discretionary 1134
~~transfer and also includes, for purposes of imposition of a~~ 1135
~~mandatory serious youthful dispositional sentence under section~~ 1136
~~2152.13 of the Revised Code, a person upon whom a juvenile court~~ 1137
~~is required to impose such a sentence under division (B) (3) of~~ 1138
~~section 2152.121 of the Revised Code.~~ 1139

~~(X)~~ (W) "Sexually oriented offense," "juvenile offender 1140
registrant," "child-victim oriented offense," "tier I sex 1141
offender/child-victim offender," "tier II sex offender/child- 1142
victim offender," "tier III sex offender/child-victim offender," 1143
and "public registry-qualified juvenile offender registrant" 1144
have the same meanings as in section 2950.01 of the Revised 1145
Code. 1146

~~(Y)~~ (X) "Traditional juvenile" means a case that is not 1147
transferred to adult court under a ~~mandatory or~~ discretionary 1148
transfer, that is eligible for a disposition under sections 1149
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1150
that is not eligible for a disposition under section 2152.13 of 1151
the Revised Code. 1152

~~(Z)~~ (Y) "Transfer" means the transfer for criminal 1153
prosecution of a case involving the alleged commission by a 1154
child of an act that would be an offense if committed by an 1155
adult from the juvenile court to the appropriate court that has 1156

jurisdiction of the offense. 1157

~~(AA)~~ (Z) "Category one offense" means any of the following: 1158

(1) A violation of section 2903.01 or 2903.02 of the 1159
Revised Code; 1160

(2) A violation of section 2923.02 of the Revised Code 1161
involving an attempt to commit aggravated murder or murder. 1162

~~(BB)~~ (AA) "Category two offense" means any of the 1163
following: 1164

(1) A violation of section 2903.03, 2905.01, 2907.02, 1165
2909.02, 2911.01, or 2911.11 of the Revised Code; 1166

(2) A violation of section 2903.04 of the Revised Code 1167
that is a felony of the first degree; 1168

(3) A violation of section 2907.12 of the Revised Code as 1169
it existed prior to September 3, 1996. 1170

~~(CC)~~ (BB) "Non-economic loss" means nonpecuniary harm 1171
suffered by a victim of a delinquent act or juvenile traffic 1172
offense as a result of or related to the delinquent act or 1173
juvenile traffic offense, including, but not limited to, pain 1174
and suffering; loss of society, consortium, companionship, care, 1175
assistance, attention, protection, advice, guidance, counsel, 1176
instruction, training, or education; mental anguish; and any 1177
other intangible loss. 1178

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 1179
section, any person having knowledge of a child who appears to 1180
be a juvenile traffic offender or to be a delinquent child may 1181
file a sworn complaint with respect to that child in the 1182
juvenile court of the county in which the child has a residence 1183
or legal settlement or in which the traffic offense or 1184

delinquent act allegedly occurred. The sworn complaint may be 1185
upon information and belief, and, in addition to the allegation 1186
that the child is a delinquent child or a juvenile traffic 1187
offender, the complaint shall allege the particular facts upon 1188
which the allegation that the child is a delinquent child or a 1189
juvenile traffic offender is based. 1190

If a child appears to be a delinquent child who is 1191
eligible for a serious youthful offender dispositional sentence 1192
under section 2152.11 of the Revised Code and if the prosecuting 1193
attorney desires to seek a serious youthful offender 1194
dispositional sentence under section 2152.13 of the Revised Code 1195
in regard to the child, the prosecuting attorney of the county 1196
in which the alleged delinquency occurs may initiate a case in 1197
the juvenile court of the county by presenting the case to a 1198
grand jury for indictment, by charging the child in a bill of 1199
information as a serious youthful offender pursuant to section 1200
2152.13 of the Revised Code, by requesting a serious youthful 1201
offender dispositional sentence in the original complaint 1202
alleging that the child is a delinquent child, or by filing with 1203
the juvenile court a written notice of intent to seek a serious 1204
youthful offender dispositional sentence. ~~This paragraph does~~ 1205
~~not apply regarding the imposition of a serious youthful~~ 1206
~~offender dispositional sentence pursuant to section 2152.121 of~~ 1207
~~the Revised Code.~~ 1208

(2) Any person having knowledge of a child who appears to 1209
be a delinquent child for violating a court order regarding the 1210
child's adjudication as an unruly child for being an habitual 1211
truant, may file a sworn complaint with respect to that child, 1212
or with respect to that child and the parent, guardian, or other 1213
person having care of the child, in the juvenile court of the 1214
county in which the child has a residence or legal settlement or 1215

in which the child is supposed to attend public school. The 1216
sworn complaint may be upon information and belief and shall 1217
allege that the child is a delinquent child for violating a 1218
court order regarding the child's prior adjudication as an 1219
unruly child for being a habitual truant and, in addition, the 1220
particular facts upon which that allegation is based. If the 1221
complaint contains allegations regarding the child's parent, 1222
guardian, or other person having care of the child, the 1223
complaint additionally shall allege that the parent, guardian, 1224
or other person having care of the child has failed to cause the 1225
child's attendance at school in violation of section 3321.38 of 1226
the Revised Code and, in addition, the particular facts upon 1227
which that allegation is based. 1228

(B) Any person with standing under applicable law may file 1229
a complaint for the determination of any other matter over which 1230
the juvenile court is given jurisdiction by section 2151.23 of 1231
the Revised Code. The complaint shall be filed in the county in 1232
which the child who is the subject of the complaint is found or 1233
was last known to be found. 1234

(C) Within ten days after the filing of a complaint or the 1235
issuance of an indictment, the court shall give written notice 1236
of the filing of the complaint or the issuance of an indictment 1237
and of the substance of the complaint or indictment to the 1238
superintendent of a city, local, exempted village, or joint 1239
vocational school district if the complaint or indictment 1240
alleges that a child committed an act that would be a criminal 1241
offense if committed by an adult, that the child was sixteen 1242
years of age or older at the time of the commission of the 1243
alleged act, and that the alleged act is any of the following: 1244

(1) A violation of section 2923.122 of the Revised Code 1245

that relates to property owned or controlled by, or to an 1246
activity held under the auspices of, the board of education of 1247
that school district; 1248

(2) A violation of section 2923.12 of the Revised Code, of 1249
a substantially similar municipal ordinance, or of section 1250
2925.03 of the Revised Code that was committed on property owned 1251
or controlled by, or at an activity held under the auspices of, 1252
the board of education of that school district; 1253

(3) A violation of section 2925.11 of the Revised Code 1254
that was committed on property owned or controlled by, or at an 1255
activity held under the auspices of, the board of education of 1256
that school district, other than a violation of that section 1257
that would be a minor drug possession offense if committed by an 1258
adult; 1259

(4) A violation of section 2903.01, 2903.02, 2903.03, 1260
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 1261
Code, or a violation of former section 2907.12 of the Revised 1262
Code, that was committed on property owned or controlled by, or 1263
at an activity held under the auspices of, the board of 1264
education of that school district, if the victim at the time of 1265
the commission of the alleged act was an employee of the board 1266
of education of that school district; 1267

(5) Complicity in any violation described in division (C) 1268
(1), (2), (3), or (4) of this section that was alleged to have 1269
been committed in the manner described in division (C)(1), (2), 1270
(3), or (4) of this section, regardless of whether the act of 1271
complicity was committed on property owned or controlled by, or 1272
at an activity held under the auspices of, the board of 1273
education of that school district. 1274

(D) A public children services agency, acting pursuant to 1275
a complaint or an action on a complaint filed under this 1276
section, is not subject to the requirements of section 3127.23 1277
of the Revised Code. 1278

(E) For purposes of the record to be maintained by the 1279
clerk under division (B) of section 2152.71 of the Revised Code, 1280
when a complaint is filed that alleges that a child is a 1281
delinquent child, the court shall determine if the victim of the 1282
alleged delinquent act was sixty-five years of age or older or 1283
permanently and totally disabled at the time of the alleged 1284
commission of the act. 1285

(F) (1) At any time after the filing of a complaint 1286
alleging that a child is a delinquent child and before 1287
adjudication, the court may hold a hearing to determine whether 1288
to hold the complaint in abeyance pending the child's successful 1289
completion of actions that constitute a method to divert the 1290
child from the juvenile court system if the child agrees to the 1291
hearing and either of the following applies: 1292

(a) The act charged would be a violation of section 1293
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 1294
were an adult. 1295

(b) The court has reason to believe that the child is a 1296
victim of a violation of section 2905.32 of the Revised Code, 1297
regardless of whether any person has been convicted of a 1298
violation of that section or of any other section for 1299
victimizing the child, and the act charged is related to the 1300
child's victimization. 1301

(2) The prosecuting attorney has the right to participate 1302
in any hearing held under division (F) (1) of this section, to 1303

object to holding the complaint that is the subject of the 1304
hearing in abeyance, and to make recommendations related to 1305
diversion actions. No statement made by a child at a hearing 1306
held under division (F) (1) of this section is admissible in any 1307
subsequent proceeding against the child. 1308

(3) If either division (F) (1) (a) or (b) of this section 1309
applies, the court shall promptly appoint a guardian ad litem 1310
for the child. The court shall not appoint the child's attorney 1311
as guardian ad litem. If the court decides to hold the complaint 1312
in abeyance, the guardian ad litem shall make recommendations 1313
that are in the best interest of the child to the court. 1314

(4) If after a hearing the court decides to hold the 1315
complaint in abeyance, the court may make any orders regarding 1316
placement, services, supervision, diversion actions, and 1317
conditions of abeyance, including, but not limited to, 1318
engagement in trauma-based behavioral health services or 1319
education activities, that the court considers appropriate and 1320
in the best interest of the child. The court may hold the 1321
complaint in abeyance for up to ninety days while the child 1322
engages in diversion actions. If the child violates the 1323
conditions of abeyance or does not complete the diversion 1324
actions to the court's satisfaction within ninety days, the 1325
court may extend the period of abeyance for not more than two 1326
additional ninety-day periods. 1327

(5) If the court holds the complaint in abeyance and the 1328
child complies with the conditions of abeyance and completes the 1329
diversion actions to the court's satisfaction, the court shall 1330
dismiss the complaint and order that the records pertaining to 1331
the case be expunged immediately. If the child fails to complete 1332
the diversion actions to the court's satisfaction, the court 1333

shall proceed upon the complaint. 1334

Sec. 2152.10. ~~(A) A child who is alleged to be a~~ 1335
~~delinquent child is eligible for mandatory transfer and shall be~~ 1336
~~transferred as provided in section 2152.12 of the Revised Code~~ 1337
~~in any of the following circumstances:~~ 1338

~~(1) The child is charged with a category one offense and~~ 1339
~~either of the following apply:~~ 1340

~~(a) The child was sixteen years of age or older at the~~ 1341
~~time of the act charged.~~ 1342

~~(b) The child was fourteen or fifteen years of age at the~~ 1343
~~time of the act charged and previously was adjudicated a~~ 1344
~~delinquent child for committing an act that is a category one or~~ 1345
~~category two offense and was committed to the legal custody of~~ 1346
~~the department of youth services upon the basis of that~~ 1347
~~adjudication.~~ 1348

~~(2) The child is charged with a category two offense,~~ 1349
~~other than a violation of section 2905.01 of the Revised Code,~~ 1350
~~the child was sixteen years of age or older at the time of the~~ 1351
~~commission of the act charged, and either or both of the~~ 1352
~~following apply:~~ 1353

~~(a) The child previously was adjudicated a delinquent~~ 1354
~~child for committing an act that is a category one or a category~~ 1355
~~two offense and was committed to the legal custody of the~~ 1356
~~department of youth services on the basis of that adjudication.~~ 1357

~~(b) The child is alleged to have had a firearm on or about~~ 1358
~~the child's person or under the child's control while committing~~ 1359
~~the act charged and to have displayed the firearm, brandished~~ 1360
~~the firearm, indicated possession of the firearm, or used the~~ 1361
~~firearm to facilitate the commission of the act charged.~~ 1362

~~(3) Division (A) (2) of section 2152.12 of the Revised Code applies.~~ 1363
1364

~~(B) Unless the child is subject to mandatory transfer, if~~ 1365
If a child is fourteen years of age or older at the time of the 1366
act charged and if the child is charged with an act that would 1367
be a felony if committed by an adult, the child is eligible for 1368
discretionary transfer to the appropriate court for criminal 1369
prosecution. In determining whether to transfer the child for 1370
criminal prosecution, the juvenile court shall follow the 1371
procedures in ~~section 2152.12 of the Revised Code~~ this chapter. 1372
If the court does not transfer the child and if the court 1373
adjudicates the child to be a delinquent child for the act 1374
charged, the court shall issue an order of disposition in 1375
accordance with ~~section 2152.11 of the Revised Code~~ this 1376
chapter. 1377

Sec. 2152.12. ~~(A) (1) (a) After a complaint has been filed~~ 1378
~~alleging that a child is a delinquent child for committing an~~ 1379
~~act that would be aggravated murder, murder, attempted~~ 1380
~~aggravated murder, or attempted murder if committed by an adult,~~ 1381
~~the juvenile court at a hearing shall transfer the case if~~ 1382
~~either of the following applies:~~ 1383

~~(i) The child was sixteen or seventeen years of age at the~~ 1384
~~time of the act charged and there is probable cause to believe~~ 1385
~~that the child committed the act charged.~~ 1386

~~(ii) The child was fourteen or fifteen years of age at the~~ 1387
~~time of the act charged, section 2152.10 of the Revised Code~~ 1388
~~provides that the child is eligible for mandatory transfer, and~~ 1389
~~there is probable cause to believe that the child committed the~~ 1390
~~act charged.~~ 1391

~~(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:~~ 1392
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~~(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.~~ 1397
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1400

~~(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.~~ 1401
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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:~~ 1405
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~~(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.~~ 1408
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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 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.~~ 1413
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~~(3) If a complaint is filed against a child alleging that the child is a delinquent child and the case is transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of this section and if the child subsequently is convicted of or pleads 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.~~ 1421-1427

~~(B) Except as provided in division (A) of this section,~~ 1428
after After a complaint has been filed alleging that a child is 1429
a delinquent child for committing an act that would be a felony 1430
if committed by an adult, the juvenile court at a hearing may 1431
transfer the case if the court finds all of the following: 1432

(1) The child was fourteen years of age or older at the 1433
time of the act charged. 1434

(2) There is probable cause to believe that the child 1435
committed the act charged. 1436

(3) The child is not amenable to care or rehabilitation 1437
within the juvenile system, and the safety of the community may 1438
require that the child be subject to adult sanctions. In making 1439
its decision under this division, the court shall consider 1440
~~whether~~ the applicable factors under division ~~(D)~~ (C) of this 1441
section ~~indicating that the case should be transferred outweigh~~ 1442
~~the applicable factors under division (E) of this section~~ 1443
~~indicating that the case should not be transferred. The record~~ 1444
~~shall indicate the specific factors that were applicable and~~ 1445
~~that the court weighed.~~ 1446

~~(C)~~ (B) Before considering a transfer under division ~~(B)~~ (A) 1447
of this section, the juvenile court shall order an investigation 1448
into the child's social history, education, family situation, 1449

and any other factor bearing on whether the child is amenable to 1450
juvenile rehabilitation, including a mental examination of the 1451
child by a public or private agency or a person qualified to 1452
make the examination. The investigation shall be completed and a 1453
report on the investigation shall be submitted to the court as 1454
soon as possible but not more than forty-five calendar days 1455
after the court orders the investigation. The court may grant 1456
one or more extensions for a reasonable length of time. The 1457
child may waive the examination required by this division if the 1458
court finds that the waiver is competently and intelligently 1459
made. Refusal to submit to a mental examination by the child 1460
constitutes a waiver of the examination. 1461

~~(D) No report on an investigation conducted pursuant to 1462
this division shall include details of the alleged offense as 1463
reported by the child. 1464~~

(C) In considering whether to transfer a child under 1465
division ~~(B)~~ (A) of this section, the juvenile court shall 1466
consider the following relevant factors, and any other relevant 1467
factors, ~~in favor of a transfer under that division:~~ 1468

~~(1) The victim of the act charged suffered physical or 1469
psychological harm, or serious economic harm, as a result of the 1470
alleged act. 1471~~

~~(2) The physical or psychological harm suffered by the 1472
victim due to the alleged act of the child was exacerbated 1473
because of the physical or psychological vulnerability or the 1474
age of the victim. 1475~~

~~(3) The child's relationship with the victim facilitated 1476
the act charged. 1477~~

~~(4) The child allegedly committed the act charged for hire 1478~~

~~or as a part of a gang or other organized criminal activity.~~ 1479

~~(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.~~ 1480
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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.~~ 1486
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~~(7) The results of any previous juvenile sanctions and
programs indicate that rehabilitation of the child will not
occur in the juvenile system.~~ 1490
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~~(8) The child is emotionally, physically, or
psychologically mature enough for the transfer.~~ 1493
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~~(9) There is not sufficient time to rehabilitate the child
within the juvenile system.~~ 1495
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~~(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:~~ 1497
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~~(1) The victim induced or facilitated the act charged.~~ 1501

~~(2) The child acted under provocation in allegedly
committing the act charged.~~ 1502
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~~(3) The child was not the principal actor in the act
charged, or, at the time of the act charged, the child was under
the negative influence or coercion of another person.~~ 1504
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~~(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.~~ 1507
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~~(5) The child previously has not been adjudicated a delinquent child.~~ 1510
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~~(6) The child is not emotionally, physically, or psychologically mature enough for the transfer.~~ 1512
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~~(7) The child has a mental illness or intellectual disability.~~ 1514
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~~(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.~~ 1516
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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:~~ 1520
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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.~~ 1530
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~~(2) If the court determines that division (A) of this section applies and requires that the case or cases involving~~ 1534
1535

~~one or more of the acts charged be transferred, the court shall~~ 1536
~~transfer the case or cases in accordance with that division.~~ 1537
~~After the transfer pursuant to division (A) of this section, the~~ 1538
~~court shall decide, in accordance with division (B) of this~~ 1539
~~section, whether to grant the motion requesting that the case or~~ 1540
~~cases involving one or more of the acts charged be transferred~~ 1541
~~pursuant to that division. Notwithstanding division (B) of this~~ 1542
~~section, prior to transferring a case pursuant to division (A)~~ 1543
~~of this section, the court is not required to consider any~~ 1544
~~factor specified in division (D) or (E) of this section or to~~ 1545
~~conduct an investigation under division (C) of this section.~~ 1546

~~(3) If the court determines that division (A) of this~~ 1547
~~section does not require that the case or cases involving one or~~ 1548
~~more of the acts charged be transferred, the court shall decide~~ 1549
~~in accordance with division (B) of this section whether to grant~~ 1550
~~the motion requesting that the case or cases involving one or~~ 1551
~~more of the acts charged be transferred pursuant to that~~ 1552
~~division.~~ 1553

~~(4) No report on an investigation conducted pursuant to~~ 1554
~~division (C) of this section shall include details of the~~ 1555
~~alleged offense as reported by the child.~~ (1) The risk level of 1556
the child as determined by an evidence-based risk assessment 1557
tool, which may be such a tool developed by the court, such a 1558
tool endorsed by the department of youth services under division 1559
(I) of this section, or any other such tool the court determines 1560
to be appropriate, that is administered by a trained court 1561
professional; 1562

(2) The level of harm to the victim in the alleged act of 1563
the child, including the following: 1564

(a) The level of physical, psychological, or serious 1565

economic harm suffered by the victim or whether the child did 1566
not cause physical harm to any person or property, or have 1567
reasonable cause to believe that harm of that nature would 1568
occur; 1569

(b) Whether the physical or psychological harm suffered by 1570
the victim was exacerbated because of the physical or 1571
psychological vulnerability or age of the victim. 1572

(3) The role of the victim, including the following: 1573

(a) Whether the child's relationship with the victim 1574
facilitated the act charged; 1575

(b) Whether the victim induced or facilitated the act 1576
charged or the child acted under provocation in allegedly 1577
committing the act charged. 1578

(4) The circumstances of the offense, including the 1579
following: 1580

(a) Whether the child was not the principle actor in the 1581
act charged, or, at the time of the act charged, the child was 1582
under the negative influence or coercion of another person; 1583

(b) Whether the child allegedly committed the act charged 1584
for hire or as part of a gang; 1585

(c) Whether the child did or did not have a firearm on or 1586
about the child's person or under the child's control at the 1587
time of the act charged, the act charged is not a violation of 1588
section 2923.12 of the Revised Code, and the child, during the 1589
commission of the act charged, allegedly used or displayed the 1590
firearm, brandished the firearm, or indicated that the child 1591
possesses a firearm. 1592

(5) The child's prior experience in the juvenile court, 1593

including the presence or lack of any prior or current cases and 1594
rehabilitative efforts by the juvenile court and the 1595
availability of a reasonable and appropriate juvenile sanction 1596
or program that has not yet been utilized; 1597

(6) The child's individual developmental characteristics, 1598
including the following: 1599

(a) Whether the child is emotionally, physically, or 1600
psychologically mature enough for the transfer; 1601

(b) Whether the child has a behavioral health issue, 1602
including a mental illness, substance abuse disorder, or 1603
developmental disability. 1604

(7) The child's background, including family and 1605
environment, and trauma history; 1606

(8) Whether there is sufficient time to rehabilitate the 1607
child within the juvenile system. 1608

~~(G)~~(D) The court shall give notice in writing of the time, 1609
place, and purpose of any hearing held pursuant to division (A) 1610
~~or (B)~~ of this section to the child's parents, guardian, or 1611
other custodian and to the child's counsel at least three days 1612
prior to the hearing. 1613

(E) A child who has been found not amenable to care or 1614
rehabilitation within the juvenile system under division (B) of 1615
this section has a right to appeal the transfer under division 1616
(B) (8) of section 2505.02 of the Revised Code. Upon issuing the 1617
order for transfer, the juvenile court shall immediately stay 1618
the transfer for a period of fourteen days, unless waived by the 1619
child. 1620

~~(H)~~(F) No person, either before or after reaching eighteen 1621

years of age, shall be prosecuted as an adult for an offense 1622
committed prior to becoming eighteen years of age, unless the 1623
person has been transferred as provided in division (A) ~~or (B)~~ 1624
of this section or unless division ~~(J)~~ (H) of this section 1625
applies. Any prosecution that is had in a criminal court on the 1626
mistaken belief that the person who is the subject of the case 1627
was eighteen years of age or older at the time of the commission 1628
of the offense shall be deemed a nullity, and the person shall 1629
not be considered to have been in jeopardy on the offense. 1630

~~(I)~~ (G) Upon the transfer of a case under division (A) ~~or~~ 1631
~~(B)~~ of this section, the juvenile court shall state the reasons 1632
for the transfer on the record, and shall order the child to 1633
enter into a recognizance with good and sufficient surety for 1634
the child's appearance before the appropriate court for any 1635
disposition that the court is authorized to make for a similar 1636
act committed by an adult. The transfer abates the jurisdiction 1637
of the juvenile court with respect to the delinquent acts 1638
alleged in the complaint, and, upon the transfer, all further 1639
proceedings pertaining to the act charged shall be discontinued 1640
in the juvenile court, and the case then shall be within the 1641
jurisdiction of the court to which it is transferred as 1642
described in division (H) of section 2151.23 of the Revised 1643
Code. 1644

~~(J)~~ (H) If a person under eighteen years of age allegedly 1645
commits an act that would be a felony if committed by an adult 1646
and if the person is not taken into custody or apprehended for 1647
that act until after the person attains twenty-one years of age, 1648
the juvenile court does not have jurisdiction to hear or 1649
determine any portion of the case charging the person with 1650
committing that act. In those circumstances, ~~divisions~~ division 1651
(A) ~~and (B)~~ of this section ~~do~~ does not apply regarding the act, 1652

and the case charging the person with committing the act shall 1653
be a criminal prosecution commenced and heard in the appropriate 1654
court having jurisdiction of the offense as if the person had 1655
been eighteen years of age or older when the person committed 1656
the act. All proceedings pertaining to the act shall be within 1657
the jurisdiction of the court having jurisdiction of the 1658
offense, and that court has all the authority and duties in the 1659
case as it has in other criminal cases in that court. 1660

(I) The department of youth services shall develop and 1661
provide to each juvenile court a list of standardized, evidence- 1662
based risk assessment tools that the department endorses for use 1663
by courts under division (C) of this section. A court may use, 1664
but is not required to use, a tool from the endorsed list in 1665
performing the functions described in that division. 1666

Sec. 2152.13. (A) A juvenile court ~~shall impose a serious- 1667~~
~~youthful dispositional sentence on a child when required under 1668~~
~~division (B) (3) of section 2152.121 of the Revised Code. In such 1669~~
~~a case, the remaining provisions of this division and divisions- 1670~~
~~(B) and (C) do not apply to the child, and the court shall 1671~~
~~impose the mandatory serious youthful dispositional sentence- 1672~~
~~under division (D) (1) of this section. 1673~~

~~In all other cases, a juvenile court may impose a serious 1674~~
~~youthful offender dispositional sentence on a child only if the 1675~~
~~prosecuting attorney of the county in which the delinquent act 1676~~
~~allegedly occurred initiates the process against the child in 1677~~
~~accordance with this division, and the child is an alleged 1678~~
~~delinquent child who is eligible for the dispositional sentence. 1679~~
~~The prosecuting attorney may initiate the process in any of the 1680~~
~~following ways: 1681~~

(1) Obtaining an indictment of the child as a serious 1682

youthful offender; 1683

(2) The child waives the right to indictment, charging the 1684
child in a bill of information as a serious youthful offender; 1685

(3) Until an indictment or information is obtained, 1686
requesting a serious youthful offender dispositional sentence in 1687
the original complaint alleging that the child is a delinquent 1688
child; 1689

(4) Until an indictment or information is obtained, if the 1690
original complaint does not request a serious youthful offender 1691
dispositional sentence, filing with the juvenile court a written 1692
notice of intent to seek a serious youthful offender 1693
dispositional sentence within twenty days after the later of the 1694
following, unless the time is extended by the juvenile court for 1695
good cause shown: 1696

(a) The date of the child's first juvenile court hearing 1697
regarding the complaint; 1698

(b) The date the juvenile court determines not to transfer 1699
the case under section 2152.12 of the Revised Code. 1700

After a written notice is filed under division (A) (4) of 1701
this section, the juvenile court shall serve a copy of the 1702
notice on the child and advise the child of the prosecuting 1703
attorney's intent to seek a serious youthful offender 1704
dispositional sentence in the case. 1705

(B) If an alleged delinquent child is not indicted or 1706
charged by information as described in division (A) (1) or (2) of 1707
this section and if a notice or complaint as described in 1708
division (A) (3) or (4) of this section indicates that the 1709
prosecuting attorney intends to pursue a serious youthful 1710
offender dispositional sentence in the case, the juvenile court 1711

shall hold a preliminary hearing to determine if there is 1712
probable cause that the child committed the act charged and is 1713
by age eligible for, or required to receive, a serious youthful 1714
offender dispositional sentence. 1715

(C) (1) A child for whom a serious youthful offender 1716
dispositional sentence is sought by a prosecuting attorney has 1717
the right to a grand jury determination of probable cause that 1718
the child committed the act charged and that the child is 1719
eligible by age for a serious youthful offender dispositional 1720
sentence. The grand jury may be impaneled by the court of common 1721
pleas or the juvenile court. 1722

Once a child is indicted, or charged by information or the 1723
juvenile court determines that the child is eligible for a 1724
serious youthful offender dispositional sentence, the child is 1725
entitled to an open and speedy trial by jury in juvenile court 1726
and to be provided with a transcript of the proceedings. The 1727
time within which the trial is to be held under Title XXIX of 1728
the Revised Code commences on whichever of the following dates 1729
is applicable: 1730

(a) If the child is indicted or charged by information, on 1731
the date of the filing of the indictment or information. 1732

(b) If the child is charged by an original complaint that 1733
requests a serious youthful offender dispositional sentence, on 1734
the date of the filing of the complaint. 1735

(c) If the child is not charged by an original complaint 1736
that requests a serious youthful offender dispositional 1737
sentence, on the date that the prosecuting attorney files the 1738
written notice of intent to seek a serious youthful offender 1739
dispositional sentence. 1740

(2) If the child is detained awaiting adjudication, upon 1741
indictment or being charged by information, the child has the 1742
same right to bail as an adult charged with the offense the 1743
alleged delinquent act would be if committed by an adult. Except 1744
as provided in division (D) of section 2152.14 of the Revised 1745
Code, all provisions of Title XXIX of the Revised Code and the 1746
Criminal Rules shall apply in the case and to the child. The 1747
juvenile court shall afford the child all rights afforded a 1748
person who is prosecuted for committing a crime including the 1749
right to counsel and the right to raise the issue of competency. 1750
The child may not waive the right to counsel. 1751

(D)(1) If a child is adjudicated a delinquent child for 1752
committing an act under circumstances that require the juvenile 1753
court to impose upon the child a serious youthful offender 1754
dispositional sentence under section 2152.11 of the Revised 1755
Code, all of the following apply: 1756

(a) The juvenile court shall impose upon the child a 1757
sentence available for the violation, as if the child were an 1758
adult, under Chapter 2929. of the Revised Code, except that the 1759
juvenile court shall not impose on the child a sentence of death 1760
or life imprisonment without parole. 1761

(b) The juvenile court also shall impose upon the child 1762
one or more traditional juvenile dispositions under sections 1763
2152.16, 2152.19, and 2152.20, and, if applicable, section 1764
2152.17 of the Revised Code. 1765

(c) The juvenile court shall stay the adult portion of the 1766
serious youthful offender dispositional sentence pending the 1767
successful completion of the traditional juvenile dispositions 1768
imposed. 1769

(2) (a) If a child is adjudicated a delinquent child for 1770
committing an act under circumstances that allow, ~~but do not~~ 1771
~~require~~, the juvenile court to impose on the child a serious 1772
youthful offender dispositional sentence under section 2152.11 1773
of the Revised Code, all of the following apply: 1774

(i) If the juvenile court on the record makes a finding 1775
that, given the nature and circumstances of the violation and 1776
the history of the child, the length of time, level of security, 1777
and types of programming and resources available in the juvenile 1778
system alone are not adequate to provide the juvenile court with 1779
a reasonable expectation that the purposes set forth in section 1780
2152.01 of the Revised Code will be met, the juvenile court may 1781
impose upon the child a sentence available for the violation, as 1782
if the child were an adult, under Chapter 2929. of the Revised 1783
Code, except that the juvenile court shall not impose on the 1784
child a sentence of death or life imprisonment without parole. 1785

(ii) If a sentence is imposed under division (D) (2) (a) (i) 1786
of this section, the juvenile court also shall impose upon the 1787
child one or more traditional juvenile dispositions under 1788
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 1789
section 2152.17 of the Revised Code. 1790

(iii) The juvenile court shall stay the adult portion of 1791
the serious youthful offender dispositional sentence pending the 1792
successful completion of the traditional juvenile dispositions 1793
imposed. 1794

(b) If the juvenile court does not find that a sentence 1795
should be imposed under division (D) (2) (a) (i) of this section, 1796
the juvenile court may impose one or more traditional juvenile 1797
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 1798
applicable, section 2152.17 of the Revised Code. 1799

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

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

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

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

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

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

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

committed by an adult. 1829

(b) The person has engaged in conduct that creates a 1830
substantial risk to the safety or security of the institution, 1831
the community, or the victim. 1832

(B) If a person is at least fourteen years of age, is 1833
serving the juvenile portion of a serious youthful offender 1834
dispositional sentence imposed under section ~~2152.121~~ or 2152.13 1835
of the Revised Code, or under former section 2152.121 of the 1836
Revised Code as it existed prior to the effective date of this 1837
amendment, and is on parole or aftercare from a department of 1838
youth services facility, or on community control, the director 1839
of youth services, the juvenile court that imposed the serious 1840
youthful offender dispositional sentence on the person, or the 1841
probation department supervising the person may request the 1842
prosecuting attorney of the county in which is located the 1843
juvenile court to file a motion with the juvenile court to 1844
invoke the adult portion of the dispositional sentence. The 1845
prosecuting attorney may file a motion to invoke the adult 1846
portion of the dispositional sentence even if no request is 1847
made. The motion shall state that there is reasonable cause to 1848
believe that either of the following occurred and shall state 1849
that at least one incident of misconduct of that nature occurred 1850
after the person reached fourteen years of age: 1851

(1) The person committed an act that is a violation of the 1852
conditions of supervision and that could be charged as any 1853
felony or as a first degree misdemeanor offense of violence if 1854
committed by an adult. 1855

(2) The person has engaged in conduct that creates a 1856
substantial risk to the safety or security of the community or 1857
of the victim. 1858

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

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

evidence that the person has a mental illness or intellectual disability, the juvenile court shall consider that evidence in determining whether to invoke the adult portion of the serious youthful offender dispositional sentence.

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

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

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

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

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

(F) If a juvenile court issues an order invoking the adult portion of a serious youthful offender dispositional sentence under division (E) of this section, the juvenile portion of the dispositional sentence shall terminate, and the department of youth services shall transfer the person to the department of

rehabilitation and correction or place the person under another 1919
sanction imposed as part of the sentence. The juvenile court 1920
shall state in its order the total number of days that the 1921
person has been held in detention or in a facility operated by, 1922
or under contract with, the department of youth services under 1923
the juvenile portion of the dispositional sentence. The time the 1924
person must serve on a prison term imposed under the adult 1925
portion of the dispositional sentence shall be reduced by the 1926
total number of days specified in the order plus any additional 1927
days the person is held in a juvenile facility or in detention 1928
after the order is issued and before the person is transferred 1929
to the custody of the department of rehabilitation and 1930
correction. In no case shall the total prison term as calculated 1931
under this division exceed the maximum prison term available for 1932
an adult who is convicted of violating the same sections of the 1933
Revised Code. 1934

Any community control imposed as part of the adult 1935
sentence or as a condition of a judicial release from prison 1936
shall be under the supervision of the entity that provides adult 1937
probation services in the county. Any post-release control 1938
imposed after the offender otherwise is released from prison 1939
shall be supervised by the adult parole authority. 1940

Sec. 2152.18. (A) When a juvenile court commits a 1941
delinquent child to the custody of the department of youth 1942
services pursuant to this chapter, the court shall not designate 1943
the specific institution in which the department is to place the 1944
child but instead shall specify that the child is to be 1945
institutionalized in a secure facility. 1946

(B) When a juvenile court commits a delinquent child to 1947
the custody of the department of youth services pursuant to this 1948

chapter, the court shall state in the order of commitment the 1949
total number of days that the child has been confined in 1950
connection with the delinquent child complaint upon which the 1951
order of commitment is based. The court shall ~~not only~~ include 1952
days that the child has been ~~under electronic monitoring or~~ 1953
~~house arrest or days that the child has been confined in a~~ 1954
~~halfway house~~. The department shall reduce the minimum period of 1955
institutionalization that was ordered by both the total number 1956
of days that the child has been so confined as stated by the 1957
court in the order of commitment and the total number of any 1958
additional days that the child has been confined subsequent to 1959
the order of commitment but prior to the transfer of physical 1960
custody of the child to the department. 1961

The juvenile court retains continuing jurisdiction to 1962
correct any error not previously raised at disposition in making 1963
a determination under this division. The delinquent child may, 1964
at any time after disposition, file a motion in the juvenile 1965
court to correct any error made in making a determination under 1966
this division and the court in its discretion may grant or deny 1967
that motion. If the court changes the number of days in its 1968
determination or redetermination, the court shall cause the 1969
entry granting that change to be delivered to the department of 1970
youth services without delay. 1971

An inaccurate determination under this division is not 1972
grounds for setting aside the delinquent child's adjudication or 1973
disposition and does not otherwise render the disposition void 1974
or voidable. 1975

(C) (1) When a juvenile court commits a delinquent child to 1976
the custody of the department of youth services pursuant to this 1977
chapter, the court shall provide the department with the child's 1978

medical records, a copy of the report of any mental examination 1979
of the child ordered by the court, the Revised Code section or 1980
sections the child violated and the degree of each violation, 1981
the warrant to convey the child to the department, a copy of the 1982
court's journal entry ordering the commitment of the child to 1983
the legal custody of the department, a copy of the arrest record 1984
pertaining to the act for which the child was adjudicated a 1985
delinquent child, a copy of any victim impact statement 1986
pertaining to the act, and any other information concerning the 1987
child that the department reasonably requests. The court also 1988
shall complete the form for the standard predisposition 1989
investigation report that the department furnishes pursuant to 1990
section 5139.04 of the Revised Code and provide the department 1991
with the completed form. 1992

The department may refuse to accept physical custody of a 1993
delinquent child who is committed to the legal custody of the 1994
department until the court provides to the department the 1995
documents specified in this division. No officer or employee of 1996
the department who refuses to accept physical custody of a 1997
delinquent child who is committed to the legal custody of the 1998
department shall be subject to prosecution or contempt of court 1999
for the refusal if the court fails to provide the documents 2000
specified in this division at the time the court transfers the 2001
physical custody of the child to the department. 2002

(2) Within twenty working days after the department of 2003
youth services receives physical custody of a delinquent child 2004
from a juvenile court, the court shall provide the department 2005
with a certified copy of the child's birth certificate and the 2006
child's social security number or, if the court made all 2007
reasonable efforts to obtain the information but was 2008
unsuccessful, with documentation of the efforts it made to 2009

obtain the information. 2010

(3) If an officer is preparing pursuant to section 2947.06 2011
or 2951.03 of the Revised Code or Criminal Rule 32.2 a 2012
presentence investigation report pertaining to a person, the 2013
department shall make available to the officer, for use in 2014
preparing the report, any records or reports it possesses 2015
regarding that person that it received from a juvenile court 2016
pursuant to division (C)(1) of this section or that pertain to 2017
the treatment of that person after the person was committed to 2018
the custody of the department as a delinquent child. 2019

(D)(1) Within ten days after an adjudication that a child 2020
is a delinquent child, the court shall give written notice of 2021
the adjudication to the superintendent of a city, local, 2022
exempted village, or joint vocational school district, and to 2023
the principal of the school the child attends, if the basis of 2024
the adjudication was the commission of an act that would be a 2025
criminal offense if committed by an adult, if the act was 2026
committed by the delinquent child when the child was fourteen 2027
years of age or older, and if the act is any of the following: 2028

(a) An act that would be a felony or an offense of 2029
violence if committed by an adult, an act in the commission of 2030
which the child used or brandished a firearm, or an act that is 2031
a violation of section 2907.06, 2907.07, 2907.08, 2907.09, 2032
2907.24, or 2907.241 of the Revised Code and that would be a 2033
misdemeanor if committed by an adult; 2034

(b) A violation of section 2923.12 of the Revised Code or 2035
of a substantially similar municipal ordinance that would be a 2036
misdemeanor if committed by an adult and that was committed on 2037
property owned or controlled by, or at an activity held under 2038
the auspices of, the board of education of that school district; 2039

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

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

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

(2) The notice given pursuant to division (D) (1) of this section shall include the name of the child who was adjudicated to be a delinquent child, the child's age at the time the child committed the act that was the basis of the adjudication, and identification of the violation of the law or ordinance that was the basis of the adjudication.

(3) Within fourteen days after committing a delinquent child to the custody of the department of youth services, the court shall give notice to the school attended by the child of the child's commitment by sending to that school a copy of the court's journal entry ordering the commitment. As soon as

possible after receipt of the notice described in this division, 2070
the school shall provide the department with the child's school 2071
transcript. However, the department shall not refuse to accept a 2072
child committed to it, and a child committed to it shall not be 2073
held in a county or district detention facility, because of a 2074
school's failure to provide the school transcript that it is 2075
required to provide under this division. 2076

(4) Within fourteen days after discharging or releasing a 2077
child from an institution under its control, the department of 2078
youth services shall provide the court and the superintendent of 2079
the school district in which the child is entitled to attend 2080
school under section 3313.64 or 3313.65 of the Revised Code with 2081
the following: 2082

(a) An updated copy of the child's school transcript; 2083

(b) A report outlining the child's behavior in school 2084
while in the custody of the department; 2085

(c) The child's current individualized education program, 2086
as defined in section 3323.01 of the Revised Code, if such a 2087
program has been developed for the child; 2088

(d) A summary of the institutional record of the child's 2089
behavior. 2090

The department also shall provide the court with a copy of 2091
any portion of the child's institutional record that the court 2092
specifically requests, within five working days of the request. 2093

(E) At any hearing at which a child is adjudicated a 2094
delinquent child or as soon as possible after the hearing, the 2095
court shall notify all victims of the delinquent act who may be 2096
entitled to a recovery under any of the following sections of 2097
the right of the victims to recover, pursuant to section 3109.09 2098

of the Revised Code, compensatory damages from the child's 2099
parents; of the right of the victims to recover, pursuant to 2100
section 3109.10 of the Revised Code, compensatory damages from 2101
the child's parents for willful and malicious assaults committed 2102
by the child; and of the right of the victims to recover an 2103
award of reparations pursuant to sections 2743.51 to 2743.72 of 2104
the Revised Code. 2105

(F) As used in this section: 2106

(1) "Community corrections facility" and "secure facility" 2107
have the same meanings as in section 5139.01 of the Revised 2108
Code. 2109

(2) "Confined" means the placement of a child in any 2110
locked and secure facility, either adult or juvenile, in a 2111
locked and secure section of any facility, either adult or 2112
juvenile, or in any community corrections facility. 2113

Sec. 2152.20. (A) If a child is adjudicated a delinquent 2114
child or a juvenile traffic offender, the court may order any of 2115
the following dispositions, in addition to any other disposition 2116
authorized or required by this chapter: 2117

(1) Impose a fine in accordance with the following 2118
schedule: 2119

(a) For an act that would be a minor misdemeanor or an 2120
unclassified misdemeanor if committed by an adult, a fine not to 2121
exceed fifty dollars; 2122

(b) For an act that would be a misdemeanor of the fourth 2123
degree if committed by an adult, a fine not to exceed one 2124
hundred dollars; 2125

(c) For an act that would be a misdemeanor of the third 2126

degree if committed by an adult, a fine not to exceed one	2127
hundred fifty dollars;	2128
(d) For an act that would be a misdemeanor of the second	2129
degree if committed by an adult, a fine not to exceed two	2130
hundred dollars;	2131
(e) For an act that would be a misdemeanor of the first	2132
degree if committed by an adult, a fine not to exceed two	2133
hundred fifty dollars;	2134
(f) For an act that would be a felony of the fifth degree	2135
or an unclassified felony if committed by an adult, a fine not	2136
to exceed three hundred dollars;	2137
(g) For an act that would be a felony of the fourth degree	2138
if committed by an adult, a fine not to exceed four hundred	2139
dollars;	2140
(h) For an act that would be a felony of the third degree	2141
if committed by an adult, a fine not to exceed seven hundred	2142
fifty dollars;	2143
(i) For an act that would be a felony of the second degree	2144
if committed by an adult, a fine not to exceed one thousand	2145
dollars;	2146
(j) For an act that would be a felony of the first degree	2147
if committed by an adult, a fine not to exceed one thousand five	2148
hundred dollars;	2149
(k) For an act that would be aggravated murder or murder	2150
if committed by an adult, a fine not to exceed two thousand	2151
dollars.	2152
(2) <u>Require the child, a parent or parents of the child,</u>	2153
<u>or both the child and a parent or parents of the child to pay</u>	2154

costs, including, but not limited to, costs described in section 2155
2746.05 of the Revised Code; 2156

(3) Unless the child's delinquent act or juvenile traffic 2157
offense would be a minor misdemeanor if committed by an adult or 2158
could be disposed of by the juvenile traffic violations bureau 2159
serving the court under Traffic Rule 13.1 if the court has 2160
established a juvenile traffic violations bureau, require the 2161
child to make restitution ~~to the victim of the child's~~ 2162
~~delinquent act or juvenile traffic offense or, if the victim is~~ 2163
~~deceased, to a survivor of the victim in an amount based upon~~ 2164
~~the victim's economic loss caused by or related to the~~ 2165
~~delinquent act or juvenile traffic offense. The court may not~~ 2166
~~require a child to make restitution pursuant to this division if~~ 2167
~~the child's delinquent act or juvenile traffic offense would be~~ 2168
~~a minor misdemeanor if committed by an adult or could be~~ 2169
~~disposed of by the juvenile traffic violations bureau serving~~ 2170
~~the court under Traffic Rule 13.1 if the court has established a~~ 2171
~~juvenile traffic violations bureau. If the court requires~~ 2172
~~restitution under this division, the restitution shall be made~~ 2173
~~directly to the victim in open court or to the probation~~ 2174
~~department that serves the jurisdiction or the clerk of courts~~ 2175
~~on behalf of the victim.~~ 2176

~~If the court requires restitution under this division, the~~ 2177
~~restitution may be in the form of a cash reimbursement paid in a~~ 2178
~~lump sum or in installments, the performance of repair work to~~ 2179
~~restore any damaged property to its original condition, the~~ 2180
~~performance of a reasonable amount of labor for the victim or~~ 2181
~~survivor of the victim, the performance of community service~~ 2182
~~work, any other form of restitution devised by the court, or any~~ 2183
~~combination of the previously described forms of restitution.~~ 2184

~~If the court requires restitution under this division, the court may base the restitution order on an amount recommended by the victim or survivor of the victim, the delinquent child, the juvenile traffic offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and any other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the delinquent act or juvenile traffic offense. If the court decides to order restitution under this division and the amount of the restitution is disputed by the victim or survivor or by the delinquent child or juvenile traffic offender, the court shall hold a hearing on the restitution. If the court requires restitution under this division, the court shall determine, or order the determination of, the amount of restitution to be paid by the delinquent child or juvenile traffic offender. All restitution payments shall be credited against any recovery of economic loss in a civil action brought by or on behalf of the victim against the delinquent child or juvenile traffic offender or the delinquent child's or juvenile traffic offender's parent, guardian, or other custodian.~~

~~If the court requires restitution under this division, the court may order that the delinquent child or juvenile traffic offender pay a surcharge, in an amount not exceeding five percent of the amount of restitution otherwise ordered under this division, to the entity responsible for collecting and processing the restitution payments.~~

~~The victim or the survivor of the victim may request that the prosecuting authority file a motion, or the delinquent child or juvenile traffic offender may file a motion, for modification~~

~~of the payment terms of any restitution ordered under this~~ 2216
~~division. If the court grants the motion, it may modify the~~ 2217
~~payment terms as it determines appropriate as provided under~~ 2218
~~section 2152.203 of the Revised Code.~~ 2219

(4) Require the child, a parent or parents of the child, 2220
or both the child and a parent or parents of the child to 2221
reimburse any or all of the costs incurred for services or 2222
sanctions provided or imposed, including, but not limited to, 2223
the following: 2224

(a) All or part of the costs of implementing any community 2225
control imposed as a disposition under section 2152.19 of the 2226
Revised Code, including a supervision fee; 2227

(b) All or part of the costs of confinement in a 2228
residential facility described in section 2152.19 of the Revised 2229
Code ~~or in a department of youth services institution,~~ 2230
including, but not limited to, a per diem fee for room and 2231
board, the costs of medical and dental treatment provided, and 2232
the costs of repairing property the delinquent child damaged 2233
while so confined. ~~The amount of reimbursement ordered for a~~ 2234
~~child under this division shall not exceed the total amount of~~ 2235
~~reimbursement the child is able to pay as determined at a~~ 2236
~~hearing and shall not exceed the actual cost of the confinement.~~ 2237
~~The court may collect any reimbursement ordered under this~~ 2238
~~division. If the court does not order reimbursement under this~~ 2239
~~division, confinement costs may be assessed pursuant to a~~ 2240
~~repayment policy adopted under section 2929.37 of the Revised~~ 2241
~~Code and division (D) of section 307.93, division (A) of section~~ 2242
~~341.19, division (C) of section 341.23 or 753.16, division (C)~~ 2243
~~of section 2301.56, or division (B) of section 341.14, 753.02,~~ 2244
~~753.04, or 2947.19 of the Revised Code.~~ 2245

(B) Chapter 2981. of the Revised Code applies to a child 2246
who is adjudicated a delinquent child for violating section 2247
2923.32 or 2923.42 of the Revised Code or for committing an act 2248
that, if committed by an adult, would be a felony drug abuse 2249
offense. 2250

(C) The court ~~may, at disposition, shall~~ hold a hearing ~~if-~~ 2251
~~necessary~~ to determine whether a child ~~is, or a parent or~~ 2252
parents of the child, or both the child and a parent or parents 2253
of the child, are able to pay a sanction under this section. 2254

The amount of any sanction ordered under this section 2255
shall not exceed the total amount of such sanctions that the 2256
child, the parent or parents of the child, or both the child and 2257
a parent or parents of the child, are able to pay. The court may 2258
collect any sanction ordered under this section. 2259

A person required to pay a financial sanction imposed 2260
under this section is the obligor under the sanction. 2261

(D) If a child who is adjudicated a delinquent child is 2262
indigent, the court shall consider imposing a term of community 2263
service under division (A) of section 2152.19 of the Revised 2264
Code in lieu of imposing a financial sanction under this 2265
section. If a child who is adjudicated a delinquent child is not 2266
indigent, the court may impose a term of community service under 2267
that division in lieu of, or in addition to, imposing a 2268
financial sanction under this section. The court may order 2269
community service for an act that if committed by an adult would 2270
be a minor misdemeanor. 2271

If a child fails to pay a financial sanction imposed under 2272
this section, the court may impose a term of community service 2273
in lieu of the sanction. 2274

(E) The clerk of the court, or another person authorized 2275
by law or by the court to collect a financial sanction imposed 2276
under this section, may do any of the following: 2277

(1) Enter into contracts with one or more public agencies 2278
~~or private vendors~~ for the collection of the amounts due under 2279
the financial sanction, which amounts may include interest from 2280
the date of imposition of the financial sanction; 2281

(2) Permit payment of all, or any portion of, the 2282
financial sanction in installments, by credit or debit card, by 2283
another type of electronic transfer, or by any other reasonable 2284
method, within any period of time, and on any terms that the 2285
court considers just, except that the maximum time permitted for 2286
payment shall not exceed five years or extend beyond the child's 2287
twenty-first birthday, whichever occurs first. The clerk may pay 2288
any fee associated with processing an electronic transfer out of 2289
public money and may charge the fee to the delinquent child. 2290

(3) To defray administrative costs, charge a reasonable 2291
fee to ~~a child who~~ the obligor, if the obligor elects a payment 2292
plan rather than a lump sum payment of a financial sanction. 2293

Sec. 2152.203. (A) If a child is adjudicated a delinquent 2294
child or a juvenile traffic offender, unless the child's 2295
delinquent act or juvenile traffic offense would be a minor 2296
misdemeanor if committed by an adult or could be disposed of by 2297
the juvenile traffic violations bureau serving the court under 2298
Traffic Rule 13.1 if the court has established a juvenile 2299
traffic violations bureau, the court, as an order of disposition 2300
imposed under division (A) (3) of section 2152.20 of the Revised 2301
Code, may order the child to make restitution to the victim of 2302
the child's delinquent act or juvenile traffic offense or, if 2303
the victim is deceased, to a survivor of the victim in an amount 2304

based upon the victim's economic loss caused by or related to 2305
the delinquent act or juvenile traffic offense. If the court 2306
requires restitution under this division, the restitution shall 2307
be made directly to the victim in open court or to the probation 2308
department that serves the jurisdiction or the clerk of courts 2309
on behalf of the victim. 2310

(B) If the court requires restitution under division (A) 2311
of this section, the court may order that the restitution be in 2312
the form of a cash reimbursement paid in a lump sum or in 2313
installments, the performance of repair work to restore any 2314
damaged property to its original condition, the performance of a 2315
reasonable amount of labor for the victim or survivor of the 2316
victim, the performance of community service work, any other 2317
form of restitution devised by the court, including, but not 2318
limited to, alternative restorative justice or alternative means 2319
to restitution, or any combination of the previously described 2320
forms of restitution. An order of alternative restorative 2321
justice or alternative means to restitution may include a 2322
requirement to return personal property. 2323

(C) If the court requires restitution under division (A) 2324
of this section, the court may base the restitution order on an 2325
amount recommended by the victim or survivor of the victim, the 2326
delinquent child, the juvenile traffic offender, a presentence 2327
investigation report, estimates or receipts indicating the cost 2328
of repairing or replacing property, and any other information, 2329
provided that the amount the court orders as restitution shall 2330
not exceed the amount of the economic loss suffered by the 2331
victim as a direct and proximate result of the delinquent act or 2332
juvenile traffic offense. If the court decides to order 2333
restitution under division (A) of this section and the amount of 2334
the restitution is disputed by the victim or survivor or by the 2335

delinquent child or juvenile traffic offender, the court shall 2336
hold a hearing on the restitution. If the court requires 2337
restitution under division (A) of this section, the court shall 2338
determine, or order the determination of, the amount of 2339
restitution to be paid by the delinquent child or juvenile 2340
traffic offender. All restitution payments shall be credited 2341
against any recovery of economic loss in a civil action brought 2342
by or on behalf of the victim against the delinquent child or 2343
juvenile traffic offender or the delinquent child's or juvenile 2344
traffic offender's parent, guardian, or other custodian. 2345

(D) If the court requires restitution under division (A) 2346
of this section, the court may order the payment of a surcharge, 2347
in an amount not exceeding five per cent of the amount of 2348
restitution otherwise ordered under that division to the entity 2349
responsible for collecting and processing the restitution 2350
payments. The amount so ordered shall be ordered as costs under 2351
section 2152.20 of the Revised Code. 2352

(E) Any court order for restitution under this section 2353
expires upon the earlier of the following events: 2354

(1) The satisfaction of the restitution, either through 2355
payment, community service, or at the advice of the victim; 2356

(2) The completion of the entire disposition ordered by 2357
the court for the delinquent child or juvenile traffic offender 2358
against whom the order is made; 2359

(3) The attainment of twenty-one years of age by the 2360
delinquent child or juvenile traffic offender against whom the 2361
order is made. 2362

(F) If a court requires restitution under division (A) of 2363
this section, in establishing a payment plan, the court shall 2364

consider the child's present and future ability to pay in 2365
addition to any other factors the court finds relevant in 2366
determining the number and amount of restitution payments. 2367

(G) Except as otherwise provided in this division, a court 2368
order for restitution imposed under this section may be reduced 2369
to a civil judgment in favor of the victim at the time specified 2370
in this division. If the order is reduced to such a judgment, 2371
the person required to pay the restitution under the order is 2372
the judgment debtor. The order may be reduced to such a judgment 2373
on or after the termination of the court's jurisdiction upon the 2374
delinquent child's or juvenile traffic offender's attainment of 2375
twenty-one years of age or, if the order for restitution has not 2376
been satisfied after the exhaustion of the options specified in 2377
division (B) of this section, by order of the court, whichever 2378
occurs first. When an order for restitution has been reduced to 2379
a civil judgment in favor of the victim under this division, the 2380
victim may do any of the following: 2381

(1) Obtain from the clerk of the court in which the 2382
judgment was entered a certificate of judgment that shall be in 2383
the same manner and form as a certificate of judgment issued in 2384
a civil action; 2385

(2) Obtain execution of the judgment or order through any 2386
available procedure, including: 2387

(a) An execution against the property of the judgment 2388
debtor under Chapter 2329. of the Revised Code; 2389

(b) An execution against the person of the judgment debtor 2390
under Chapter 2331. of the Revised Code; 2391

(c) A proceeding in aid of execution under Chapter 2333. 2392
of the Revised Code, including: 2393

<u>(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;</u>	2394
	2395
	2396
<u>(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;</u>	2397
	2398
<u>(iii) A creditor's suit under section 2333.01 of the Revised Code.</u>	2399
	2400
<u>(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;</u>	2401
	2402
<u>(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.</u>	2403
	2404
<u>(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.</u>	2405
	2406
Sec. 2152.21. (A) Unless division (C) of this section applies, if a child is adjudicated a juvenile traffic offender, the court may make any of the following orders of disposition:	2407
	2408
	2409
(1) Impose costs and one or more financial sanctions in accordance with section 2152.20 of the Revised Code;	2410
	2411
(2) Suspend the child's driver's license, probationary driver's license, or temporary instruction permit for a definite period not exceeding two years or suspend the registration of all motor vehicles registered in the name of the child for a definite period not exceeding two years. A child whose license or permit is so suspended is ineligible for issuance of a license or permit during the period of suspension. At the end of the period of suspension, the child shall not be reissued a license or permit until the child has paid any applicable reinstatement fee and complied with all requirements governing	2412
	2413
	2414
	2415
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	2419
	2420
	2421

license reinstatement. 2422

(3) Place the child on community control; 2423

(4) If the child is adjudicated a juvenile traffic 2424
offender for an act other than an act that would be a minor 2425
misdemeanor if committed by an adult and other than an act that 2426
could be disposed of by the juvenile traffic violations bureau 2427
serving the court under Traffic Rule 13.1 if the court has 2428
established a juvenile traffic violations bureau, require the 2429
child to make restitution pursuant to division (A) (3) of section 2430
2152.20 and section 2152.203 of the Revised Code; 2431

(5) (a) If the child is adjudicated a juvenile traffic 2432
offender for committing a violation of division (A) of section 2433
4511.19 of the Revised Code or of a municipal ordinance that is 2434
substantially equivalent to that division, commit the child, for 2435
not longer than five days, to either of the following: 2436

(i) The temporary custody of a detention facility or 2437
district detention facility established under section 2152.41 of 2438
the Revised Code; 2439

(ii) The temporary custody of any school, camp, 2440
institution, or other facility for children operated in whole or 2441
in part for the care of juvenile traffic offenders of that 2442
nature by the county, by a district organized under section 2443
2151.65 or 2152.41 of the Revised Code, or by a private agency 2444
or organization within the state that is authorized and 2445
qualified to provide the care, treatment, or placement required. 2446

(b) If an order of disposition committing a child to the 2447
temporary custody of a home, school, camp, institution, or other 2448
facility of that nature is made under division (A) (5) (a) of this 2449
section, the length of the commitment shall not be reduced or 2450

diminished as a credit for any time that the child was held in a 2451
place of detention or shelter care, or otherwise was detained, 2452
prior to entry of the order of disposition. 2453

(6) If, after making a disposition under divisions (A) (1) 2454
to (5) of this section, the court finds upon further hearing 2455
that the child has failed to comply with the orders of the court 2456
and the child's operation of a motor vehicle constitutes the 2457
child a danger to the child and to others, the court may make 2458
any disposition authorized by divisions (A) (1), (4), (5), and 2459
(8) of section 2152.19 of the Revised Code, except that the 2460
child may not be committed to or placed in a secure correctional 2461
facility unless authorized by division (A) (5) of this section, 2462
and commitment to or placement in a detention facility may not 2463
exceed twenty-four hours. 2464

(B) If a child is adjudicated a juvenile traffic offender 2465
for violating division (A) or (B) of section 4511.19 of the 2466
Revised Code, in addition to any order of disposition made under 2467
division (A) of this section, the court shall impose a class six 2468
suspension of the temporary instruction permit, probationary 2469
driver's license, or driver's license issued to the child from 2470
the range specified in division (A) (6) of section 4510.02 of the 2471
Revised Code. The court, in its discretion, may terminate the 2472
suspension if the child attends and satisfactorily completes a 2473
drug abuse or alcohol abuse education, intervention, or 2474
treatment program specified by the court. During the time the 2475
child is attending a program as described in this division, the 2476
court shall retain the child's temporary instruction permit, 2477
probationary driver's license, or driver's license issued, and 2478
the court shall return the permit or license if it terminates 2479
the suspension as described in this division. 2480

(C) If a child is adjudicated a juvenile traffic offender 2481
for violating division (B) (1) of section 4513.263 of the Revised 2482
Code, the court shall impose the appropriate fine set forth in 2483
division (G) of that section. If a child is adjudicated a 2484
juvenile traffic offender for violating division (B) (3) of 2485
section 4513.263 of the Revised Code and if the child is sixteen 2486
years of age or older, the court shall impose the fine set forth 2487
in division (G) (2) of that section. If a child is adjudicated a 2488
juvenile traffic offender for violating division (B) (3) of 2489
section 4513.263 of the Revised Code and if the child is under 2490
sixteen years of age, the court shall not impose a fine but may 2491
place the child on probation or community control. 2492

(D) A juvenile traffic offender is subject to sections 2493
4509.01 to 4509.78 of the Revised Code. 2494

Sec. 2152.26. (A) Except as provided in divisions (B) and 2495
(F) of this section, a child alleged to be or adjudicated a 2496
delinquent child or a juvenile traffic offender may be held only 2497
in the following places: 2498

(1) A certified foster home or a home approved by the 2499
court; 2500

(2) A facility operated by a certified child welfare 2501
agency; 2502

(3) Any other suitable place designated by the court. 2503

(B) In addition to the places listed in division (A) of 2504
this section, a child alleged to be or adjudicated a delinquent 2505
child or a person described in division (C) (7) of section 2506
2152.02 of the Revised Code may be held in a detention facility 2507
for delinquent children that is under the direction or 2508
supervision of the court or other public authority or of a 2509

private agency and approved by the court, and a child 2510
adjudicated a delinquent child may be held in accordance with 2511
division (F) (2) of this section in a facility of a type 2512
specified in that division. 2513

(C) (1) Except as provided under division (C) (1) of section 2514
2151.311 of the Revised Code or division (A) (5) of section 2515
2152.21 of the Revised Code, a child alleged to be or 2516
adjudicated a juvenile traffic offender may not be held in any 2517
of the following facilities: 2518

(a) A state correctional institution, county, multicounty, 2519
or municipal jail or workhouse, or other place in which an adult 2520
convicted of crime, under arrest, or charged with a crime is 2521
held. 2522

(b) A secure correctional facility. 2523

(2) Except as provided under this section, sections 2524
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 2525
2152.21 of the Revised Code, a child alleged to be or 2526
adjudicated a juvenile traffic offender may not be held for more 2527
than twenty-four hours in a detention facility. 2528

(D) Except as provided in division (F) of this section or 2529
in division (C) of section 2151.311, in division (C) (2) of 2530
section 5139.06 and section 5120.162, or in division (B) of 2531
section 5120.16 of the Revised Code, a child who is alleged to 2532
be or is adjudicated a delinquent child or a person described in 2533
division (C) (7) of section 2152.02 of the Revised Code may not 2534
be held in a state correctional institution, county, 2535
multicounty, or municipal jail or workhouse, or other place 2536
where an adult convicted of crime, under arrest, or charged with 2537
crime is held. 2538

(E) Unless the detention is pursuant to division (F) of 2539
this section or division (C) of section 2151.311, division (C) 2540
(2) of section 5139.06 and section 5120.162, or division (B) of 2541
section 5120.16 of the Revised Code, the official in charge of 2542
the institution, jail, workhouse, or other facility shall inform 2543
the court immediately when a person who is or appears to be 2544
under the age of eighteen years, or a person who is charged with 2545
a violation of an order of a juvenile court or a violation of 2546
probation or parole conditions imposed by a juvenile court and 2547
who is or appears to be between the ages of eighteen and twenty- 2548
one years, is received at the facility and shall deliver the 2549
person to the court upon request or transfer the person to a 2550
detention facility designated by the court. 2551

(F) (1) If a case is transferred to another court for 2552
criminal prosecution pursuant to section 2152.12 of the Revised 2553
Code and the alleged offender is a person described in division 2554
(C) (7) of section 2152.02 of the Revised Code, the person may 2555
not be transferred for detention pending the criminal 2556
prosecution in a jail or other facility except under the 2557
circumstances described in division (F) (4) of this section. Any 2558
child held in accordance with division (F) (3) of this section 2559
shall be confined in a manner that keeps the child beyond the 2560
sight and sound of all adult detainees. The child shall be 2561
supervised at all times during the detention. 2562

(2) If a person is adjudicated a delinquent child or 2563
juvenile traffic offender or is a person described in division 2564
(C) (7) of section 2152.02 of the Revised Code and the court 2565
makes a disposition of the person under this chapter, at any 2566
time after the person attains twenty-one years of age, the 2567
person may be held under that disposition or under the 2568
circumstances described in division (F) (4) of this section in 2569

places other than those specified in division (A) of this 2570
section, including, but not limited to, a county, multicounty, 2571
or municipal jail or workhouse, or other place where an adult 2572
convicted of crime, under arrest, or charged with crime is held. 2573

(3) (a) A person alleged to be a delinquent child may be 2574
held in places other than those specified in division (A) of 2575
this section, including, but not limited to, a county, 2576
multicounty, or municipal jail, if the delinquent act that the 2577
child allegedly committed would be a felony if committed by an 2578
adult, and if either of the following applies: 2579

(i) The person attains twenty-one years of age before the 2580
person is arrested or apprehended for that act. 2581

(ii) The person is arrested or apprehended for that act 2582
before the person attains twenty-one years of age, but the 2583
person attains twenty-one years of age before the court orders a 2584
disposition in the case. 2585

(b) If, pursuant to division (F) (3) (a) of this section, a 2586
person is held in a place other than a place specified in 2587
division (A) of this section, the person has the same rights to 2588
bail as an adult charged with the same offense who is confined 2589
in a jail pending trial. 2590

(4) (a) Any person whose case is transferred for criminal 2591
prosecution pursuant to section 2152.10 or 2152.12 of the 2592
Revised Code or any person who has attained the age of eighteen 2593
years but has not attained the age of twenty-one years and who 2594
is being held in a place specified in division (B) of this 2595
section may be held under that disposition or charge in places 2596
other than those specified in division (B) of this section, 2597
including a county, multicounty, or municipal jail or workhouse, 2598

or other place where an adult under arrest or charged with crime 2599
is held if the juvenile court, upon its own motion or upon 2600
motion by the prosecutor and after notice and hearing, 2601
establishes by a preponderance of the evidence and makes written 2602
findings of either of the following: 2603

(i) With respect to a person whose case is transferred for 2604
criminal prosecution pursuant to either specified section or who 2605
has attained the age of eighteen years but who has not attained 2606
the age of twenty-one years and is being so held, that the youth 2607
is a threat to the safety and security of the facility; 2608

(ii) With respect to a person who has attained the age of 2609
eighteen years but who has not attained the age of twenty-one 2610
years and is being so held, that the best interests of the youth 2611
require that the youth be held in a place other than a place 2612
specified in division (B) of this section, including a county, 2613
multicounty, or municipal jail or workhouse, or other place 2614
where an adult under arrest or charged with crime is held. 2615

(b) In determining for purposes of division (F)(4)(a)(i) 2616
of this section whether a youth is a threat to the safety and 2617
security of the facility, evidence that the youth is a threat to 2618
the safety and security of the facility may include, but is not 2619
limited to, whether the youth has done any of the following: 2620

(i) Injured or created an imminent danger to the life or 2621
health of another youth or staff member in the facility or 2622
program by violent behavior; 2623

(ii) Escaped from the facility or program in which the 2624
youth is being held on more than one occasion; 2625

(iii) Established a pattern of disruptive behavior as 2626
verified by a written record that the youth's behavior is not 2627

conducive to the established policies and procedures of the 2628
facility or program in which the youth is being held. 2629

(c) If a prosecutor submits a motion requesting that a 2630
person be held in a place other than those specified in division 2631
(B) of this section or if the court submits its own motion, the 2632
juvenile court shall hold a hearing within five days of the 2633
filing of the motion, and, in determining whether a place other 2634
than those specified in division (B) of this section is the 2635
appropriate place of confinement for the person, the court shall 2636
consider the following factors: 2637

(i) The age of the person; 2638

(ii) Whether the person would be deprived of contact with 2639
other people for a significant portion of the day or would not 2640
have access to recreational facilities or age-appropriate 2641
educational opportunities in order to provide physical 2642
separation from adults; 2643

(iii) The person's current emotional state, intelligence, 2644
and developmental maturity, including any emotional and 2645
psychological trauma, and the risk to the person in an adult 2646
facility, which may be evidenced by mental health or 2647
psychological assessments or screenings made available to the 2648
prosecuting attorney and the defense counsel; 2649

(iv) Whether detention in a juvenile facility would 2650
adequately serve the need for community protection pending the 2651
outcome of the criminal proceeding; 2652

(v) The relative ability of the available adult and 2653
juvenile detention facilities to meet the needs of the person, 2654
including the person's need for age-appropriate mental health 2655
and educational services delivered by individuals specifically 2656

trained to deal with youth; 2657

(vi) Whether the person presents an imminent risk of self- 2658
inflicted harm or an imminent risk of harm to others within a 2659
juvenile facility; 2660

(vii) Any other factors the juvenile court considers to be 2661
relevant. 2662

(d) If the juvenile court determines that a place other 2663
than those specified in division (B) of this section is the 2664
appropriate place for confinement of a person pursuant to 2665
division (F) (4) (a) of this section, the person may petition the 2666
juvenile court for a review hearing thirty days after the 2667
initial confinement decision, thirty days after any subsequent 2668
review hearing, or at any time after the initial confinement 2669
decision upon an emergency petition by the youth due to the 2670
youth facing an imminent danger from others or the youth's self. 2671
Upon receipt of the petition, the juvenile court has discretion 2672
over whether to conduct the review hearing and may set the 2673
matter for a review hearing if the youth has alleged facts or 2674
circumstances that, if true, would warrant reconsideration of 2675
the youth's placement in a place other than those specified in 2676
division (B) of this section based on the factors listed in 2677
division (F) (4) (c) of this section. 2678

(e) Upon the admission of a person described in division 2679
(F) (4) (a) of this section to a place other than those specified 2680
in division (B) of this section, the facility shall advise the 2681
person of the person's right to request a review hearing as 2682
described in division (F) (4) (d) of this section. 2683

(f) Any person transferred under division (F) (4) (a) of 2684
this section to a place other than those specified in division 2685

(B) of this section shall be confined in a manner that keeps 2686
those under eighteen years of age beyond sight and sound of all 2687
adult detainees. Those under eighteen years of age shall be 2688
supervised at all times during the detention. 2689

(G) (1) If a person who is alleged to be or has been 2690
adjudicated a delinquent child or who is in any other category 2691
of persons identified in this section or section 2151.311 of the 2692
Revised Code is confined under authority of any Revised Code 2693
section in a place other than a place specified in division (B) 2694
of this section, including a county, multicounty, or municipal 2695
jail or workhouse, or other place where an adult under arrest or 2696
charged with crime is held, subject to division (G) (2) of this 2697
section, all identifying information, other than the person's 2698
county of residence, age, gender, and race and the charges 2699
against the person, that relates to the person's admission to 2700
and confinement in that place is not a public record open for 2701
inspection or copying under section 149.43 of the Revised Code 2702
and is confidential and shall not be released to any person 2703
other than to a court, to a law enforcement agency for law 2704
enforcement purposes, or to a person specified by court order. 2705

(2) Division (G) (1) of this section does not apply with 2706
respect to a person whose case is transferred for criminal 2707
prosecution pursuant to section 2152.10 or 2152.12 of the 2708
Revised Code, who is convicted of or pleads guilty to an offense 2709
in that case, who is confined after that conviction or guilty 2710
plea in a place other than a place specified in division (B) of 2711
this section, and to whom one of the following applies: 2712

(a) The case was transferred other than pursuant to former 2713
division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the 2714
Revised Code as it existed prior to the effective date of this 2715

amendment, or was transferred pursuant to division (A) of 2716
section 2152.12 of the Revised Code as it exists on and after 2717
the effective date of this amendment. 2718

(b) The case was transferred pursuant to former division 2719
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 2720
Code as it existed prior to the effective date of this 2721
amendment, and the person ~~is~~ was sentenced for the offense 2722
pursuant to division (B) (4) of former section 2152.121 of the 2723
Revised Code as it existed prior to the effective date of this 2724
amendment. 2725

(c) The case was transferred pursuant to former division 2726
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 2727
Code as it existed prior to the effective date of this 2728
amendment, the person ~~is~~ was sentenced for the offense pursuant 2729
to division (B) (3) of former section 2152.121 of the Revised 2730
Code as it existed prior to the effective date of this amendment 2731
by the court in which the person was convicted of or pleaded 2732
guilty to the offense, and the sentence imposed by that court ~~is~~ 2733
was invoked pursuant to division (B) (3) (b) of former section 2734
2152.121 of the Revised Code as it existed prior to the 2735
effective date of this amendment. 2736

Sec. 2505.02. (A) As used in this section: 2737

(1) "Substantial right" means a right that the United 2738
States Constitution, the Ohio Constitution, a statute, the 2739
common law, or a rule of procedure entitles a person to enforce 2740
or protect. 2741

(2) "Special proceeding" means an action or proceeding 2742
that is specially created by statute and that prior to 1853 was 2743
not denoted as an action at law or a suit in equity. 2744

(3) "Provisional remedy" means a proceeding ancillary to 2745
an action, including, but not limited to, a proceeding for a 2746
preliminary injunction, attachment, discovery of privileged 2747
matter, suppression of evidence, a prima-facie showing pursuant 2748
to section 2307.85 or 2307.86 of the Revised Code, a prima-facie 2749
showing pursuant to section 2307.92 of the Revised Code, or a 2750
finding made pursuant to division (A) (3) of section 2307.93 of 2751
the Revised Code. 2752

(B) An order is a final order that may be reviewed, 2753
affirmed, modified, or reversed, with or without retrial, when 2754
it is one of the following: 2755

(1) An order that affects a substantial right in an action 2756
that in effect determines the action and prevents a judgment; 2757

(2) An order that affects a substantial right made in a 2758
special proceeding or upon a summary application in an action 2759
after judgment; 2760

(3) An order that vacates or sets aside a judgment or 2761
grants a new trial; 2762

(4) An order that grants or denies a provisional remedy 2763
and to which both of the following apply: 2764

(a) The order in effect determines the action with respect 2765
to the provisional remedy and prevents a judgment in the action 2766
in favor of the appealing party with respect to the provisional 2767
remedy. 2768

(b) The appealing party would not be afforded a meaningful 2769
or effective remedy by an appeal following final judgment as to 2770
all proceedings, issues, claims, and parties in the action. 2771

(5) An order that determines that an action may or may not 2772

be maintained as a class action; 2773

(6) An order determining the constitutionality of any 2774
changes to the Revised Code made by Am. Sub. S.B. 281 of the 2775
124th general assembly, including the amendment of sections 2776
1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2777
2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2778
2919.16, 3923.63, 3923.64, 4705.15, and 5111.018 (renumbered as 2779
5164.07 by H.B. 59 of the 130th general assembly), and the 2780
enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of 2781
the Revised Code or any changes made by Sub. S.B. 80 of the 2782
125th general assembly, including the amendment of sections 2783
2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the 2784
Revised Code; 2785

(7) An order in an appropriation proceeding that may be 2786
appealed pursuant to division (B) (3) of section 163.09 of the 2787
Revised Code; 2788

(8) An order for transfer pursuant to section 2152.10 or 2789
2152.12 of the Revised Code. 2790

(C) When a court issues an order that vacates or sets 2791
aside a judgment or grants a new trial, the court, upon the 2792
request of either party, shall state in the order the grounds 2793
upon which the new trial is granted or the judgment vacated or 2794
set aside. 2795

(D) This section applies to and governs any action, 2796
including an appeal, that is pending in any court on July 22, 2797
1998, and all claims filed or actions commenced on or after July 2798
22, 1998, notwithstanding any provision of any prior statute or 2799
rule of law of this state. 2800

Sec. 2929.02. (A) Whoever is convicted of or pleads guilty 2801

to aggravated murder in violation of section 2903.01 of the Revised Code shall suffer death or be imprisoned for life, as determined pursuant to sections 2929.022, 2929.03, and 2929.04 of the Revised Code, except that no person who raises the matter of age pursuant to section 2929.023 of the Revised Code and who is not found to have been eighteen years of age or older at the time of the commission of the offense shall suffer death. In addition, the offender may be fined an amount fixed by the court, but not more than twenty-five thousand dollars.

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

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

(3) If a person is convicted of or pleads guilty to murder in violation of section 2903.02 of the Revised Code and also is convicted of or pleads guilty to a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information that charged the murder, the court shall impose upon the offender a term of life imprisonment without parole that

shall be served pursuant to section 2971.03 of the Revised Code. 2832

(4) In addition, the offender may be fined an amount fixed 2833
by the court, but not more than fifteen thousand dollars. 2834

(C) If an offender receives or received a sentence of life 2835
imprisonment without parole, a sentence of life imprisonment, or 2836
a sentence to an indefinite prison term under this chapter for 2837
an offense other than a disqualifying homicide offense, as 2838
defined in section 2967.132 of the Revised Code, committed when 2839
the offender was less than eighteen years of age, the offender's 2840
parole eligibility shall be determined under section 2967.132 of 2841
the Revised Code. 2842

(D) The court shall not impose a fine or fines for 2843
aggravated murder or murder which, in the aggregate and to the 2844
extent not suspended by the court, exceeds the amount which the 2845
offender is or will be able to pay by the method and within the 2846
time allowed without undue hardship to the offender or to the 2847
dependents of the offender, or will prevent the offender from 2848
making reparation for the victim's wrongful death. 2849

~~(D)~~ (E) (1) In addition to any other sanctions imposed for a 2850
violation of section 2903.01 or 2903.02 of the Revised Code, if 2851
the offender used a motor vehicle as the means to commit the 2852
violation, the court shall impose upon the offender a class two 2853
suspension of the offender's driver's license, commercial 2854
driver's license, temporary instruction permit, probationary 2855
license, or nonresident operating privilege as specified in 2856
division (A) (2) of section 4510.02 of the Revised Code. 2857

(2) As used in division ~~(D)~~ (E) of this section, "motor 2858
vehicle" has the same meaning as in section 4501.01 of the 2859
Revised Code. 2860

Sec. 2929.14. (A) Except as provided in division (B) (1), 2861
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 2862
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 2863
of section 2919.25 of the Revised Code and except in relation to 2864
an offense for which a sentence of death or life imprisonment is 2865
to be imposed, if the court imposing a sentence upon an offender 2866
for a felony elects or is required to impose a prison term on 2867
the offender pursuant to this chapter, the court shall impose a 2868
definite prison term that shall be one of the following: 2869

(1) For a felony of the first degree, the prison term 2870
shall be three, four, five, six, seven, eight, nine, ten, or 2871
eleven years. 2872

(2) For a felony of the second degree, the prison term 2873
shall be two, three, four, five, six, seven, or eight years. 2874

(3) (a) For a felony of the third degree that is a 2875
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2876
2907.05, or 3795.04 of the Revised Code or that is a violation 2877
of section 2911.02 or 2911.12 of the Revised Code if the 2878
offender previously has been convicted of or pleaded guilty in 2879
two or more separate proceedings to two or more violations of 2880
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 2881
Code, the prison term shall be twelve, eighteen, twenty-four, 2882
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 2883
months. 2884

(b) For a felony of the third degree that is not an 2885
offense for which division (A) (3) (a) of this section applies, 2886
the prison term shall be nine, twelve, eighteen, twenty-four, 2887
thirty, or thirty-six months. 2888

(4) For a felony of the fourth degree, the prison term 2889

shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2890
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2891

(5) For a felony of the fifth degree, the prison term 2892
shall be six, seven, eight, nine, ten, eleven, or twelve months. 2893

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2894
section, if an offender who is convicted of or pleads guilty to 2895
a felony also is convicted of or pleads guilty to a 2896
specification of the type described in section 2941.141, 2897
2941.144, or 2941.145 of the Revised Code, the court shall 2898
impose on the offender one of the following prison terms: 2899

(i) A prison term of six years if the specification is of 2900
the type described in division (A) of section 2941.144 of the 2901
Revised Code that charges the offender with having a firearm 2902
that is an automatic firearm or that was equipped with a firearm 2903
muffler or suppressor on or about the offender's person or under 2904
the offender's control while committing the offense; 2905

(ii) A prison term of three years if the specification is 2906
of the type described in division (A) of section 2941.145 of the 2907
Revised Code that charges the offender with having a firearm on 2908
or about the offender's person or under the offender's control 2909
while committing the offense and displaying the firearm, 2910
brandishing the firearm, indicating that the offender possessed 2911
the firearm, or using it to facilitate the offense; 2912

(iii) A prison term of one year if the specification is of 2913
the type described in division (A) of section 2941.141 of the 2914
Revised Code that charges the offender with having a firearm on 2915
or about the offender's person or under the offender's control 2916
while committing the offense; 2917

(iv) A prison term of nine years if the specification is 2918

of the type described in division (D) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and specifies that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

(v) A prison term of fifty-four months if the specification is of the type described in division (D) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using the firearm to facilitate the offense and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

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

(b) If a court imposes a prison term on an offender under division (B) (1) (a) of this section, the prison term shall not be

reduced pursuant to section 2967.19, section 2929.20, section 2949
2967.193, or any other provision of Chapter 2967. or Chapter 2950
5120. of the Revised Code. Except as provided in division (B) (1) 2951
(g) of this section, a court shall not impose more than one 2952
prison term on an offender under division (B) (1) (a) of this 2953
section for felonies committed as part of the same act or 2954
transaction. 2955

(c) (i) Except as provided in division (B) (1) (e) of this 2956
section, if an offender who is convicted of or pleads guilty to 2957
a violation of section 2923.161 of the Revised Code or to a 2958
felony that includes, as an essential element, purposely or 2959
knowingly causing or attempting to cause the death of or 2960
physical harm to another, also is convicted of or pleads guilty 2961
to a specification of the type described in division (A) of 2962
section 2941.146 of the Revised Code that charges the offender 2963
with committing the offense by discharging a firearm from a 2964
motor vehicle other than a manufactured home, the court, after 2965
imposing a prison term on the offender for the violation of 2966
section 2923.161 of the Revised Code or for the other felony 2967
offense under division (A), (B) (2), or (B) (3) of this section, 2968
shall impose an additional prison term of five years upon the 2969
offender that shall not be reduced pursuant to section 2929.20, 2970
section 2967.19, section 2967.193, or any other provision of 2971
Chapter 2967. or Chapter 5120. of the Revised Code. 2972

(ii) Except as provided in division (B) (1) (e) of this 2973
section, if an offender who is convicted of or pleads guilty to 2974
a violation of section 2923.161 of the Revised Code or to a 2975
felony that includes, as an essential element, purposely or 2976
knowingly causing or attempting to cause the death of or 2977
physical harm to another, also is convicted of or pleads guilty 2978
to a specification of the type described in division (C) of 2979

section 2941.146 of the Revised Code that charges the offender 2980
with committing the offense by discharging a firearm from a 2981
motor vehicle other than a manufactured home and that the 2982
offender previously has been convicted of or pleaded guilty to a 2983
specification of the type described in section 2941.141, 2984
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 2985
the court, after imposing a prison term on the offender for the 2986
violation of section 2923.161 of the Revised Code or for the 2987
other felony offense under division (A), (B) (2), or (3) of this 2988
section, shall impose an additional prison term of ninety months 2989
upon the offender that shall not be reduced pursuant to section 2990
2929.20, 2967.19, 2967.193, or any other provision of Chapter 2991
2967. or Chapter 5120. of the Revised Code. 2992

(iii) A court shall not impose more than one additional 2993
prison term on an offender under division (B) (1) (c) of this 2994
section for felonies committed as part of the same act or 2995
transaction. If a court imposes an additional prison term on an 2996
offender under division (B) (1) (c) of this section relative to an 2997
offense, the court also shall impose a prison term under 2998
division (B) (1) (a) of this section relative to the same offense, 2999
provided the criteria specified in that division for imposing an 3000
additional prison term are satisfied relative to the offender 3001
and the offense. 3002

(d) If an offender who is convicted of or pleads guilty to 3003
an offense of violence that is a felony also is convicted of or 3004
pleads guilty to a specification of the type described in 3005
section 2941.1411 of the Revised Code that charges the offender 3006
with wearing or carrying body armor while committing the felony 3007
offense of violence, the court shall impose on the offender a 3008
prison term of two years. The prison term so imposed, subject to 3009
divisions (C) to (I) of section 2967.19 of the Revised Code, 3010

shall not be reduced pursuant to section 2929.20, section 3011
2967.19, section 2967.193, or any other provision of Chapter 3012
2967. or Chapter 5120. of the Revised Code. A court shall not 3013
impose more than one prison term on an offender under division 3014
(B) (1) (d) of this section for felonies committed as part of the 3015
same act or transaction. If a court imposes an additional prison 3016
term under division (B) (1) (a) or (c) of this section, the court 3017
is not precluded from imposing an additional prison term under 3018
division (B) (1) (d) of this section. 3019

(e) The court shall not impose any of the prison terms 3020
described in division (B) (1) (a) of this section or any of the 3021
additional prison terms described in division (B) (1) (c) of this 3022
section upon an offender for a violation of section 2923.12 or 3023
2923.123 of the Revised Code. The court shall not impose any of 3024
the prison terms described in division (B) (1) (a) or (b) of this 3025
section upon an offender for a violation of section 2923.122 3026
that involves a deadly weapon that is a firearm other than a 3027
dangerous ordnance, section 2923.16, or section 2923.121 of the 3028
Revised Code. The court shall not impose any of the prison terms 3029
described in division (B) (1) (a) of this section or any of the 3030
additional prison terms described in division (B) (1) (c) of this 3031
section upon an offender for a violation of section 2923.13 of 3032
the Revised Code unless all of the following apply: 3033

(i) The offender previously has been convicted of 3034
aggravated murder, murder, or any felony of the first or second 3035
degree. 3036

(ii) Less than five years have passed since the offender 3037
was released from prison or post-release control, whichever is 3038
later, for the prior offense. 3039

(f) (i) If an offender is convicted of or pleads guilty to 3040

a felony that includes, as an essential element, causing or 3041
attempting to cause the death of or physical harm to another and 3042
also is convicted of or pleads guilty to a specification of the 3043
type described in division (A) of section 2941.1412 of the 3044
Revised Code that charges the offender with committing the 3045
offense by discharging a firearm at a peace officer as defined 3046
in section 2935.01 of the Revised Code or a corrections officer, 3047
as defined in section 2941.1412 of the Revised Code, the court, 3048
after imposing a prison term on the offender for the felony 3049
offense under division (A), (B) (2), or (B) (3) of this section, 3050
shall impose an additional prison term of seven years upon the 3051
offender that shall not be reduced pursuant to section 2929.20, 3052
section 2967.19, section 2967.193, or any other provision of 3053
Chapter 2967. or Chapter 5120. of the Revised Code. 3054

(ii) If an offender is convicted of or pleads guilty to a 3055
felony that includes, as an essential element, causing or 3056
attempting to cause the death of or physical harm to another and 3057
also is convicted of or pleads guilty to a specification of the 3058
type described in division (B) of section 2941.1412 of the 3059
Revised Code that charges the offender with committing the 3060
offense by discharging a firearm at a peace officer, as defined 3061
in section 2935.01 of the Revised Code, or a corrections 3062
officer, as defined in section 2941.1412 of the Revised Code, 3063
and that the offender previously has been convicted of or 3064
pleaded guilty to a specification of the type described in 3065
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3066
the Revised Code, the court, after imposing a prison term on the 3067
offender for the felony offense under division (A), (B) (2), or 3068
(3) of this section, shall impose an additional prison term of 3069
one hundred twenty-six months upon the offender that shall not 3070
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 3071

any other provision of Chapter 2967. or 5120. of the Revised 3072
Code. 3073

(iii) If an offender is convicted of or pleads guilty to 3074
two or more felonies that include, as an essential element, 3075
causing or attempting to cause the death or physical harm to 3076
another and also is convicted of or pleads guilty to a 3077
specification of the type described under division (B)(1)(f) of 3078
this section in connection with two or more of the felonies of 3079
which the offender is convicted or to which the offender pleads 3080
guilty, the sentencing court shall impose on the offender the 3081
prison term specified under division (B)(1)(f) of this section 3082
for each of two of the specifications of which the offender is 3083
convicted or to which the offender pleads guilty and, in its 3084
discretion, also may impose on the offender the prison term 3085
specified under that division for any or all of the remaining 3086
specifications. If a court imposes an additional prison term on 3087
an offender under division (B)(1)(f) of this section relative to 3088
an offense, the court shall not impose a prison term under 3089
division (B)(1)(a) or (c) of this section relative to the same 3090
offense. 3091

(g) If an offender is convicted of or pleads guilty to two 3092
or more felonies, if one or more of those felonies are 3093
aggravated murder, murder, attempted aggravated murder, 3094
attempted murder, aggravated robbery, felonious assault, or 3095
rape, and if the offender is convicted of or pleads guilty to a 3096
specification of the type described under division (B)(1)(a) of 3097
this section in connection with two or more of the felonies, the 3098
sentencing court shall impose on the offender the prison term 3099
specified under division (B)(1)(a) of this section for each of 3100
the two most serious specifications of which the offender is 3101
convicted or to which the offender pleads guilty and, in its 3102

discretion, also may impose on the offender the prison term 3103
specified under that division for any or all of the remaining 3104
specifications. 3105

(2) (a) If division (B) (2) (b) of this section does not 3106
apply, the court may impose on an offender, in addition to the 3107
longest prison term authorized or required for the offense, an 3108
additional definite prison term of one, two, three, four, five, 3109
six, seven, eight, nine, or ten years if all of the following 3110
criteria are met: 3111

(i) The offender is convicted of or pleads guilty to a 3112
specification of the type described in section 2941.149 of the 3113
Revised Code that the offender is a repeat violent offender. 3114

(ii) The offense of which the offender currently is 3115
convicted or to which the offender currently pleads guilty is 3116
aggravated murder and the court does not impose a sentence of 3117
death or life imprisonment without parole, murder, terrorism and 3118
the court does not impose a sentence of life imprisonment 3119
without parole, any felony of the first degree that is an 3120
offense of violence and the court does not impose a sentence of 3121
life imprisonment without parole, or any felony of the second 3122
degree that is an offense of violence and the trier of fact 3123
finds that the offense involved an attempt to cause or a threat 3124
to cause serious physical harm to a person or resulted in 3125
serious physical harm to a person. 3126

(iii) The court imposes the longest prison term for the 3127
offense that is not life imprisonment without parole. 3128

(iv) The court finds that the prison terms imposed 3129
pursuant to division (B) (2) (a) (iii) of this section and, if 3130
applicable, division (B) (1) or (3) of this section are 3131

inadequate to punish the offender and protect the public from 3132
future crime, because the applicable factors under section 3133
2929.12 of the Revised Code indicating a greater likelihood of 3134
recidivism outweigh the applicable factors under that section 3135
indicating a lesser likelihood of recidivism. 3136

(v) The court finds that the prison terms imposed pursuant 3137
to division (B) (2) (a) (iii) of this section and, if applicable, 3138
division (B) (1) or (3) of this section are demeaning to the 3139
seriousness of the offense, because one or more of the factors 3140
under section 2929.12 of the Revised Code indicating that the 3141
offender's conduct is more serious than conduct normally 3142
constituting the offense are present, and they outweigh the 3143
applicable factors under that section indicating that the 3144
offender's conduct is less serious than conduct normally 3145
constituting the offense. 3146

(b) The court shall impose on an offender the longest 3147
prison term authorized or required for the offense and shall 3148
impose on the offender an additional definite prison term of 3149
one, two, three, four, five, six, seven, eight, nine, or ten 3150
years if all of the following criteria are met: 3151

(i) The offender is convicted of or pleads guilty to a 3152
specification of the type described in section 2941.149 of the 3153
Revised Code that the offender is a repeat violent offender. 3154

(ii) The offender within the preceding twenty years has 3155
been convicted of or pleaded guilty to three or more offenses 3156
described in division (CC) (1) of section 2929.01 of the Revised 3157
Code, including all offenses described in that division of which 3158
the offender is convicted or to which the offender pleads guilty 3159
in the current prosecution and all offenses described in that 3160
division of which the offender previously has been convicted or 3161

to which the offender previously pleaded guilty, whether 3162
prosecuted together or separately. 3163

(iii) The offense or offenses of which the offender 3164
currently is convicted or to which the offender currently pleads 3165
guilty is aggravated murder and the court does not impose a 3166
sentence of death or life imprisonment without parole, murder, 3167
terrorism and the court does not impose a sentence of life 3168
imprisonment without parole, any felony of the first degree that 3169
is an offense of violence and the court does not impose a 3170
sentence of life imprisonment without parole, or any felony of 3171
the second degree that is an offense of violence and the trier 3172
of fact finds that the offense involved an attempt to cause or a 3173
threat to cause serious physical harm to a person or resulted in 3174
serious physical harm to a person. 3175

(c) For purposes of division (B) (2) (b) of this section, 3176
two or more offenses committed at the same time or as part of 3177
the same act or event shall be considered one offense, and that 3178
one offense shall be the offense with the greatest penalty. 3179

(d) A sentence imposed under division (B) (2) (a) or (b) of 3180
this section shall not be reduced pursuant to section 2929.20, 3181
section 2967.19, or section 2967.193, or any other provision of 3182
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 3183
shall serve an additional prison term imposed under this section 3184
consecutively to and prior to the prison term imposed for the 3185
underlying offense. 3186

(e) When imposing a sentence pursuant to division (B) (2) 3187
(a) or (b) of this section, the court shall state its findings 3188
explaining the imposed sentence. 3189

(3) Except when an offender commits a violation of section 3190

2903.01 or 2907.02 of the Revised Code and the penalty imposed 3191
for the violation is life imprisonment or commits a violation of 3192
section 2903.02 of the Revised Code, if the offender commits a 3193
violation of section 2925.03 or 2925.11 of the Revised Code and 3194
that section classifies the offender as a major drug offender, 3195
if the offender commits a felony violation of section 2925.02, 3196
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 3197
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 3198
division (E) of section 4729.51, or division (J) of section 3199
4729.54 of the Revised Code that includes the sale, offer to 3200
sell, or possession of a schedule I or II controlled substance, 3201
with the exception of marihuana, and the court imposing sentence 3202
upon the offender finds that the offender is guilty of a 3203
specification of the type described in section 2941.1410 of the 3204
Revised Code charging that the offender is a major drug 3205
offender, if the court imposing sentence upon an offender for a 3206
felony finds that the offender is guilty of corrupt activity 3207
with the most serious offense in the pattern of corrupt activity 3208
being a felony of the first degree, or if the offender is guilty 3209
of an attempted violation of section 2907.02 of the Revised Code 3210
and, had the offender completed the violation of section 2907.02 3211
of the Revised Code that was attempted, the offender would have 3212
been subject to a sentence of life imprisonment or life 3213
imprisonment without parole for the violation of section 2907.02 3214
of the Revised Code, the court shall impose upon the offender 3215
for the felony violation a mandatory prison term of the maximum 3216
prison term prescribed for a felony of the first degree that, 3217
subject to divisions (C) to (I) of section 2967.19 of the 3218
Revised Code, cannot be reduced pursuant to section 2929.20, 3219
section 2967.19, or any other provision of Chapter 2967. or 3220
5120. of the Revised Code. 3221

(4) If the offender is being sentenced for a third or 3222
fourth degree felony OVI offense under division (G) (2) of 3223
section 2929.13 of the Revised Code, the sentencing court shall 3224
impose upon the offender a mandatory prison term in accordance 3225
with that division. In addition to the mandatory prison term, if 3226
the offender is being sentenced for a fourth degree felony OVI 3227
offense, the court, notwithstanding division (A) (4) of this 3228
section, may sentence the offender to a definite prison term of 3229
not less than six months and not more than thirty months, and if 3230
the offender is being sentenced for a third degree felony OVI 3231
offense, the sentencing court may sentence the offender to an 3232
additional prison term of any duration specified in division (A) 3233
(3) of this section. In either case, the additional prison term 3234
imposed shall be reduced by the sixty or one hundred twenty days 3235
imposed upon the offender as the mandatory prison term. The 3236
total of the additional prison term imposed under division (B) 3237
(4) of this section plus the sixty or one hundred twenty days 3238
imposed as the mandatory prison term shall equal a definite term 3239
in the range of six months to thirty months for a fourth degree 3240
felony OVI offense and shall equal one of the authorized prison 3241
terms specified in division (A) (3) of this section for a third 3242
degree felony OVI offense. If the court imposes an additional 3243
prison term under division (B) (4) of this section, the offender 3244
shall serve the additional prison term after the offender has 3245
served the mandatory prison term required for the offense. In 3246
addition to the mandatory prison term or mandatory and 3247
additional prison term imposed as described in division (B) (4) 3248
of this section, the court also may sentence the offender to a 3249
community control sanction under section 2929.16 or 2929.17 of 3250
the Revised Code, but the offender shall serve all of the prison 3251
terms so imposed prior to serving the community control 3252
sanction. 3253

If the offender is being sentenced for a fourth degree 3254
felony OVI offense under division (G) (1) of section 2929.13 of 3255
the Revised Code and the court imposes a mandatory term of local 3256
incarceration, the court may impose a prison term as described 3257
in division (A) (1) of that section. 3258

(5) If an offender is convicted of or pleads guilty to a 3259
violation of division (A) (1) or (2) of section 2903.06 of the 3260
Revised Code and also is convicted of or pleads guilty to a 3261
specification of the type described in section 2941.1414 of the 3262
Revised Code that charges that the victim of the offense is a 3263
peace officer, as defined in section 2935.01 of the Revised 3264
Code, or an investigator of the bureau of criminal 3265
identification and investigation, as defined in section 2903.11 3266
of the Revised Code, the court shall impose on the offender a 3267
prison term of five years. If a court imposes a prison term on 3268
an offender under division (B) (5) of this section, the prison 3269
term, subject to divisions (C) to (I) of section 2967.19 of the 3270
Revised Code, shall not be reduced pursuant to section 2929.20, 3271
section 2967.19, section 2967.193, or any other provision of 3272
Chapter 2967. or Chapter 5120. of the Revised Code. A court 3273
shall not impose more than one prison term on an offender under 3274
division (B) (5) of this section for felonies committed as part 3275
of the same act. 3276

(6) If an offender is convicted of or pleads guilty to a 3277
violation of division (A) (1) or (2) of section 2903.06 of the 3278
Revised Code and also is convicted of or pleads guilty to a 3279
specification of the type described in section 2941.1415 of the 3280
Revised Code that charges that the offender previously has been 3281
convicted of or pleaded guilty to three or more violations of 3282
division (A) or (B) of section 4511.19 of the Revised Code or an 3283
equivalent offense, as defined in section 2941.1415 of the 3284

Revised Code, or three or more violations of any combination of 3285
those divisions and offenses, the court shall impose on the 3286
offender a prison term of three years. If a court imposes a 3287
prison term on an offender under division (B) (6) of this 3288
section, the prison term, subject to divisions (C) to (I) of 3289
section 2967.19 of the Revised Code, shall not be reduced 3290
pursuant to section 2929.20, section 2967.19, section 2967.193, 3291
or any other provision of Chapter 2967. or Chapter 5120. of the 3292
Revised Code. A court shall not impose more than one prison term 3293
on an offender under division (B) (6) of this section for 3294
felonies committed as part of the same act. 3295

(7) (a) If an offender is convicted of or pleads guilty to 3296
a felony violation of section 2905.01, 2905.02, 2907.21, 3297
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 3298
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 3299
the Revised Code and also is convicted of or pleads guilty to a 3300
specification of the type described in section 2941.1422 of the 3301
Revised Code that charges that the offender knowingly committed 3302
the offense in furtherance of human trafficking, the court shall 3303
impose on the offender a mandatory prison term that is one of 3304
the following: 3305

(i) If the offense is a felony of the first degree, a 3306
definite prison term of not less than five years and not greater 3307
than ten years; 3308

(ii) If the offense is a felony of the second or third 3309
degree, a definite prison term of not less than three years and 3310
not greater than the maximum prison term allowed for the offense 3311
by division (A) of section 2929.14 of the Revised Code; 3312

(iii) If the offense is a felony of the fourth or fifth 3313
degree, a definite prison term that is the maximum prison term 3314

allowed for the offense by division (A) of section 2929.14 of 3315
the Revised Code. 3316

(b) Subject to divisions (C) to (I) of section 2967.19 of 3317
the Revised Code, the prison term imposed under division (B) (7) 3318
(a) of this section shall not be reduced pursuant to section 3319
2929.20, section 2967.19, section 2967.193, or any other 3320
provision of Chapter 2967. of the Revised Code. A court shall 3321
not impose more than one prison term on an offender under 3322
division (B) (7) (a) of this section for felonies committed as 3323
part of the same act, scheme, or plan. 3324

(8) If an offender is convicted of or pleads guilty to a 3325
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3326
Revised Code and also is convicted of or pleads guilty to a 3327
specification of the type described in section 2941.1423 of the 3328
Revised Code that charges that the victim of the violation was a 3329
woman whom the offender knew was pregnant at the time of the 3330
violation, notwithstanding the range of prison terms prescribed 3331
in division (A) of this section for felonies of the same degree 3332
as the violation, the court shall impose on the offender a 3333
mandatory prison term that is either a definite prison term of 3334
six months or one of the prison terms prescribed in section 3335
2929.14 of the Revised Code for felonies of the same degree as 3336
the violation. 3337

(9) (a) If an offender is convicted of or pleads guilty to 3338
a violation of division (A) (1) or (2) of section 2903.11 of the 3339
Revised Code and also is convicted of or pleads guilty to a 3340
specification of the type described in section 2941.1425 of the 3341
Revised Code, the court shall impose on the offender a mandatory 3342
prison term of six years if either of the following applies: 3343

(i) The violation is a violation of division (A) (1) of 3344

section 2903.11 of the Revised Code and the specification 3345
charges that the offender used an accelerant in committing the 3346
violation and the serious physical harm to another or to 3347
another's unborn caused by the violation resulted in a 3348
permanent, serious disfigurement or permanent, substantial 3349
incapacity; 3350

(ii) The violation is a violation of division (A) (2) of 3351
section 2903.11 of the Revised Code and the specification 3352
charges that the offender used an accelerant in committing the 3353
violation, that the violation caused physical harm to another or 3354
to another's unborn, and that the physical harm resulted in a 3355
permanent, serious disfigurement or permanent, substantial 3356
incapacity. 3357

(b) If a court imposes a prison term on an offender under 3358
division (B) (9) (a) of this section, the prison term shall not be 3359
reduced pursuant to section 2929.20, section 2967.19, section 3360
2967.193, or any other provision of Chapter 2967. or Chapter 3361
5120. of the Revised Code. A court shall not impose more than 3362
one prison term on an offender under division (B) (9) of this 3363
section for felonies committed as part of the same act. 3364

(c) The provisions of divisions (B) (9) and (C) (6) of this 3365
section and of division (D) (2) of section 2903.11, division (F) 3366
(20) of section 2929.13, and section 2941.1425 of the Revised 3367
Code shall be known as "Judy's Law." 3368

(C) (1) (a) Subject to division (C) (1) (b) of this section, 3369
if a mandatory prison term is imposed upon an offender pursuant 3370
to division (B) (1) (a) of this section for having a firearm on or 3371
about the offender's person or under the offender's control 3372
while committing a felony, if a mandatory prison term is imposed 3373
upon an offender pursuant to division (B) (1) (c) of this section 3374

for committing a felony specified in that division by 3375
discharging a firearm from a motor vehicle, or if both types of 3376
mandatory prison terms are imposed, the offender shall serve any 3377
mandatory prison term imposed under either division 3378
consecutively to any other mandatory prison term imposed under 3379
either division or under division (B) (1) (d) of this section, 3380
consecutively to and prior to any prison term imposed for the 3381
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3382
this section or any other section of the Revised Code, and 3383
consecutively to any other prison term or mandatory prison term 3384
previously or subsequently imposed upon the offender. 3385

(b) If a mandatory prison term is imposed upon an offender 3386
pursuant to division (B) (1) (d) of this section for wearing or 3387
carrying body armor while committing an offense of violence that 3388
is a felony, the offender shall serve the mandatory term so 3389
imposed consecutively to any other mandatory prison term imposed 3390
under that division or under division (B) (1) (a) or (c) of this 3391
section, consecutively to and prior to any prison term imposed 3392
for the underlying felony under division (A), (B) (2), or (B) (3) 3393
of this section or any other section of the Revised Code, and 3394
consecutively to any other prison term or mandatory prison term 3395
previously or subsequently imposed upon the offender. 3396

(c) If a mandatory prison term is imposed upon an offender 3397
pursuant to division (B) (1) (f) of this section, the offender 3398
shall serve the mandatory prison term so imposed consecutively 3399
to and prior to any prison term imposed for the underlying 3400
felony under division (A), (B) (2), or (B) (3) of this section or 3401
any other section of the Revised Code, and consecutively to any 3402
other prison term or mandatory prison term previously or 3403
subsequently imposed upon the offender. 3404

(d) If a mandatory prison term is imposed upon an offender 3405
pursuant to division (B) (7) or (8) of this section, the offender 3406
shall serve the mandatory prison term so imposed consecutively 3407
to any other mandatory prison term imposed under that division 3408
or under any other provision of law and consecutively to any 3409
other prison term or mandatory prison term previously or 3410
subsequently imposed upon the offender. 3411

(2) If an offender who is an inmate in a jail, prison, or 3412
other residential detention facility violates section 2917.02, 3413
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 3414
(2) of section 2921.34 of the Revised Code, if an offender who 3415
is under detention at a detention facility commits a felony 3416
violation of section 2923.131 of the Revised Code, or if an 3417
offender who is an inmate in a jail, prison, or other 3418
residential detention facility or is under detention at a 3419
detention facility commits another felony while the offender is 3420
an escapee in violation of division (A) (1) or (2) of section 3421
2921.34 of the Revised Code, any prison term imposed upon the 3422
offender for one of those violations shall be served by the 3423
offender consecutively to the prison term or term of 3424
imprisonment the offender was serving when the offender 3425
committed that offense and to any other prison term previously 3426
or subsequently imposed upon the offender. 3427

(3) If a prison term is imposed for a violation of 3428
division (B) of section 2911.01 of the Revised Code, a violation 3429
of division (A) of section 2913.02 of the Revised Code in which 3430
the stolen property is a firearm or dangerous ordnance, or a 3431
felony violation of division (B) of section 2921.331 of the 3432
Revised Code, the offender shall serve that prison term 3433
consecutively to any other prison term or mandatory prison term 3434
previously or subsequently imposed upon the offender. 3435

(4) If multiple prison terms are imposed on an offender 3436
for convictions of multiple offenses, the court may require the 3437
offender to serve the prison terms consecutively if the court 3438
finds that the consecutive service is necessary to protect the 3439
public from future crime or to punish the offender and that 3440
consecutive sentences are not disproportionate to the 3441
seriousness of the offender's conduct and to the danger the 3442
offender poses to the public, and if the court also finds any of 3443
the following: 3444

(a) The offender committed one or more of the multiple 3445
offenses while the offender was awaiting trial or sentencing, 3446
was under a sanction imposed pursuant to section 2929.16, 3447
2929.17, or 2929.18 of the Revised Code, or was under post- 3448
release control for a prior offense. 3449

(b) At least two of the multiple offenses were committed 3450
as part of one or more courses of conduct, and the harm caused 3451
by two or more of the multiple offenses so committed was so 3452
great or unusual that no single prison term for any of the 3453
offenses committed as part of any of the courses of conduct 3454
adequately reflects the seriousness of the offender's conduct. 3455

(c) The offender's history of criminal conduct 3456
demonstrates that consecutive sentences are necessary to protect 3457
the public from future crime by the offender. 3458

(5) If a mandatory prison term is imposed upon an offender 3459
pursuant to division (B) (5) or (6) of this section, the offender 3460
shall serve the mandatory prison term consecutively to and prior 3461
to any prison term imposed for the underlying violation of 3462
division (A) (1) or (2) of section 2903.06 of the Revised Code 3463
pursuant to division (A) of this section or section 2929.142 of 3464
the Revised Code. If a mandatory prison term is imposed upon an 3465

offender pursuant to division (B) (5) of this section, and if a
mandatory prison term also is imposed upon the offender pursuant
to division (B) (6) of this section in relation to the same
violation, the offender shall serve the mandatory prison term
imposed pursuant to division (B) (5) of this section
consecutively to and prior to the mandatory prison term imposed
pursuant to division (B) (6) of this section and consecutively to
and prior to any prison term imposed for the underlying
violation of division (A) (1) or (2) of section 2903.06 of the
Revised Code pursuant to division (A) of this section or section
2929.142 of the Revised Code.

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

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

(D) (1) If a court imposes a prison term for a felony of
the first degree, for a felony of the second degree, for a
felony sex offense, or for a felony of the third degree that is
not a felony sex offense and in the commission of which the
offender caused or threatened to cause physical harm to a
person, it shall include in the sentence a requirement that the
offender be subject to a period of post-release control after
the offender's release from imprisonment, in accordance with

that division. If a court imposes a sentence including a prison 3496
term of a type described in this division on or after July 11, 3497
2006, the failure of a court to include a post-release control 3498
requirement in the sentence pursuant to this division does not 3499
negate, limit, or otherwise affect the mandatory period of post- 3500
release control that is required for the offender under division 3501
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 3502
the Revised Code applies if, prior to July 11, 2006, a court 3503
imposed a sentence including a prison term of a type described 3504
in this division and failed to include in the sentence pursuant 3505
to this division a statement regarding post-release control. 3506

(2) If a court imposes a prison term for a felony of the 3507
third, fourth, or fifth degree that is not subject to division 3508
(D)(1) of this section, it shall include in the sentence a 3509
requirement that the offender be subject to a period of post- 3510
release control after the offender's release from imprisonment, 3511
in accordance with that division, if the parole board determines 3512
that a period of post-release control is necessary. Section 3513
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3514
a court imposed a sentence including a prison term of a type 3515
described in this division and failed to include in the sentence 3516
pursuant to this division a statement regarding post-release 3517
control. 3518

(E) The court shall impose sentence upon the offender in 3519
accordance with section 2971.03 of the Revised Code, and Chapter 3520
2971. of the Revised Code applies regarding the prison term or 3521
term of life imprisonment without parole imposed upon the 3522
offender and the service of that term of imprisonment if any of 3523
the following apply: 3524

(1) A person is convicted of or pleads guilty to a violent 3525

sex offense or a designated homicide, assault, or kidnapping 3526
offense, and, in relation to that offense, the offender is 3527
adjudicated a sexually violent predator. 3528

(2) A person is convicted of or pleads guilty to a 3529
violation of division (A) (1) (b) of section 2907.02 of the 3530
Revised Code committed on or after January 2, 2007, and either 3531
the court does not impose a sentence of life without parole when 3532
authorized pursuant to division (B) of section 2907.02 of the 3533
Revised Code, or division (B) of section 2907.02 of the Revised 3534
Code provides that the court shall not sentence the offender 3535
pursuant to section 2971.03 of the Revised Code. 3536

(3) A person is convicted of or pleads guilty to attempted 3537
rape committed on or after January 2, 2007, and a specification 3538
of the type described in section 2941.1418, 2941.1419, or 3539
2941.1420 of the Revised Code. 3540

(4) A person is convicted of or pleads guilty to a 3541
violation of section 2905.01 of the Revised Code committed on or 3542
after January 1, 2008, and that section requires the court to 3543
sentence the offender pursuant to section 2971.03 of the Revised 3544
Code. 3545

(5) A person is convicted of or pleads guilty to 3546
aggravated murder committed on or after January 1, 2008, and 3547
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3548
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3549
(d) of section 2929.03, or division (A) or (B) of section 3550
2929.06 of the Revised Code requires the court to sentence the 3551
offender pursuant to division (B) (3) of section 2971.03 of the 3552
Revised Code. 3553

(6) A person is convicted of or pleads guilty to murder 3554

committed on or after January 1, 2008, and division (B)(2) of 3555
section 2929.02 of the Revised Code requires the court to 3556
sentence the offender pursuant to section 2971.03 of the Revised 3557
Code. 3558

(F) If a person who has been convicted of or pleaded 3559
guilty to a felony is sentenced to a prison term or term of 3560
imprisonment under this section, sections 2929.02 to 2929.06 of 3561
the Revised Code, section 2929.142 of the Revised Code, section 3562
2971.03 of the Revised Code, or any other provision of law, 3563
section 5120.163 of the Revised Code applies regarding the 3564
person while the person is confined in a state correctional 3565
institution. 3566

(G) If an offender who is convicted of or pleads guilty to 3567
a felony that is an offense of violence also is convicted of or 3568
pleads guilty to a specification of the type described in 3569
section 2941.142 of the Revised Code that charges the offender 3570
with having committed the felony while participating in a 3571
criminal gang, the court shall impose upon the offender an 3572
additional prison term of one, two, or three years. 3573

(H)(1) If an offender who is convicted of or pleads guilty 3574
to aggravated murder, murder, or a felony of the first, second, 3575
or third degree that is an offense of violence also is convicted 3576
of or pleads guilty to a specification of the type described in 3577
section 2941.143 of the Revised Code that charges the offender 3578
with having committed the offense in a school safety zone or 3579
towards a person in a school safety zone, the court shall impose 3580
upon the offender an additional prison term of two years. The 3581
offender shall serve the additional two years consecutively to 3582
and prior to the prison term imposed for the underlying offense. 3583

(2)(a) If an offender is convicted of or pleads guilty to 3584

a felony violation of section 2907.22, 2907.24, 2907.241, or 3585
2907.25 of the Revised Code and to a specification of the type 3586
described in section 2941.1421 of the Revised Code and if the 3587
court imposes a prison term on the offender for the felony 3588
violation, the court may impose upon the offender an additional 3589
prison term as follows: 3590

(i) Subject to division (H) (2) (a) (ii) of this section, an 3591
additional prison term of one, two, three, four, five, or six 3592
months; 3593

(ii) If the offender previously has been convicted of or 3594
pleaded guilty to one or more felony or misdemeanor violations 3595
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 3596
the Revised Code and also was convicted of or pleaded guilty to 3597
a specification of the type described in section 2941.1421 of 3598
the Revised Code regarding one or more of those violations, an 3599
additional prison term of one, two, three, four, five, six, 3600
seven, eight, nine, ten, eleven, or twelve months. 3601

(b) In lieu of imposing an additional prison term under 3602
division (H) (2) (a) of this section, the court may directly 3603
impose on the offender a sanction that requires the offender to 3604
wear a real-time processing, continual tracking electronic 3605
monitoring device during the period of time specified by the 3606
court. The period of time specified by the court shall equal the 3607
duration of an additional prison term that the court could have 3608
imposed upon the offender under division (H) (2) (a) of this 3609
section. A sanction imposed under this division shall commence 3610
on the date specified by the court, provided that the sanction 3611
shall not commence until after the offender has served the 3612
prison term imposed for the felony violation of section 2907.22, 3613
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3614

residential sanction imposed for the violation under section 3615
2929.16 of the Revised Code. A sanction imposed under this 3616
division shall be considered to be a community control sanction 3617
for purposes of section 2929.15 of the Revised Code, and all 3618
provisions of the Revised Code that pertain to community control 3619
sanctions shall apply to a sanction imposed under this division, 3620
except to the extent that they would by their nature be clearly 3621
inapplicable. The offender shall pay all costs associated with a 3622
sanction imposed under this division, including the cost of the 3623
use of the monitoring device. 3624

(I) At the time of sentencing, the court may recommend the 3625
offender for placement in a program of shock incarceration under 3626
section 5120.031 of the Revised Code or for placement in an 3627
intensive program prison under section 5120.032 of the Revised 3628
Code, disapprove placement of the offender in a program of shock 3629
incarceration or an intensive program prison of that nature, or 3630
make no recommendation on placement of the offender. In no case 3631
shall the department of rehabilitation and correction place the 3632
offender in a program or prison of that nature unless the 3633
department determines as specified in section 5120.031 or 3634
5120.032 of the Revised Code, whichever is applicable, that the 3635
offender is eligible for the placement. 3636

If the court disapproves placement of the offender in a 3637
program or prison of that nature, the department of 3638
rehabilitation and correction shall not place the offender in 3639
any program of shock incarceration or intensive program prison. 3640

If the court recommends placement of the offender in a 3641
program of shock incarceration or in an intensive program 3642
prison, and if the offender is subsequently placed in the 3643
recommended program or prison, the department shall notify the 3644

court of the placement and shall include with the notice a brief description of the placement. 3645
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If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison. 3647
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If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement. 3653
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(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code. 3668
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(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, 3673
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ten, or eleven years on an offender who is convicted of or 3675
pleads guilty to a violent felony offense if the offender also 3676
is convicted of or pleads guilty to a specification of the type 3677
described in section 2941.1424 of the Revised Code that charges 3678
that the offender is a violent career criminal and had a firearm 3679
on or about the offender's person or under the offender's 3680
control while committing the presently charged violent felony 3681
offense and displayed or brandished the firearm, indicated that 3682
the offender possessed a firearm, or used the firearm to 3683
facilitate the offense. The offender shall serve the prison term 3684
imposed under this division consecutively to and prior to the 3685
prison term imposed for the underlying offense. The prison term 3686
shall not be reduced pursuant to section 2929.20 or 2967.19 or 3687
any other provision of Chapter 2967. or 5120. of the Revised 3688
Code. A court may not impose more than one sentence under 3689
division (B) (2) (a) of this section and this division for acts 3690
committed as part of the same act or transaction. 3691

(2) As used in division (K) (1) of this section, "violent 3692
career criminal" and "violent felony offense" have the same 3693
meanings as in section 2923.132 of the Revised Code. 3694

(L) If an offender receives or received a sentence of life 3695
imprisonment without parole, a sentence of life imprisonment, or 3696
a sentence to an indefinite prison term under this chapter for 3697
an offense other than a disqualifying homicide offense, as 3698
defined in section 2967.132 of the Revised Code, committed when 3699
the offender was less than eighteen years of age, the offender's 3700
parole eligibility shall be determined under section 2967.132 of 3701
the Revised Code. 3702

Sec. 2967.13. (A) Except as provided in division (G) of 3703
this section and section 2967.132 of the Revised Code, a 3704

prisoner serving a sentence of imprisonment for life for an 3705
offense committed on or after July 1, 1996, is not entitled to 3706
any earned credit under section 2967.193 of the Revised Code and 3707
becomes eligible for parole as follows: 3708

(1) If a sentence of imprisonment for life was imposed for 3709
the offense of murder, at the expiration of the prisoner's 3710
minimum term; 3711

(2) If a sentence of imprisonment for life with parole 3712
eligibility after serving twenty years of imprisonment was 3713
imposed pursuant to section 2929.022 or 2929.03 of the Revised 3714
Code, after serving a term of twenty years; 3715

(3) If a sentence of imprisonment for life with parole 3716
eligibility after serving twenty-five full years of imprisonment 3717
was imposed pursuant to section 2929.022 or 2929.03 of the 3718
Revised Code, after serving a term of twenty-five full years; 3719

(4) If a sentence of imprisonment for life with parole 3720
eligibility after serving thirty full years of imprisonment was 3721
imposed pursuant to section 2929.022 or 2929.03 of the Revised 3722
Code, after serving a term of thirty full years; 3723

(5) If a sentence of imprisonment for life was imposed for 3724
rape, after serving a term of ten full years' imprisonment; 3725

(6) If a sentence of imprisonment for life with parole 3726
eligibility after serving fifteen years of imprisonment was 3727
imposed for a violation of section 2927.24 of the Revised Code, 3728
after serving a term of fifteen years. 3729

(B) Except as provided in division (G) of this section and 3730
section 2967.132 of the Revised Code, a prisoner serving a 3731
sentence of imprisonment for life with parole eligibility after 3732
serving twenty years of imprisonment or a sentence of 3733

imprisonment for life with parole eligibility after serving 3734
twenty-five full years or thirty full years of imprisonment 3735
imposed pursuant to section 2929.022 or 2929.03 of the Revised 3736
Code for an offense committed on or after July 1, 1996, 3737
consecutively to any other term of imprisonment, becomes 3738
eligible for parole after serving twenty years, twenty full 3739
years, or thirty full years, as applicable, as to each such 3740
sentence of life imprisonment, which shall not be reduced for 3741
earned credits under section 2967.193 of the Revised Code, plus 3742
the term or terms of the other sentences consecutively imposed 3743
or, if one of the other sentences is another type of life 3744
sentence with parole eligibility, the number of years before 3745
parole eligibility for that sentence. 3746

(C) Except as provided in division (G) of this section and 3747
section 2967.132 of the Revised Code, a prisoner serving 3748
consecutively two or more sentences in which an indefinite term 3749
of imprisonment is imposed becomes eligible for parole upon the 3750
expiration of the aggregate of the minimum terms of the 3751
sentences. 3752

(D) Except as provided in division (G) of this section and 3753
section 2967.132 of the Revised Code, a prisoner serving a term 3754
of imprisonment who is described in division (A) of section 3755
2967.021 of the Revised Code becomes eligible for parole as 3756
described in that division or, if the prisoner is serving a 3757
definite term of imprisonment, shall be released as described in 3758
that division. 3759

(E) ~~A~~ Except as provided in section 2967.132 of the 3760
Revised Code, a prisoner serving a sentence of life imprisonment 3761
without parole imposed pursuant to section 2907.02 or section 3762
2929.03 or 2929.06 of the Revised Code is not eligible for 3763

parole and shall be imprisoned until death. 3764

(F) A prisoner serving a stated prison term shall be 3765
released in accordance with section 2967.28 of the Revised Code. 3766

(G) ~~A—Except as provided in section 2967.132 of the~~ 3767
~~Revised Code, a prisoner serving a prison term or term of life~~ 3768
~~imprisonment without parole imposed pursuant to section 2971.03~~ 3769
~~of the Revised Code never becomes eligible for parole during~~ 3770
~~that term of imprisonment.~~ 3771

Sec. 2967.132. (A) (1) As used in this section, 3772
"disqualifying homicide offense" means aggravated murder or any 3773
other offense or combination of offenses that involved the 3774
purposeful killing of two or more persons. 3775

(2) This section applies to any prisoner serving a prison 3776
sentence for an offense or offenses, other than a disqualifying 3777
homicide offense, that was or were committed when the prisoner 3778
was less than eighteen years of age. Regardless of whether the 3779
prisoner's stated prison term includes mandatory time, this 3780
section shall apply automatically with respect to offenses other 3781
than a disqualifying homicide offense and cannot be limited by 3782
the sentencing court. This section does not apply to any 3783
prisoner serving a prison sentence for a disqualifying homicide 3784
offense. 3785

(B) Notwithstanding any provision of the Revised Code to 3786
the contrary, and regardless of when the offense or offenses 3787
were committed and when the sentence was imposed, a prisoner who 3788
is serving a prison sentence for an offense other than a 3789
disqualifying homicide offense and who was under eighteen years 3790
of age at the time of the offense is eligible for parole as 3791
follows: 3792

(1) If the prisoner's stated prison term totals at least 3793
fifteen years and permits parole not later than after twenty 3794
years, the prisoner is eligible for parole after serving fifteen 3795
years in prison. 3796

(2) If the prisoner is serving a sentence that permits 3797
parole only after more than twenty years but not later than 3798
after thirty years, the prisoner is eligible for parole five 3799
years prior to the parole eligibility date stated in the 3800
sentence. 3801

(3) If the prisoner's stated prison term totals more than 3802
thirty years but does not include a sentence of life without 3803
parole, the prisoner is eligible for parole after serving thirty 3804
years in prison. 3805

(4) If the prisoner is serving a sentence of life without 3806
parole, the prisoner is eligible for parole after serving 3807
thirty-five years in prison. 3808

(5) If the prisoner is serving a sentence described in 3809
division (B)(1), (2), or (3) of this section and, upon the 3810
effective date of this section, the parole eligibility date 3811
specified in the applicable division has been reached, the 3812
prisoner is eligible for parole immediately upon the effective 3813
date of this section. 3814

(C) Once a prisoner is eligible for parole pursuant to 3815
division (B) of this section, the parole board, within a 3816
reasonable time after the prisoner becomes eligible, shall 3817
conduct a hearing to consider the prisoner's release onto parole 3818
supervision. The board shall conduct the hearing in accordance 3819
with Chapters 2930., 2967., and 5149. of the Revised Code and in 3820
accordance with the board's policies and procedures. Those 3821

policies and procedures must permit the prisoner's privately 3822
retained counsel or the Ohio public defender to appear at the 3823
prisoner's hearing to make a statement in support of the 3824
prisoner's release. 3825

The parole board shall ensure that the review process 3826
provides the prisoner a meaningful opportunity to obtain 3827
release. In addition to any other factors the board is required 3828
or authorized to consider by rule or statute, the board shall 3829
consider the following factors as mitigation: 3830

(1) The age of the offender at the time of the offense; 3831

(2) The diminished culpability of youth; 3832

(3) Common characteristics of youth, including immaturity 3833
and failure to appreciate risks and consequences; 3834

(4) The family and home environment of the offender at the 3835
time of the offense; 3836

(5) Any subsequent growth or increase in the prisoner's 3837
maturity during imprisonment. 3838

(D) In accordance with section 2967.131 of the Revised 3839
Code, the parole board shall impose appropriate terms and 3840
conditions of release upon each prisoner granted a parole under 3841
this section. 3842

(E) If the parole board denies release pursuant to this 3843
section, the board shall conduct a subsequent release review not 3844
later than ten years after release was denied. 3845

(F) In addition to any notice required by rule or statute, 3846
the parole board shall notify the Ohio public defender and the 3847
appropriate prosecuting attorney of a prisoner's eligibility for 3848
review under this section at least sixty days before the board 3849

begins any review or proceedings involving that prisoner under 3850
this section. 3851

(G) This section shall apply to determine the parole 3852
eligibility of all prisoners described in this section who 3853
committed an offense other than a disqualifying homicide offense 3854
prior to, on, or after the effective date of this section, 3855
regardless of when the prisoner was sentenced for the offense. 3856

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 3857
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 3858
another section of the Revised Code, other than divisions (B) 3859
and (C) of section 2929.14 of the Revised Code, that authorizes 3860
or requires a specified prison term or a mandatory prison term 3861
for a person who is convicted of or pleads guilty to a felony or 3862
that specifies the manner and place of service of a prison term 3863
or term of imprisonment, the court shall impose a sentence upon 3864
a person who is convicted of or pleads guilty to a violent sex 3865
offense and who also is convicted of or pleads guilty to a 3866
sexually violent predator specification that was included in the 3867
indictment, count in the indictment, or information charging 3868
that offense, and upon a person who is convicted of or pleads 3869
guilty to a designated homicide, assault, or kidnapping offense 3870
and also is convicted of or pleads guilty to both a sexual 3871
motivation specification and a sexually violent predator 3872
specification that were included in the indictment, count in the 3873
indictment, or information charging that offense, as follows: 3874

(1) If the offense for which the sentence is being imposed 3875
is aggravated murder and if the court does not impose upon the 3876
offender a sentence of death, it shall impose upon the offender 3877
a term of life imprisonment without parole. If the court 3878
sentences the offender to death and the sentence of death is 3879

vacated, overturned, or otherwise set aside, the court shall 3880
impose upon the offender a term of life imprisonment without 3881
parole. 3882

(2) If the offense for which the sentence is being imposed 3883
is murder; or if the offense is rape committed in violation of 3884
division (A) (1) (b) of section 2907.02 of the Revised Code when 3885
the offender purposely compelled the victim to submit by force 3886
or threat of force, when the victim was less than ten years of 3887
age, when the offender previously has been convicted of or 3888
pleaded guilty to either rape committed in violation of that 3889
division or a violation of an existing or former law of this 3890
state, another state, or the United States that is substantially 3891
similar to division (A) (1) (b) of section 2907.02 of the Revised 3892
Code, or when the offender during or immediately after the 3893
commission of the rape caused serious physical harm to the 3894
victim; or if the offense is an offense other than aggravated 3895
murder or murder for which a term of life imprisonment may be 3896
imposed, it shall impose upon the offender a term of life 3897
imprisonment without parole. 3898

(3) (a) Except as otherwise provided in division (A) (3) (b), 3899
(c), (d), or (e) or (A) (4) of this section, if the offense for 3900
which the sentence is being imposed is an offense other than 3901
aggravated murder, murder, or rape and other than an offense for 3902
which a term of life imprisonment may be imposed, it shall 3903
impose an indefinite prison term consisting of a minimum term 3904
fixed by the court from among the range of terms available as a 3905
definite term for the offense, but not less than two years, and 3906
a maximum term of life imprisonment. 3907

(b) Except as otherwise provided in division (A) (4) of 3908
this section, if the offense for which the sentence is being 3909

imposed is kidnapping that is a felony of the first degree, it 3910
shall impose an indefinite prison term as follows: 3911

(i) If the kidnapping is committed on or after January 1, 3912
2008, and the victim of the offense is less than thirteen years 3913
of age, except as otherwise provided in this division, it shall 3914
impose an indefinite prison term consisting of a minimum term of 3915
fifteen years and a maximum term of life imprisonment. If the 3916
kidnapping is committed on or after January 1, 2008, the victim 3917
of the offense is less than thirteen years of age, and the 3918
offender released the victim in a safe place unharmed, it shall 3919
impose an indefinite prison term consisting of a minimum term of 3920
ten years and a maximum term of life imprisonment. 3921

(ii) If the kidnapping is committed prior to January 1, 3922
2008, or division (A) (3) (b) (i) of this section does not apply, 3923
it shall impose an indefinite term consisting of a minimum term 3924
fixed by the court that is not less than ten years and a maximum 3925
term of life imprisonment. 3926

(c) Except as otherwise provided in division (A) (4) of 3927
this section, if the offense for which the sentence is being 3928
imposed is kidnapping that is a felony of the second degree, it 3929
shall impose an indefinite prison term consisting of a minimum 3930
term fixed by the court that is not less than eight years, and a 3931
maximum term of life imprisonment. 3932

(d) Except as otherwise provided in division (A) (4) of 3933
this section, if the offense for which the sentence is being 3934
imposed is rape for which a term of life imprisonment is not 3935
imposed under division (A) (2) of this section or division (B) of 3936
section 2907.02 of the Revised Code, it shall impose an 3937
indefinite prison term as follows: 3938

(i) If the rape is committed on or after January 2, 2007, 3939
in violation of division (A) (1) (b) of section 2907.02 of the 3940
Revised Code, it shall impose an indefinite prison term 3941
consisting of a minimum term of twenty-five years and a maximum 3942
term of life imprisonment. 3943

(ii) If the rape is committed prior to January 2, 2007, or 3944
the rape is committed on or after January 2, 2007, other than in 3945
violation of division (A) (1) (b) of section 2907.02 of the 3946
Revised Code, it shall impose an indefinite prison term 3947
consisting of a minimum term fixed by the court that is not less 3948
than ten years, and a maximum term of life imprisonment. 3949

(e) Except as otherwise provided in division (A) (4) of 3950
this section, if the offense for which sentence is being imposed 3951
is attempted rape, it shall impose an indefinite prison term as 3952
follows: 3953

(i) Except as otherwise provided in division (A) (3) (e) 3954
(ii), (iii), or (iv) of this section, it shall impose an 3955
indefinite prison term pursuant to division (A) (3) (a) of this 3956
section. 3957

(ii) If the attempted rape for which sentence is being 3958
imposed was committed on or after January 2, 2007, and if the 3959
offender also is convicted of or pleads guilty to a 3960
specification of the type described in section 2941.1418 of the 3961
Revised Code, it shall impose an indefinite prison term 3962
consisting of a minimum term of five years and a maximum term of 3963
twenty-five years. 3964

(iii) If the attempted rape for which sentence is being 3965
imposed was committed on or after January 2, 2007, and if the 3966
offender also is convicted of or pleads guilty to a 3967

specification of the type described in section 2941.1419 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of ten years and a maximum of life imprisonment.

(iv) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1420 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of fifteen years and a maximum of life imprisonment.

(4) For any offense for which the sentence is being imposed, if the offender previously has been convicted of or pleaded guilty to a violent sex offense and also to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, or previously has been convicted of or pleaded guilty to a designated homicide, assault, or kidnapping offense and also to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that offense, it shall impose upon the offender a term of life imprisonment without parole.

(B) (1) Notwithstanding section 2929.13, division (A) or (D) of section 2929.14, or another section of the Revised Code other than division (B) of section 2907.02 or divisions (B) and (C) of section 2929.14 of the Revised Code that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to a felony or that specifies the manner and place of service of a prison term

or term of imprisonment, if a person is convicted of or pleads 3998
guilty to a violation of division (A) (1) (b) of section 2907.02 3999
of the Revised Code committed on or after January 2, 2007, if 4000
division (A) of this section does not apply regarding the 4001
person, and if the court does not impose a sentence of life 4002
without parole when authorized pursuant to division (B) of 4003
section 2907.02 of the Revised Code, the court shall impose upon 4004
the person an indefinite prison term consisting of one of the 4005
following: 4006

(a) Except as otherwise required in division (B) (1) (b) or 4007
(c) of this section, a minimum term of ten years and a maximum 4008
term of life imprisonment. 4009

(b) If the victim was less than ten years of age, a 4010
minimum term of fifteen years and a maximum of life 4011
imprisonment. 4012

(c) If the offender purposely compels the victim to submit 4013
by force or threat of force, or if the offender previously has 4014
been convicted of or pleaded guilty to violating division (A) (1) 4015
(b) of section 2907.02 of the Revised Code or to violating an 4016
existing or former law of this state, another state, or the 4017
United States that is substantially similar to division (A) (1) 4018
(b) of that section, or if the offender during or immediately 4019
after the commission of the offense caused serious physical harm 4020
to the victim, a minimum term of twenty-five years and a maximum 4021
of life imprisonment. 4022

(2) Notwithstanding section 2929.13, division (A) or (D) 4023
of section 2929.14, or another section of the Revised Code other 4024
than divisions (B) and (C) of section 2929.14 of the Revised 4025
Code that authorizes or requires a specified prison term or a 4026
mandatory prison term for a person who is convicted of or pleads 4027

guilty to a felony or that specifies the manner and place of 4028
service of a prison term or term of imprisonment and except as 4029
otherwise provided in division (B) of section 2907.02 of the 4030
Revised Code, if a person is convicted of or pleads guilty to 4031
attempted rape committed on or after January 2, 2007, and if 4032
division (A) of this section does not apply regarding the 4033
person, the court shall impose upon the person an indefinite 4034
prison term consisting of one of the following: 4035

(a) If the person also is convicted of or pleads guilty to 4036
a specification of the type described in section 2941.1418 of 4037
the Revised Code, the court shall impose upon the person an 4038
indefinite prison term consisting of a minimum term of five 4039
years and a maximum term of twenty-five years. 4040

(b) If the person also is convicted of or pleads guilty to 4041
a specification of the type described in section 2941.1419 of 4042
the Revised Code, the court shall impose upon the person an 4043
indefinite prison term consisting of a minimum term of ten years 4044
and a maximum term of life imprisonment. 4045

(c) If the person also is convicted of or pleads guilty to 4046
a specification of the type described in section 2941.1420 of 4047
the Revised Code, the court shall impose upon the person an 4048
indefinite prison term consisting of a minimum term of fifteen 4049
years and a maximum term of life imprisonment. 4050

(3) Notwithstanding section 2929.13, division (A) or (D) 4051
of section 2929.14, or another section of the Revised Code other 4052
than divisions (B) and (C) of section 2929.14 of the Revised 4053
Code that authorizes or requires a specified prison term or a 4054
mandatory prison term for a person who is convicted of or pleads 4055
guilty to a felony or that specifies the manner and place of 4056
service of a prison term or term of imprisonment, if a person is 4057

convicted of or pleads guilty to an offense described in 4058
division (B) (3) (a), (b), (c), or (d) of this section committed 4059
on or after January 1, 2008, if the person also is convicted of 4060
or pleads guilty to a sexual motivation specification that was 4061
included in the indictment, count in the indictment, or 4062
information charging that offense, and if division (A) of this 4063
section does not apply regarding the person, the court shall 4064
impose upon the person an indefinite prison term consisting of 4065
one of the following: 4066

(a) An indefinite prison term consisting of a minimum of 4067
ten years and a maximum term of life imprisonment if the offense 4068
for which the sentence is being imposed is kidnapping, the 4069
victim of the offense is less than thirteen years of age, and 4070
the offender released the victim in a safe place unharmed; 4071

(b) An indefinite prison term consisting of a minimum of 4072
fifteen years and a maximum term of life imprisonment if the 4073
offense for which the sentence is being imposed is kidnapping 4074
when the victim of the offense is less than thirteen years of 4075
age and division (B) (3) (a) of this section does not apply; 4076

(c) An indefinite term consisting of a minimum of thirty 4077
years and a maximum term of life imprisonment if the offense for 4078
which the sentence is being imposed is aggravated murder, when 4079
the victim of the offense is less than thirteen years of age, a 4080
sentence of death or life imprisonment without parole is not 4081
imposed for the offense, and division (A) (2) (b) (ii) of section 4082
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 4083
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 4084
division (A) or (B) of section 2929.06 of the Revised Code 4085
requires that the sentence for the offense be imposed pursuant 4086
to this division; 4087

(d) An indefinite prison term consisting of a minimum of 4088
thirty years and a maximum term of life imprisonment if the 4089
offense for which the sentence is being imposed is murder when 4090
the victim of the offense is less than thirteen years of age. 4091

(C) (1) If the offender is sentenced to a prison term 4092
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 4093
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 4094
parole board shall have control over the offender's service of 4095
the term during the entire term unless the parole board 4096
terminates its control in accordance with section 2971.04 of the 4097
Revised Code. 4098

(2) Except as provided in division (C) (3) of this section, 4099
an offender sentenced to a prison term or term of life 4100
imprisonment without parole pursuant to division (A) of this 4101
section shall serve the entire prison term or term of life 4102
imprisonment in a state correctional institution. The offender 4103
is not eligible for judicial release under section 2929.20 of 4104
the Revised Code. 4105

(3) For a prison term imposed pursuant to division (A) (3), 4106
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 4107
(b), (c), or (d) of this section, the court, in accordance with 4108
section 2971.05 of the Revised Code, may terminate the prison 4109
term or modify the requirement that the offender serve the 4110
entire term in a state correctional institution if all of the 4111
following apply: 4112

(a) The offender has served at least the minimum term 4113
imposed as part of that prison term. 4114

(b) The parole board, pursuant to section 2971.04 of the 4115
Revised Code, has terminated its control over the offender's 4116

service of that prison term. 4117

(c) The court has held a hearing and found, by clear and 4118
convincing evidence, one of the following: 4119

(i) In the case of termination of the prison term, that 4120
the offender is unlikely to commit a sexually violent offense in 4121
the future; 4122

(ii) In the case of modification of the requirement, that 4123
the offender does not represent a substantial risk of physical 4124
harm to others. 4125

(4) An offender who has been sentenced to a term of life 4126
imprisonment without parole pursuant to division (A)(1), (2), or 4127
(4) of this section shall not be released from the term of life 4128
imprisonment or be permitted to serve a portion of it in a place 4129
other than a state correctional institution. 4130

(D) If a court sentences an offender to a prison term or 4131
term of life imprisonment without parole pursuant to division 4132
(A) of this section and the court also imposes on the offender 4133
one or more additional prison terms pursuant to division (B) of 4134
section 2929.14 of the Revised Code, all of the additional 4135
prison terms shall be served consecutively with, and prior to, 4136
the prison term or term of life imprisonment without parole 4137
imposed upon the offender pursuant to division (A) of this 4138
section. 4139

(E) If the offender is convicted of or pleads guilty to 4140
two or more offenses for which a prison term or term of life 4141
imprisonment without parole is required to be imposed pursuant 4142
to division (A) of this section, divisions (A) to (D) of this 4143
section shall be applied for each offense. All minimum terms 4144
imposed upon the offender pursuant to division (A)(3) or (B) of 4145

this section for those offenses shall be aggregated and served 4146
consecutively, as if they were a single minimum term imposed 4147
under that division. 4148

(F)(1) If an offender is convicted of or pleads guilty to 4149
a violent sex offense and also is convicted of or pleads guilty 4150
to a sexually violent predator specification that was included 4151
in the indictment, count in the indictment, or information 4152
charging that offense, or is convicted of or pleads guilty to a 4153
designated homicide, assault, or kidnapping offense and also is 4154
convicted of or pleads guilty to both a sexual motivation 4155
specification and a sexually violent predator specification that 4156
were included in the indictment, count in the indictment, or 4157
information charging that offense, the conviction of or plea of 4158
guilty to the offense and the sexually violent predator 4159
specification automatically classifies the offender as a tier 4160
III sex offender/child-victim offender for purposes of Chapter 4161
2950. of the Revised Code. 4162

(2) If an offender is convicted of or pleads guilty to 4163
committing on or after January 2, 2007, a violation of division 4164
(A)(1)(b) of section 2907.02 of the Revised Code and either the 4165
offender is sentenced under section 2971.03 of the Revised Code 4166
or a sentence of life without parole is imposed under division 4167
(B) of section 2907.02 of the Revised Code, the conviction of or 4168
plea of guilty to the offense automatically classifies the 4169
offender as a tier III sex offender/child-victim offender for 4170
purposes of Chapter 2950. of the Revised Code. 4171

(3) If a person is convicted of or pleads guilty to 4172
committing on or after January 2, 2007, attempted rape and also 4173
is convicted of or pleads guilty to a specification of the type 4174
described in section 2941.1418, 2941.1419, or 2941.1420 of the 4175

Revised Code, the conviction of or plea of guilty to the offense 4176
and the specification automatically classify the offender as a 4177
tier III sex offender/child-victim offender for purposes of 4178
Chapter 2950. of the Revised Code. 4179

(4) If a person is convicted of or pleads guilty to one of 4180
the offenses described in division (B) (3) (a), (b), (c), or (d) 4181
of this section and a sexual motivation specification related to 4182
the offense and the victim of the offense is less than thirteen 4183
years of age, the conviction of or plea of guilty to the offense 4184
automatically classifies the offender as a tier III sex 4185
offender/child-victim offender for purposes of Chapter 2950. of 4186
the Revised Code. 4187

(G) Notwithstanding divisions (A) to (E) of this section, 4188
if an offender receives or received a sentence of life 4189
imprisonment without parole or a sentence to an indefinite 4190
prison term under this chapter for an offense other than a 4191
disqualifying homicide offense, as defined in section 2967.132 4192
of the Revised Code, committed when the offender was less than 4193
eighteen years of age, the offender's parole eligibility shall 4194
be determined under section 2967.132 of the Revised Code. 4195

Sec. 5149.101. (A) (1) A board hearing officer, a board 4196
member, or the office of victims' services may petition the 4197
board for a full board hearing that relates to the proposed 4198
parole or re-parole of a prisoner, including any prisoner 4199
described in section 2967.132 of the Revised Code. At a meeting 4200
of the board at which a majority of board members are present, 4201
the majority of those present shall determine whether a full 4202
board hearing shall be held. 4203

(2) A victim of a violation of section 2903.01 or 2903.02 4204
of the Revised Code, an offense of violence that is a felony of 4205

the first, second, or third degree, or an offense punished by a 4206
sentence of life imprisonment, the victim's representative, or 4207
any person described in division (B) (5) of this section may 4208
request the board to hold a full board hearing that relates to 4209
the proposed parole or re-parole of the person that committed 4210
the violation. If a victim, victim's representative, or other 4211
person requests a full board hearing pursuant to this division, 4212
the board shall hold a full board hearing. 4213

At least thirty days before the full hearing, except as 4214
otherwise provided in this division, the board shall give notice 4215
of the date, time, and place of the hearing to the victim 4216
regardless of whether the victim has requested the notification. 4217
The notice of the date, time, and place of the hearing shall not 4218
be given under this division to a victim if the victim has 4219
requested pursuant to division (B) (2) of section 2930.03 of the 4220
Revised Code that the notice not be provided to the victim. At 4221
least thirty days before the full board hearing and regardless 4222
of whether the victim has requested that the notice be provided 4223
or not be provided under this division to the victim, the board 4224
shall give similar notice to the prosecuting attorney in the 4225
case, the law enforcement agency that arrested the prisoner if 4226
any officer of that agency was a victim of the offense, and, if 4227
different than the victim, the person who requested the full 4228
hearing. If the prosecuting attorney has not previously been 4229
sent an institutional summary report with respect to the 4230
prisoner, upon the request of the prosecuting attorney, the 4231
board shall include with the notice sent to the prosecuting 4232
attorney an institutional summary report that covers the 4233
offender's participation while confined in a state correctional 4234
institution in training, work, and other rehabilitative 4235
activities and any disciplinary action taken against the 4236

offender while so confined. Upon the request of a law 4237
enforcement agency that has not previously been sent an 4238
institutional summary report with respect to the prisoner, the 4239
board also shall send a copy of the institutional summary report 4240
to the law enforcement agency. If notice is to be provided as 4241
described in this division, the board may give the notice by any 4242
reasonable means, including regular mail, telephone, and 4243
electronic mail, in accordance with division (D) (1) of section 4244
2930.16 of the Revised Code. If the notice is based on an 4245
offense committed prior to ~~the effective date of this amendment~~ 4246
March 22, 2013, the notice also shall include the opt-out 4247
information described in division (D) (1) of section 2930.16 of 4248
the Revised Code. The board, in accordance with division (D) (2) 4249
of section 2930.16 of the Revised Code, shall keep a record of 4250
all attempts to provide the notice, and of all notices provided, 4251
under this division. 4252

The preceding paragraph, and the notice-related provisions 4253
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 4254
of section 2930.16, division (H) of section 2967.12, division 4255
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 4256
2967.26, and division (D) (1) of section 2967.28 of the Revised 4257
Code enacted in the act in which this paragraph was enacted, 4258
shall be known as "Roberta's Law." 4259

(B) At a full board hearing that relates to the proposed 4260
parole or re-parole of a prisoner and that has been petitioned 4261
for or requested in accordance with division (A) of this 4262
section, the parole board shall permit the following persons to 4263
appear and to give testimony or to submit written statements: 4264

(1) The prosecuting attorney of the county in which the 4265
original indictment against the prisoner was found and members 4266

of any law enforcement agency that assisted in the prosecution 4267
of the original offense; 4268

(2) The judge of the court of common pleas who imposed the 4269
original sentence of incarceration upon the prisoner, or the 4270
judge's successor; 4271

(3) The victim of the original offense for which the 4272
prisoner is serving the sentence or the victim's representative 4273
designated pursuant to section 2930.02 of the Revised Code; 4274

(4) The victim of any behavior that resulted in parole 4275
being revoked; 4276

(5) With respect to a full board hearing held pursuant to 4277
division (A)(2) of this section, all of the following: 4278

(a) The spouse of the victim of the original offense; 4279

(b) The parent or parents of the victim of the original 4280
offense; 4281

(c) The sibling of the victim of the original offense; 4282

(d) The child or children of the victim of the original 4283
offense. 4284

(6) Counsel or some other person designated by the 4285
prisoner as a representative, as described in division (C) of 4286
this section. 4287

(C) Except as otherwise provided in this division, a full 4288
board hearing of the parole board is not subject to section 4289
121.22 of the Revised Code. The persons who may attend a full 4290
board hearing are the persons described in divisions (B)(1) to 4291
(6) of this section, and representatives of the press, radio and 4292
television stations, and broadcasting networks who are members 4293

of a generally recognized professional media organization. 4294

At the request of a person described in division (B)(3) of 4295
this section, representatives of the news media described in 4296
this division shall be excluded from the hearing while that 4297
person is giving testimony at the hearing. The prisoner being 4298
considered for parole has no right to be present at the hearing, 4299
but may be represented by counsel or some other person 4300
designated by the prisoner. 4301

If there is an objection at a full board hearing to a 4302
recommendation for the parole of a prisoner, the board may 4303
approve or disapprove the recommendation or defer its decision 4304
until a subsequent full board hearing. The board may permit 4305
interested persons other than those listed in this division and 4306
division (B) of this section to attend full board hearings 4307
pursuant to rules adopted by the adult parole authority. 4308

(D) If the victim of the original offense died as a result 4309
of the offense and the offense was aggravated murder, murder, an 4310
offense of violence that is a felony of the first, second, or 4311
third degree, or an offense punished by a sentence of life 4312
imprisonment, the family of the victim may show at a full board 4313
hearing a video recording not exceeding five minutes in length 4314
memorializing the victim. 4315

(E) The adult parole authority shall adopt rules for the 4316
implementation of this section. The rules shall specify 4317
reasonable restrictions on the number of media representatives 4318
that may attend a hearing, based on considerations of space, and 4319
other procedures designed to accomplish an effective, orderly 4320
process for full board hearings. 4321

Section 2. That existing sections 109.42, 109.57, 2151.23, 4322

2152.02, 2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2152.18, 4323
2152.20, 2152.21, 2152.26, 2505.02, 2929.02, 2929.14, 2967.13, 4324
2971.03, and 5149.101 and section 2152.121 of the Revised Code 4325
are hereby repealed. 4326

Section 3. Section 109.57 of the Revised Code is presented 4327
in this act as a composite of the section as amended by both 4328
Sub. H.B. 359 and Am. Sub. S.B. 227 of the 132nd General 4329
Assembly. The General Assembly, applying the principle stated in 4330
division (B) of section 1.52 of the Revised Code that amendments 4331
are to be harmonized if reasonably capable of simultaneous 4332
operation, finds that the composite is the resulting version of 4333
the section in effect prior to the effective date of the section 4334
as presented in this act. 4335