

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 64**

**Senator Thomas**

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

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**A BILL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



is prohibited by federal law. 476

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

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

(J) As used in this section: 483

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

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

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

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

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

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

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

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

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

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

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

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

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

court of this state;	590
(5) To hear and determine an action commenced under	591
section 3111.28 of the Revised Code;	592
(6) To hear and determine a motion filed under section	593
3119.961 of the Revised Code;	594
(7) To receive filings under section 3109.74 of the	595
Revised Code, and to hear and determine actions arising under	596
sections 3109.51 to 3109.80 of the Revised Code.	597
(8) To enforce an order for the return of a child made	598
under the Hague Convention on the Civil Aspects of International	599
Child Abduction pursuant to section 3127.32 of the Revised Code;	600
(9) To grant any relief normally available under the laws	601
of this state to enforce a child custody determination made by a	602
court of another state and registered in accordance with section	603
3127.35 of the Revised Code.	604
(C) The juvenile court, except as to juvenile courts that	605
are a separate division of the court of common pleas or a	606
separate and independent juvenile court, has jurisdiction to	607
hear, determine, and make a record of any action for divorce or	608
legal separation that involves the custody or care of children	609
and that is filed in the court of common pleas and certified by	610
the court of common pleas with all the papers filed in the	611
action to the juvenile court for trial, provided that no	612
certification of that nature shall be made to any juvenile court	613
unless the consent of the juvenile judge first is obtained.	614
After a certification of that nature is made and consent is	615
obtained, the juvenile court shall proceed as if the action	616
originally had been begun in that court, except as to awards for	617
spousal support or support due and unpaid at the time of	618

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

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

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

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

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

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

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

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

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

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

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

**Sec. 2152.02.** As used in this chapter: 705

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the Revised Code. 885

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~time of the act charged, section 2152.10 of the Revised Code provides that the child is eligible for mandatory transfer, and there is probable cause to believe that the child committed the act charged.~~ 1121  
1122  
1123  
1124

~~(b) After a complaint has been filed alleging that a child is a delinquent child by reason of committing a category two offense, the juvenile court at a hearing shall transfer the case if the child was sixteen or seventeen years of age at the time of the act charged and either of the following applies:~~ 1125  
1126  
1127  
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1129

~~(i) Division (A) (2) (a) of section 2152.10 of the Revised Code requires the mandatory transfer of the case, and there is probable cause to believe that the child committed the act charged.~~ 1130  
1131  
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1133

~~(ii) Division (A) (2) (b) of section 2152.10 of the Revised Code requires the mandatory transfer of the case, and there is probable cause to believe that the child committed the act charged.~~ 1134  
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~~(2) The juvenile court also shall transfer a case in the circumstances described in division (C) (5) of section 2152.02 of the Revised Code or if either of the following applies:~~ 1138  
1139  
1140

~~(a) A complaint is filed against a child who is eligible for a discretionary transfer under section 2152.10 of the Revised Code and who previously was convicted of or pleaded guilty to a felony in a case that was transferred to a criminal court.~~ 1141  
1142  
1143  
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1145

~~(b) A complaint is filed against a child who is domiciled in another state alleging that the child is a delinquent child for committing an act that would be a felony if committed by an adult, and, if the act charged had been committed in that other~~ 1146  
1147  
1148  
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~~state, the child would be subject to criminal prosecution as an adult under the law of that other state without the need for a transfer of jurisdiction from a juvenile, family, or similar noncriminal court to a criminal court.~~ 1150  
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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.~~ 1154  
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~~(B) Except as provided in division (A) of this section,~~ 1161  
~~after~~ After a complaint has been filed alleging that a child is 1162  
a delinquent child for committing an act that would be a felony 1163  
if committed by an adult, the juvenile court at a hearing may 1164  
transfer the case if the court finds all of the following: 1165

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

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

(3) The child is not amenable to care or rehabilitation 1170  
within the juvenile system, and the safety of the community may 1171  
require that the child be subject to adult sanctions. In making 1172  
its decision under this division, the court shall consider 1173  
~~whether~~ the applicable factors under division ~~(D)~~ (C) of this 1174  
section indicating that the case should be transferred outweigh 1175  
the applicable factors under division (E) of this section 1176  
indicating that the case should not be transferred. The record 1177  
shall indicate the specific factors that were applicable and 1178



~~that the court weighed.~~ 1179

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

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

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

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

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

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

~~(5) The child had a firearm on or about the child's person or under the child's control at the time of the act charged, the act charged is not a violation of section 2923.12 of the Revised Code, and the child, during the commission of the act charged, allegedly used or displayed the firearm, brandished the firearm, or indicated that the child possessed a firearm.~~ 1210  
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~~(6) At the time of the act charged, the child was awaiting adjudication or disposition as a delinquent child, was under a community control sanction, or was on parole for a prior delinquent child adjudication or conviction.~~ 1216  
1217  
1218  
1219

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

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

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

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

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

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

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

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

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

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

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

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

~~(8) There is sufficient time to rehabilitate the child within the juvenile system and the level of security available in the juvenile system provides a reasonable assurance of public safety.~~ 1246  
1247  
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~~(F) If one or more complaints are filed alleging that a child is a delinquent child for committing two or more acts that would be offenses if committed by an adult, if a motion is made alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred, and if a motion also is made requesting that the case or cases involving one or more of the acts charged be transferred pursuant to division (B) of this section, the juvenile court, in deciding the motions, shall proceed in the following manner:~~ 1250  
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~~(1) Initially, the court shall decide the motion alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred.~~ 1260  
1261  
1262  
1263

~~(2) If the court determines that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred, the court shall transfer the case or cases in accordance with that division. After the transfer pursuant to division (A) of this section, the court shall decide, in accordance with division (B) of this section, whether to grant the motion requesting that the case or cases involving one or more of the acts charged be transferred pursuant to that division. Notwithstanding division (B) of this section, prior to transferring a case pursuant to division (A) of this section, the court is not required to consider any factor specified in division (D) or (E) of this section or to conduct an investigation under division (C) of this section.~~

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

~~(4) No report on an investigation conducted pursuant to division (C) of this section shall include details of the alleged offense as reported by the child.~~(1) The risk level of the child as determined by a standardized, evidence-based risk assessment tool as endorsed by the department of youth services and administered by a trained court professional;

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

(a) The level of physical, psychological, or serious economic harm suffered by the victim or whether the child did

not cause physical harm to any person or property, or have 1294  
reasonable cause to believe that harm of that nature would 1295  
occur; 1296

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



child; 1410

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

(b) A secure correctional facility. 1699

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

than twenty-four hours in a detention facility. 1704

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) Established a pattern of disruptive behavior as verified by a written record that the youth's behavior is not conducive to the established policies and procedures of the facility or program in which the youth is being held.

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

(i) The age of the person;

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

(iii) The person's current emotional state, intelligence, and developmental maturity, including any emotional and

psychological trauma, and the risk to the person in an adult 1822  
facility, which may be evidenced by mental health or 1823  
psychological assessments or screenings made available to the 1824  
prosecuting attorney and the defense counsel; 1825

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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