

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**S. B. No. 99**

**Senator Thomas**

**Cosponsors: Senators Sykes, Antonio, Fedor, Craig**

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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 law governing a discretionary 6  
bindover, of an alleged juvenile offender from a 7  
juvenile court to a criminal court. 8

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

**Section 1.** That sections 109.57, 2151.23, 2152.02, 9  
2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2152.26, and 10  
2505.02 of the Revised Code be amended to read as follows: 11

**Sec. 109.57.** (A) (1) The superintendent of the bureau of 12  
criminal identification and investigation shall procure from 13  
wherever procurable and file for record photographs, pictures, 14  
descriptions, fingerprints, measurements, and other information 15  
that may be pertinent of all persons who have been convicted of 16  
committing within this state a felony, any crime constituting a 17  
misdemeanor on the first offense and a felony on subsequent 18

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

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

(2) Every clerk of a court of record in this state, other 60  
than the supreme court or a court of appeals, shall send to the 61  
superintendent of the bureau a weekly report containing a 62  
summary of each case involving a felony, involving any crime 63  
constituting a misdemeanor on the first offense and a felony on 64  
subsequent offenses, involving a misdemeanor described in 65  
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 66  
of the Revised Code, or involving an adjudication in a case in 67  
which a child under eighteen years of age was alleged to be a 68  
delinquent child for committing an act that would be a felony or 69  
an offense of violence if committed by an adult. The clerk of 70  
the court of common pleas shall include in the report and 71  
summary the clerk sends under this division all information 72  
described in divisions (A) (2) (a) to (f) of this section 73  
regarding a case before the court of appeals that is served by 74  
that clerk. The summary shall be written on the standard forms 75  
furnished by the superintendent pursuant to division (B) of this 76  
section and shall include the following information: 77

(a) The incident tracking number contained on the standard 78  
forms furnished by the superintendent pursuant to division (B) 79  
of this section; 80

(b) The style and number of the case;	81
(c) The date of arrest, offense, summons, or arraignment;	82
(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;	83 84 85 86 87 88 89 90 91 92 93 94
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	95 96
(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.	97 98 99 100
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.	101 102 103 104 105
(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	106 107 108 109

identification of all persons arrested on a charge of a felony, 110  
any crime constituting a misdemeanor on the first offense and a 111  
felony on subsequent offenses, or a misdemeanor described in 112  
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 113  
of the Revised Code and of all children under eighteen years of 114  
age arrested or otherwise taken into custody for committing an 115  
act that would be a felony or an offense of violence if 116  
committed by an adult. The superintendent also shall file for 117  
record the fingerprint impressions of all persons confined in a 118  
county, multicounty, municipal, municipal-county, or 119  
multicounty-municipal jail or workhouse, community-based 120  
correctional facility, halfway house, alternative residential 121  
facility, or state correctional institution for the violation of 122  
state laws and of all children under eighteen years of age who 123  
are confined in a county, multicounty, municipal, municipal- 124  
county, or multicounty-municipal jail or workhouse, community- 125  
based correctional facility, halfway house, alternative 126  
residential facility, or state correctional institution or in 127  
any facility for delinquent children for committing an act that 128  
would be a felony or an offense of violence if committed by an 129  
adult, and any other information that the superintendent may 130  
receive from law enforcement officials of the state and its 131  
political subdivisions. 132

(4) The superintendent shall carry out Chapter 2950. of 133  
the Revised Code with respect to the registration of persons who 134  
are convicted of or plead guilty to a sexually oriented offense 135  
or a child-victim oriented offense and with respect to all other 136  
duties imposed on the bureau under that chapter. 137

(5) The bureau shall perform centralized recordkeeping 138  
functions for criminal history records and services in this 139  
state for purposes of the national crime prevention and privacy 140

compact set forth in section 109.571 of the Revised Code and is 141  
the criminal history record repository as defined in that 142  
section for purposes of that compact. The superintendent or the 143  
superintendent's designee is the compact officer for purposes of 144  
that compact and shall carry out the responsibilities of the 145  
compact officer specified in that compact. 146

(6) The superintendent shall, upon request, assist a 147  
county coroner in the identification of a deceased person 148  
through the use of fingerprint impressions obtained pursuant to 149  
division (A) (1) of this section or collected pursuant to section 150  
109.572 or 311.41 of the Revised Code. 151

(B) The superintendent shall prepare and furnish to every 152  
county, multicounty, municipal, municipal-county, or 153  
multicounty-municipal jail or workhouse, community-based 154  
correctional facility, halfway house, alternative residential 155  
facility, or state correctional institution and to every clerk 156  
of a court in this state specified in division (A) (2) of this 157  
section standard forms for reporting the information required 158  
under division (A) of this section. The standard forms that the 159  
superintendent prepares pursuant to this division may be in a 160  
tangible format, in an electronic format, or in both tangible 161  
formats and electronic formats. 162

(C) (1) The superintendent may operate a center for 163  
electronic, automated, or other data processing for the storage 164  
and retrieval of information, data, and statistics pertaining to 165  
criminals and to children under eighteen years of age who are 166  
adjudicated delinquent children for committing an act that would 167  
be a felony or an offense of violence if committed by an adult, 168  
criminal activity, crime prevention, law enforcement, and 169  
criminal justice, and may establish and operate a statewide 170

communications network to be known as the Ohio law enforcement 171  
gateway to gather and disseminate information, data, and 172  
statistics for the use of law enforcement agencies and for other 173  
uses specified in this division. The superintendent may gather, 174  
store, retrieve, and disseminate information, data, and 175  
statistics that pertain to children who are under eighteen years 176  
of age and that are gathered pursuant to sections 109.57 to 177  
109.61 of the Revised Code together with information, data, and 178  
statistics that pertain to adults and that are gathered pursuant 179  
to those sections. 180

(2) The superintendent or the superintendent's designee 181  
shall gather information of the nature described in division (C) 182  
(1) of this section that pertains to the offense and delinquency 183  
history of a person who has been convicted of, pleaded guilty 184  
to, or been adjudicated a delinquent child for committing a 185  
sexually oriented offense or a child-victim oriented offense for 186  
inclusion in the state registry of sex offenders and child- 187  
victim offenders maintained pursuant to division (A)(1) of 188  
section 2950.13 of the Revised Code and in the internet database 189  
operated pursuant to division (A)(13) of that section and for 190  
possible inclusion in the internet database operated pursuant to 191  
division (A)(11) of that section. 192

(3) In addition to any other authorized use of 193  
information, data, and statistics of the nature described in 194  
division (C)(1) of this section, the superintendent or the 195  
superintendent's designee may provide and exchange the 196  
information, data, and statistics pursuant to the national crime 197  
prevention and privacy compact as described in division (A)(5) 198  
of this section. 199

(4) The Ohio law enforcement gateway shall contain the 200

name, confidential address, and telephone number of program 201  
participants in the address confidentiality program established 202  
under sections 111.41 to 111.47 of the Revised Code. 203

(5) The attorney general may adopt rules under Chapter 204  
119. of the Revised Code establishing guidelines for the 205  
operation of and participation in the Ohio law enforcement 206  
gateway. The rules may include criteria for granting and 207  
restricting access to information gathered and disseminated 208  
through the Ohio law enforcement gateway. The attorney general 209  
shall adopt rules under Chapter 119. of the Revised Code that 210  
grant access to information in the gateway regarding an address 211  
confidentiality program participant under sections 111.41 to 212  
111.47 of the Revised Code to only chiefs of police, village 213  
marshals, county sheriffs, county prosecuting attorneys, and a 214  
designee of each of these individuals. The attorney general 215  
shall permit the state medical board and board of nursing to 216  
access and view, but not alter, information gathered and 217  
disseminated through the Ohio law enforcement gateway. 218

The attorney general may appoint a steering committee to 219  
advise the attorney general in the operation of the Ohio law 220  
enforcement gateway that is comprised of persons who are 221  
representatives of the criminal justice agencies in this state 222  
that use the Ohio law enforcement gateway and is chaired by the 223  
superintendent or the superintendent's designee. 224

(D) (1) The following are not public records under section 225  
149.43 of the Revised Code: 226

(a) Information and materials furnished to the 227  
superintendent pursuant to division (A) of this section; 228

(b) Information, data, and statistics gathered or 229

disseminated through the Ohio law enforcement gateway pursuant	230
to division (C) (1) of this section;	231
(c) Information and materials furnished to any board or	232
person under division (F) or (G) of this section.	233
(2) The superintendent or the superintendent's designee	234
shall gather and retain information so furnished under division	235
(A) of this section that pertains to the offense and delinquency	236
history of a person who has been convicted of, pleaded guilty	237
to, or been adjudicated a delinquent child for committing a	238
sexually oriented offense or a child-victim oriented offense for	239
the purposes described in division (C) (2) of this section.	240
(E) (1) The attorney general shall adopt rules, in	241
accordance with Chapter 119. of the Revised Code and subject to	242
division (E) (2) of this section, setting forth the procedure by	243
which a person may receive or release information gathered by	244
the superintendent pursuant to division (A) of this section. A	245
reasonable fee may be charged for this service. If a temporary	246
employment service submits a request for a determination of	247
whether a person the service plans to refer to an employment	248
position has been convicted of or pleaded guilty to an offense	249
listed or described in division (A) (1), (2), or (3) of section	250
109.572 of the Revised Code, the request shall be treated as a	251
single request and only one fee shall be charged.	252
(2) Except as otherwise provided in this division or	253
division (E) (3) or (4) of this section, a rule adopted under	254
division (E) (1) of this section may provide only for the release	255
of information gathered pursuant to division (A) of this section	256
that relates to the conviction of a person, or a person's plea	257
of guilty to, a criminal offense or to the arrest of a person as	258
provided in division (E) (3) of this section. The superintendent	259

shall not release, and the attorney general shall not adopt any 260  
rule under division (E) (1) of this section that permits the 261  
release of, any information gathered pursuant to division (A) of 262  
this section that relates to an adjudication of a child as a 263  
delinquent child, or that relates to a criminal conviction of a 264  
person under eighteen years of age if the person's case was 265  
transferred back to a juvenile court under division (B) (2) or 266  
(3) of former section 2152.121 of the Revised Code as it existed 267  
prior to the effective date of this amendment and the juvenile 268  
court imposed a disposition or serious youthful offender 269  
disposition upon the person under either division, unless either 270  
of the following applies with respect to the adjudication or 271  
conviction: 272

(a) The adjudication or conviction was for a violation of 273  
section 2903.01 or 2903.02 of the Revised Code. 274

(b) The adjudication or conviction was for a sexually 275  
oriented offense, the juvenile court was required to classify 276  
the child a juvenile offender registrant for that offense under 277  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 278  
classification has not been removed, and the records of the 279  
adjudication or conviction have not been sealed or expunged 280  
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 281  
section 2952.32 of the Revised Code. 282

(3) A rule adopted under division (E) (1) of this section 283  
may provide for the release of information gathered pursuant to 284  
division (A) of this section that relates to the arrest of a 285  
person who is eighteen years of age or older when the person has 286  
not been convicted as a result of that arrest if any of the 287  
following applies: 288

(a) The arrest was made outside of this state. 289

(b) A criminal action resulting from the arrest is 290  
pending, and the superintendent confirms that the criminal 291  
action has not been resolved at the time the criminal records 292  
check is performed. 293

(c) The bureau cannot reasonably determine whether a 294  
criminal action resulting from the arrest is pending, and not 295  
more than one year has elapsed since the date of the arrest. 296

(4) A rule adopted under division (E) (1) of this section 297  
may provide for the release of information gathered pursuant to 298  
division (A) of this section that relates to an adjudication of 299  
a child as a delinquent child if not more than five years have 300  
elapsed since the date of the adjudication, the adjudication was 301  
for an act that would have been a felony if committed by an 302  
adult, the records of the adjudication have not been sealed or 303  
expunged pursuant to sections 2151.355 to 2151.358 of the 304  
Revised Code, and the request for information is made under 305  
division (F) of this section or under section 109.572 of the 306  
Revised Code. In the case of an adjudication for a violation of 307  
the terms of community control or supervised release, the five- 308  
year period shall be calculated from the date of the 309  
adjudication to which the community control or supervised 310  
release pertains. 311

(F) (1) As used in division (F) (2) of this section, "head 312  
start agency" means an entity in this state that has been 313  
approved to be an agency for purposes of subchapter II of the 314  
"Community Economic Development Act," 95 Stat. 489 (1981), 42 315  
U.S.C.A. 9831, as amended. 316

(2) (a) In addition to or in conjunction with any request 317  
that is required to be made under section 109.572, 2151.86, 318  
3301.32, 3301.541, division (C) of section 3310.58, or section 319

3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 320  
5153.111 of the Revised Code or that is made under section 321  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 322  
board of education of any school district; the director of 323  
developmental disabilities; any county board of developmental 324  
disabilities; any provider or subcontractor as defined in 325  
section 5123.081 of the Revised Code; the chief administrator of 326  
any chartered nonpublic school; the chief administrator of a 327  
registered private provider that is not also a chartered 328  
nonpublic school; the chief administrator of any home health 329  
agency; the chief administrator of or person operating any child 330  
day-care center, type A family day-care home, or type B family 331  
day-care home licensed under Chapter 5104. of the Revised Code; 332  
the chief administrator of any head start agency; the executive 333  
director of a public children services agency; a private company 334  
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 335  
the Revised Code; or an employer described in division (J)(2) of 336  
section 3327.10 of the Revised Code may request that the 337  
superintendent of the bureau investigate and determine, with 338  
respect to any individual who has applied for employment in any 339  
position after October 2, 1989, or any individual wishing to 340  
apply for employment with a board of education may request, with 341  
regard to the individual, whether the bureau has any information 342  
gathered under division (A) of this section that pertains to 343  
that individual. On receipt of the request, subject to division 344  
(E)(2) of this section, the superintendent shall determine 345  
whether that information exists and, upon request of the person, 346  
board, or entity requesting information, also shall request from 347  
the federal bureau of investigation any criminal records it has 348  
pertaining to that individual. The superintendent or the 349  
superintendent's designee also may request criminal history 350  
records from other states or the federal government pursuant to 351

the national crime prevention and privacy compact set forth in 352  
section 109.571 of the Revised Code. Within thirty days of the 353  
date that the superintendent receives a request, subject to 354  
division (E) (2) of this section, the superintendent shall send 355  
to the board, entity, or person a report of any information that 356  
the superintendent determines exists, including information 357  
contained in records that have been sealed under section 2953.32 358  
of the Revised Code, and, within thirty days of its receipt, 359  
subject to division (E) (2) of this section, shall send the 360  
board, entity, or person a report of any information received 361  
from the federal bureau of investigation, other than information 362  
the dissemination of which is prohibited by federal law. 363

(b) When a board of education or a registered private 364  
provider is required to receive information under this section 365  
as a prerequisite to employment of an individual pursuant to 366  
division (C) of section 3310.58 or section 3319.39 of the 367  
Revised Code, it may accept a certified copy of records that 368  
were issued by the bureau of criminal identification and 369  
investigation and that are presented by an individual applying 370  
for employment with the district in lieu of requesting that 371  
information itself. In such a case, the board shall accept the 372  
certified copy issued by the bureau in order to make a photocopy 373  
of it for that individual's employment application documents and 374  
shall return the certified copy to the individual. In a case of 375  
that nature, a district or provider only shall accept a 376  
certified copy of records of that nature within one year after 377  
the date of their issuance by the bureau. 378

(c) Notwithstanding division (F) (2) (a) of this section, in 379  
the case of a request under section 3319.39, 3319.391, or 380  
3327.10 of the Revised Code only for criminal records maintained 381  
by the federal bureau of investigation, the superintendent shall 382

not determine whether any information gathered under division 383  
(A) of this section exists on the person for whom the request is 384  
made. 385

(3) The state board of education may request, with respect 386  
to any individual who has applied for employment after October 387  
2, 1989, in any position with the state board or the department 388  
of education, any information that a school district board of 389  
education is authorized to request under division (F) (2) of this 390  
section, and the superintendent of the bureau shall proceed as 391  
if the request has been received from a school district board of 392  
education under division (F) (2) of this section. 393

(4) When the superintendent of the bureau receives a 394  
request for information under section 3319.291 of the Revised 395  
Code, the superintendent shall proceed as if the request has 396  
been received from a school district board of education and 397  
shall comply with divisions (F) (2) (a) and (c) of this section. 398

(G) In addition to or in conjunction with any request that 399  
is required to be made under section 3701.881, 3712.09, or 400  
3721.121 of the Revised Code with respect to an individual who 401  
has applied for employment in a position that involves providing 402  
direct care to an older adult or adult resident, the chief 403  
administrator of a home health agency, hospice care program, 404  
home licensed under Chapter 3721. of the Revised Code, or adult 405  
day-care program operated pursuant to rules adopted under 406  
section 3721.04 of the Revised Code may request that the 407  
superintendent of the bureau investigate and determine, with 408  
respect to any individual who has applied after January 27, 409  
1997, for employment in a position that does not involve 410  
providing direct care to an older adult or adult resident, 411  
whether the bureau has any information gathered under division 412

(A) of this section that pertains to that individual. 413

In addition to or in conjunction with any request that is 414  
required to be made under section 173.27 of the Revised Code 415  
with respect to an individual who has applied for employment in 416  
a position that involves providing ombudsman services to 417  
residents of long-term care facilities or recipients of 418  
community-based long-term care services, the state long-term 419  
care ombudsman, the director of aging, a regional long-term care 420  
ombudsman program, or the designee of the ombudsman, director, 421  
or program may request that the superintendent investigate and 422  
determine, with respect to any individual who has applied for 423  
employment in a position that does not involve providing such 424  
ombudsman services, whether the bureau has any information 425  
gathered under division (A) of this section that pertains to 426  
that applicant. 427

In addition to or in conjunction with any request that is 428  
required to be made under section 173.38 of the Revised Code 429  
with respect to an individual who has applied for employment in 430  
a direct-care position, the chief administrator of a provider, 431  
as defined in section 173.39 of the Revised Code, may request 432  
that the superintendent investigate and determine, with respect 433  
to any individual who has applied for employment in a position 434  
that is not a direct-care position, whether the bureau has any 435  
information gathered under division (A) of this section that 436  
pertains to that applicant. 437

In addition to or in conjunction with any request that is 438  
required to be made under section 3712.09 of the Revised Code 439  
with respect to an individual who has applied for employment in 440  
a position that involves providing direct care to a pediatric 441  
respite care patient, the chief administrator of a pediatric 442

respice care program may request that the superintendent of the 443  
bureau investigate and determine, with respect to any individual 444  
who has applied for employment in a position that does not 445  
involve providing direct care to a pediatric respice care 446  
patient, whether the bureau has any information gathered under 447  
division (A) of this section that pertains to that individual. 448

On receipt of a request under this division, the 449  
superintendent shall determine whether that information exists 450  
and, on request of the individual requesting information, shall 451  
also request from the federal bureau of investigation any 452  
criminal records it has pertaining to the applicant. The 453  
superintendent or the superintendent's designee also may request 454  
criminal history records from other states or the federal 455  
government pursuant to the national crime prevention and privacy 456  
compact set forth in section 109.571 of the Revised Code. Within 457  
thirty days of the date a request is received, subject to 458  
division (E) (2) of this section, the superintendent shall send 459  
to the requester a report of any information determined to 460  
exist, including information contained in records that have been 461  
sealed under section 2953.32 of the Revised Code, and, within 462  
thirty days of its receipt, shall send the requester a report of 463  
any information received from the federal bureau of 464  
investigation, other than information the dissemination of which 465  
is prohibited by federal law. 466

(H) Information obtained by a government entity or person 467  
under this section is confidential and shall not be released or 468  
disseminated. 469

(I) The superintendent may charge a reasonable fee for 470  
providing information or criminal records under division (F) (2) 471  
or (G) of this section. 472

(J) As used in this section:	473
(1) "Pediatric respite care program" and "pediatric care patient" have the same meanings as in section 3712.01 of the Revised Code.	474 475 476
(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	477 478 479
(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	480 481 482 483 484 485
<b>Sec. 2151.23.</b> (A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows:	486 487
(1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have violated section 2151.87 of the Revised Code or an order issued under that section or to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child and, based on and in relation to the allegation pertaining to the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly child for being an habitual truant or who is alleged to be a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant;	488 489 490 491 492 493 494 495 496 497 498 499
(2) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any	500 501

child not a ward of another court of this state;	502
(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;	503 504
(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code;	505 506 507 508 509 510
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	511 512
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	513 514 515 516 517 518 519 520 521 522 523
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	524 525
(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;	526 527 528 529
(9) To hear and determine requests for the extension of	530

temporary custody agreements, and requests for court approval of	531
permanent custody agreements, that are filed pursuant to section	532
5103.15 of the Revised Code;	533
(10) To hear and determine applications for consent to	534
marry pursuant to section 3101.04 of the Revised Code;	535
(11) Subject to divisions (G), (K), and (V) of section	536
2301.03 of the Revised Code, to hear and determine a request for	537
an order for the support of any child if the request is not	538
ancillary to an action for divorce, dissolution of marriage,	539
annulment, or legal separation, a criminal or civil action	540
involving an allegation of domestic violence, or an action for	541
support brought under Chapter 3115. of the Revised Code;	542
(12) Concerning an action commenced under section 121.38	543
of the Revised Code;	544
(13) To hear and determine violations of section 3321.38	545
of the Revised Code;	546
(14) To exercise jurisdiction and authority over the	547
parent, guardian, or other person having care of a child alleged	548
to be a delinquent child, unruly child, or juvenile traffic	549
offender, based on and in relation to the allegation pertaining	550
to the child;	551
(15) To conduct the hearings, and to make the	552
determinations, adjudications, and orders authorized or required	553
under sections 2152.82 to 2152.86 and Chapter 2950. of the	554
Revised Code regarding a child who has been adjudicated a	555
delinquent child and to refer the duties conferred upon the	556
juvenile court judge under sections 2152.82 to 2152.86 and	557
Chapter 2950. of the Revised Code to magistrates appointed by	558
the juvenile court judge in accordance with Juvenile Rule 40;	559

(16) To hear and determine a petition for a protection order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age.	560 561 562 563 564 565
(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	566 567 568
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;	569 570 571 572
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	573 574 575
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	576 577
(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;	578 579 580
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	581 582
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	583 584
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	585 586 587

(8) To enforce an order for the return of a child made 588  
under the Hague Convention on the Civil Aspects of International 589  
Child Abduction pursuant to section 3127.32 of the Revised Code; 590

(9) To grant any relief normally available under the laws 591  
of this state to enforce a child custody determination made by a 592  
court of another state and registered in accordance with section 593  
3127.35 of the Revised Code. 594

(C) The juvenile court, except as to juvenile courts that 595  
are a separate division of the court of common pleas or a 596  
separate and independent juvenile court, has jurisdiction to 597  
hear, determine, and make a record of any action for divorce or 598  
legal separation that involves the custody or care of children 599  
and that is filed in the court of common pleas and certified by 600  
the court of common pleas with all the papers filed in the 601  
action to the juvenile court for trial, provided that no 602  
certification of that nature shall be made to any juvenile court 603  
unless the consent of the juvenile judge first is obtained. 604  
After a certification of that nature is made and consent is 605  
obtained, the juvenile court shall proceed as if the action 606  
originally had been begun in that court, except as to awards for 607  
spousal support or support due and unpaid at the time of 608  
certification, over which the juvenile court has no 609  
jurisdiction. 610

(D) The juvenile court, except as provided in divisions 611  
(G) and (I) of section 2301.03 of the Revised Code, has 612  
jurisdiction to hear and determine all matters as to custody and 613  
support of children duly certified by the court of common pleas 614  
to the juvenile court after a divorce decree has been granted, 615  
including jurisdiction to modify the judgment and decree of the 616  
court of common pleas as the same relate to the custody and 617

support of children. 618

(E) The juvenile court, except as provided in divisions 619  
(G) and (I) of section 2301.03 of the Revised Code, has 620  
jurisdiction to hear and determine the case of any child 621  
certified to the court by any court of competent jurisdiction if 622  
the child comes within the jurisdiction of the juvenile court as 623  
defined by this section. 624

(F) (1) The juvenile court shall exercise its jurisdiction 625  
in child custody matters in accordance with sections 3109.04 and 626  
3127.01 to 3127.53 of the Revised Code and, as applicable, 627  
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 628  
Revised Code. 629

(2) The juvenile court shall exercise its jurisdiction in 630  
child support matters in accordance with section 3109.05 of the 631  
Revised Code. 632

(G) Any juvenile court that makes or modifies an order for 633  
child support shall comply with Chapters 3119., 3121., 3123., 634  
and 3125. of the Revised Code. If any person required to pay 635  
child support under an order made by a juvenile court on or 636  
after April 15, 1985, or modified on or after December 1, 1986, 637  
is found in contempt of court for failure to make support 638  
payments under the order, the court that makes the finding, in 639  
addition to any other penalty or remedy imposed, shall assess 640  
all court costs arising out of the contempt proceeding against 641  
the person and require the person to pay any reasonable 642  
attorney's fees of any adverse party, as determined by the 643  
court, that arose in relation to the act of contempt. 644

(H) If a child who is charged with an act that would be an 645  
offense if committed by an adult was fourteen years of age or 646

older and under eighteen years of age at the time of the alleged 647  
act and if the case is transferred for criminal prosecution 648  
pursuant to section 2152.12 of the Revised Code, ~~except as~~ 649  
~~provided in section 2152.121 of the Revised Code,~~ the juvenile 650  
court does not have jurisdiction to hear or determine the case 651  
subsequent to the transfer. The court to which the case is 652  
transferred for criminal prosecution pursuant to that section 653  
has jurisdiction subsequent to the transfer to hear and 654  
determine the case in the same manner as if the case originally 655  
had been commenced in that court, ~~subject to section 2152.121 of~~ 656  
~~the Revised Code,~~ including, but not limited to, jurisdiction to 657  
accept a plea of guilty or another plea authorized by Criminal 658  
Rule 11 or another section of the Revised Code and jurisdiction 659  
to accept a verdict and to enter a judgment of conviction 660  
pursuant to the Rules of Criminal Procedure against the child 661  
for the commission of the offense that was the basis of the 662  
transfer of the case for criminal prosecution, whether the 663  
conviction is for the same degree or a lesser degree of the 664  
offense charged, for the commission of a lesser-included 665  
offense, or for the commission of another offense that is 666  
different from the offense charged. 667

(I) If a person under eighteen years of age allegedly 668  
commits an act that would be a felony if committed by an adult 669  
and if the person is not taken into custody or apprehended for 670  
that act until after the person attains twenty-one years of age, 671  
the juvenile court does not have jurisdiction to hear or 672  
determine any portion of the case charging the person with 673  
committing that act. In those circumstances, ~~divisions~~ division 674  
(A) ~~and (B)~~ of section 2152.12 of the Revised Code ~~do~~ does not 675  
apply regarding the act, and the case charging the person with 676  
committing the act shall be a criminal prosecution commenced and 677

heard in the appropriate court having jurisdiction of the 678  
offense as if the person had been eighteen years of age or older 679  
when the person committed the act. All proceedings pertaining to 680  
the act shall be within the jurisdiction of the court having 681  
jurisdiction of the offense, and that court has all the 682  
authority and duties in the case that it has in other criminal 683  
cases in that court. 684

(J) In exercising its exclusive original jurisdiction 685  
under division (A) (16) of this section with respect to any 686  
proceedings brought under section 2151.34 or 3113.31 of the 687  
Revised Code in which the respondent is a child, the juvenile 688  
court retains all dispositional powers consistent with existing 689  
rules of juvenile procedure and may also exercise its discretion 690  
to adjudicate proceedings as provided in sections 2151.34 and 691  
3113.31 of the Revised Code, including the issuance of 692  
protection orders or the approval of consent agreements under 693  
those sections. 694

**Sec. 2152.02.** As used in this chapter: 695

(A) "Act charged" means the act that is identified in a 696  
complaint, indictment, or information alleging that a child is a 697  
delinquent child. 698

(B) "Admitted to a department of youth services facility" 699  
includes admission to a facility operated, or contracted for, by 700  
the department and admission to a comparable facility outside 701  
this state by another state or the United States. 702

(C) (1) "Child" means a person who is under eighteen years 703  
of age, except as otherwise provided in divisions (C) (2) to (8) 704  
of this section. 705

(2) Subject to division (C) (3) of this section, any person 706

who violates a federal or state law or a municipal ordinance 707  
prior to attaining eighteen years of age shall be deemed a 708  
"child" irrespective of that person's age at the time the 709  
complaint with respect to that violation is filed or the hearing 710  
on the complaint is held. 711

(3) Any person who, while under eighteen years of age, 712  
commits an act that would be a felony if committed by an adult 713  
and who is not taken into custody or apprehended for that act 714  
until after the person attains twenty-one years of age is not a 715  
child in relation to that act. 716

(4) Except as otherwise provided in divisions (C) (5) and 717  
(7) of this section, any person whose case is transferred for 718  
criminal prosecution pursuant to section 2152.12 of the Revised 719  
Code shall be deemed after the transfer not to be a child in the 720  
transferred case. 721

(5) Any person whose case is transferred for criminal 722  
prosecution pursuant to section 2152.12 of the Revised Code and 723  
who subsequently is convicted of or pleads guilty to a felony in 724  
that case, unless a serious youthful offender dispositional 725  
sentence ~~is was~~ imposed on the child for that offense under 726  
division (B) (2) or (3) of former section 2152.121 of the Revised 727  
Code as it existed prior to the effective date of this amendment 728  
and the adult portion of that sentence is not invoked pursuant 729  
to section 2152.14 of the Revised Code, and any person who is 730  
adjudicated a delinquent child for the commission of an act, who 731  
has a serious youthful offender dispositional sentence imposed 732  
for the act pursuant to section 2152.13 of the Revised Code, and 733  
whose adult portion of the dispositional sentence is invoked 734  
pursuant to section 2152.14 of the Revised Code, shall be deemed 735  
after the conviction, plea, or invocation not to be a child in 736

any case in which a complaint is filed against the person. 737

(6) The juvenile court has jurisdiction over a person who 738  
is adjudicated a delinquent child or juvenile traffic offender 739  
prior to attaining eighteen years of age until the person 740  
attains twenty-one years of age, and, for purposes of that 741  
jurisdiction related to that adjudication, except as otherwise 742  
provided in this division, a person who is so adjudicated a 743  
delinquent child or juvenile traffic offender shall be deemed a 744  
"child" until the person attains twenty-one years of age. If a 745  
person is so adjudicated a delinquent child or juvenile traffic 746  
offender and the court makes a disposition of the person under 747  
this chapter, at any time after the person attains twenty-one 748  
years of age, the places at which the person may be held under 749  
that disposition are not limited to places authorized under this 750  
chapter solely for confinement of children, and the person may 751  
be confined under that disposition, in accordance with division 752  
(F) (2) of section 2152.26 of the Revised Code, in places other 753  
than those authorized under this chapter solely for confinement 754  
of children. 755

(7) The juvenile court has jurisdiction over any person 756  
whose case is transferred for criminal prosecution solely for 757  
the purpose of detaining the person as authorized in division 758  
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 759  
person is convicted of or pleads guilty to a felony in the adult 760  
court. 761

(8) Any person who, while eighteen years of age, violates 762  
division (A) (1) or (2) of section 2919.27 of the Revised Code by 763  
violating a protection order issued or consent agreement 764  
approved under section 2151.34 or 3113.31 of the Revised Code 765  
shall be considered a child for the purposes of that violation 766

of section 2919.27 of the Revised Code. 767

(D) "Chronic truant" means any child of compulsory school 768  
age who is absent without legitimate excuse for absence from the 769  
public school the child is supposed to attend for seven or more 770  
consecutive school days, ten or more school days in one school 771  
month, or fifteen or more school days in a school year. 772

(E) "Community corrections facility," "public safety 773  
beds," "release authority," and "supervised release" have the 774  
same meanings as in section 5139.01 of the Revised Code. 775

(F) "Delinquent child" includes any of the following: 776

(1) Any child, except a juvenile traffic offender, who 777  
violates any law of this state or the United States, or any 778  
ordinance of a political subdivision of the state, that would be 779  
an offense if committed by an adult; 780

(2) Any child who violates any lawful order of the court 781  
made under this chapter or under Chapter 2151. of the Revised 782  
Code other than an order issued under section 2151.87 of the 783  
Revised Code; 784

(3) Any child who violates division (C) of section 785  
2907.39, division (A) of section 2923.211, or division (C)(1) or 786  
(D) of section 2925.55 of the Revised Code; 787

(4) Any child who is a habitual truant and who previously 788  
has been adjudicated an unruly child for being a habitual 789  
truant; 790

(5) Any child who is a chronic truant. 791

(G) "Discretionary serious youthful offender" means a 792  
person who is eligible for a discretionary SYO and who is not 793  
transferred to adult court under a ~~mandatory or~~ discretionary 794

transfer.	795
(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.	796 797 798 799
(I) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division <del>(B)</del> (A) of section 2152.12 of the Revised Code.	800 801 802
(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.	803 804 805
(K) "Electronic monitoring" and "electronic monitoring device" have the same meanings as in section 2929.01 of the Revised Code.	806 807 808
(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 punitive or exemplary damages.	809 810 811 812 813 814 815 816 817
(M) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.	818 819
(N) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.	820 821
(O) "Juvenile traffic offender" means any child who	822

violates any traffic law, traffic ordinance, or traffic 823  
regulation of this state, the United States, or any political 824  
subdivision of this state, other than a resolution, ordinance, 825  
or regulation of a political subdivision of this state the 826  
violation of which is required to be handled by a parking 827  
violations bureau or a joint parking violations bureau pursuant 828  
to Chapter 4521. of the Revised Code. 829

(P) A "legitimate excuse for absence from the public 830  
school the child is supposed to attend" has the same meaning as 831  
in section 2151.011 of the Revised Code. 832

(Q) "Mandatory serious youthful offender" means a person 833  
who is eligible for a mandatory SYO and who is not transferred 834  
to adult court under a ~~mandatory or discretionary transfer and~~ 835  
~~also includes, for purposes of imposition of a mandatory serious~~ 836  
~~youthful dispositional sentence under section 2152.13 of the~~ 837  
~~Revised Code, a person upon whom a juvenile court is required to~~ 838  
~~impose such a sentence under division (B)(3) of section 2152.121~~ 839  
~~of the Revised Code.~~ 840

(R) "Mandatory SYO" means a case in which the juvenile 841  
court is required to impose a mandatory serious youthful 842  
offender disposition under section 2152.13 of the Revised Code. 843

(S) ~~"Mandatory transfer" means that a case is required to~~ 844  
~~be transferred for criminal prosecution under division (A) of~~ 845  
~~section 2152.12 of the Revised Code.~~ 846

~~(T)~~ "Mental illness" has the same meaning as in section 847  
5122.01 of the Revised Code. 848

~~(U)~~ (T) "Monitored time" and "repeat violent offender" have 849  
the same meanings as in section 2929.01 of the Revised Code. 850

~~(V)~~ (U) "Of compulsory school age" has the same meaning as 851

in section 3321.01 of the Revised Code. 852

~~(W)~~ (V) "Public record" has the same meaning as in section 853  
149.43 of the Revised Code. 854

~~(X)~~ (W) "Serious youthful offender" means a person who is 855  
eligible for a mandatory SYO or discretionary SYO but who is not 856  
transferred to adult court under a ~~mandatory or~~ discretionary 857  
transfer and also includes, for purposes of imposition of a 858  
~~mandatory serious youthful dispositional sentence under section~~ 859  
~~2152.13 of the Revised Code, a person upon whom a juvenile court~~ 860  
~~is required to impose such a sentence under division (B) (3) of~~ 861  
~~section 2152.121 of the Revised Code.~~ 862

~~(Y)~~ (X) "Sexually oriented offense," "juvenile offender 863  
registrant," "child-victim oriented offense," "tier I sex 864  
offender/child-victim offender," "tier II sex offender/child- 865  
victim offender," "tier III sex offender/child-victim offender," 866  
and "public registry-qualified juvenile offender registrant" 867  
have the same meanings as in section 2950.01 of the Revised 868  
Code. 869

~~(Z)~~ (Y) "Traditional juvenile" means a case that is not 870  
transferred to adult court under a ~~mandatory or~~ discretionary 871  
transfer, that is eligible for a disposition under sections 872  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 873  
that is not eligible for a disposition under section 2152.13 of 874  
the Revised Code. 875

~~(AA)~~ (Z) "Transfer" means the transfer for criminal 876  
prosecution of a case involving the alleged commission by a 877  
child of an act that would be an offense if committed by an 878  
adult from the juvenile court to the appropriate court that has 879  
jurisdiction of the offense. 880

~~(BB)~~ (AA) "Category one offense" means any of the 881  
following: 882

(1) A violation of section 2903.01 or 2903.02 of the 883  
Revised Code; 884

(2) A violation of section 2923.02 of the Revised Code 885  
involving an attempt to commit aggravated murder or murder. 886

~~(CC)~~ (BB) "Category two offense" means any of the 887  
following: 888

(1) A violation of section 2903.03, 2905.01, 2907.02, 889  
2909.02, 2911.01, or 2911.11 of the Revised Code; 890

(2) A violation of section 2903.04 of the Revised Code 891  
that is a felony of the first degree; 892

(3) A violation of section 2907.12 of the Revised Code as 893  
it existed prior to September 3, 1996. 894

~~(DD)~~ (CC) "Non-economic loss" means nonpecuniary harm 895  
suffered by a victim of a delinquent act or juvenile traffic 896  
offense as a result of or related to the delinquent act or 897  
juvenile traffic offense, including, but not limited to, pain 898  
and suffering; loss of society, consortium, companionship, care, 899  
assistance, attention, protection, advice, guidance, counsel, 900  
instruction, training, or education; mental anguish; and any 901  
other intangible loss. 902

**Sec. 2152.021.** (A) (1) Subject to division (A) (2) of this 903  
section, any person having knowledge of a child who appears to 904  
be a juvenile traffic offender or to be a delinquent child may 905  
file a sworn complaint with respect to that child in the 906  
juvenile court of the county in which the child has a residence 907  
or legal settlement or in which the traffic offense or 908

delinquent act allegedly occurred. The sworn complaint may be 909  
upon information and belief, and, in addition to the allegation 910  
that the child is a delinquent child or a juvenile traffic 911  
offender, the complaint shall allege the particular facts upon 912  
which the allegation that the child is a delinquent child or a 913  
juvenile traffic offender is based. 914

If a child appears to be a delinquent child who is 915  
eligible for a serious youthful offender dispositional sentence 916  
under section 2152.11 of the Revised Code and if the prosecuting 917  
attorney desires to seek a serious youthful offender 918  
dispositional sentence under section 2152.13 of the Revised Code 919  
in regard to the child, the prosecuting attorney of the county 920  
in which the alleged delinquency occurs may initiate a case in 921  
the juvenile court of the county by presenting the case to a 922  
grand jury for indictment, by charging the child in a bill of 923  
information as a serious youthful offender pursuant to section 924  
2152.13 of the Revised Code, by requesting a serious youthful 925  
offender dispositional sentence in the original complaint 926  
alleging that the child is a delinquent child, or by filing with 927  
the juvenile court a written notice of intent to seek a serious 928  
youthful offender dispositional sentence. ~~This paragraph does~~ 929  
~~not apply regarding the imposition of a serious youthful~~ 930  
~~offender dispositional sentence pursuant to section 2152.121 of~~ 931  
~~the Revised Code.~~ 932

(2) Any person having knowledge of a child who appears to 933  
be a delinquent child for being an habitual or chronic truant 934  
may file a sworn complaint with respect to that child, or with 935  
respect to that child and the parent, guardian, or other person 936  
having care of the child, in the juvenile court of the county in 937  
which the child has a residence or legal settlement or in which 938  
the child is supposed to attend public school. The sworn 939

complaint may be upon information and belief and shall allege 940  
that the child is a delinquent child for being a chronic truant 941  
or an habitual truant who previously has been adjudicated an 942  
unruly child for being a habitual truant and, in addition, the 943  
particular facts upon which that allegation is based. If the 944  
complaint contains allegations regarding the child's parent, 945  
guardian, or other person having care of the child, the 946  
complaint additionally shall allege that the parent, guardian, 947  
or other person having care of the child has failed to cause the 948  
child's attendance at school in violation of section 3321.38 of 949  
the Revised Code and, in addition, the particular facts upon 950  
which that allegation is based. 951

(B) Any person with standing under applicable law may file 952  
a complaint for the determination of any other matter over which 953  
the juvenile court is given jurisdiction by section 2151.23 of 954  
the Revised Code. The complaint shall be filed in the county in 955  
which the child who is the subject of the complaint is found or 956  
was last known to be found. 957

(C) Within ten days after the filing of a complaint or the 958  
issuance of an indictment, the court shall give written notice 959  
of the filing of the complaint or the issuance of an indictment 960  
and of the substance of the complaint or indictment to the 961  
superintendent of a city, local, exempted village, or joint 962  
vocational school district if the complaint or indictment 963  
alleges that a child committed an act that would be a criminal 964  
offense if committed by an adult, that the child was sixteen 965  
years of age or older at the time of the commission of the 966  
alleged act, and that the alleged act is any of the following: 967

(1) A violation of section 2923.122 of the Revised Code 968  
that relates to property owned or controlled by, or to an 969

activity held under the auspices of, the board of education of 970  
that school district; 971

(2) A violation of section 2923.12 of the Revised Code, of 972  
a substantially similar municipal ordinance, or of section 973  
2925.03 of the Revised Code that was committed on property owned 974  
or controlled by, or at an activity held under the auspices of, 975  
the board of education of that school district; 976

(3) A violation of section 2925.11 of the Revised Code 977  
that was committed on property owned or controlled by, or at an 978  
activity held under the auspices of, the board of education of 979  
that school district, other than a violation of that section 980  
that would be a minor drug possession offense if committed by an 981  
adult; 982

(4) A violation of section 2903.01, 2903.02, 2903.03, 983  
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 984  
Code, or a violation of former section 2907.12 of the Revised 985  
Code, that was committed on property owned or controlled by, or 986  
at an activity held under the auspices of, the board of 987  
education of that school district, if the victim at the time of 988  
the commission of the alleged act was an employee of the board 989  
of education of that school district; 990

(5) Complicity in any violation described in division (C) 991  
(1), (2), (3), or (4) of this section that was alleged to have 992  
been committed in the manner described in division (C)(1), (2), 993  
(3), or (4) of this section, regardless of whether the act of 994  
complicity was committed on property owned or controlled by, or 995  
at an activity held under the auspices of, the board of 996  
education of that school district. 997

(D) A public children services agency, acting pursuant to 998

a complaint or an action on a complaint filed under this 999  
section, is not subject to the requirements of section 3127.23 1000  
of the Revised Code. 1001

(E) For purposes of the record to be maintained by the 1002  
clerk under division (B) of section 2152.71 of the Revised Code, 1003  
when a complaint is filed that alleges that a child is a 1004  
delinquent child, the court shall determine if the victim of the 1005  
alleged delinquent act was sixty-five years of age or older or 1006  
permanently and totally disabled at the time of the alleged 1007  
commission of the act. 1008

(F) (1) At any time after the filing of a complaint 1009  
alleging that a child is a delinquent child and before 1010  
adjudication, the court may hold a hearing to determine whether 1011  
to hold the complaint in abeyance pending the child's successful 1012  
completion of actions that constitute a method to divert the 1013  
child from the juvenile court system if the child agrees to the 1014  
hearing and either of the following applies: 1015

(a) The act charged would be a violation of section 1016  
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 1017  
were an adult. 1018

(b) The court has reason to believe that the child is a 1019  
victim of a violation of section 2905.32 of the Revised Code, 1020  
regardless of whether any person has been convicted of a 1021  
violation of that section or of any other section for 1022  
victimizing the child, and the act charged is related to the 1023  
child's victimization. 1024

(2) The prosecuting attorney has the right to participate 1025  
in any hearing held under division (F) (1) of this section, to 1026  
object to holding the complaint that is the subject of the 1027

hearing in abeyance, and to make recommendations related to 1028  
diversion actions. No statement made by a child at a hearing 1029  
held under division (F)(1) of this section is admissible in any 1030  
subsequent proceeding against the child. 1031

(3) If either division (F)(1)(a) or (b) of this section 1032  
applies, the court shall promptly appoint a guardian ad litem 1033  
for the child. The court shall not appoint the child's attorney 1034  
as guardian ad litem. If the court decides to hold the complaint 1035  
in abeyance, the guardian ad litem shall make recommendations 1036  
that are in the best interest of the child to the court. 1037

(4) If after a hearing the court decides to hold the 1038  
complaint in abeyance, the court may make any orders regarding 1039  
placement, services, supervision, diversion actions, and 1040  
conditions of abeyance, including, but not limited to, 1041  
engagement in trauma-based behavioral health services or 1042  
education activities, that the court considers appropriate and 1043  
in the best interest of the child. The court may hold the 1044  
complaint in abeyance for up to ninety days while the child 1045  
engages in diversion actions. If the child violates the 1046  
conditions of abeyance or does not complete the diversion 1047  
actions to the court's satisfaction within ninety days, the 1048  
court may extend the period of abeyance for not more than two 1049  
additional ninety-day periods. 1050

(5) If the court holds the complaint in abeyance and the 1051  
child complies with the conditions of abeyance and completes the 1052  
diversion actions to the court's satisfaction, the court shall 1053  
dismiss the complaint and order that the records pertaining to 1054  
the case be expunged immediately. If the child fails to complete 1055  
the diversion actions to the court's satisfaction, the court 1056  
shall proceed upon the complaint. 1057

~~Sec. 2152.10. (A) A child who is alleged to be a delinquent child is eligible for mandatory transfer and shall be transferred as provided in section 2152.12 of the Revised Code in any of the following circumstances:~~ 1058  
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1061

~~(1) The child is charged with a category one offense and either of the following apply:~~ 1062  
1063

~~(a) The child was sixteen years of age or older at the time of the act charged.~~ 1064  
1065

~~(b) The child was fourteen or fifteen years of age at the time of the act charged and previously was adjudicated a delinquent child for committing an act that is a category one or category two offense and was committed to the legal custody of the department of youth services upon the basis of that adjudication.~~ 1066  
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~~(2) The child is charged with a category two offense, other than a violation of section 2905.01 of the Revised Code, the child was sixteen years of age or older at the time of the commission of the act charged, and either or both of the following apply:~~ 1072  
1073  
1074  
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1076

~~(a) The child previously was adjudicated a delinquent child for committing an act that is a category one or a category two offense and was committed to the legal custody of the department of youth services on the basis of that adjudication.~~ 1077  
1078  
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1080

~~(b) The child is alleged to have had a firearm on or about the child's person or under the child's control while committing the act charged and to have displayed the firearm, brandished the firearm, indicated possession of the firearm, or used the firearm to facilitate the commission of the act charged.~~ 1081  
1082  
1083  
1084  
1085

~~(3) Division (A) (2) of section 2152.12 of the Revised Code~~ 1086

~~applies.~~ 1087

~~(B) Unless the child is subject to mandatory transfer, if~~ 1088  
If a child is fourteen years of age or older at the time of the 1089  
act charged and if the child is charged with an act that would 1090  
be a felony if committed by an adult, the child is eligible for 1091  
discretionary transfer to the appropriate court for criminal 1092  
prosecution. In determining whether to transfer the child for 1093  
criminal prosecution, the juvenile court shall follow the 1094  
procedures in ~~section 2152.12 of the Revised Code~~ this chapter. 1095  
If the court does not transfer the child and if the court 1096  
adjudicates the child to be a delinquent child for the act 1097  
charged, the court shall issue an order of disposition in 1098  
accordance with ~~section 2152.11 of the Revised Code~~ this 1099  
chapter. 1100

**Sec. 2152.12.** (A) ~~(1)(a) After a complaint has been filed~~ 1101  
~~alleging that a child is a delinquent child for committing an~~ 1102  
~~act that would be aggravated murder, murder, attempted~~ 1103  
~~aggravated murder, or attempted murder if committed by an adult,~~ 1104  
~~the juvenile court at a hearing shall transfer the case if~~ 1105  
~~either of the following applies:~~ 1106

~~(i) The child was sixteen or seventeen years of age at the~~ 1107  
~~time of the act charged and there is probable cause to believe~~ 1108  
~~that the child committed the act charged.~~ 1109

~~(ii) The child was fourteen or fifteen years of age at the~~ 1110  
~~time of the act charged, section 2152.10 of the Revised Code~~ 1111  
~~provides that the child is eligible for mandatory transfer, and~~ 1112  
~~there is probable cause to believe that the child committed the~~ 1113  
~~act charged.~~ 1114

~~(b) After a complaint has been filed alleging that a child~~ 1115

~~is a delinquent child by reason of committing a category two- 1116  
offense, the juvenile court at a hearing shall transfer the case- 1117  
if the child was sixteen or seventeen years of age at the time- 1118  
of the act charged and either of the following applies: 1119~~

~~(i) Division (A) (2) (a) of section 2152.10 of the Revised- 1120  
Code requires the mandatory transfer of the case, and there is- 1121  
probable cause to believe that the child committed the act- 1122  
charged. 1123~~

~~(ii) Division (A) (2) (b) of section 2152.10 of the Revised- 1124  
Code requires the mandatory transfer of the case, and there is- 1125  
probable cause to believe that the child committed the act- 1126  
charged. 1127~~

~~(2) The juvenile court also shall transfer a case in the- 1128  
circumstances described in division (C) (5) of section 2152.02 of- 1129  
the Revised Code or if either of the following applies: 1130~~

~~(a) A complaint is filed against a child who is eligible- 1131  
for a discretionary transfer under section 2152.10 of the- 1132  
Revised Code and who previously was convicted of or pleaded- 1133  
guilty to a felony in a case that was transferred to a criminal- 1134  
court. 1135~~

~~(b) A complaint is filed against a child who is domiciled- 1136  
in another state alleging that the child is a delinquent child- 1137  
for committing an act that would be a felony if committed by an- 1138  
adult, and, if the act charged had been committed in that other- 1139  
state, the child would be subject to criminal prosecution as an- 1140  
adult under the law of that other state without the need for a- 1141  
transfer of jurisdiction from a juvenile, family, or similar- 1142  
noncriminal court to a criminal court. 1143~~

~~(3) If a complaint is filed against a child alleging that- 1144~~

~~the child is a delinquent child and the case is transferred~~ 1145  
~~pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of this~~ 1146  
~~section and if the child subsequently is convicted of or pleads~~ 1147  
~~guilty to an offense in that case, the sentence to be imposed or~~ 1148  
~~disposition to be made of the child shall be determined in~~ 1149  
~~accordance with section 2152.121 of the Revised Code.~~ 1150

~~(B) Except as provided in division (A) of this section,~~ 1151  
~~after~~ After a complaint has been filed alleging that a child is 1152  
a delinquent child for committing an act that would be a felony 1153  
if committed by an adult, the juvenile court at a hearing may 1154  
transfer the case if the court finds all of the following: 1155

(1) The child was fourteen years of age or older at the 1156  
time of the act charged. 1157

(2) There is probable cause to believe that the child 1158  
committed the act charged. 1159

(3) The child is not amenable to care or rehabilitation 1160  
within the juvenile system, and the safety of the community may 1161  
require that the child be subject to adult sanctions. In making 1162  
its decision under this division, the court shall consider 1163  
~~whether~~ the applicable factors under division ~~(D)~~ (C) of this 1164  
section ~~indicating that the case should be transferred outweigh~~ 1165  
~~the applicable factors under division (E) of this section~~ 1166  
~~indicating that the case should not be transferred. The record~~ 1167  
~~shall indicate the specific factors that were applicable and~~ 1168  
~~that the court weighed.~~ 1169

~~(C)~~ (B) Before considering a transfer under division ~~(B)~~ (A) 1170  
of this section, the juvenile court shall order an investigation 1171  
into the child's social history, education, family situation, 1172  
and any other factor bearing on whether the child is amenable to 1173

juvenile rehabilitation, including a mental examination of the 1174  
child by a public or private agency or a person qualified to 1175  
make the examination. The investigation shall be completed and a 1176  
report on the investigation shall be submitted to the court as 1177  
soon as possible but not more than forty-five calendar days 1178  
after the court orders the investigation. The court may grant 1179  
one or more extensions for a reasonable length of time. The 1180  
child may waive the examination required by this division if the 1181  
court finds that the waiver is competently and intelligently 1182  
made. Refusal to submit to a mental examination by the child 1183  
constitutes a waiver of the examination. 1184

~~(D) No report on an investigation conducted pursuant to 1185  
this division shall include details of the alleged offense as 1186  
reported by the child. 1187~~

(C) In considering whether to transfer a child under 1188  
division ~~(B)~~ (A) of this section, the juvenile court shall 1189  
consider the following relevant factors, ~~and any other relevant 1190  
factors, in favor of a transfer under that division:~~ 1191

~~(1) The victim of the act charged suffered physical or 1192  
psychological harm, or serious economic harm, as a result of the 1193  
alleged act. 1194~~

~~(2) The physical or psychological harm suffered by the 1195  
victim due to the alleged act of the child was exacerbated 1196  
because of the physical or psychological vulnerability or the 1197  
age of the victim. 1198~~

~~(3) The child's relationship with the victim facilitated 1199  
the act charged. 1200~~

~~(4) The child allegedly committed the act charged for hire 1201  
or as a part of a gang or other organized criminal activity. 1202~~

~~(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.~~ 1203  
1204  
1205  
1206  
1207  
1208

~~(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.~~ 1209  
1210  
1211  
1212

~~(7) The results of any previous juvenile sanctions and programs indicate that rehabilitation of the child will not occur in the juvenile system.~~ 1213  
1214  
1215

~~(8) The child is emotionally, physically, or psychologically mature enough for the transfer.~~ 1216  
1217

~~(9) There is not sufficient time to rehabilitate the child within the juvenile system.~~ 1218  
1219

~~(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:~~ 1220  
1221  
1222  
1223

~~(1) The victim induced or facilitated the act charged.~~ 1224

~~(2) The child acted under provocation in allegedly committing the act charged.~~ 1225  
1226

~~(3) The child was not the principal actor in the act charged, or, at the time of the act charged, the child was under the negative influence or coercion of another person.~~ 1227  
1228  
1229

~~(4) The child did not cause physical harm to any person or~~ 1230

~~property, or have reasonable cause to believe that harm of that~~ 1231  
~~nature would occur, in allegedly committing the act charged.~~ 1232

~~(5) The child previously has not been adjudicated a~~ 1233  
~~delinquent child.~~ 1234

~~(6) The child is not emotionally, physically, or~~ 1235  
~~psychologically mature enough for the transfer.~~ 1236

~~(7) The child has a mental illness or intellectual~~ 1237  
~~disability.~~ 1238

~~(8) There is sufficient time to rehabilitate the child~~ 1239  
~~within the juvenile system and the level of security available~~ 1240  
~~in the juvenile system provides a reasonable assurance of public~~ 1241  
~~safety.~~ 1242

~~(F) If one or more complaints are filed alleging that a~~ 1243  
~~child is a delinquent child for committing two or more acts that~~ 1244  
~~would be offenses if committed by an adult, if a motion is made~~ 1245  
~~alleging that division (A) of this section applies and requires~~ 1246  
~~that the case or cases involving one or more of the acts charged~~ 1247  
~~be transferred, and if a motion also is made requesting that the~~ 1248  
~~case or cases involving one or more of the acts charged be~~ 1249  
~~transferred pursuant to division (B) of this section, the~~ 1250  
~~juvenile court, in deciding the motions, shall proceed in the~~ 1251  
~~following manner:~~ 1252

~~(1) Initially, the court shall decide the motion alleging~~ 1253  
~~that division (A) of this section applies and requires that the~~ 1254  
~~case or cases involving one or more of the acts charged be~~ 1255  
~~transferred.~~ 1256

~~(2) If the court determines that division (A) of this~~ 1257  
~~section applies and requires that the case or cases involving~~ 1258  
~~one or more of the acts charged be transferred, the court shall~~ 1259

~~transfer the case or cases in accordance with that division.~~ 1260  
~~After the transfer pursuant to division (A) of this section, the~~ 1261  
~~court shall decide, in accordance with division (B) of this~~ 1262  
~~section, whether to grant the motion requesting that the case or~~ 1263  
~~cases involving one or more of the acts charged be transferred~~ 1264  
~~pursuant to that division. Notwithstanding division (B) of this~~ 1265  
~~section, prior to transferring a case pursuant to division (A)~~ 1266  
~~of this section, the court is not required to consider any~~ 1267  
~~factor specified in division (D) or (E) of this section or to~~ 1268  
~~conduct an investigation under division (C) of this section.~~ 1269

~~(3) If the court determines that division (A) of this~~ 1270  
~~section does not require that the case or cases involving one or~~ 1271  
~~more of the acts charged be transferred, the court shall decide~~ 1272  
~~in accordance with division (B) of this section whether to grant~~ 1273  
~~the motion requesting that the case or cases involving one or~~ 1274  
~~more of the acts charged be transferred pursuant to that~~ 1275  
~~division.~~ 1276

~~(4) No report on an investigation conducted pursuant to~~ 1277  
~~division (C) of this section shall include details of the~~ 1278  
~~alleged offense as reported by the child.~~ (1) The risk level of 1279  
the child as determined by a standardized, evidence-based risk 1280  
assessment tool as endorsed by the department of youth services 1281  
and administered by a trained court professional; 1282

(2) The level of harm to the victim in the alleged act of 1283  
the child, including the following: 1284

(a) The level of physical, psychological, or serious 1285  
economic harm suffered by the victim or whether the child did 1286  
not cause physical harm to any person or property, or have 1287  
reasonable cause to believe that harm of that nature would 1288  
occur; 1289

<u>(b) Whether the physical or psychological harm suffered by</u>	1290
<u>the victim was exacerbated because of the physical or</u>	1291
<u>psychological vulnerability or age of the victim.</u>	1292
<u>(3) The role of the victim, including the following:</u>	1293
<u>(a) Whether the child's relationship with the victim</u>	1294
<u>facilitated the act charged;</u>	1295
<u>(b) Whether the victim induced or facilitated the act</u>	1296
<u>charged or the child acted under provocation in allegedly</u>	1297
<u>committing the act charged.</u>	1298
<u>(4) The circumstances of the offense, including the</u>	1299
<u>following:</u>	1300
<u>(a) Whether the child was not the principle actor in the</u>	1301
<u>act charged, or, at the time of the act charged, the child was</u>	1302
<u>under the negative influence or coercion of another person;</u>	1303
<u>(b) Whether the child allegedly committed the act charged</u>	1304
<u>for hire or as part of a gang;</u>	1305
<u>(c) Whether the child had a firearm on or about the</u>	1306
<u>child's person or under the child's control at the time of the</u>	1307
<u>act charged, the act charged is not a violation of section</u>	1308
<u>2923.12 of the Revised Code, and the child, during the</u>	1309
<u>commission of the act charged, allegedly used or displayed the</u>	1310
<u>firearm, brandished the firearm, or indicated that the child</u>	1311
<u>possesses a firearm.</u>	1312
<u>(5) The child's prior experience in the juvenile court,</u>	1313
<u>including the presence or lack of any prior or current cases and</u>	1314
<u>rehabilitative efforts by the juvenile court and the</u>	1315
<u>availability of a reasonable and appropriate juvenile sanction</u>	1316
<u>or program that has not yet been utilized;</u>	1317

(6) The child's individual developmental characteristics, 1318  
including the following: 1319

(a) Whether the child is emotionally, physically, or 1320  
psychologically mature enough for the transfer; 1321

(b) Whether the child has a behavioral health issue, 1322  
including a mental illness, substance abuse disorder, or 1323  
developmental disability. 1324

(7) The child's background, including family and 1325  
environment, and trauma history; 1326

(8) Whether there is sufficient time to rehabilitate the 1327  
child within the juvenile system. 1328

~~(G)~~(D) The court shall give notice in writing of the time, 1329  
place, and purpose of any hearing held pursuant to division (A) 1330  
~~or (B)~~ of this section to the child's parents, guardian, or 1331  
other custodian and to the child's counsel at least three days 1332  
prior to the hearing. 1333

(E) A child who has been found not amenable to care or 1334  
rehabilitation within the juvenile system under division (B) of 1335  
this section has a right to appeal the transfer, as specified in 1336  
division (B) (8) of section 2505.02 of the Revised Code. An 1337  
appeal under this provision shall be made pursuant to the Rules 1338  
of Appellate Procedure and, to the extent not in conflict with 1339  
those rules, Chapter 2505. of the Revised Code. Upon issuing the 1340  
order for transfer, the juvenile court shall immediately stay 1341  
the transfer for a period of fourteen days, unless waived by the 1342  
child. 1343

~~(H)~~(F) No person, either before or after reaching eighteen 1344  
years of age, shall be prosecuted as an adult for an offense 1345  
committed prior to becoming eighteen years of age, unless the 1346

person has been transferred as provided in division (A) ~~or (B)~~ 1347  
of this section or unless division ~~(J)~~ (H) of this section 1348  
applies. Any prosecution that is had in a criminal court on the 1349  
mistaken belief that the person who is the subject of the case 1350  
was eighteen years of age or older at the time of the commission 1351  
of the offense shall be deemed a nullity, and the person shall 1352  
not be considered to have been in jeopardy on the offense. 1353

~~(I)~~ (G) Upon the transfer of a case under division (A) ~~or~~ 1354  
~~(B)~~ of this section, the juvenile court shall state the reasons 1355  
for the transfer on the record, and shall order the child to 1356  
enter into a recognizance with good and sufficient surety for 1357  
the child's appearance before the appropriate court for any 1358  
disposition that the court is authorized to make for a similar 1359  
act committed by an adult. The transfer abates the jurisdiction 1360  
of the juvenile court with respect to the delinquent acts 1361  
alleged in the complaint, and, upon the transfer, all further 1362  
proceedings pertaining to the act charged shall be discontinued 1363  
in the juvenile court, and the case then shall be within the 1364  
jurisdiction of the court to which it is transferred as 1365  
described in division (H) of section 2151.23 of the Revised 1366  
Code. 1367

~~(J)~~ (H) If a person under eighteen years of age allegedly 1368  
commits an act that would be a felony if committed by an adult 1369  
and if the person is not taken into custody or apprehended for 1370  
that act until after the person attains twenty-one years of age, 1371  
the juvenile court does not have jurisdiction to hear or 1372  
determine any portion of the case charging the person with 1373  
committing that act. In those circumstances, ~~divisions~~ division 1374  
(A) ~~and (B)~~ of this section ~~do~~ does not apply regarding the act, 1375  
and the case charging the person with committing the act shall 1376  
be a criminal prosecution commenced and heard in the appropriate 1377

court having jurisdiction of the offense as if the person had 1378  
been eighteen years of age or older when the person committed 1379  
the act. All proceedings pertaining to the act shall be within 1380  
the jurisdiction of the court having jurisdiction of the 1381  
offense, and that court has all the authority and duties in the 1382  
case as it has in other criminal cases in that court. 1383

**Sec. 2152.13.** (A) A juvenile court ~~shall impose a serious~~ 1384  
~~youthful dispositional sentence on a child when required under~~ 1385  
~~division (B) (3) of section 2152.121 of the Revised Code. In such~~ 1386  
~~a case, the remaining provisions of this division and divisions~~ 1387  
~~(B) and (C) do not apply to the child, and the court shall~~ 1388  
~~impose the mandatory serious youthful dispositional sentence~~ 1389  
~~under division (D) (1) of this section.~~ 1390

~~In all other cases, a juvenile court may impose a serious~~ 1391  
youthful offender dispositional sentence on a child only if the 1392  
prosecuting attorney of the county in which the delinquent act 1393  
allegedly occurred initiates the process against the child in 1394  
accordance with this division, and the child is an alleged 1395  
delinquent child who is eligible for the dispositional sentence. 1396  
The prosecuting attorney may initiate the process in any of the 1397  
following ways: 1398

(1) Obtaining an indictment of the child as a serious 1399  
youthful offender; 1400

(2) The child waives the right to indictment, charging the 1401  
child in a bill of information as a serious youthful offender; 1402

(3) Until an indictment or information is obtained, 1403  
requesting a serious youthful offender dispositional sentence in 1404  
the original complaint alleging that the child is a delinquent 1405  
child; 1406

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

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

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

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

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

(C) (1) A child for whom a serious youthful offender dispositional sentence is sought by a prosecuting attorney has the right to a grand jury determination of probable cause that

the child committed the act charged and that the child is 1436  
eligible by age for a serious youthful offender dispositional 1437  
sentence. The grand jury may be impaneled by the court of common 1438  
pleas or the juvenile court. 1439

Once a child is indicted, or charged by information or the 1440  
juvenile court determines that the child is eligible for a 1441  
serious youthful offender dispositional sentence, the child is 1442  
entitled to an open and speedy trial by jury in juvenile court 1443  
and to be provided with a transcript of the proceedings. The 1444  
time within which the trial is to be held under Title XXIX of 1445  
the Revised Code commences on whichever of the following dates 1446  
is applicable: 1447

(a) If the child is indicted or charged by information, on 1448  
the date of the filing of the indictment or information. 1449

(b) If the child is charged by an original complaint that 1450  
requests a serious youthful offender dispositional sentence, on 1451  
the date of the filing of the complaint. 1452

(c) If the child is not charged by an original complaint 1453  
that requests a serious youthful offender dispositional 1454  
sentence, on the date that the prosecuting attorney files the 1455  
written notice of intent to seek a serious youthful offender 1456  
dispositional sentence. 1457

(2) If the child is detained awaiting adjudication, upon 1458  
indictment or being charged by information, the child has the 1459  
same right to bail as an adult charged with the offense the 1460  
alleged delinquent act would be if committed by an adult. Except 1461  
as provided in division (D) of section 2152.14 of the Revised 1462  
Code, all provisions of Title XXIX of the Revised Code and the 1463  
Criminal Rules shall apply in the case and to the child. The 1464

juvenile court shall afford the child all rights afforded a 1465  
person who is prosecuted for committing a crime including the 1466  
right to counsel and the right to raise the issue of competency. 1467  
The child may not waive the right to counsel. 1468

(D) (1) If a child is adjudicated a delinquent child for 1469  
committing an act under circumstances that require the juvenile 1470  
court to impose upon the child a serious youthful offender 1471  
dispositional sentence under section 2152.11 of the Revised 1472  
Code, all of the following apply: 1473

(a) The juvenile court shall impose upon the child a 1474  
sentence available for the violation, as if the child were an 1475  
adult, under Chapter 2929. of the Revised Code, except that the 1476  
juvenile court shall not impose on the child a sentence of death 1477  
or life imprisonment without parole. 1478

(b) The juvenile court also shall impose upon the child 1479  
one or more traditional juvenile dispositions under sections 1480  
2152.16, 2152.19, and 2152.20, and, if applicable, section 1481  
2152.17 of the Revised Code. 1482

(c) The juvenile court shall stay the adult portion of the 1483  
serious youthful offender dispositional sentence pending the 1484  
successful completion of the traditional juvenile dispositions 1485  
imposed. 1486

(2) (a) If a child is adjudicated a delinquent child for 1487  
committing an act under circumstances that allow, ~~but do not~~ 1488  
~~require,~~ the juvenile court to impose on the child a serious 1489  
youthful offender dispositional sentence under section 2152.11 1490  
of the Revised Code, all of the following apply: 1491

(i) If the juvenile court on the record makes a finding 1492  
that, given the nature and circumstances of the violation and 1493

the history of the child, the length of time, level of security, 1494  
and types of programming and resources available in the juvenile 1495  
system alone are not adequate to provide the juvenile court with 1496  
a reasonable expectation that the purposes set forth in section 1497  
2152.01 of the Revised Code will be met, the juvenile court may 1498  
impose upon the child a sentence available for the violation, as 1499  
if the child were an adult, under Chapter 2929. of the Revised 1500  
Code, except that the juvenile court shall not impose on the 1501  
child a sentence of death or life imprisonment without parole. 1502

(ii) If a sentence is imposed under division (D) (2) (a) (i) 1503  
of this section, the juvenile court also shall impose upon the 1504  
child one or more traditional juvenile dispositions under 1505  
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 1506  
section 2152.17 of the Revised Code. 1507

(iii) The juvenile court shall stay the adult portion of 1508  
the serious youthful offender dispositional sentence pending the 1509  
successful completion of the traditional juvenile dispositions 1510  
imposed. 1511

(b) If the juvenile court does not find that a sentence 1512  
should be imposed under division (D) (2) (a) (i) of this section, 1513  
the juvenile court may impose one or more traditional juvenile 1514  
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 1515  
applicable, section 2152.17 of the Revised Code. 1516

(3) A child upon whom a serious youthful offender 1517  
dispositional sentence is imposed under division (D) (1) or (2) 1518  
of this section has a right to appeal under division (A) (1), 1519  
(3), (4), or (5) of section 2953.08 of the Revised Code the 1520  
adult portion of the serious youthful offender dispositional 1521  
sentence when any of those divisions apply. The child may appeal 1522  
the adult portion, and the court shall consider the appeal as if 1523

the adult portion were not stayed. 1524

**Sec. 2152.14.** (A) (1) The director of youth services may 1525  
request the prosecuting attorney of the county in which is 1526  
located the juvenile court that imposed a serious youthful 1527  
offender dispositional sentence upon a person under section 1528  
~~2152.121 or 2152.13~~ of the Revised Code, or under former section 1529  
2152.121 of the Revised Code as it existed prior to the 1530  
effective date of this amendment, to file a motion with that 1531  
juvenile court to invoke the adult portion of the dispositional 1532  
sentence if all of the following apply to the person: 1533

(a) The person is at least fourteen years of age. 1534

(b) The person is in the institutional custody, or an 1535  
escapee from the custody, of the department of youth services. 1536

(c) The person is serving the juvenile portion of the 1537  
serious youthful offender dispositional sentence. 1538

(2) The motion shall state that there is reasonable cause 1539  
to believe that either of the following misconduct has occurred 1540  
and shall state that at least one incident of misconduct of that 1541  
nature occurred after the person reached fourteen years of age: 1542

(a) The person committed an act that is a violation of the 1543  
rules of the institution and that could be charged as any felony 1544  
or as a first degree misdemeanor offense of violence if 1545  
committed by an adult. 1546

(b) The person has engaged in conduct that creates a 1547  
substantial risk to the safety or security of the institution, 1548  
the community, or the victim. 1549

(B) If a person is at least fourteen years of age, is 1550  
serving the juvenile portion of a serious youthful offender 1551

dispositional sentence imposed under section ~~2152.121~~ or 2152.13 1552  
of the Revised Code, or under former section 2152.121 of the 1553  
Revised Code as it existed prior to the effective date of this 1554  
amendment, and is on parole or aftercare from a department of 1555  
youth services facility, or on community control, the director 1556  
of youth services, the juvenile court that imposed the serious 1557  
youthful offender dispositional sentence on the person, or the 1558  
probation department supervising the person may request the 1559  
prosecuting attorney of the county in which is located the 1560  
juvenile court to file a motion with the juvenile court to 1561  
invoke the adult portion of the dispositional sentence. The 1562  
prosecuting attorney may file a motion to invoke the adult 1563  
portion of the dispositional sentence even if no request is 1564  
made. The motion shall state that there is reasonable cause to 1565  
believe that either of the following occurred and shall state 1566  
that at least one incident of misconduct of that nature occurred 1567  
after the person reached fourteen years of age: 1568

(1) The person committed an act that is a violation of the 1569  
conditions of supervision and that could be charged as any 1570  
felony or as a first degree misdemeanor offense of violence if 1571  
committed by an adult. 1572

(2) The person has engaged in conduct that creates a 1573  
substantial risk to the safety or security of the community or 1574  
of the victim. 1575

(C) If the prosecuting attorney declines a request to file 1576  
a motion that was made by the department of youth services or 1577  
the supervising probation department under division (A) or (B) 1578  
of this section or fails to act on a request made under either 1579  
division by the department within a reasonable time, the 1580  
department of youth services or the supervising probation 1581

department may file a motion of the type described in division 1582  
(A) or (B) of this section with the juvenile court to invoke the 1583  
adult portion of the serious youthful offender dispositional 1584  
sentence. If the prosecuting attorney declines a request to file 1585  
a motion that was made by the juvenile court under division (B) 1586  
of this section or fails to act on a request from the court 1587  
under that division within a reasonable time, the juvenile court 1588  
may hold the hearing described in division (D) of this section 1589  
on its own motion. 1590

(D) Upon the filing of a motion described in division (A), 1591  
(B), or (C) of this section, the juvenile court may hold a 1592  
hearing to determine whether to invoke the adult portion of a 1593  
person's serious juvenile offender dispositional sentence. The 1594  
juvenile court shall not invoke the adult portion of the 1595  
dispositional sentence without a hearing. At the hearing the 1596  
person who is the subject of the serious youthful offender 1597  
disposition has the right to be present, to receive notice of 1598  
the grounds upon which the adult sentence portion is sought to 1599  
be invoked, to be represented by counsel including counsel 1600  
appointed under Juvenile Rule 4(A), to be advised on the 1601  
procedures and protections set forth in the Juvenile Rules, and 1602  
to present evidence on the person's own behalf, including 1603  
evidence that the person has a mental illness or intellectual 1604  
disability. The person may not waive the right to counsel. The 1605  
hearing shall be open to the public. If the person presents 1606  
evidence that the person has a mental illness or intellectual 1607  
disability, the juvenile court shall consider that evidence in 1608  
determining whether to invoke the adult portion of the serious 1609  
youthful offender dispositional sentence. 1610

(E) (1) The juvenile court may invoke the adult portion of 1611  
a person's serious youthful offender dispositional sentence if 1612

the juvenile court finds all of the following on the record by 1613  
clear and convincing evidence: 1614

(a) The person is serving the juvenile portion of a 1615  
serious youthful offender dispositional sentence. 1616

(b) The person is at least fourteen years of age and has 1617  
been admitted to a department of youth services facility, or 1618  
criminal charges are pending against the person. 1619

(c) The person engaged in the conduct or acts charged 1620  
under division (A), (B), or (C) of this section, and the 1621  
person's conduct demonstrates that the person is unlikely to be 1622  
rehabilitated during the remaining period of juvenile 1623  
jurisdiction. 1624

(2) The court may modify the adult sentence the court 1625  
invokes to consist of any lesser prison term that could be 1626  
imposed for the offense and, in addition to the prison term or 1627  
in lieu of the prison term if the prison term was not mandatory, 1628  
any community control sanction that the offender was eligible to 1629  
receive at sentencing. 1630

(F) If a juvenile court issues an order invoking the adult 1631  
portion of a serious youthful offender dispositional sentence 1632  
under division (E) of this section, the juvenile portion of the 1633  
dispositional sentence shall terminate, and the department of 1634  
youth services shall transfer the person to the department of 1635  
rehabilitation and correction or place the person under another 1636  
sanction imposed as part of the sentence. The juvenile court 1637  
shall state in its order the total number of days that the 1638  
person has been held in detention or in a facility operated by, 1639  
or under contract with, the department of youth services under 1640  
the juvenile portion of the dispositional sentence. The time the 1641

person must serve on a prison term imposed under the adult 1642  
portion of the dispositional sentence shall be reduced by the 1643  
total number of days specified in the order plus any additional 1644  
days the person is held in a juvenile facility or in detention 1645  
after the order is issued and before the person is transferred 1646  
to the custody of the department of rehabilitation and 1647  
correction. In no case shall the total prison term as calculated 1648  
under this division exceed the maximum prison term available for 1649  
an adult who is convicted of violating the same sections of the 1650  
Revised Code. 1651

Any community control imposed as part of the adult 1652  
sentence or as a condition of a judicial release from prison 1653  
shall be under the supervision of the entity that provides adult 1654  
probation services in the county. Any post-release control 1655  
imposed after the offender otherwise is released from prison 1656  
shall be supervised by the adult parole authority. 1657

**Sec. 2152.26.** (A) Except as provided in divisions (B) and 1658  
(F) of this section, a child alleged to be or adjudicated a 1659  
delinquent child or a juvenile traffic offender may be held only 1660  
in the following places: 1661

(1) A certified foster home or a home approved by the 1662  
court; 1663

(2) A facility operated by a certified child welfare 1664  
agency; 1665

(3) Any other suitable place designated by the court. 1666

(B) In addition to the places listed in division (A) of 1667  
this section, a child alleged to be or adjudicated a delinquent 1668  
child or a person described in division (C) (7) of section 1669  
2152.02 of the Revised Code may be held in a detention facility 1670

for delinquent children that is under the direction or 1671  
supervision of the court or other public authority or of a 1672  
private agency and approved by the court, and a child 1673  
adjudicated a delinquent child may be held in accordance with 1674  
division (F) (2) of this section in a facility of a type 1675  
specified in that division. This division does not apply to a 1676  
child alleged to be or adjudicated a delinquent child for 1677  
chronic truancy, unless the child violated a lawful court order 1678  
made pursuant to division (A) (6) of section 2152.19 of the 1679  
Revised Code. This division also does not apply to a child 1680  
alleged to be or adjudicated a delinquent child for being an 1681  
habitual truant who previously has been adjudicated an unruly 1682  
child for being an habitual truant, unless the child violated a 1683  
lawful court order made pursuant to division (C) (1) (e) of 1684  
section 2151.354 of the Revised Code. 1685

(C) (1) Except as provided under division (C) (1) of section 1686  
2151.311 of the Revised Code or division (A) (5) of section 1687  
2152.21 of the Revised Code, a child alleged to be or 1688  
adjudicated a juvenile traffic offender may not be held in any 1689  
of the following facilities: 1690

(a) A state correctional institution, county, multicounty, 1691  
or municipal jail or workhouse, or other place in which an adult 1692  
convicted of crime, under arrest, or charged with a crime is 1693  
held. 1694

(b) A secure correctional facility. 1695

(2) Except as provided under this section, sections 1696  
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 1697  
2152.21 of the Revised Code, a child alleged to be or 1698  
adjudicated a juvenile traffic offender may not be held for more 1699  
than twenty-four hours in a detention facility. 1700

(D) Except as provided in division (F) of this section or 1701  
in division (C) of section 2151.311, in division (C)(2) of 1702  
section 5139.06 and section 5120.162, or in division (B) of 1703  
section 5120.16 of the Revised Code, a child who is alleged to 1704  
be or is adjudicated a delinquent child or a person described in 1705  
division (C)(7) of section 2152.02 of the Revised Code may not 1706  
be held in a state correctional institution, county, 1707  
multicounty, or municipal jail or workhouse, or other place 1708  
where an adult convicted of crime, under arrest, or charged with 1709  
crime is held. 1710

(E) Unless the detention is pursuant to division (F) of 1711  
this section or division (C) of section 2151.311, division (C) 1712  
(2) of section 5139.06 and section 5120.162, or division (B) of 1713  
section 5120.16 of the Revised Code, the official in charge of 1714  
the institution, jail, workhouse, or other facility shall inform 1715  
the court immediately when a person who is or appears to be 1716  
under the age of eighteen years, or a person who is charged with 1717  
a violation of an order of a juvenile court or a violation of 1718  
probation or parole conditions imposed by a juvenile court and 1719  
who is or appears to be between the ages of eighteen and twenty- 1720  
one years, is received at the facility and shall deliver the 1721  
person to the court upon request or transfer the person to a 1722  
detention facility designated by the court. 1723

(F)(1) If a case is transferred to another court for 1724  
criminal prosecution pursuant to section 2152.12 of the Revised 1725  
Code and the alleged offender is a person described in division 1726  
(C)(7) of section 2152.02 of the Revised Code, the person may 1727  
not be transferred for detention pending the criminal 1728  
prosecution in a jail or other facility except under the 1729  
circumstances described in division (F)(4) of this section. Any 1730  
child held in accordance with division (F)(3) of this section 1731

shall be confined in a manner that keeps the child beyond the 1732  
sight and sound of all adult detainees. The child shall be 1733  
supervised at all times during the detention. 1734

(2) If a person is adjudicated a delinquent child or 1735  
juvenile traffic offender or is a person described in division 1736  
(C) (7) of section 2152.02 of the Revised Code and the court 1737  
makes a disposition of the person under this chapter, at any 1738  
time after the person attains twenty-one years of age, the 1739  
person may be held under that disposition or under the 1740  
circumstances described in division (F) (4) of this section in 1741  
places other than those specified in division (A) of this 1742  
section, including, but not limited to, a county, multicounty, 1743  
or municipal jail or workhouse, or other place where an adult 1744  
convicted of crime, under arrest, or charged with crime is held. 1745

(3) (a) A person alleged to be a delinquent child may be 1746  
held in places other than those specified in division (A) of 1747  
this section, including, but not limited to, a county, 1748  
multicounty, or municipal jail, if the delinquent act that the 1749  
child allegedly committed would be a felony if committed by an 1750  
adult, and if either of the following applies: 1751

(i) The person attains twenty-one years of age before the 1752  
person is arrested or apprehended for that act. 1753

(ii) The person is arrested or apprehended for that act 1754  
before the person attains twenty-one years of age, but the 1755  
person attains twenty-one years of age before the court orders a 1756  
disposition in the case. 1757

(b) If, pursuant to division (F) (3) (a) of this section, a 1758  
person is held in a place other than a place specified in 1759  
division (A) of this section, the person has the same rights to 1760

bail as an adult charged with the same offense who is confined 1761  
in a jail pending trial. 1762

(4) (a) Any person whose case is transferred for criminal 1763  
prosecution pursuant to section 2152.10 or 2152.12 of the 1764  
Revised Code or any person who has attained the age of eighteen 1765  
years but has not attained the age of twenty-one years and who 1766  
is being held in a place specified in division (B) of this 1767  
section may be held under that disposition or charge in places 1768  
other than those specified in division (B) of this section, 1769  
including a county, multicounty, or municipal jail or workhouse, 1770  
or other place where an adult under arrest or charged with crime 1771  
is held if the juvenile court, upon its own motion or upon 1772  
motion by the prosecutor and after notice and hearing, 1773  
establishes by a preponderance of the evidence and makes written 1774  
findings of either of the following: 1775

(i) With respect to a person whose case is transferred for 1776  
criminal prosecution pursuant to either specified section or who 1777  
has attained the age of eighteen years but who has not attained 1778  
the age of twenty-one years and is being so held, that the youth 1779  
is a threat to the safety and security of the facility; 1780

(ii) With respect to a person who has attained the age of 1781  
eighteen years but who has not attained the age of twenty-one 1782  
years and is being so held, that the best interests of the youth 1783  
require that the youth be held in a place other than a place 1784  
specified in division (B) of this section, including a county, 1785  
multicounty, or municipal jail or workhouse, or other place 1786  
where an adult under arrest or charged with crime is held. 1787

(b) In determining for purposes of division (F) (4) (a) (i) 1788  
of this section whether a youth is a threat to the safety and 1789  
security of the facility, evidence that the youth is a threat to 1790

the safety and security of the facility may include, but is not 1791  
limited to, whether the youth has done any of the following: 1792

(i) Injured or created an imminent danger to the life or 1793  
health of another youth or staff member in the facility or 1794  
program by violent behavior; 1795

(ii) Escaped from the facility or program in which the 1796  
youth is being held on more than one occasion; 1797

(iii) Established a pattern of disruptive behavior as 1798  
verified by a written record that the youth's behavior is not 1799  
conducive to the established policies and procedures of the 1800  
facility or program in which the youth is being held. 1801

(c) If a prosecutor submits a motion requesting that a 1802  
person be held in a place other than those specified in division 1803  
(B) of this section or if the court submits its own motion, the 1804  
juvenile court shall hold a hearing within five days of the 1805  
filing of the motion, and, in determining whether a place other 1806  
than those specified in division (B) of this section is the 1807  
appropriate place of confinement for the person, the court shall 1808  
consider the following factors: 1809

(i) The age of the person; 1810

(ii) Whether the person would be deprived of contact with 1811  
other people for a significant portion of the day or would not 1812  
have access to recreational facilities or age-appropriate 1813  
educational opportunities in order to provide physical 1814  
separation from adults; 1815

(iii) The person's current emotional state, intelligence, 1816  
and developmental maturity, including any emotional and 1817  
psychological trauma, and the risk to the person in an adult 1818  
facility, which may be evidenced by mental health or 1819

psychological assessments or screenings made available to the 1820  
prosecuting attorney and the defense counsel; 1821

(iv) Whether detention in a juvenile facility would 1822  
adequately serve the need for community protection pending the 1823  
outcome of the criminal proceeding; 1824

(v) The relative ability of the available adult and 1825  
juvenile detention facilities to meet the needs of the person, 1826  
including the person's need for age-appropriate mental health 1827  
and educational services delivered by individuals specifically 1828  
trained to deal with youth; 1829

(vi) Whether the person presents an imminent risk of self- 1830  
inflicted harm or an imminent risk of harm to others within a 1831  
juvenile facility; 1832

(vii) Any other factors the juvenile court considers to be 1833  
relevant. 1834

(d) If the juvenile court determines that a place other 1835  
than those specified in division (B) of this section is the 1836  
appropriate place for confinement of a person pursuant to 1837  
division (F)(4)(a) of this section, the person may petition the 1838  
juvenile court for a review hearing thirty days after the 1839  
initial confinement decision, thirty days after any subsequent 1840  
review hearing, or at any time after the initial confinement 1841  
decision upon an emergency petition by the youth due to the 1842  
youth facing an imminent danger from others or the youth's self. 1843  
Upon receipt of the petition, the juvenile court has discretion 1844  
over whether to conduct the review hearing and may set the 1845  
matter for a review hearing if the youth has alleged facts or 1846  
circumstances that, if true, would warrant reconsideration of 1847  
the youth's placement in a place other than those specified in 1848

division (B) of this section based on the factors listed in 1849  
division (F) (4) (c) of this section. 1850

(e) Upon the admission of a person described in division 1851  
(F) (4) (a) of this section to a place other than those specified 1852  
in division (B) of this section, the facility shall advise the 1853  
person of the person's right to request a review hearing as 1854  
described in division (F) (4) (d) of this section. 1855

(f) Any person transferred under division (F) (4) (a) of 1856  
this section to a place other than those specified in division 1857  
(B) of this section shall be confined in a manner that keeps 1858  
those under eighteen years of age beyond sight and sound of all 1859  
adult detainees. Those under eighteen years of age shall be 1860  
supervised at all times during the detention. 1861

(G) (1) If a person who is alleged to be or has been 1862  
adjudicated a delinquent child or who is in any other category 1863  
of persons identified in this section or section 2151.311 of the 1864  
Revised Code is confined under authority of any Revised Code 1865  
section in a place other than a place specified in division (B) 1866  
of this section, including a county, multicounty, or municipal 1867  
jail or workhouse, or other place where an adult under arrest or 1868  
charged with crime is held, subject to division (G) (2) of this 1869  
section, all identifying information, other than the person's 1870  
county of residence, age, gender, and race and the charges 1871  
against the person, that relates to the person's admission to 1872  
and confinement in that place is not a public record open for 1873  
inspection or copying under section 149.43 of the Revised Code 1874  
and is confidential and shall not be released to any person 1875  
other than to a court, to a law enforcement agency for law 1876  
enforcement purposes, or to a person specified by court order. 1877

(2) Division (G) (1) of this section does not apply with 1878

respect to a person whose case is transferred for criminal 1879  
prosecution pursuant to section 2152.10 or 2152.12 of the 1880  
Revised Code, who is convicted of or pleads guilty to an offense 1881  
in that case, who is confined after that conviction or guilty 1882  
plea in a place other than a place specified in division (B) of 1883  
this section, and to whom one of the following applies: 1884

(a) The case was transferred other than pursuant to former 1885  
division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the 1886  
Revised Code as it existed prior to the effective date of this 1887  
amendment, or was transferred pursuant to division (A) of 1888  
section 2152.12 of the Revised Code as it exists on and after 1889  
the effective date of this amendment. 1890

(b) The case was transferred pursuant to former division 1891  
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 1892  
Code as it existed prior to the effective date of this 1893  
amendment, and the person ~~is~~ was sentenced for the offense 1894  
pursuant to division (B) (4) of former section 2152.121 of the 1895  
Revised Code as it existed prior to the effective date of this 1896  
amendment. 1897

(c) The case was transferred pursuant to former division 1898  
(A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised 1899  
Code as it existed prior to the effective date of this 1900  
amendment, the person ~~is~~ was sentenced for the offense pursuant 1901  
to division (B) (3) of former section 2152.121 of the Revised 1902  
Code as it existed prior to the effective date of this amendment 1903  
by the court in which the person was convicted of or pleaded 1904  
guilty to the offense, and the sentence imposed by that court ~~is~~ 1905  
was invoked pursuant to division (B) (3) (b) of former section 1906  
2152.121 of the Revised Code as it existed prior to the 1907  
effective date of this amendment. 1908

<b>Sec. 2505.02.</b> (A) As used in this section:	1909
(1) "Substantial right" means a right that the United States Constitution, the Ohio Constitution, a statute, the common law, or a rule of procedure entitles a person to enforce or protect.	1910 1911 1912 1913
(2) "Special proceeding" means an action or proceeding that is specially created by statute and that prior to 1853 was not denoted as an action at law or a suit in equity.	1914 1915 1916
(3) "Provisional remedy" means a proceeding ancillary to an action, including, but not limited to, a proceeding for a preliminary injunction, attachment, discovery of privileged matter, suppression of evidence, a prima-facie showing pursuant to section 2307.85 or 2307.86 of the Revised Code, a prima-facie showing pursuant to section 2307.92 of the Revised Code, or a finding made pursuant to division (A) (3) of section 2307.93 of the Revised Code.	1917 1918 1919 1920 1921 1922 1923 1924
(B) An order is a final order that may be reviewed, affirmed, modified, or reversed, with or without retrial, when it is one of the following:	1925 1926 1927
(1) An order that affects a substantial right in an action that in effect determines the action and prevents a judgment;	1928 1929
(2) An order that affects a substantial right made in a special proceeding or upon a summary application in an action after judgment;	1930 1931 1932
(3) An order that vacates or sets aside a judgment or grants a new trial;	1933 1934
(4) An order that grants or denies a provisional remedy and to which both of the following apply:	1935 1936

(a) The order in effect determines the action with respect 1937  
to the provisional remedy and prevents a judgment in the action 1938  
in favor of the appealing party with respect to the provisional 1939  
remedy. 1940

(b) The appealing party would not be afforded a meaningful 1941  
or effective remedy by an appeal following final judgment as to 1942  
all proceedings, issues, claims, and parties in the action. 1943

(5) An order that determines that an action may or may not 1944  
be maintained as a class action; 1945

(6) An order determining the constitutionality of any 1946  
changes to the Revised Code made by Am. Sub. S.B. 281 of the 1947  
124th general assembly, including the amendment of sections 1948  
1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 1949  
2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 1950  
2919.16, 3923.63, 3923.64, 4705.15, and 5111.018 (renumbered as 1951  
5164.07 by H.B. 59 of the 130th general assembly), and the 1952  
enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of 1953  
the Revised Code or any changes made by Sub. S.B. 80 of the 1954  
125th general assembly, including the amendment of sections 1955  
2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the 1956  
Revised Code; 1957

(7) An order in an appropriation proceeding that may be 1958  
appealed pursuant to division (B) (3) of section 163.09 of the 1959  
Revised Code; 1960

(8) An order for transfer pursuant to section 2152.10 or 1961  
2152.12 of the Revised Code. 1962

(C) When a court issues an order that vacates or sets 1963  
aside a judgment or grants a new trial, the court, upon the 1964  
request of either party, shall state in the order the grounds 1965

upon which the new trial is granted or the judgment vacated or set aside. 1966  
1967

(D) This section applies to and governs any action, 1968  
including an appeal, that is pending in any court on July 22, 1969  
1998, and all claims filed or actions commenced on or after July 1970  
22, 1998, notwithstanding any provision of any prior statute or 1971  
rule of law of this state. 1972

**Section 2.** That existing sections 109.57, 2151.23, 1973  
2152.02, 2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2152.26, 1974  
and 2505.02 of the Revised Code are hereby repealed. 1975

**Section 3.** That section 2152.121 of the Revised Code is 1976  
hereby repealed. 1977

**Section 4.** Section 109.57 of the Revised Code is presented 1978  
in this act as a composite of the section as amended by both 1979  
Sub. H.B. 359 and Am. Sub. S.B. 227 of the 131st General 1980  
Assembly. The General Assembly, applying the principle stated in 1981  
division (B) of section 1.52 of the Revised Code that amendments 1982  
are to be harmonized if reasonably capable of simultaneous 1983  
operation, finds that the composite is the resulting version of 1984  
the section in effect prior to the effective date of the section 1985  
as presented in this act. 1986