

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 1031

Representative Williams

To amend sections 2152.02, 2152.16, 2152.17, 1
2152.203, 2152.22, 2152.26, 2152.82, 2152.84, 2
2152.86, 2949.12, 5139.01, 5139.05, 5139.10, 3
5139.101, 5139.50, and 5139.51 and to enact 4
section 2152.161 of the Revised Code to extend 5
the juvenile court's and department of youth 6
services' jurisdiction over delinquent children 7
from twenty-one years of age to twenty-five 8
years of age and to require the department of 9
youth services to commit felons under twenty- 10
five years of age to institutions within the 11
department. 12

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

Section 1. That sections 2152.02, 2152.16, 2152.17, 13
2152.203, 2152.22, 2152.26, 2152.82, 2152.84, 2152.86, 2949.12, 14
5139.01, 5139.05, 5139.10, 5139.101, 5139.50, and 5139.51 be 15
amended and section 2152.161 of the Revised Code be enacted to 16
read as follows: 17

Sec. 2152.02. As used in this chapter: 18

(A) "Act charged" means the act that is identified in a 19
complaint, indictment, or information alleging that a child is a 20

delinquent child. 21

(B) "Admitted to a department of youth services facility" 22
includes admission to a facility operated, or contracted for, by 23
the department and admission to a comparable facility outside 24
this state by another state or the United States. 25

(C) (1) "Child" means a person who is under eighteen years 26
of age, except as otherwise provided in divisions (C) (2) to (8) 27
of this section. 28

(2) Subject to division (C) (3) of this section, any person 29
who violates a federal or state law or a municipal ordinance 30
prior to attaining eighteen years of age shall be deemed a 31
"child" irrespective of that person's age at the time the 32
complaint with respect to that violation is filed or the hearing 33
on the complaint is held. 34

(3) Any person who, while under eighteen years of age, 35
commits an act that would be a felony if committed by an adult 36
and who is not taken into custody or apprehended for that act 37
until after the person attains twenty-one years of age is not a 38
child in relation to that act. 39

(4) Except as otherwise provided in divisions (C) (5) and 40
(7) of this section, any person whose case is transferred for 41
criminal prosecution pursuant to section 2152.12 of the Revised 42
Code shall be deemed after the transfer not to be a child in the 43
transferred case. 44

(5) Any person whose case is transferred for criminal 45
prosecution pursuant to section 2152.12 of the Revised Code and 46
who subsequently is convicted of or pleads guilty to a felony in 47
that case, unless a serious youthful offender dispositional 48
sentence is imposed on the child for that offense under division 49

(B) (2) or (3) of section 2152.121 of the Revised Code and the 50
adult portion of that sentence is not invoked pursuant to 51
section 2152.14 of the Revised Code, and any person who is 52
adjudicated a delinquent child for the commission of an act, who 53
has a serious youthful offender dispositional sentence imposed 54
for the act pursuant to section 2152.13 of the Revised Code, and 55
whose adult portion of the dispositional sentence is invoked 56
pursuant to section 2152.14 of the Revised Code, shall be deemed 57
after the conviction, plea, or invocation not to be a child in 58
any case in which a complaint is filed against the person. 59

(6) The juvenile court has jurisdiction over a person who 60
is adjudicated a delinquent child or juvenile traffic offender 61
prior to attaining eighteen years of age until the person 62
attains ~~twenty-one~~twenty-five years of age, and, for purposes 63
of that jurisdiction related to that adjudication, except as 64
otherwise provided in this division, a person who is so 65
adjudicated a delinquent child or juvenile traffic offender 66
shall be deemed a "child" until the person attains ~~twenty-one~~
twenty-five years of age. If a person is so adjudicated a 68
delinquent child or juvenile traffic offender and the court 69
makes a disposition of the person under this chapter, at any 70
time after the person attains ~~twenty-one~~twenty-five years of 71
age, the places at which the person may be held under that 72
disposition are not limited to places authorized under this 73
chapter solely for confinement of children, and the person may 74
be confined under that disposition, in accordance with division 75
(F) (2) of section 2152.26 of the Revised Code, in places other 76
than those authorized under this chapter solely for confinement 77
of children. 78

(7) The juvenile court has jurisdiction over any person 79
whose case is transferred for criminal prosecution solely for 80

the purpose of detaining the person as authorized in division 81
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 82
person is convicted of or pleads guilty to a felony in the adult 83
court. 84

(8) Any person who, while eighteen years of age, violates 85
division (A) (1) or (2) of section 2919.27 of the Revised Code by 86
violating a protection order issued or consent agreement 87
approved under section 2151.34 or 3113.31 of the Revised Code 88
shall be considered a child for the purposes of that violation 89
of section 2919.27 of the Revised Code. 90

(D) "Community corrections facility," "public safety 91
beds," "release authority," and "supervised release" have the 92
same meanings as in section 5139.01 of the Revised Code. 93

(E) "Delinquent child" includes any of the following: 94

(1) Any child, except a juvenile traffic offender, who 95
violates any law of this state or the United States, or any 96
ordinance of a political subdivision of the state, that would be 97
an offense if committed by an adult; 98

(2) Any child who violates any lawful order of the court 99
made under this chapter, including a child who violates a court 100
order regarding the child's prior adjudication as an unruly 101
child for being an habitual truant; 102

(3) Any child who violates any lawful order of the court 103
made under Chapter 2151. of the Revised Code other than an order 104
issued under section 2151.87 of the Revised Code; 105

(4) Any child who violates division (C) of section 106
2907.39, division (A) of section 2923.211, or division (C) (1) or 107
(D) of section 2925.55 of the Revised Code. 108

(F) "Discretionary serious youthful offender" means a 109
person who is eligible for a discretionary SYO and who is not 110
transferred to adult court under a mandatory or discretionary 111
transfer. 112

(G) "Discretionary SYO" means a case in which the juvenile 113
court, in the juvenile court's discretion, may impose a serious 114
youthful offender disposition under section 2152.13 of the 115
Revised Code. 116

(H) "Discretionary transfer" means that the juvenile court 117
has discretion to transfer a case for criminal prosecution under 118
division (B) of section 2152.12 of the Revised Code. 119

(I) "Drug abuse offense," "felony drug abuse offense," and 120
"minor drug possession offense" have the same meanings as in 121
section 2925.01 of the Revised Code. 122

(J) "Electronic monitoring" and "electronic monitoring 123
device" have the same meanings as in section 2929.01 of the 124
Revised Code. 125

(K) "Economic loss" means any economic detriment suffered 126
by a victim of a delinquent act or juvenile traffic offense as a 127
direct and proximate result of the delinquent act or juvenile 128
traffic offense and includes any loss of income due to lost time 129
at work because of any injury caused to the victim and any 130
property loss, medical cost, or funeral expense incurred as a 131
result of the delinquent act or juvenile traffic offense. 132
"Economic loss" does not include non-economic loss or any 133
punitive or exemplary damages. 134

(L) "Firearm" has the same meaning as in section 2923.11 135
of the Revised Code. 136

(M) "Intellectual disability" has the same meaning as in 137

section 5123.01 of the Revised Code. 138

(N) "Juvenile traffic offender" means any child who 139
violates any traffic law, traffic ordinance, or traffic 140
regulation of this state, the United States, or any political 141
subdivision of this state, other than a resolution, ordinance, 142
or regulation of a political subdivision of this state the 143
violation of which is required to be handled by a parking 144
violations bureau or a joint parking violations bureau pursuant 145
to Chapter 4521. of the Revised Code. 146

(O) A "legitimate excuse for absence from the public 147
school the child is supposed to attend" has the same meaning as 148
in section 2151.011 of the Revised Code. 149

(P) "Mandatory serious youthful offender" means a person 150
who is eligible for a mandatory SYO and who is not transferred 151
to adult court under a mandatory or discretionary transfer and 152
also includes, for purposes of imposition of a mandatory serious 153
youthful dispositional sentence under section 2152.13 of the 154
Revised Code, a person upon whom a juvenile court is required to 155
impose such a sentence under division (B) (3) of section 2152.121 156
of the Revised Code. 157

(Q) "Mandatory SYO" means a case in which the juvenile 158
court is required to impose a mandatory serious youthful 159
offender disposition under section 2152.13 of the Revised Code. 160

(R) "Mandatory transfer" means that a case is required to 161
be transferred for criminal prosecution under division (A) of 162
section 2152.12 of the Revised Code. 163

(S) "Mental illness" has the same meaning as in section 164
5122.01 of the Revised Code. 165

(T) "Monitored time" and "repeat violent offender" have 166

the same meanings as in section 2929.01 of the Revised Code. 167

(U) "Of compulsory school age" has the same meaning as in 168
section 3321.01 of the Revised Code. 169

(V) "Public record" has the same meaning as in section 170
149.43 of the Revised Code. 171

(W) "Serious youthful offender" means a person who is 172
eligible for a mandatory SYO or discretionary SYO but who is not 173
transferred to adult court under a mandatory or discretionary 174
transfer and also includes, for purposes of imposition of a 175
mandatory serious youthful dispositional sentence under section 176
2152.13 of the Revised Code, a person upon whom a juvenile court 177
is required to impose such a sentence under division (B) (3) of 178
section 2152.121 of the Revised Code. 179

(X) "Sexually oriented offense," "juvenile offender 180
registrant," "child-victim oriented offense," "tier I sex 181
offender/child-victim offender," "tier II sex offender/child- 182
victim offender," "tier III sex offender/child-victim offender," 183
and "public registry-qualified juvenile offender registrant" 184
have the same meanings as in section 2950.01 of the Revised 185
Code. 186

(Y) "Traditional juvenile" means a case that is not 187
transferred to adult court under a mandatory or discretionary 188
transfer, that is eligible for a disposition under sections 189
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 190
that is not eligible for a disposition under section 2152.13 of 191
the Revised Code. 192

(Z) "Transfer" means, except with respect to a transfer 193
from a criminal court to a juvenile court under section 2152.03 194
or 2152.121 of the Revised Code, the transfer for criminal 195

prosecution of a case that includes a charge alleging that a 196
child is a delinquent child for committing an act that would be 197
an offense if committed by an adult from the juvenile court to 198
the appropriate court that has jurisdiction of the offense. 199

(AA) "Category one offense" means any of the following: 200

(1) A violation of section 2903.01 or 2903.02 of the 201
Revised Code; 202

(2) A violation of section 2923.02 of the Revised Code 203
involving an attempt to commit aggravated murder or murder. 204

(BB) "Category two offense" means any of the following: 205

(1) A violation of section 2903.03, 2905.01, 2907.02, 206
2909.02, 2911.01, or 2911.11 of the Revised Code; 207

(2) A violation of section 2903.04 of the Revised Code 208
that is a felony of the first degree; 209

(3) A violation of section 2907.12 of the Revised Code as 210
it existed prior to September 3, 1996. 211

(CC) "Non-economic loss" means nonpecuniary harm suffered 212
by a victim of a delinquent act or juvenile traffic offense as a 213
result of or related to the delinquent act or juvenile traffic 214
offense, including, but not limited to, pain and suffering; loss 215
of society, consortium, companionship, care, assistance, 216
attention, protection, advice, guidance, counsel, instruction, 217
training, or education; mental anguish; and any other intangible 218
loss. 219

Sec. 2152.16. (A) (1) If a child is adjudicated a 220
delinquent child for committing an act that would be a felony if 221
committed by an adult, the juvenile court may commit the child 222
to the legal custody of the department of youth services for 223

secure confinement as follows: 224

(a) For an act that would be aggravated murder or murder 225
if committed by an adult, until the offender attains twenty-one 226
years of age, unless extended under section 2152.161 of the 227
Revised Code; 228

(b) For a violation of section 2923.02 of the Revised Code 229
that involves an attempt to commit an act that would be 230
aggravated murder or murder if committed by an adult, a minimum 231
period of six to seven years as prescribed by the court and a 232
maximum period not to exceed the child's attainment of twenty- 233
one years of age, unless extended under section 2152.161 of the 234
Revised Code; 235

(c) For a violation of section 2903.03, 2905.01, 2909.02, 236
or 2911.01 or division (A) of section 2903.04 of the Revised 237
Code or for a violation of any provision of section 2907.02 of 238
the Revised Code other than division (A)(1)(b) of that section 239
when the sexual conduct or insertion involved was consensual and 240
when the victim of the violation of division (A)(1)(b) of that 241
section was older than the delinquent child, was the same age as 242
the delinquent child, or was less than three years younger than 243
the delinquent child, for an indefinite term consisting of a 244
minimum period of one to three years, as prescribed by the 245
court, and a maximum period not to exceed the child's attainment 246
of twenty-one years of age, unless extended under section 247
2152.161 of the Revised Code; 248

(d) If the child is adjudicated a delinquent child for 249
committing an act that is not described in division (A)(1)(b) or 250
(c) of this section and that would be a felony of the first or 251
second degree if committed by an adult, for an indefinite term 252
consisting of a minimum period of one year and a maximum period 253

not to exceed the child's attainment of twenty-one years of age, 254
unless extended under section 2152.161 of the Revised Code. 255

(e) For committing an act that would be a felony of the 256
third, fourth, or fifth degree if committed by an adult or for a 257
violation of division (A) of section 2923.211 of the Revised 258
Code, for an indefinite term consisting of a minimum period of 259
six months and a maximum period not to exceed the child's 260
attainment of twenty-one years of age, unless extended under 261
section 2152.161 of the Revised Code. 262

(2) In each case in which a court makes a disposition 263
under this section, the court retains control over the 264
commitment for the minimum period specified by the court in 265
divisions (A)(1)(a) to (e) of this section. During the minimum 266
period, the department of youth services shall not move the 267
child to a nonsecure setting without the permission of the court 268
that imposed the disposition. 269

(B)(1) Subject to division (B)(2) of this section, if a 270
delinquent child is committed to the department of youth 271
services under this section, the department may release the 272
child at any time after the minimum period specified by the 273
court in division (A)(1) of this section ends. 274

(2) A commitment under this section is subject to a 275
supervised release or to a discharge of the child from the 276
custody of the department for medical reasons pursuant to 277
section 5139.54 of the Revised Code, but, during the minimum 278
period specified by the court in division (A)(1) of this 279
section, the department shall obtain court approval of a 280
supervised release or discharge under that section. 281

(C) If a child is adjudicated a delinquent child, at the 282

dispositional hearing and prior to making any disposition 283
pursuant to this section, the court shall determine whether the 284
delinquent child previously has been adjudicated a delinquent 285
child for a violation of a law or ordinance. If the delinquent 286
child previously has been adjudicated a delinquent child for a 287
violation of a law or ordinance, the court, for purposes of 288
entering an order of disposition of the delinquent child under 289
this section, shall consider the previous delinquent child 290
adjudication as a conviction of a violation of the law or 291
ordinance in determining the degree of the offense the current 292
act would be had it been committed by an adult. This division 293
also shall apply in relation to the imposition of any financial 294
sanction under section 2152.19 of the Revised Code. 295

Sec. 2152.161. (A) As used in this section, "DYS 296
institution" means an institution for the rehabilitation of 297
delinquent children and youthful offenders controlled and 298
managed by the department of youth services. 299

(B) If a child is adjudicated a delinquent child for 300
committing an act that would be a felony if committed by an 301
adult and the child is committed to a DYS institution under 302
section 2152.16 of the Revised Code for a period not to exceed 303
the child's attainment of twenty-one years of age, there shall 304
be a presumption that the child shall be released from the 305
commitment on the child's attainment of twenty-one years of age. 306

(C) The presumption established under division (B) of this 307
section is a rebuttable presumption that the department of youth 308
services may rebut as provided in this division. Unless the 309
department rebuts the presumption, the child shall be released 310
from commitment on the child's attainment of twenty-one years of 311
age. The department may rebut the presumption only if the 312

department determines, at a hearing, that one or more of the 313
following applies: 314

(1) Regardless of the security level in which the child is 315
classified at the time of the hearing, both of the following 316
apply: 317

(a) During the child's commitment, the child committed 318
institutional rule infractions that involved compromising the 319
security of a DYS institution, compromising the safety of the 320
staff of a DYS institution or its inmates, or physical harm or 321
the threat of physical harm to the staff of a DYS institution or 322
the children under its jurisdiction, or committed a violation of 323
law that was not prosecuted, and the infractions or violations 324
demonstrate that the child has not been rehabilitated. 325

(b) The child's behavior while committed, including, but 326
not limited to the infractions and violations specified in 327
division (C) (1) (a) of this section, demonstrates that the child 328
continues to pose a threat to society. 329

(2) Regardless of the security level in which the child is 330
classified at the time of the hearing, the child has been placed 331
by the department in extended restrictive housing at any time 332
within the year preceding the date of the hearing. 333

(3) At the time of the hearing, the offender is classified 334
by the department as a security level three, four, or five, or 335
at a higher security level. 336

(D) (1) If the department of youth services, pursuant to 337
division (C) of this section, rebuts the presumption established 338
under division (B) of this section, the department may maintain 339
the child's commitment to a DYS institution under the 340
adjudication after the child's attainment of the age of twenty- 341

one. The department may maintain the offender's commitment under 342
this division for an additional period of incarceration 343
determined by the department. The additional period of 344
incarceration shall be a reasonable period determined by the 345
department, shall be specified by the department, and shall not 346
exceed the child's attainment of the age of twenty-five. 347

(2) If the department maintains a child's commitment for 348
an additional period under division (D) (1) of this section, 349
there shall be a presumption that the child shall be released 350
after the additional period of commitment specified by the 351
department as provided under that division. The presumption is a 352
rebuttable presumption that the department may rebut, but only 353
if it conducts a hearing and makes the determinations specified 354
in division (C) of this section, and if the department rebuts 355
the presumption, it may maintain the child's commitment in a DYS 356
institution for an additional period determined as specified in 357
division (D) (1) of this section. Unless the department rebuts 358
the presumption at the hearing, the child shall be released from 359
commitment on the expiration of the child's additional period of 360
incarceration specified by the department. 361

(3) The provisions of this division regarding the 362
establishment of a rebuttable presumption, the department's 363
rebuttal of the presumption, and the department's maintenance of 364
a child's commitment for an additional period apply, and may be 365
utilized more than one time, during the remainder of the child's 366
commitment. If the child has not been released under division 367
(C) of this section or this division prior to the child's 368
attainment of age twenty-five, the child shall be released upon 369
the child's attainment of age twenty-five. 370

(E) The department shall provide notices of hearings to be 371

conducted under division (C) or (D) of this section in the same 372
manner, and to the same persons, as specified in section 2967.12 373
and Chapter 2930. of the Revised Code. 374

Sec. 2152.17. (A) Subject to division (D) of this section, 375
if a child is adjudicated a delinquent child for committing an 376
act, other than a violation of section 2923.12 of the Revised 377
Code, that would be a felony if committed by an adult and if the 378
court determines that, if the child was an adult, the child 379
would be guilty of a specification of the type set forth in 380
section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 381
2941.1414, or 2941.1415 of the Revised Code, in addition to any 382
commitment or other disposition the court imposes for the 383
underlying delinquent act, all of the following apply: 384

(1) If the court determines that the child would be guilty 385
of a specification of the type set forth in section 2941.141 of 386
the Revised Code, the court may commit the child to the 387
department of youth services for the specification for a 388
definite period of up to one year. 389

(2) If the court determines that the child would be guilty 390
of a specification of the type set forth in section 2941.145 of 391
the Revised Code or if the delinquent act is a violation of 392
division (A)(1) or (2) of section 2903.06 of the Revised Code 393
and the court determines that the child would be guilty of a 394
specification of the type set forth in section 2941.1415 of the 395
Revised Code, the court shall commit the child to the department 396
of youth services for the specification for a definite period of 397
not less than one and not more than three years, and the court 398
also shall commit the child to the department for the underlying 399
delinquent act under sections 2152.11 to 2152.16 of the Revised 400
Code. 401

(3) If the court determines that the child would be guilty 402
of a specification of the type set forth in section 2941.144, 403
2941.146, or 2941.1412 of the Revised Code or if the delinquent 404
act is a violation of division (A) (1) or (2) of section 2903.06 405
of the Revised Code and the court determines that the child 406
would be guilty of a specification of the type set forth in 407
section 2941.1414 of the Revised Code, the court shall commit 408
the child to the department of youth services for the 409
specification for a definite period of not less than one and not 410
more than five years, and the court also shall commit the child 411
to the department for the underlying delinquent act under 412
sections 2152.11 to 2152.16 of the Revised Code. 413

(B) (1) If a child is adjudicated a delinquent child for 414
committing an act, other than a violation of section 2923.12 of 415
the Revised Code, that would be a felony if committed by an 416
adult, if the court determines that the child is complicit in 417
another person's conduct that is of such a nature that the other 418
person would be guilty of a specification of the type set forth 419
in section 2941.141, 2941.144, 2941.145, or 2941.146 of the 420
Revised Code if the other person was an adult, if the other 421
person's conduct relates to the child's underlying delinquent 422
act, and if the child did not furnish, use, or dispose of any 423
firearm that was involved with the underlying delinquent act or 424
with the other person's specification-related conduct, in 425
addition to any other disposition the court imposes for the 426
underlying delinquent act, the court may commit the child to the 427
department of youth services for the specification for a 428
definite period of not more than one year, subject to division 429
(D) (2) of this section. 430

(2) Except as provided in division (B) (1) of this section, 431
division (A) of this section also applies to a child who is an 432

accomplice regarding a specification of the type set forth in 433
section 2941.1412, 2941.1414, or 2941.1415 of the Revised Code 434
to the same extent the specifications would apply to an adult 435
accomplice in a criminal proceeding. 436

(C) If a child is adjudicated a delinquent child for 437
committing an act that would be aggravated murder, murder, or a 438
first, second, or third degree felony offense of violence if 439
committed by an adult and if the court determines that, if the 440
child was an adult, the child would be guilty of a specification 441
of the type set forth in section 2941.142 of the Revised Code in 442
relation to the act for which the child was adjudicated a 443
delinquent child, the court shall commit the child for the 444
specification to the legal custody of the department of youth 445
services for institutionalization in a secure facility for a 446
definite period of not less than one and not more than three 447
years, subject to division (D) (2) of this section, and the court 448
also shall commit the child to the department for the underlying 449
delinquent act. 450

(D) (1) If the child is adjudicated a delinquent child for 451
committing an act that would be an offense of violence that is a 452
felony if committed by an adult and is committed to the legal 453
custody of the department of youth services pursuant to division 454
(A) (1) of section 2152.16 of the Revised Code and if the court 455
determines that the child, if the child was an adult, would be 456
guilty of a specification of the type set forth in section 457
2941.1411 of the Revised Code in relation to the act for which 458
the child was adjudicated a delinquent child, the court may 459
commit the child to the custody of the department of youth 460
services for institutionalization in a secure facility for up to 461
two years, subject to division (D) (2) of this section. 462

(2) A court that imposes a period of commitment under 463
division (A) of this section is not precluded from imposing an 464
additional period of commitment under division (C) or (D) (1) of 465
this section, a court that imposes a period of commitment under 466
division (C) of this section is not precluded from imposing an 467
additional period of commitment under division (A) or (D) (1) of 468
this section, and a court that imposes a period of commitment 469
under division (D) (1) of this section is not precluded from 470
imposing an additional period of commitment under division (A) 471
or (C) of this section. 472

(E) The court shall not commit a child to the legal 473
custody of the department of youth services for a specification 474
pursuant to this section for a period that exceeds five years 475
for any one delinquent act. Any commitment imposed pursuant to 476
division (A), (B), (C), or (D) (1) of this section shall be in 477
addition to, and shall be served consecutively with and prior 478
to, a period of commitment ordered under this chapter for the 479
underlying delinquent act, and each commitment imposed pursuant 480
to division (A), (B), (C), or (D) (1) of this section shall be in 481
addition to, and shall be served consecutively with, any other 482
period of commitment imposed under those divisions. If a 483
commitment is imposed under division (A) or (B) of this section 484
and a commitment also is imposed under division (C) of this 485
section, the period imposed under division (A) or (B) of this 486
section shall be served prior to the period imposed under 487
division (C) of this section. 488

In each case in which a court makes a disposition under 489
this section, the court retains control over the commitment for 490
the entire period of the commitment. 491

The total of all the periods of commitment imposed for any 492

specification under this section and for the underlying offense 493
shall not exceed the child's attainment of twenty-one years of 494
age, unless extended under section 2152.161 of the Revised Code. 495

(F) If a child is adjudicated a delinquent child for 496
committing two or more acts that would be felonies if committed 497
by an adult and if the court entering the delinquent child 498
adjudication orders the commitment of the child for two or more 499
of those acts to the legal custody of the department of youth 500
services for institutionalization in a secure facility pursuant 501
to section 2152.13 or 2152.16 of the Revised Code, the court may 502
order that all of the periods of commitment imposed under those 503
sections for those acts be served consecutively in the legal 504
custody of the department of youth services, provided that those 505
periods of commitment shall be in addition to and commence 506
immediately following the expiration of a period of commitment 507
that the court imposes pursuant to division (A), (B), (C), or 508
(D) (1) of this section. A court shall not commit a delinquent 509
child to the legal custody of the department of youth services 510
under this division for a period that exceeds the child's 511
attainment of twenty-one years of age, unless extended under 512
section 2152.161 of the Revised Code. 513

Sec. 2152.203. (A) As used in this section, "criminal 514
offense" and "delinquent act" have the same meanings as in 515
section 2930.01 of the Revised Code. 516

(B) In determining the amount of restitution under this 517
section, the court shall order full restitution for any expenses 518
related to a victim's economic loss due to the delinquent act. 519
The amount of restitution shall be reduced by any payments to 520
the victim for economic loss made or due under a policy of 521
insurance or governmental program. 522

Economic loss includes, but is not limited to, the 523
following: 524

(1) Full or partial payment for the value of stolen or 525
damaged property. The value of stolen or damaged property shall 526
be the replacement cost of the property or the actual cost of 527
repairing the property when repair is possible. 528

(2) Medical expenses; 529

(3) Mental health counseling expenses; 530

(4) Wages or profits lost due to injury or harm to the 531
victim as determined by the court. Lost wages include commission 532
income as well as base wages. Commission income shall be 533
established by evidence of commission income during the twelve- 534
month period prior to the date of the delinquent act for which 535
restitution is being ordered, unless good cause for a shorter 536
time period is shown. 537

(5) Expenses related to making a vehicle or residence 538
accessible to the victim if the victim is partially permanently 539
disabled or totally permanently disabled as a direct result of 540
the delinquent act. 541

(C) Upon notification by the court, any money owed by the 542
state or by a political subdivision of the state to a delinquent 543
child or juvenile traffic offender who is required to make 544
restitution under this section, including any tax refund owed to 545
the child or offender, shall be assigned to the discharge of the 546
child's or offender's outstanding restitution obligation, 547
subject to any superseding federal statutes or regulations, 548
including court-ordered support obligations. 549

(D) If a delinquent child or juvenile traffic offender is 550
required to make restitution under this section in the form of 551

monetary payments to more than one victim, the child or offender 552
shall make the payments to the victims in the following order of 553
priority: 554

(1) Individuals; 555

(2) Nonprofit organizations; 556

(3) Business entities; 557

(4) Governmental entities. 558

(E) A court that orders restitution as part of a 559
delinquent child's or juvenile traffic offender's disposition 560
under this section shall not suspend that part of the 561
disposition if the victim or victim's attorney, if applicable, 562
objects to the restitution part of the disposition being 563
suspended. 564

(F) A restitution obligation imposed by a court does not 565
expire until paid in full. If an order remains unpaid in full, 566
even if a period of community control expires or is otherwise 567
terminated, a court order for restitution imposed under this 568
section shall be reduced to a civil judgment in favor of the 569
victim prior to the termination of the court's jurisdiction upon 570
the delinquent child's or juvenile traffic offender's attainment 571
of ~~twenty-one~~ twenty-five years of age. If the order is reduced 572
to such a judgment, the person required to pay the restitution 573
under the order is the judgment debtor. The court retains 574
jurisdiction over the restitution order until the delinquent 575
child or juvenile traffic offender attains ~~twenty-one~~ twenty- 576
five years of age and the civil judgment obligation continues to 577
be enforceable by a victim, victim's representative, or victim's 578
attorney, if applicable, until the obligation is satisfied. All 579
civil actions to collect on the judgment after the child attains 580

~~twenty-one~~ twenty-five years of age shall be filed in the county 581
or municipal court of the child's, offender's, or victim's 582
residence. 583

(G) The supreme court shall create a standardized form to 584
be made publicly available that provides guidance for victims 585
and victims' representatives regarding the compilation of 586
evidence to demonstrate losses for the purpose of this section. 587

(H) On the request of the victim, if a judge determines 588
that, under the circumstances, it is appropriate and the victim 589
has not been coerced, a victim may accept a settlement that is 590
less than the full restitution order. 591

Sec. 2152.22. (A) When a child is committed to the legal 592
custody of the department of youth services under this chapter, 593
the juvenile court relinquishes control with respect to the 594
child so committed, except as provided in divisions (B), (C), 595
(D), and (H) of this section or in sections 2152.82 to 2152.86 596
of the Revised Code. Subject to divisions (B), (C), and (D) of 597
this section, sections 2151.353 and 2151.412 to 2151.421 of the 598
Revised Code, sections 2152.82 to 2152.86 of the Revised Code, 599
and any other provision of law that specifies a different 600
duration for a dispositional order, all other dispositional 601
orders made by the court under this chapter shall be temporary 602
and shall continue for a period that is designated by the court 603
in its order, until terminated or modified by the court or until 604
the child attains ~~twenty-one~~ twenty-five years of age. 605

The department shall not release the child from a 606
department facility and as a result shall not discharge the 607
child or order the child's release on supervised release prior 608
to the expiration of the minimum period specified by the court 609
in division (A) (1) of section 2152.16 of the Revised Code and 610

any term of commitment imposed under section 2152.17 of the 611
Revised Code or prior to the child's attainment of ~~twenty-one~~ 612
twenty-five years of age, except upon the order of a court 613
pursuant to division (B), (C), or (D) of this section or in 614
accordance with section 5139.54 of the Revised Code. 615

(B) (1) Unless the court grants judicial release under 616
division (D) (1) (b) of this section, the court that commits a 617
delinquent child to the department of youth services may grant 618
judicial release of the child to court supervision under this 619
division during the first half of the prescribed minimum term 620
for which the child was committed to the department or, if the 621
child was committed to the department until the child attains 622
twenty-one years of age, during the first half of the prescribed 623
period of commitment that begins on the first day of commitment 624
and ends on the child's twenty-first birthday, provided any 625
commitment imposed under division (A), (B), (C), or (D) of 626
section 2152.17 of the Revised Code has ended. 627

(2) If the department desires to release a child during a 628
period specified in division (B) (1) of this section, it shall 629
request the court that committed the child to grant a judicial 630
release of the child to court supervision under this division. 631
During whichever of those periods is applicable, the child or 632
the parents of the child also may request that court to grant a 633
judicial release of the child to court supervision. Upon receipt 634
of a request for a judicial release to court supervision under 635
this division from the department, the child, or the child's 636
parent, or upon its own motion, the court that committed the 637
child shall do one of the following: approve the release by 638
journal entry; schedule within thirty days after the request is 639
received a time for a hearing on whether the child is to be 640
released; or reject the request by journal entry without 641

conducting a hearing. 642

If the court rejects an initial request for a release 643
under this division by the child or the child's parent, the 644
child or the child's parent may make one additional request for 645
a judicial release to court supervision within the applicable 646
period. The additional request may be made no earlier than 647
thirty days after the filing of the prior request for a judicial 648
release to court supervision. Upon the filing of a second 649
request for a judicial release to court supervision, the court 650
shall either approve or disapprove the release by journal entry 651
or schedule within thirty days after the request is received a 652
time for a hearing on whether the child is to be released. 653

(3) If a court schedules a hearing under division (B) (2) 654
of this section, it may order the department to deliver the 655
child to the court on the date set for the hearing and may order 656
the department to present to the court a report on the child's 657
progress in the institution to which the child was committed and 658
recommendations for conditions of supervision of the child by 659
the court after release. The court may conduct the hearing 660
without the child being present. The court shall determine at 661
the hearing whether the child should be granted a judicial 662
release to court supervision. 663

If the court approves the release under this division, it 664
shall order its staff to prepare a written treatment and 665
rehabilitation plan for the child that may include any 666
conditions of the child's release that were recommended by the 667
department and approved by the court. The committing court shall 668
send the juvenile court of the county in which the child is 669
placed a copy of the recommended plan. The court of the county 670
in which the child is placed may adopt the recommended 671

conditions set by the committing court as an order of the court 672
and may add any additional consistent conditions it considers 673
appropriate. If a child is granted a judicial release to court 674
supervision, the release discharges the child from the custody 675
of the department of youth services. 676

(C) (1) Unless the court grants judicial release under 677
division (D) (1) (b) of this section, the court that commits a 678
delinquent child to the department of youth services may grant 679
judicial release of the child to department of youth services 680
supervision under this division during the second half of the 681
prescribed minimum term for which the child was committed to the 682
department or, if the child was committed to the department 683
until the child attains twenty-one years of age, during the 684
second half of the prescribed period of commitment that begins 685
on the first day of commitment and ends on the child's twenty- 686
first birthday, provided any commitment imposed under division 687
(A), (B), (C), or (D) of section 2152.17 of the Revised Code has 688
ended. 689

(2) If the department desires to release a child during a 690
period specified in division (C) (1) of this section, it shall 691
request the court that committed the child to grant a judicial 692
release to department of youth services supervision. During 693
whichever of those periods is applicable, the child or the 694
child's parent also may request the court that committed the 695
child to grant a judicial release to department of youth 696
services supervision. Upon receipt of a request for judicial 697
release to department of youth services supervision, the child, 698
or the child's parent, or upon its own motion at any time during 699
that period, the court shall do one of the following: approve 700
the release by journal entry; schedule a time within thirty days 701
after receipt of the request for a hearing on whether the child 702

is to be released; or reject the request by journal entry 703
without conducting a hearing. 704

If the court rejects an initial request for release under 705
this division by the child or the child's parent, the child or 706
the child's parent may make one or more subsequent requests for 707
a release within the applicable period, but may make no more 708
than one request during each period of ninety days that the 709
child is in a secure department facility after the filing of a 710
prior request for early release. Upon the filing of a request 711
for release under this division subsequent to an initial 712
request, the court shall either approve or disapprove the 713
release by journal entry or schedule a time within thirty days 714
after receipt of the request for a hearing on whether the child 715
is to be released. 716

(3) If a court schedules a hearing under division (C) (2) 717
of this section, it may order the department to deliver the 718
child to the court on the date set for the hearing and shall 719
order the department to present to the court at that time a 720
treatment plan for the child's post-institutional care. The 721
court may conduct the hearing without the child being present. 722
The court shall determine at the hearing whether the child 723
should be granted a judicial release to department of youth 724
services supervision. 725

If the court approves the judicial release to department 726
of youth services supervision, the department shall prepare a 727
written treatment and rehabilitation plan for the child pursuant 728
to division (F) of this section that shall include the 729
conditions of the child's release. It shall send the committing 730
court and the juvenile court of the county in which the child is 731
placed a copy of the plan. The court of the county in which the 732

child is placed may adopt the conditions set by the department 733
as an order of the court and may add any additional consistent 734
conditions it considers appropriate, provided that the court may 735
not add any condition that decreases the level or degree of 736
supervision specified by the department in its plan, that 737
substantially increases the financial burden of supervision that 738
will be experienced by the department, or that alters the 739
placement specified by the department in its plan. If the court 740
of the county in which the child is placed adds to the 741
department's plan any additional conditions, it shall enter 742
those additional conditions in its journal and shall send to the 743
department a copy of the journal entry of the additional 744
conditions. 745

If the court approves the judicial release to department 746
of youth services supervision, the actual date on which the 747
department shall release the child is contingent upon the 748
department finding a suitable placement for the child. If the 749
child is to be returned to the child's home, the department 750
shall return the child on the date that the court schedules for 751
the child's release or shall bear the expense of any additional 752
time that the child remains in a department facility. If the 753
child is unable to return to the child's home, the department 754
shall exercise reasonable diligence in finding a suitable 755
placement for the child, and the child shall remain in a 756
department facility while the department finds the suitable 757
placement. 758

(D) (1) Subject to division (D) (3) of this section, the 759
court that commits a delinquent child to the department of youth 760
services may grant judicial release of the child under this 761
division at any time after the expiration of one of the 762
following periods of time: 763

(a) Except as otherwise provided in division (D) (1) (b) of 764
this section, if the child was committed to the department for a 765
prescribed minimum period and a maximum period not to exceed the 766
child's attainment of twenty-one years, the court may grant 767
judicial release of the child at any time after the expiration 768
of the prescribed minimum term for which the child was committed 769
to the department. 770

(b) If the child was committed to the department for both 771
one or more definite periods under division (A), (B), (C), or 772
(D) of section 2152.17 of the Revised Code and a period of the 773
type described in division (D) (1) (a) of this section, all of the 774
prescribed minimum periods of commitment imposed under division 775
(A), (B), (C), or (D) of section 2152.17 of the Revised Code and 776
the prescribed period of commitment of the type described in 777
division (D) (1) (a) of this section shall be aggregated for 778
purposes of this division, and the court may grant judicial 779
release of the child at any time after the expiration of one 780
year after the child begins serving the aggregate period of 781
commitment. 782

(2) If a court grants a judicial release of a child under 783
division (D) (1) of this section, the release shall be a judicial 784
release to department of youth services supervision, if the 785
release is granted during a period described in division (C) (1) 786
of this section, and the second and third paragraphs of division 787
(C) (3) of this section apply regarding the release. In all other 788
cases, the release shall be a judicial release to court 789
supervision, and the second paragraph of division (B) (3) of this 790
section applies regarding the release. 791

(3) A court at the time of making the disposition of a 792
child shall provide notice in the order of disposition that the 793

judge is retaining jurisdiction over the child for the purpose 794
of a possible grant of judicial release of the child under 795
division (D) (1) of this section. The failure of a court to 796
provide this notice does not affect the authority of the court 797
to grant a judicial release under that division and does not 798
constitute grounds for setting aside the child's delinquent 799
child adjudication or disposition or for granting any post- 800
adjudication relief to the child. 801

(4) The department of youth services, a child committed to 802
the department, or the parents of the child, during a period 803
specified in division (D) (1) of this section, may request the 804
court that committed the child to grant a judicial release of 805
the child under that division. Upon receipt of a request for 806
judicial release of a child under this division from the 807
department, the child, or the child's parent, or upon its own 808
motion, the court that committed the child shall do one of the 809
following: 810

(a) Approve the request by journal entry; 811

(b) Schedule within thirty days after the request is 812
received a time for a hearing on whether the child is to be 813
released; 814

(c) Reject the request by journal entry without conducting 815
a hearing. 816

If the court rejects an initial request for a release 817
under this division by the child or the child's parent, division 818
(C) (2) of this section applies regarding the making of 819
additional requests. 820

If the court schedules a hearing under this division to 821
consider the judicial release, the first paragraph of division 822

(B) (3) of this section applies regarding the hearing. 823

(E) If a child is released under division (B), (C), or (D) 824
of this section and the court of the county in which the child 825
is placed has reason to believe that the child's department is 826
not in accordance with the conditions of the child's judicial 827
release, the court of the county in which the child is placed 828
shall schedule a time for a hearing to determine whether the 829
child violated any of the post-release conditions, and, if the 830
child was released under division (C) of this section or under 831
division (D) of this section under department supervision, 832
divisions (A) to (E) of section 5139.52 of the Revised Code 833
apply regarding the child. 834

If that court determines at the hearing that the child 835
violated any of the post-release conditions, the court, if it 836
determines that the violation was a serious violation, may order 837
the child to be returned to the department for 838
institutionalization, consistent with the original order of 839
commitment of the child, or in any case may make any other 840
disposition of the child authorized by law that the court 841
considers proper. If the court of the county in which the child 842
is placed orders the child to be returned to a department of 843
youth services institution, the time during which the child was 844
held in a secure department facility prior to the child's 845
judicial release shall be considered as time served in 846
fulfilling the prescribed period of institutionalization that is 847
applicable to the child under the child's original order of 848
commitment. If the court orders the child returned to a 849
department institution, the child shall remain in institutional 850
care for a minimum of three months or until the child 851
successfully completes a revocation program of a duration of not 852
less than thirty days operated either by the department or by an 853

entity with which the department has contracted to provide a 854
revocation program. 855

(F) The department of youth services, prior to the release 856
of a child pursuant to division (C) of this section or pursuant 857
to division (D) of this section on department supervision, shall 858
do all of the following: 859

(1) After reviewing the child's rehabilitative progress 860
history and medical and educational records, prepare a written 861
treatment and rehabilitation plan for the child that includes 862
conditions of the release; 863

(2) Completely discuss the conditions of the plan prepared 864
pursuant to division (F)(1) of this section and the possible 865
penalties for violation of the plan with the child and the 866
child's parents, guardian, or legal custodian; 867

(3) Have the plan prepared pursuant to division (F)(1) of 868
this section signed by the child, the child's parents, legal 869
guardian, or custodian, and any authority or person that is to 870
supervise, control, and provide supportive assistance to the 871
child at the time of the child's release pursuant to division 872
(C) or (D) of this section; 873

(4) Prior to the child's release, file a copy of the 874
treatment plan prepared pursuant to division (F)(1) of this 875
section with the committing court and the juvenile court of the 876
county in which the child is to be placed. 877

(G) The department of youth services shall file a written 878
progress report with the committing court regarding each child 879
released pursuant to division (C) of this section or released 880
pursuant to division (D) of this section on judicial release to 881
department supervision at least once every thirty days unless 882

specifically directed otherwise by the court. The report shall 883
indicate the treatment and rehabilitative progress of the child 884
and the child's family, if applicable, and shall include any 885
suggestions for altering the program, custody, living 886
arrangements, or treatment. The department shall retain legal 887
custody of a child so released until it discharges the child or 888
until the custody is terminated as otherwise provided by law. 889

(H) When a child is committed to the legal custody of the 890
department of youth services, the court retains jurisdiction to 891
perform the functions specified in section 5139.51 of the 892
Revised Code with respect to the granting of supervised release 893
by the release authority and to perform the functions specified 894
in section 5139.52 of the Revised Code with respect to 895
violations of the conditions of supervised release granted by 896
the release authority and to the revocation of supervised 897
release granted by the release authority. 898

Sec. 2152.26. (A) Except as provided in divisions (B) and 899
(F) of this section, a child alleged to be or adjudicated a 900
delinquent child or a juvenile traffic offender may be held only 901
in the following places: 902

(1) A certified foster home or a home approved by the 903
court; 904

(2) A facility operated by a certified child welfare 905
agency; 906

(3) Any other suitable place designated by the court. 907

(B) In addition to the places listed in division (A) of 908
this section, a child alleged to be or adjudicated a delinquent 909
child or a person described in division (C) (7) of section 910
2152.02 of the Revised Code may be held in a detention facility 911

for delinquent children that is under the direction or 912
supervision of the court or other public authority or of a 913
private agency and approved by the court, and a child 914
adjudicated a delinquent child may be held in accordance with 915
division (F) (2) of this section in a facility of a type 916
specified in that division. 917

(C) (1) Except as provided under division (C) (1) of section 918
2151.311 of the Revised Code or division (A) (5) of section 919
2152.21 of the Revised Code, a child alleged to be or 920
adjudicated a juvenile traffic offender may not be held in any 921
of the following facilities: 922

(a) A state correctional institution, county, multicounty, 923
or municipal jail or workhouse, or other place in which an adult 924
convicted of crime, under arrest, or charged with a crime is 925
held. 926

(b) A secure correctional facility. 927

(2) Except as provided under this section, sections 928
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 929
2152.21 of the Revised Code, a child alleged to be or 930
adjudicated a juvenile traffic offender may not be held for more 931
than twenty-four hours in a detention facility. 932

(D) Except as provided in division (F) of this section or 933
in division (C) of section 2151.311, in division (C) (2) of 934
section 5139.06 and section 5120.162, or in division (C) of 935
section 5120.16 of the Revised Code, a child who is alleged to 936
be or is adjudicated a delinquent child or a person described in 937
division (C) (7) of section 2152.02 of the Revised Code may not 938
be held in a state correctional institution, county, 939
multicounty, or municipal jail or workhouse, or other place 940

where an adult convicted of crime, under arrest, or charged with 941
crime is held. 942

(E) Unless the detention is pursuant to division (F) of 943
this section or division (C) of section 2151.311, division (C) 944
(2) of section 5139.06 and section 5120.162, or division (C) of 945
section 5120.16 of the Revised Code, the official in charge of 946
the institution, jail, workhouse, or other facility shall inform 947
the court immediately when a person who is or appears to be 948
under the age of eighteen years, or a person who is charged with 949
a violation of an order of a juvenile court or a violation of 950
probation or parole conditions imposed by a juvenile court and 951
who is or appears to be between the ages of eighteen and ~~twenty-~~ 952
~~one~~ twenty-five years, is received at the facility and shall 953
deliver the person to the court upon request or transfer the 954
person to a detention facility designated by the court. 955

(F) (1) If a case is transferred to another court for 956
criminal prosecution pursuant to section 2152.12 of the Revised 957
Code and the alleged offender is a person described in division 958
(C) (7) of section 2152.02 of the Revised Code, the person may 959
not be transferred for detention pending the criminal 960
prosecution in a jail or other facility except under the 961
circumstances described in division (F) (4) of this section. Any 962
child held in accordance with division (F) (3) of this section 963
shall be confined in a manner that keeps the child beyond the 964
sight and sound of all adult detainees. The child shall be 965
supervised at all times during the detention. 966

(2) If a person is adjudicated a delinquent child or 967
juvenile traffic offender or is a person described in division 968
(C) (7) of section 2152.02 of the Revised Code and the court 969
makes a disposition of the person under this chapter, at any 970

time after the person attains ~~twenty-one~~twenty-five years of 971
age, the person may be held under that disposition or under the 972
circumstances described in division (F) (4) of this section in 973
places other than those specified in division (A) of this 974
section, including, but not limited to, a county, multicounty, 975
or municipal jail or workhouse, or other place where an adult 976
convicted of crime, under arrest, or charged with crime is held. 977

(3) (a) A person alleged to be a delinquent child may be 978
held in places other than those specified in division (A) of 979
this section, including, but not limited to, a county, 980
multicounty, or municipal jail, if the delinquent act that the 981
child allegedly committed would be a felony if committed by an 982
adult, and if either of the following applies: 983

(i) The person attains ~~twenty-one~~twenty-five years of age 984
before the person is arrested or apprehended for that act. 985

(ii) The person is arrested or apprehended for that act 986
before the person attains ~~twenty-one~~twenty-five years of age, 987
but the person attains ~~twenty-one~~twenty-five years of age 988
before the court orders a disposition in the case. 989

(b) If, pursuant to division (F) (3) (a) of this section, a 990
person is held in a place other than a place specified in 991
division (A) of this section, the person has the same rights to 992
bail as an adult charged with the same offense who is confined 993
in a jail pending trial. 994

(4) (a) Any person whose case is transferred for criminal 995
prosecution pursuant to section 2152.10 or 2152.12 of the 996
Revised Code or any person who has attained the age of eighteen 997
years but has not attained the age of ~~twenty-one~~twenty-five 998
years and who is being held in a place specified in division (B) 999

of this section may be held under that disposition or charge in 1000
places other than those specified in division (B) of this 1001
section, including a county, multicounty, or municipal jail or 1002
workhouse, or other place where an adult under arrest or charged 1003
with crime is held if the juvenile court, upon its own motion or 1004
upon motion by the prosecutor and after notice and hearing, 1005
establishes by a preponderance of the evidence and makes written 1006
findings of either of the following: 1007

(i) With respect to a person whose case is transferred for 1008
criminal prosecution pursuant to either specified section or who 1009
has attained the age of eighteen years but who has not attained 1010
the age of ~~twenty-one~~ twenty-five years and is being so held, 1011
that the youth is a threat to the safety and security of the 1012
facility; 1013

(ii) With respect to a person who has attained the age of 1014
eighteen years but who has not attained the age of ~~twenty-one~~ 1015
twenty-five years and is being so held, that the best interests 1016
of the youth require that the youth be held in a place other 1017
than a place specified in division (B) of this section, 1018
including a county, multicounty, or municipal jail or workhouse, 1019
or other place where an adult under arrest or charged with crime 1020
is held. 1021

(b) In determining for purposes of division (F) (4) (a) (i) 1022
of this section whether a youth is a threat to the safety and 1023
security of the facility, evidence that the youth is a threat to 1024
the safety and security of the facility may include, but is not 1025
limited to, whether the youth has done any of the following: 1026

(i) Injured or created an imminent danger to the life or 1027
health of another youth or staff member in the facility or 1028
program by violent behavior; 1029

(ii) Escaped from the facility or program in which the youth is being held on more than one occasion; 1030
1031

(iii) Established a pattern of disruptive behavior as verified by a written record that the youth's behavior is not conducive to the established policies and procedures of the facility or program in which the youth is being held. 1032
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(c) If a prosecutor submits a motion requesting that a person be held in a place other than those specified in division (B) of this section or if the court submits its own motion, the juvenile court shall hold a hearing within five days of the filing of the motion, and, in determining whether a place other than those specified in division (B) of this section is the appropriate place of confinement for the person, the court shall consider the following factors: 1036
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(i) The age of the person; 1044

(ii) Whether the person would be deprived of contact with other people for a significant portion of the day or would not have access to recreational facilities or age-appropriate educational opportunities in order to provide physical separation from adults; 1045
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(iii) The person's current emotional state, intelligence, and developmental maturity, including any emotional and psychological trauma, and the risk to the person in an adult facility, which may be evidenced by mental health or psychological assessments or screenings made available to the prosecuting attorney and the defense counsel; 1050
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(iv) Whether detention in a juvenile facility would adequately serve the need for community protection pending the outcome of the criminal proceeding; 1056
1057
1058

(v) The relative ability of the available adult and 1059
juvenile detention facilities to meet the needs of the person, 1060
including the person's need for age-appropriate mental health 1061
and educational services delivered by individuals specifically 1062
trained to deal with youth; 1063

(vi) Whether the person presents an imminent risk of self- 1064
inflicted harm or an imminent risk of harm to others within a 1065
juvenile facility; 1066

(vii) Any other factors the juvenile court considers to be 1067
relevant. 1068

(d) If the juvenile court determines that a place other 1069
than those specified in division (B) of this section is the 1070
appropriate place for confinement of a person pursuant to 1071
division (F)(4)(a) of this section, the person may petition the 1072
juvenile court for a review hearing thirty days after the 1073
initial confinement decision, thirty days after any subsequent 1074
review hearing, or at any time after the initial confinement 1075
decision upon an emergency petition by the youth due to the 1076
youth facing an imminent danger from others or the youth's self. 1077
Upon receipt of the petition, the juvenile court has discretion 1078
over whether to conduct the review hearing and may set the 1079
matter for a review hearing if the youth has alleged facts or 1080
circumstances that, if true, would warrant reconsideration of 1081
the youth's placement in a place other than those specified in 1082
division (B) of this section based on the factors listed in 1083
division (F)(4)(c) of this section. 1084

(e) Upon the admission of a person described in division 1085
(F)(4)(a) of this section to a place other than those specified 1086
in division (B) of this section, the facility shall advise the 1087
person of the person's right to request a review hearing as 1088

described in division (F) (4) (d) of this section. 1089

(f) Any person transferred under division (F) (4) (a) of 1090
this section to a place other than those specified in division 1091
(B) of this section shall be confined in a manner that keeps 1092
those under eighteen years of age beyond sight and sound of all 1093
adult detainees. Those under eighteen years of age shall be 1094
supervised at all times during the detention. 1095

(G) (1) If a person who is alleged to be or has been 1096
adjudicated a delinquent child or who is in any other category 1097
of persons identified in this section or section 2151.311 of the 1098
Revised Code is confined under authority of any Revised Code 1099
section in a place other than a place specified in division (B) 1100
of this section, including a county, multicounty, or municipal 1101
jail or workhouse, or other place where an adult under arrest or 1102
charged with crime is held, subject to division (G) (2) of this 1103
section, all identifying information, other than the person's 1104
county of residence, age, gender, and race and the charges 1105
against the person, that relates to the person's admission to 1106
and confinement in that place is not a public record open for 1107
inspection or copying under section 149.43 of the Revised Code 1108
and is confidential and shall not be released to any person 1109
other than to a court, to a law enforcement agency for law 1110
enforcement purposes, or to a person specified by court order. 1111

(2) Division (G) (1) of this section does not apply with 1112
respect to a person whose case is transferred for criminal 1113
prosecution pursuant to section 2152.10 or 2152.12 of the 1114
Revised Code, who is convicted of or pleads guilty to an offense 1115
in that case, who is confined after that conviction or guilty 1116
plea in a place other than a place specified in division (B) of 1117
this section, and to whom one of the following applies: 1118

(a) The case was transferred other than pursuant to 1119
division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the 1120
Revised Code. 1121

(b) The case was transferred pursuant to division (A) (1) 1122
(a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, 1123
and the person is sentenced for the offense pursuant to division 1124
(B) (4) of section 2152.121 of the Revised Code. 1125

(c) The case was transferred pursuant to division (A) (1) 1126
(a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, 1127
the person is sentenced for the offense pursuant to division (B) 1128
(3) of section 2152.121 of the Revised Code by the court in 1129
which the person was convicted of or pleaded guilty to the 1130
offense, and the sentence imposed by that court is invoked 1131
pursuant to division (B) (3) (b) of section 2152.121 of the 1132
Revised Code. 1133

Sec. 2152.82. (A) The court that adjudicates a child a 1134
delinquent child shall issue as part of the dispositional order 1135
an order that classifies the child a juvenile offender 1136
registrant and specifies that the child has a duty to comply 1137
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 1138
Revised Code if all of the following apply: 1139

(1) The act for which the child is adjudicated a 1140
delinquent child is a sexually oriented offense or a child- 1141
victim oriented offense that the child committed on or after 1142
January 1, 2002. 1143

(2) The child was fourteen, fifteen, sixteen, or seventeen 1144
years of age at the time of committing the offense. 1145

(3) The court has determined that the child previously was 1146
adjudicated a delinquent child for committing any sexually 1147

oriented offense or child-victim oriented offense, regardless of 1148
when the prior offense was committed and regardless of the 1149
child's age at the time of committing the offense. 1150

(4) The court is not required to classify the child as 1151
both a juvenile offender registrant and a public registry- 1152
qualified juvenile offender registrant under section 2152.86 of 1153
the Revised Code. 1154

(B) An order required under division (A) of this section 1155
shall be issued at the time the judge makes the order of 1156
disposition for the delinquent child. Prior to issuing the order 1157
required by division (A) of this section, the judge shall 1158
conduct a hearing under section 2152.831 of the Revised Code to 1159
determine whether the child is a tier I sex offender/child- 1160
victim offender, a tier II sex offender/child-victim offender, 1161
or a tier III sex offender/child-victim offender. If the court 1162
determines that the delinquent child to whom the order applies 1163
is a tier III sex offender/child-victim offender and the child 1164
is not a public registry-qualified juvenile offender registrant, 1165
the judge may impose a requirement subjecting the child to the 1166
victim and community notification provisions of sections 2950.10 1167
and 2950.11 of the Revised Code. When a judge issues an order 1168
under division (A) of this section, all of the following apply: 1169

(1) The judge shall include in the order a statement that, 1170
upon completion of the disposition of the delinquent child that 1171
was made for the sexually oriented offense or child-victim 1172
oriented offense upon which the order is based, a hearing will 1173
be conducted, and the order and any determinations included in 1174
the order are subject to modification or termination pursuant to 1175
sections 2152.84 and 2152.85 of the Revised Code. 1176

(2) The judge shall provide to the delinquent child and to 1177

the delinquent child's parent, guardian, or custodian the notice 1178
required under divisions (A) and (B) of section 2950.03 of the 1179
Revised Code and shall provide as part of that notice a copy of 1180
the order. 1181

(3) The judge shall include the order in the delinquent 1182
child's dispositional order and shall specify in the 1183
dispositional order that the order issued under division (A) of 1184
this section was made pursuant to this section. 1185

(4) If the court determines that the delinquent child to 1186
whom the order applies is a tier III sex offender/child-victim 1187
offender, if the child is not a public registry-qualified 1188
juvenile offender registrant, and if the judge imposes a 1189
requirement subjecting the child to the victim and community 1190
notification provisions of sections 2950.10 and 2950.11 of the 1191
Revised Code, the judge shall include the requirement in the 1192
order. 1193

(5) The court shall include in the order its determination 1194
made at the hearing held under section 2151.831 of the Revised 1195
Code as to whether the delinquent child is a tier I sex 1196
offender/child-victim offender, a tier II sex offender/child- 1197
victim offender, or a tier III sex offender/child-victim 1198
offender. 1199

(C) Except as provided in division (D) of this section, an 1200
order issued under division (A) of this section and any 1201
determinations included in the order shall remain in effect for 1202
the period of time specified in section 2950.07 of the Revised 1203
Code, subject to a modification or termination of the order 1204
under section 2152.84 or 2152.85 of the Revised Code, and 1205
section 2152.851 of the Revised Code applies regarding the order 1206
and the determinations. If an order is issued under division (A) 1207

of this section, the child's attainment of eighteen~~or~~, twenty- 1208
one, or twenty-five years of age does not affect or terminate 1209
the order, and the order remains in effect for the period of 1210
time described in this division. 1211

(D) If a court issues an order under division (A) of this 1212
section before January 1, 2008, not later than February 1, 2008, 1213
the court shall terminate the order and issue a new order that 1214
reclassifies the child as both a juvenile offender registrant 1215
and a public registry-qualified juvenile offender registrant 1216
pursuant to section 2152.86 of the Revised Code if the court 1217
imposed on the child a serious youthful offender dispositional 1218
sentence under section 2152.13 of the Revised Code and if the 1219
act that was the basis of the classification of the delinquent 1220
child as a juvenile offender registrant and is the basis of the 1221
serious youthful offender dispositional sentence is any of the 1222
following: 1223

(1) Committing, attempting to commit, conspiring to 1224
commit, or complicity in committing a violation of section 1225
2907.02 of the Revised Code, division (B) of section 2907.05 of 1226
the Revised Code, or section 2907.03 of the Revised Code if the 1227
victim of the violation was less than twelve years of age; 1228

(2) Committing, attempting to commit, conspiring to 1229
commit, or complicity in committing a violation of section 1230
2903.01, 2903.02, or 2905.01 of the Revised Code that was 1231
committed with a purpose to gratify the sexual needs or desires 1232
of the child. 1233

Sec. 2152.84. (A) (1) When a juvenile court judge issues an 1234
order under section 2152.82 or division (A) or (B) of section 1235
2152.83 of the Revised Code that classifies a delinquent child a 1236
juvenile offender registrant and specifies that the child has a 1237

duty to comply with sections 2950.04, 2950.041, 2950.05, and 1238
2950.06 of the Revised Code, upon completion of the disposition 1239
of that child made for the sexually oriented offense or the 1240
child-victim oriented offense on which the juvenile offender 1241
registrant order was based, the judge or the judge's successor 1242
in office shall conduct a hearing to review the effectiveness of 1243
the disposition and of any treatment provided for the child, to 1244
determine the risks that the child might re-offend, to determine 1245
whether the prior classification of the child as a juvenile 1246
offender registrant should be continued or terminated as 1247
provided under division (A) (2) of this section, and to determine 1248
whether its prior determination made at the hearing held 1249
pursuant to section 2152.831 of the Revised Code as to whether 1250
the child is a tier I sex offender/child-victim offender, a tier 1251
II sex offender/child-victim offender, or a tier III sex 1252
offender/child-victim offender should be continued or modified 1253
as provided under division (A) (2) of this section. 1254

(2) Upon completion of a hearing under division (A) (1) of 1255
this section, the judge, in the judge's discretion and after 1256
consideration of all relevant factors, including but not limited 1257
to, the factors listed in division (D) of section 2152.83 of the 1258
Revised Code, shall do one of the following as applicable: 1259

(a) Enter an order that continues the classification of 1260
the delinquent child as a juvenile offender registrant made in 1261
the prior order issued under section 2152.82 or division (A) or 1262
(B) of section 2152.83 of the Revised Code and the prior 1263
determination included in the order that the child is a tier I 1264
sex offender/child-victim offender, a tier II sex 1265
offender/child-victim offender, or a tier III sex 1266
offender/child-victim offender, whichever is applicable; 1267

(b) If the prior order was issued under division (B) of 1268
section 2152.83 of the Revised Code, enter an order that 1269
contains a determination that the delinquent child no longer is 1270
a juvenile offender registrant and no longer has a duty to 1271
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 1272
the Revised Code. An order issued under division (A) (2) (b) of 1273
this section also terminates all prior determinations that the 1274
child is a tier I sex offender/child-victim offender, a tier II 1275
sex offender/child-victim offender, or a tier III sex 1276
offender/child-victim offender, whichever is applicable. 1277
Division (A) (2) (b) of this section does not apply to a prior 1278
order issued under section 2152.82 or division (A) of section 1279
2152.83 of the Revised Code. 1280

(c) If the prior order was issued under section 2152.82 or 1281
division (A) or (B) of section 2152.83 of the Revised Code, 1282
enter an order that continues the classification of the 1283
delinquent child as a juvenile offender registrant made in the 1284
prior order issued under section 2152.82 or division (A) or (B) 1285
of section 2152.83 of the Revised Code, and that modifies the 1286
prior determination made at the hearing held pursuant to section 1287
2152.831 of the Revised Code that the child is a tier I sex 1288
offender/child-victim offender, a tier II sex offender/child- 1289
victim offender, or a tier III sex offender/child-victim 1290
offender, whichever is applicable. An order issued under 1291
division (A) (2) (c) of this section shall not include a 1292
determination that increases to a higher tier the tier 1293
classification of the delinquent child. An order issued under 1294
division (A) (2) (c) of this section shall specify the new 1295
determination made by the court at a hearing held pursuant to 1296
division (A) (1) of this section as to whether the child is a 1297
tier I sex offender/child-victim offender, a tier II sex 1298

offender/child-victim offender, or a tier III sex 1299
offender/child-victim offender, whichever is applicable. 1300

(B) (1) If a judge issues an order under division (A) (2) (a) 1301
of this section that continues the prior classification of the 1302
delinquent child as a juvenile offender registrant and the prior 1303
determination included in the order that the child is a tier I 1304
sex offender/child-victim offender, a tier II sex 1305
offender/child-victim offender, or a tier III sex 1306
offender/child-victim offender, whichever is applicable, the 1307
prior classification and the prior determination shall remain in 1308
effect. 1309

(2) A judge may issue an order under division (A) (2) (c) of 1310
this section that contains a determination that reclassifies a 1311
child from a tier III sex offender/child-victim offender 1312
classification to a tier II sex offender/child-victim offender 1313
classification or to a tier I sex offender/child-victim offender 1314
classification. 1315

A judge may issue an order under division (A) (2) (c) of 1316
this section that contains a determination that reclassifies a 1317
child from a tier II sex offender/child-victim offender 1318
classification. A judge may not issue an order under that 1319
division that contains a determination that reclassifies a child 1320
from a tier II sex offender/child-victim offender classification 1321
to a tier III sex offender/child-victim offender classification. 1322

A judge may not issue an order under division (A) (2) (c) of 1323
this section that contains a determination that reclassifies a 1324
child from a tier I sex offender/child-victim offender 1325
classification to a tier II sex offender/child-victim offender 1326
classification or to a tier III sex offender/child-victim 1327
offender classification. 1328

If a judge issues an order under this division that 1329
contains a determination that reclassifies a child, the judge 1330
shall provide a copy of the order to the delinquent child and 1331
the bureau of criminal identification and investigation, and the 1332
bureau, upon receipt of the copy of the order, promptly shall 1333
notify the sheriff with whom the child most recently registered 1334
under section 2950.04 or 2950.041 of the Revised Code of the 1335
determination and reclassification. 1336

(3) If a judge issues an order under division (A) (2) (b) of 1337
this section that declassifies the delinquent child as a 1338
juvenile offender registrant, the judge shall provide a copy of 1339
the order to the bureau of criminal identification and 1340
investigation, and the bureau, upon receipt of the copy of the 1341
order, promptly shall notify the sheriff with whom the child 1342
most recently registered under section 2950.04 or 2950.041 of 1343
the Revised Code of the declassification. 1344

(C) If a judge issues an order under division (A) (2) (a), 1345
(b), or (c) of this section, the judge shall provide to the 1346
delinquent child and to the delinquent child's parent, guardian, 1347
or custodian a copy of the order and, if applicable, a notice 1348
containing the information described in divisions (A) and (B) of 1349
section 2950.03 of the Revised Code. The judge shall provide the 1350
notice at the time of the issuance of the order and shall comply 1351
with divisions (B) and (C) of that section regarding that notice 1352
and the provision of it. 1353

(D) An order issued under division (A) (2) (a) or (c) of 1354
this section and any determinations included in the order shall 1355
remain in effect for the period of time specified in section 1356
2950.07 of the Revised Code, subject to a modification or 1357
termination of the order under section 2152.85 of the Revised 1358

Code, and section 2152.851 of the Revised Code applies regarding 1359
the order and the determinations. If an order is issued under 1360
division (A)(2)(a) or (c) of this section, the child's 1361
attainment of ~~eighteen or~~, twenty-one, or twenty-five years of 1362
age does not affect or terminate the order, and the order 1363
remains in effect for the period of time described in this 1364
division. 1365

(E) The provisions of this section do not apply to a 1366
delinquent child who is classified as both a juvenile offender 1367
registrant and a public registry-qualified juvenile offender 1368
registrant pursuant to section 2152.86 of the Revised Code. 1369

Sec. 2152.86. (A)(1) The court that, on or after January 1370
1, 2008, adjudicates a child a delinquent child for committing 1371
an act shall issue as part of the dispositional order an order 1372
that classifies the child a juvenile offender registrant, 1373
specifies that the child has a duty to comply with sections 1374
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 1375
additionally classifies the child a public registry-qualified 1376
juvenile offender registrant if the child was fourteen, fifteen, 1377
sixteen, or seventeen years of age at the time of committing the 1378
act, the court imposed on the child a serious youthful offender 1379
dispositional sentence under section 2152.13 of the Revised 1380
Code, and the child is adjudicated a delinquent child for 1381
committing, attempting to commit, conspiring to commit, or 1382
complicity in committing any of the following acts: 1383

(a) A violation of section 2907.02 of the Revised Code, 1384
division (B) of section 2907.05 of the Revised Code, or section 1385
2907.03 of the Revised Code if the victim of the violation was 1386
less than twelve years of age; 1387

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 1388

the Revised Code that was committed with a purpose to gratify 1389
the sexual needs or desires of the child; 1390

(c) A violation of division (B) of section 2903.03 of the 1391
Revised Code. 1392

(2) Upon a child's release, on or after January 1, 2008, 1393
from the department of youth services, the court shall issue an 1394
order that classifies the child a juvenile offender registrant, 1395
specifies that the child has a duty to comply with sections 1396
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 1397
additionally classifies the child a public registry-qualified 1398
juvenile offender registrant if all of the following apply: 1399

(a) The child was adjudicated a delinquent child, and a 1400
juvenile court imposed on the child a serious youthful offender 1401
dispositional sentence under section 2152.13 of the Revised Code 1402
for committing one of the acts described in division (A)(1)(a) 1403
or (b) of this section or for committing on or after ~~the~~ 1404
~~effective date of this amendment~~ March 22, 2013, a violation of 1405
division (B) of section 2903.03 of the Revised Code. 1406

(b) The child was fourteen, fifteen, sixteen, or seventeen 1407
years of age at the time of committing the act. 1408

(c) The court did not issue an order classifying the child 1409
as both a juvenile offender registrant and a public registry- 1410
qualified juvenile offender registrant pursuant to division (A) 1411
(1) of this section. 1412

(3) If a court issued an order classifying a child a 1413
juvenile offender registrant pursuant to section 2152.82 or 1414
2152.83 of the Revised Code prior to January 1, 2008, not later 1415
than February 1, 2008, the court shall issue a new order that 1416
reclassifies the child as a juvenile offender registrant, 1417

specifies that the child has a duty to comply with sections 1418
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 1419
additionally classifies the child a public registry-qualified 1420
juvenile offender registrant if all of the following apply: 1421

(a) The sexually oriented offense that was the basis of 1422
the previous order that classified the child a juvenile offender 1423
registrant was an act described in division (A) (1) (a) or (b) of 1424
this section. 1425

(b) The child was fourteen, fifteen, sixteen, or seventeen 1426
years of age at the time of committing the act. 1427

(c) The court imposed on the child a serious youthful 1428
offender dispositional sentence under section 2152.13 of the 1429
Revised Code for the act described in division (A) (1) (a) or (b) 1430
of this section. 1431

(B) (1) If an order is issued under division (A) (1), (2), 1432
or (3) of this section, the classification of tier III sex 1433
offender/child-victim offender automatically applies to the 1434
delinquent child based on the sexually oriented offense the 1435
child committed, subject to a possible reclassification pursuant 1436
to division (D) of this section for a child whose delinquent act 1437
was committed prior to January 1, 2008. If an order is issued 1438
under division (A) (2) of this section regarding a child whose 1439
delinquent act described in division (A) (1) (a) or (b) of this 1440
section was committed prior to January 1, 2008, or if an order 1441
is issued under division (A) (3) of this section regarding a 1442
delinquent child, the order shall inform the child and the 1443
child's parent, guardian, or custodian, that the child has a 1444
right to a hearing as described in division (D) of this section 1445
and inform the child and the child's parent, guardian, or 1446
custodian of the procedures for requesting the hearing and the 1447

period of time within which the request for the hearing must be 1448
made. Section 2152.831 of the Revised Code does not apply 1449
regarding an order issued under division (A) (1), (2), or (3) of 1450
this section. 1451

(2) The judge that issues an order under division (A) (1), 1452
(2), or (3) of this section shall provide to the delinquent 1453
child who is the subject of the order and to the delinquent 1454
child's parent, guardian, or custodian the notice required under 1455
divisions (A) and (B) of section 2950.03 of the Revised Code and 1456
shall provide as part of that notice a copy of the order 1457
required under division (A) (1), (2), or (3) of this section. The 1458
judge shall include the order in the delinquent child's 1459
dispositional order and shall specify in the dispositional order 1460
that the order issued under division (A) (1), (2), or (3) of this 1461
section was made pursuant to this section. 1462

(C) An order issued under division (A) (1), (2), or (3) of 1463
this section shall remain in effect for the period of time 1464
specified in section 2950.07 of the Revised Code as it exists on 1465
and after January 1, 2008, subject to a judicial termination of 1466
that period of time as provided in section 2950.15 of the 1467
Revised Code, subject to a possible reclassification of the 1468
child pursuant to division (D) of this section if the child's 1469
delinquent act was committed prior to January 1, 2008. If an 1470
order is issued under division (A) (1), (2), or (3) of this 1471
section, the child's attainment of eighteen~~-or~~, twenty-one, or 1472
twenty-five years of age does not affect or terminate the order, 1473
and the order remains in effect for the period of time described 1474
in this division. If an order is issued under division (A) (3) of 1475
this section, the duty to comply with sections 2950.04, 1476
2950.041, 2950.05, and 2950.06 of the Revised Code based upon 1477
that order shall be considered, for purposes of section 2950.07 1478

of the Revised Code and for all other purposes, to be a 1479
continuation of the duty to comply with those sections imposed 1480
upon the child prior to January 1, 2008, under the order issued 1481
under section 2152.82, 2152.83, 2152.84, or 2152.85 and Chapter 1482
2950. of the Revised Code. 1483

(D) (1) If an order is issued under division (A) (2) of this 1484
section regarding a delinquent child whose delinquent act 1485
described in division (A) (1) (a) or (b) of this section was 1486
committed prior to January 1, 2008, or if an order is issued 1487
under division (A) (3) of this section regarding a delinquent 1488
child, except as otherwise provided in this division, the child 1489
may request as a matter of right a court hearing to contest the 1490
court's classification in the order of the child as a public 1491
registry-qualified juvenile offender registrant. To request the 1492
hearing, not later than the date that is sixty days after the 1493
delinquent child is provided with the copy of the order, the 1494
delinquent child shall file a petition with the juvenile court 1495
that issued the order. 1496

If the delinquent child requests a hearing by timely 1497
filing a petition with the juvenile court, the delinquent child 1498
shall serve a copy of the petition on the prosecutor who handled 1499
the case in which the delinquent child was adjudicated a 1500
delinquent child for committing the sexually oriented offense or 1501
child-victim oriented offense that resulted in the delinquent 1502
child's registration duty under section 2950.04 or 2950.041 of 1503
the Revised Code. The prosecutor shall represent the interest of 1504
the state in the hearing. In any hearing under this division, 1505
the Rules of Juvenile Procedure apply except to the extent that 1506
those Rules would by their nature be clearly inapplicable. The 1507
court shall schedule a hearing and shall provide notice to the 1508
delinquent child and the delinquent child's parent, guardian, or 1509

custodian and to the prosecutor of the date, time, and place of 1510
the hearing. 1511

If the delinquent child requests a hearing in accordance 1512
with this division, until the court issues its decision at or 1513
subsequent to the hearing, the delinquent child shall comply 1514
with Chapter 2950. of the Revised Code as it exists on and after 1515
January 1, 2008. If a delinquent child requests a hearing in 1516
accordance with this division, at the hearing, all parties are 1517
entitled to be heard, and the court shall consider all relevant 1518
information and testimony presented relative to the issue of 1519
whether the child should be classified a public registry- 1520
qualified juvenile offender registrant. Notwithstanding the 1521
court's classification of the delinquent child as a public 1522
registry-qualified juvenile offender registrant, the court may 1523
terminate that classification if it determines by clear and 1524
convincing evidence that the classification is in error. 1525

If the court decides to terminate the court's 1526
classification of the delinquent child as a public registry- 1527
qualified juvenile offender registrant, the court shall issue an 1528
order that specifies that it has determined that the child is 1529
not a public registry-qualified juvenile offender registrant and 1530
that it has terminated the court's classification of the 1531
delinquent child as a public registry-qualified juvenile 1532
offender registrant. The court promptly shall serve a copy of 1533
the order upon the sheriff with whom the delinquent child most 1534
recently registered under section 2950.04 or 2950.041 of the 1535
Revised Code and upon the bureau of criminal identification and 1536
investigation. The delinquent child and the prosecutor have the 1537
right to appeal the decision of the court issued under this 1538
division. 1539

If the delinquent child fails to request a hearing in 1540
accordance with this division within the applicable sixty-day 1541
period specified in this division, the failure constitutes a 1542
waiver by the delinquent child of the delinquent child's right 1543
to a hearing under this division, and the delinquent child is 1544
bound by the court's classification of the delinquent child as a 1545
public registry-qualified juvenile offender registrant. 1546

(2) An order issued under division (D) (1) of this section 1547
is independent of any order of a type described in division (F) 1548
of section 2950.031 of the Revised Code or division (E) of 1549
section 2950.032 of the Revised Code, and the court may issue an 1550
order under both division (D) (1) of this section and an order of 1551
a type described in division (F) of section 2950.031 of the 1552
Revised Code or division (E) of section 2950.032 of the Revised 1553
Code. A court that conducts a hearing under division (D) (1) of 1554
this section may consolidate that hearing with a hearing 1555
conducted for the same delinquent child under division (F) of 1556
section 2950.031 of the Revised Code or division (E) of section 1557
2950.032 of the Revised Code. 1558

Sec. 2949.12. (A) Unless the execution of sentence is 1559
suspended or the convicted felon has less than thirty days to 1560
serve in prison and the department of rehabilitation and 1561
correction, the county sheriff, and the court agree otherwise, _ 1562
or, for convictions occurring on or after the effective date of 1563
this amendment, the convicted felon is under twenty-five years 1564
of age, a convicted felon who is sentenced to serve a term of 1565
imprisonment in a state correctional institution shall be 1566
conveyed, within five days after sentencing, excluding 1567
Saturdays, Sundays, and legal holidays, by the sheriff of the 1568
county in which the conviction was had to the facility that is 1569
designated by the department of rehabilitation and correction 1570

for the reception of convicted felons. The sheriff shall deliver 1571
the convicted felon into the custody of the managing officer of 1572
the reception facility and, at that time, unless the department 1573
and the sheriff have agreed to electronically processed prisoner 1574
commitment, shall present the managing officer with a copy of 1575
the convicted felon's sentence that clearly describes each 1576
offense for which the felon was sentenced to a correctional 1577
institution, designates each section of the Revised Code that 1578
the felon violated and that resulted in the felon's conviction 1579
and sentence to a correctional institution, designates the 1580
sentence imposed for each offense for which the felon was 1581
sentenced to a correctional institution, and, pursuant to 1582
section 2967.191 of the Revised Code, specifies the total number 1583
of days, if any, that the felon was confined for any reason 1584
prior to conviction and sentence. The sheriff, at that time, 1585
also shall present the managing officer with a copy of the 1586
indictment. The clerk of the court of common pleas shall furnish 1587
the copies of the sentence and indictment. In the case of a 1588
person under the age of eighteen years who is certified to the 1589
court of common pleas by the juvenile court, the clerk of the 1590
court of common pleas also shall attach a copy of the 1591
certification to the copy of the indictment. 1592

The convicted felon shall be assigned to an institution or 1593
designated to be housed in a county, multicounty, municipal, 1594
municipal-county, or multicounty-municipal jail or workhouse, if 1595
authorized pursuant to section 5120.161 of the Revised Code, 1596
shall be conveyed to the institution, jail, or workhouse, and 1597
shall be kept within the institution, jail, or workhouse until 1598
the term of the felon's imprisonment expires, the felon is 1599
pardoned, paroled, or placed under a post-release control 1600
sanction, or the felon is transferred under laws permitting the 1601

transfer of prisoners. If the execution of the felon's sentence 1602
is suspended, and the judgment thereafter affirmed, the felon 1603
shall be conveyed, in the same manner as if the execution of the 1604
felon's sentence had not been suspended, to the reception 1605
facility as soon as practicable after the judge directs the 1606
execution of sentence. The trial judge or other judge of the 1607
court, in the judge's discretion and for good cause shown, may 1608
extend the time of the conveyance. 1609

(B) (1) A convicted felon who is under twenty-five years 1610
old at the execution of sentence shall be committed to the 1611
department of youth services and assigned to an institution 1612
within the department of youth services and, within five days 1613
after sentencing, excluding Saturdays, Sundays, and legal 1614
holidays, the sheriff of the county in which the conviction was 1615
had shall deliver the felon to the facility designated by the 1616
department of youth services. The sheriff, at that time, shall 1617
present the managing officer with a copy of the sentence, a copy 1618
of the indictment, and a copy of any certification from the 1619
juvenile court to the court of common pleas. The convicted felon 1620
shall be held in the institution operated by the department of 1621
youth services until the felon is twenty-five years of age, 1622
until the term of the felon's imprisonment expires, until the 1623
felon is pardoned, paroled, or placed under a post-release 1624
control sanction, until the department of youth services, in the 1625
discretion of the director of youth services, lacks capacity to 1626
house the felon, or until the felon is transferred under laws 1627
permitting the transfer of prisoners. 1628

(2) A convicted felon who is committed to the department 1629
of youth services under division (B) (1) of this section shall be 1630
transferred to the department of rehabilitation and correction 1631
and committed to an institution under division (A) of this 1632

section for the remainder of the felon's sentence when the felon 1633
attains the age of twenty-five or when the felon, because of a 1634
rule violation or violations, is determined by the department of 1635
youth services to be a danger to self or others. At the time of 1636
a transfer under division (B) (2) of this section, the sheriff 1637
shall present the managing officer with a copy of the sentence, 1638
a copy of the indictment, and a copy of the certification from 1639
the juvenile court to the court of common pleas. 1640

Sec. 5139.01. (A) As used in this chapter: 1641

(1) "Commitment" means the transfer of the physical 1642
custody of a child or youth from the court to the department of 1643
youth services. 1644

(2) "Permanent commitment" means a commitment that vests 1645
legal custody of a child in the department of youth services. 1646

(3) "Legal custody," insofar as it pertains to the status 1647
that is created when a child is permanently committed to the 1648
department of youth services, means a legal status in which the 1649
department has the following rights and responsibilities: the 1650
right to have physical possession of the child; the right and 1651
duty to train, protect, and control the child; the 1652
responsibility to provide the child with food, clothing, 1653
shelter, education, and medical care; and the right to determine 1654
where and with whom the child shall live, subject to the minimum 1655
periods of, or periods of, institutional care prescribed in 1656
sections 2152.13 to 2152.18 of the Revised Code; provided, that 1657
these rights and responsibilities are exercised subject to the 1658
powers, rights, duties, and responsibilities of the guardian of 1659
the person of the child, and subject to any residual parental 1660
rights and responsibilities. 1661

(4) Unless the context requires a different meaning, 1662
"institution" means a state facility that is created by the 1663
general assembly and that is under the management and control of 1664
the department of youth services or a private entity with which 1665
the department has contracted for the institutional care and 1666
custody of felony delinquents. 1667

(5) "Full-time care" means care for twenty-four hours a 1668
day for over a period of at least two consecutive weeks. 1669

(6) "Placement" means the conditional release of a child 1670
under the terms and conditions that are specified by the 1671
department of youth services. The department shall retain legal 1672
custody of a child released pursuant to division (C) of section 1673
2152.22 of the Revised Code or division (C) of section 5139.06 1674
of the Revised Code until the time that it discharges the child 1675
or until the legal custody is terminated as otherwise provided 1676
by law. 1677

(7) "Home placement" means the placement of a child in the 1678
home of the child's parent or parents or in the home of the 1679
guardian of the child's person. 1680

(8) "Discharge" means that the department of youth 1681
services' legal custody of a child is terminated. 1682

(9) "Release" means the termination of a child's stay in 1683
an institution and the subsequent period during which the child 1684
returns to the community under the terms and conditions of 1685
supervised release. 1686

(10) "Delinquent child" has the same meaning as in section 1687
2152.02 of the Revised Code. 1688

(11) "Felony delinquent" means any child who is at least 1689
ten years of age but less than eighteen years of age and who is 1690

adjudicated a delinquent child for having committed an act that 1691
if committed by an adult would be a felony. "Felony delinquent" 1692
includes any adult who is between the ages of eighteen and 1693
~~twenty-one~~ twenty-five and who is in the legal custody of the 1694
department of youth services for having committed an act that if 1695
committed by an adult would be a felony. 1696

(12) "Juvenile traffic offender" has the same meaning as 1697
in section 2152.02 of the Revised Code. 1698

(13) "Public safety beds" means all of the following: 1699

(a) Felony delinquents who have been committed to the 1700
department of youth services for the commission of an act, other 1701
than a violation of section 2911.01 or 2911.11 of the Revised 1702
Code, that is a category one offense or a category two offense 1703
and who are in the care and custody of an institution or have 1704
been diverted from care and custody in an institution and placed 1705
in a community corrections facility; 1706

(b) Felony delinquents who, while committed to the 1707
department of youth services and in the care and custody of an 1708
institution or a community corrections facility, are adjudicated 1709
delinquent children for having committed in that institution or 1710
community corrections facility an act that if committed by an 1711
adult would be a misdemeanor or a felony; 1712

(c) Children who satisfy all of the following: 1713

(i) They are at least ten years of age but less than 1714
eighteen years of age. 1715

(ii) They are adjudicated delinquent children for having 1716
committed acts that if committed by an adult would be a felony. 1717

(iii) They are committed to the department of youth 1718

services by the juvenile court of a county that has had one- 1719
tenth of one per cent or less of the statewide adjudications for 1720
felony delinquents as averaged for the past four fiscal years. 1721

(iv) They are in the care and custody of an institution or 1722
a community corrections facility. 1723

(d) Felony delinquents who, while committed to the 1724
department of youth services and in the care and custody of an 1725
institution are serving disciplinary time for having committed 1726
an act described in division (A)(18)(a), (b), or (c) of this 1727
section, and who have been institutionalized or 1728
institutionalized in a secure facility for the minimum period of 1729
time specified in divisions (A)(1)(b) to (e) of section 2152.16 1730
of the Revised Code. 1731

(e) Felony delinquents who are subject to and serving a 1732
three-year period of commitment order imposed by a juvenile 1733
court pursuant to divisions (A) and (B) of section 2152.17 of 1734
the Revised Code for an act, other than a violation of section 1735
2911.11 of the Revised Code, that would be a category one 1736
offense or category two offense if committed by an adult. 1737

(f) Felony delinquents who are described in divisions (A) 1738
(13)(a) to (e) of this section, who have been granted a judicial 1739
release to court supervision under division (B) or (D) of 1740
section 2152.22 of the Revised Code or a judicial release to the 1741
department of youth services supervision under division (C) or 1742
(D) of that section from the commitment to the department of 1743
youth services for the act described in divisions (A)(13)(a) to 1744
(e) of this section, who have violated the terms and conditions 1745
of that release, and who, pursuant to an order of the court of 1746
the county in which the particular felony delinquent was placed 1747
on release that is issued pursuant to division (E) of section 1748

2152.22 of the Revised Code, have been returned to the 1749
department for institutionalization or institutionalization in a 1750
secure facility. 1751

(g) Felony delinquents who have been committed to the 1752
custody of the department of youth services, who have been 1753
granted supervised release from the commitment pursuant to 1754
section 5139.51 of the Revised Code, who have violated the terms 1755
and conditions of that supervised release, and who, pursuant to 1756
an order of the court of the county in which the particular 1757
child was placed on supervised release issued pursuant to 1758
division (F) of section 5139.52 of the Revised Code, have had 1759
the supervised release revoked and have been returned to the 1760
department for institutionalization. A felony delinquent 1761
described in this division shall be a public safety bed only for 1762
the time during which the felony delinquent is institutionalized 1763
as a result of the revocation subsequent to the initial ninety- 1764
day period of institutionalization required by division (F) of 1765
section 5139.52 of the Revised Code. 1766

(14) Unless the context requires a different meaning, 1767
"community corrections facility" means a county or multicounty 1768
rehabilitation center for felony delinquents who have been 1769
committed to the department of youth services and diverted from 1770
care and custody in an institution and placed in the 1771
rehabilitation center pursuant to division (E) of section 1772
5139.36 of the Revised Code. 1773

(15) "Secure facility" means any facility that is designed 1774
and operated to ensure that all of its entrances and exits are 1775
under the exclusive control of its staff and to ensure that, 1776
because of that exclusive control, no child who has been 1777
institutionalized in the facility may leave the facility without 1778

permission or supervision. 1779

(16) "Community residential program" means a program that 1780
satisfies both of the following: 1781

(a) It is housed in a building or other structure that has 1782
no associated major restraining construction, including, but not 1783
limited to, a security fence. 1784

(b) It provides twenty-four-hour care, supervision, and 1785
programs for felony delinquents who are in residence. 1786

(17) "Category one offense" and "category two offense" 1787
have the same meanings as in section 2152.02 of the Revised 1788
Code. 1789

(18) "Disciplinary time" means additional time that the 1790
department of youth services requires a felony delinquent to 1791
serve in an institution, that delays the felony delinquent's 1792
planned release, and that the department imposes upon the felony 1793
delinquent following the conduct of an internal due process 1794
hearing for having committed any of the following acts while 1795
committed to the department and in the care and custody of an 1796
institution: 1797

(a) An act that if committed by an adult would be a 1798
felony; 1799

(b) An act that if committed by an adult would be a 1800
misdemeanor; 1801

(c) An act that is not described in division (A) (18) (a) or 1802
(b) of this section and that violates an institutional rule of 1803
conduct of the department. 1804

(19) "Unruly child" has the same meaning as in section 1805
2151.022 of the Revised Code. 1806

(20) "Revocation" means the act of revoking a child's supervised release for a violation of a term or condition of the child's supervised release in accordance with section 5139.52 of the Revised Code.

(21) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code.

(22) "Supervised release" means the event of the release of a child under this chapter from an institution and the period after that release during which the child is supervised and assisted by an employee of the department of youth services under specific terms and conditions for reintegration of the child into the community.

(23) "Victim" means the person identified in a police report, complaint, or information as the victim of an act that would have been a criminal offense if committed by an adult and that provided the basis for adjudication proceedings resulting in a child's commitment to the legal custody of the department of youth services.

(24) "Victim's representative" means a member of the victim's family or another person whom the victim or another authorized person designates in writing, pursuant to section 5139.56 of the Revised Code, to represent the victim with respect to proceedings of the release authority of the department of youth services and with respect to other matters specified in that section.

(25) "Member of the victim's family" means a spouse, child, stepchild, sibling, parent, stepparent, grandparent, other relative, or legal guardian of a child but does not

include a person charged with, convicted of, or adjudicated a 1836
delinquent child for committing a criminal or delinquent act 1837
against the victim or another criminal or delinquent act arising 1838
out of the same conduct, criminal or delinquent episode, or plan 1839
as the criminal or delinquent act committed against the victim. 1840

(26) "Judicial release to court supervision" means a 1841
release of a child from institutional care or institutional care 1842
in a secure facility that is granted by a court pursuant to 1843
division (B) of section 2152.22 of the Revised Code during the 1844
period specified in that division or that is granted by a court 1845
to court supervision pursuant to division (D) of that section 1846
during the period specified in that division. 1847

(27) "Judicial release to department of youth services 1848
supervision" means a release of a child from institutional care 1849
or institutional care in a secure facility that is granted by a 1850
court pursuant to division (C) of section 2152.22 of the Revised 1851
Code during the period specified in that division or that is 1852
granted to department supervision by a court pursuant to 1853
division (D) of that section during the period specified in that 1854
division. 1855

(28) "Juvenile justice system" includes all of the 1856
functions of the juvenile courts, the department of youth 1857
services, any public or private agency whose purposes include 1858
the prevention of delinquency or the diversion, adjudication, 1859
detention, or rehabilitation of delinquent children, and any of 1860
the functions of the criminal justice system that are applicable 1861
to children. 1862

(29) "Metropolitan county criminal justice services 1863
agency" means an agency that is established pursuant to division 1864
(A) of section 5502.64 of the Revised Code. 1865

(30) "Administrative planning district" means a district 1866
that is established pursuant to division (A) or (B) of section 1867
5502.66 of the Revised Code. 1868

(31) "Criminal justice coordinating council" means a 1869
criminal justice services agency that is established pursuant to 1870
division (D) of section 5502.66 of the Revised Code. 1871

(32) "Comprehensive plan" means a document that 1872
coordinates, evaluates, and otherwise assists, on an annual or 1873
multi-year basis, all of the functions of the juvenile justice 1874
systems of the state or a specified area of the state, that 1875
conforms to the priorities of the state with respect to juvenile 1876
justice systems, and that conforms with the requirements of all 1877
federal criminal justice acts. These functions include, but are 1878
not limited to, all of the following: 1879

(a) Delinquency; 1880

(b) Identification, detection, apprehension, and detention 1881
of persons charged with delinquent acts; 1882

(c) Assistance to crime victims or witnesses, except that 1883
the comprehensive plan does not include the functions of the 1884
attorney general pursuant to sections 109.91 and 109.92 of the 1885
Revised Code; 1886

(d) Adjudication or diversion of persons charged with 1887
delinquent acts; 1888

(e) Custodial treatment of delinquent children; 1889

(f) Institutional and noninstitutional rehabilitation of 1890
delinquent children. 1891

(B) There is hereby created the department of youth 1892
services. The governor shall appoint the director of the 1893

department with the advice and consent of the senate. The 1894
director shall hold office during the term of the appointing 1895
governor but subject to removal at the pleasure of the governor. 1896
Except as otherwise authorized in section 108.05 of the Revised 1897
Code, the director shall devote the director's entire time to 1898
the duties of the director's office and shall hold no other 1899
office or position of trust or profit during the director's term 1900
of office. 1901

The director is the chief executive and administrative 1902
officer of the department and has all the powers of a department 1903
head set forth in Chapter 121. of the Revised Code. The director 1904
may adopt rules for the government of the department, the 1905
conduct of its officers and employees, the performance of its 1906
business, and the custody, use, and preservation of the 1907
department's records, papers, books, documents, and property. 1908
The director shall be an appointing authority within the meaning 1909
of Chapter 124. of the Revised Code. Whenever this or any other 1910
chapter or section of the Revised Code imposes a duty on or 1911
requires an action of the department, the duty or action shall 1912
be performed by the director or, upon the director's order, in 1913
the name of the department. 1914

Sec. 5139.05. (A) The juvenile court may commit any child 1915
to the department of youth services as authorized in Chapter 1916
2152. of the Revised Code, provided that any child so committed 1917
shall be at least ten years of age at the time of the child's 1918
delinquent act, and, if the child is ten or eleven years of age, 1919
the delinquent act is a violation of section 2909.03 of the 1920
Revised Code or would be aggravated murder, murder, or a first 1921
or second degree felony offense of violence if committed by an 1922
adult. Any order to commit a child to an institution under the 1923
control and management of the department shall have the effect 1924

of ordering that the child be committed to the department and 1925
assigned to an institution or placed in a community corrections 1926
facility in accordance with division (E) of section 5139.36 of 1927
the Revised Code as follows: 1928

(1) For an indefinite term consisting of the prescribed 1929
minimum period specified by the court under division (A)(1) of 1930
section 2152.16 of the Revised Code and a maximum period not to 1931
exceed the child's attainment of ~~twenty-one~~ twenty-five years of 1932
age, if the child was committed pursuant to section 2152.16 of 1933
the Revised Code; 1934

(2) Until the child's attainment of ~~twenty-one~~ twenty-five 1935
years of age, if the child was committed for aggravated murder 1936
or murder pursuant to section 2152.16 of the Revised Code; 1937

(3) For a period of commitment that shall be in addition 1938
to, and shall be served consecutively with and prior to, a 1939
period of commitment described in division (A)(1) or (2) of this 1940
section, if the child was committed pursuant to section 2152.17 1941
of the Revised Code; 1942

(4) If the child is ten or eleven years of age, to an 1943
institution, a residential care facility, a residential 1944
facility, or a facility licensed by the department of children 1945
and youth that the department of youth services considers best 1946
designated for the training and rehabilitation of the child and 1947
protection of the public. The child shall be housed separately 1948
from children who are twelve years of age or older until the 1949
child is released or discharged or until the child attains 1950
twelve years of age, whichever occurs first. Upon the child's 1951
attainment of twelve years of age, if the child has not been 1952
released or discharged, the department is not required to house 1953
the child separately. 1954

(B) (1) Except as otherwise provided in section 5139.54 of 1955
the Revised Code, the release authority of the department of 1956
youth services, in accordance with section 5139.51 of the 1957
Revised Code and at any time after the end of the minimum period 1958
specified under division (A) (1) of section 2152.16 of the 1959
Revised Code, may grant the release from custody of any child 1960
committed to the department. 1961

The order committing a child to the department of youth 1962
services shall state that the child has been adjudicated a 1963
delinquent child and state the minimum period. The jurisdiction 1964
of the court terminates at the end of the minimum period except 1965
as follows: 1966

(a) In relation to judicial release procedures, 1967
supervision, and violations; 1968

(b) With respect to functions of the court related to the 1969
revocation of supervised release that are specified in sections 1970
5139.51 and 5139.52 of the Revised Code; 1971

(c) In relation to its duties relating to serious youthful 1972
offender dispositional sentences under sections 2152.13 and 1973
2152.14 of the Revised Code. 1974

(2) When a child has been committed to the department 1975
under section 2152.16 of the Revised Code, the department shall 1976
retain legal custody of the child until one of the following: 1977

(a) The department discharges the child to the exclusive 1978
management, control, and custody of the child's parent or the 1979
guardian of the child's person or, if the child is eighteen 1980
years of age or older, discharges the child. 1981

(b) The committing court, upon its own motion, upon 1982
petition of the parent, guardian of the person, or next friend 1983

of a child, or upon petition of the department, terminates the 1984
department's legal custody of the child. 1985

(c) The committing court grants the child a judicial 1986
release to court supervision under section 2152.22 of the 1987
Revised Code. 1988

(d) The department's legal custody of the child is 1989
terminated automatically by the child attaining ~~twenty-one~~ 1990
twenty-five years of age. 1991

(e) If the child is subject to a serious youthful offender 1992
dispositional sentence, the adult portion of that dispositional 1993
sentence is imposed under section 2152.14 of the Revised Code. 1994

(C) When a child is committed to the department of youth 1995
services, the department may assign the child to a hospital for 1996
mental, physical, and other examination, inquiry, or treatment 1997
for the period of time that is necessary. The department may 1998
remove any child in its custody to a hospital for observation, 1999
and a complete report of every observation at the hospital shall 2000
be made in writing and shall include a record of observation, 2001
treatment, and medical history and a recommendation for future 2002
treatment, custody, and maintenance. The department shall 2003
thereupon order the placement and treatment that it determines 2004
to be most conducive to the purposes of Chapters 2151. and 5139. 2005
of the Revised Code. The committing court and all public 2006
authorities shall make available to the department all pertinent 2007
data in their possession with respect to the case. 2008

(D) Records maintained by the department of youth services 2009
pertaining to the children in its custody shall be accessible 2010
only to department employees, except by consent of the 2011
department, upon the order of the judge of a court of record, or 2012

as provided in divisions (D) (1) and (2) of this section. These 2013
records shall not be considered "public records," as defined in 2014
section 149.43 of the Revised Code. 2015

(1) Except as otherwise provided by a law of this state or 2016
the United States, the department of youth services may release 2017
records that are maintained by the department of youth services 2018
and that pertain to children in its custody to the department of 2019
rehabilitation and correction regarding persons who are under 2020
the jurisdiction of the department of rehabilitation and 2021
correction and who have previously been committed to the 2022
department of youth services. The department of rehabilitation 2023
and correction may use those records for the limited purpose of 2024
carrying out the duties of the department of rehabilitation and 2025
correction. Records released by the department of youth services 2026
to the department of rehabilitation and correction shall remain 2027
confidential and shall not be considered public records as 2028
defined in section 149.43 of the Revised Code. 2029

(2) The department of youth services shall provide to the 2030
superintendent of the school district in which a child 2031
discharged or released from the custody of the department is 2032
entitled to attend school under section 3313.64 or 3313.65 of 2033
the Revised Code the records described in divisions (D) (4) (a) to 2034
(d) of section 2152.18 of the Revised Code. Subject to the 2035
provisions of section 3319.321 of the Revised Code and the 2036
Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 2037
amended, the records released to the superintendent shall remain 2038
confidential and shall not be considered public records as 2039
defined in section 149.43 of the Revised Code. 2040

(E) (1) When a child is committed to the department of 2041
youth services, the department, orally or in writing, shall 2042

notify the parent, guardian, or custodian of a child that the 2043
parent, guardian, or custodian may request at any time from the 2044
superintendent of the institution in which the child is located 2045
any of the information described in divisions (E) (1) (a), (b), 2046
(c), and (d) of this section. The parent, guardian, or custodian 2047
may provide the department with the name, address, and telephone 2048
number of the parent, guardian, or custodian, and, until the 2049
department is notified of a change of name, address, or 2050
telephone number, the department shall use the name, address, 2051
and telephone number provided by the parent, guardian, or 2052
custodian to provide notices or answer inquiries concerning the 2053
following information: 2054

(a) When the department of youth services makes a 2055
permanent assignment of the child to a facility, the department, 2056
orally or in writing and on or before the third business day 2057
after the day the permanent assignment is made, shall notify the 2058
parent, guardian, or custodian of the child of the name of the 2059
facility to which the child has been permanently assigned. 2060

If a parent, guardian, or custodian of a child who is 2061
committed to the department of youth services requests, orally 2062
or in writing, the department to provide the parent, guardian, 2063
or custodian with the name of the facility in which the child is 2064
currently located, the department, orally or in writing and on 2065
or before the next business day after the day on which the 2066
request is made, shall provide the name of that facility to the 2067
parent, guardian, or custodian. 2068

(b) If a parent, guardian, or custodian of a child who is 2069
committed to the department of youth services, orally or in 2070
writing, asks the superintendent of the institution in which the 2071
child is located whether the child is being disciplined by the 2072

personnel of the institution, what disciplinary measure the 2073
personnel of the institution are using for the child, or why the 2074
child is being disciplined, the superintendent or the 2075
superintendent's designee, on or before the next business day 2076
after the day on which the request is made, shall provide the 2077
parent, guardian, or custodian with written or oral responses to 2078
the questions. 2079

(c) If a parent, guardian, or custodian of a child who is 2080
committed to the department of youth services, orally or in 2081
writing, asks the superintendent of the institution in which the 2082
child is held whether the child is receiving any medication from 2083
personnel of the institution, what type of medication the child 2084
is receiving, or what condition of the child the medication is 2085
intended to treat, the superintendent or the superintendent's 2086
designee, on or before the next business day after the day on 2087
which the request is made, shall provide the parent, guardian, 2088
or custodian with oral or written responses to the questions. 2089

(d) When a major incident occurs with respect to a child 2090
who is committed to the department of youth services, the 2091
department, as soon as reasonably possible after the major 2092
incident occurs, shall notify the parent, guardian, or custodian 2093
of the child that a major incident has occurred with respect to 2094
the child and of all the details of that incident that the 2095
department has ascertained. 2096

(2) The failure of the department of youth services to 2097
provide any notification required by or answer any requests made 2098
pursuant to division (E) of this section does not create a cause 2099
of action against the state. 2100

(F) The department of youth services, as a means of 2101
punishment while the child is in its custody, shall not prohibit 2102

a child who is committed to the department from seeing that 2103
child's parent, guardian, or custodian during standard 2104
visitation periods allowed by the department of youth services 2105
unless the superintendent of the institution in which the child 2106
is held determines that permitting that child to visit with the 2107
child's parent, guardian, or custodian would create a safety 2108
risk to that child, that child's parents, guardian, or 2109
custodian, the personnel of the institution, or other children 2110
held in that institution. 2111

(G) As used in this section: 2112

(1) "Permanent assignment" means the assignment or 2113
transfer for an extended period of time of a child who is 2114
committed to the department of youth services to a facility in 2115
which the child will receive training or participate in 2116
activities that are directed toward the child's successful 2117
rehabilitation. "Permanent assignment" does not include the 2118
transfer of a child to a facility for judicial release hearings 2119
pursuant to section 2152.22 of the Revised Code or for any other 2120
temporary assignment or transfer to a facility. 2121

(2) "Major incident" means the escape or attempted escape 2122
of a child who has been committed to the department of youth 2123
services from the facility to which the child is assigned; the 2124
return to the custody of the department of a child who has 2125
escaped or otherwise fled the custody and control of the 2126
department without authorization; the allegation of any sexual 2127
activity with a child committed to the department; physical 2128
injury to a child committed to the department as a result of 2129
alleged abuse by department staff; an accident resulting in 2130
injury to a child committed to the department that requires 2131
medical care or treatment outside the institution in which the 2132

child is located; the discovery of a controlled substance upon 2133
the person or in the property of a child committed to the 2134
department; a suicide attempt by a child committed to the 2135
department; a suicide attempt by a child committed to the 2136
department that results in injury to the child requiring 2137
emergency medical services outside the institution in which the 2138
child is located; the death of a child committed to the 2139
department; an injury to a visitor at an institution under the 2140
control of the department that is caused by a child committed to 2141
the department; and the commission or suspected commission of an 2142
act by a child committed to the department that would be an 2143
offense if committed by an adult. 2144

(3) "Sexual activity" has the same meaning as in section 2145
2907.01 of the Revised Code. 2146

(4) "Controlled substance" has the same meaning as in 2147
section 3719.01 of the Revised Code. 2148

(5) "Residential care facility" and "residential facility" 2149
have the same meanings as in section 2151.011 of the Revised 2150
Code. 2151

Sec. 5139.10. Unless the child has already received a 2152
final discharge, the control by the department of youth services 2153
of a child committed as a delinquent shall cease when the child 2154
reaches the age of ~~twenty-one~~ twenty-five years. 2155

Sec. 5139.101. (A) The department of youth services, in 2156
coordination with any other agencies deemed necessary, may 2157
develop a program to assist a youth leaving the supervision, 2158
control, and custody of the department at ~~twenty-one~~ twenty-five 2159
years of age. The program shall provide supportive services for 2160
specific educational or rehabilitative purposes, under 2161

conditions agreed upon by both the department and the youth and 2162
terminable by either. Services shall cease not later than when 2163
the youth reaches ~~twenty-two~~ twenty-six years of age and shall 2164
not be construed as extending control of a child beyond 2165
discharge as described in section 5139.10 of the Revised Code. 2166

(B) The services provided by the program shall be offered 2167
to the youth prior to the youth's discharge date, but a youth 2168
may request and the department shall consider any such request 2169
for the services described up to ninety days after the youth's 2170
effective date of discharge, even if the youth has previously 2171
declined services. 2172

Sec. 5139.50. (A) The release authority of the department 2173
of youth services is hereby created as a bureau in the 2174
department. The release authority shall consist of a minimum of 2175
three, but not more than five, members who are appointed by the 2176
director of youth services and who have the qualifications 2177
specified in division (B) of this section. The members of the 2178
release authority shall devote their full time to the duties of 2179
the release authority and shall neither seek nor hold other 2180
public office. The members shall be in the unclassified civil 2181
service. 2182

(B) A person appointed as a member of the release 2183
authority shall have a bachelor's degree from an accredited 2184
college or university or equivalent relevant experience and 2185
shall have the skills, training, or experience necessary to 2186
analyze issues of law, administration, and public policy. The 2187
membership of the release authority shall represent, insofar as 2188
practicable, the diversity found in the children in the legal 2189
custody of the department of youth services. 2190

In appointing the members, the director shall ensure that 2191

the appointments include all of the following: 2192

(1) At least one member who has five or more years of 2193
experience in criminal justice, juvenile justice, or an 2194
equivalent relevant profession; 2195

(2) At least one member who has experience in victim 2196
services or advocacy or who has been a victim of a crime or is a 2197
family member of a victim; 2198

(3) At least one member who has experience in direct care 2199
services to delinquent children. 2200

(C) Members shall be appointed for four-year terms. At the 2201
conclusion of a term, a member shall hold office until the 2202
appointment and qualification of the member's successor. The 2203
director shall fill a vacancy occurring before the expiration of 2204
a term for the remainder of that term and, if a member is on 2205
extended leave or disability status for more than thirty work 2206
days, may appoint an interim member to fulfill the duties of 2207
that member. A member may be reappointed. A member may be 2208
removed for good cause by the director. 2209

(D) The director of youth services shall designate as 2210
chairperson of the release authority one of the members who has 2211
experience in criminal justice, juvenile justice, or an 2212
equivalent relevant profession. The chairperson shall be a 2213
managing officer of the department, shall supervise the members 2214
of the board and the other staff in the bureau, and shall 2215
perform all duties and functions necessary to ensure that the 2216
release authority discharges its responsibilities. The 2217
chairperson shall serve as the official spokesperson for the 2218
release authority. 2219

(E) The release authority shall do all of the following: 2220

(1) Serve as the final and sole authority for making 2221
decisions, in the interests of public safety and the children 2222
involved, regarding the release and discharge of all children 2223
committed to the legal custody of the department of youth 2224
services, except children placed by a juvenile court on judicial 2225
release to court supervision or on judicial release to 2226
department of youth services supervision, children who have not 2227
completed a prescribed minimum period of time or prescribed 2228
period of time in a secure facility, or children who are 2229
required to remain in a secure facility until they attain 2230
~~twenty-one~~ twenty-five years of age; 2231

(2) Establish written policies and procedures for 2232
conducting reviews of the status for all youth in the custody of 2233
the department, setting or modifying dates of release and 2234
discharge, specifying the duration, terms, and conditions of 2235
release to be carried out in supervised release subject to the 2236
addition of additional consistent terms and conditions by a 2237
court in accordance with section 5139.51 of the Revised Code, 2238
and giving a child notice of all reviews; 2239

(3) Maintain records of its official actions, decisions, 2240
orders, and hearing summaries and make the records accessible in 2241
accordance with division (D) of section 5139.05 of the Revised 2242
Code; 2243

(4) Cooperate with public and private agencies, 2244
communities, private groups, and individuals for the development 2245
and improvement of its services; 2246

(5) Collect, develop, and maintain statistical information 2247
regarding its services and decisions; 2248

(6) Submit to the director an annual report that includes 2249

a description of the operations of the release authority, an 2250
evaluation of its effectiveness, recommendations for statutory, 2251
budgetary, or other changes necessary to improve its 2252
effectiveness, and any other information required by the 2253
director. 2254

(F) The release authority may do any of the following: 2255

(1) Conduct inquiries, investigations, and reviews and 2256
hold hearings and other proceedings necessary to properly 2257
discharge its responsibilities; 2258

(2) Issue subpoenas, enforceable in a court of law, to 2259
compel a person to appear, give testimony, or produce 2260
documentary information or other tangible items relating to a 2261
matter under inquiry, investigation, review, or hearing; 2262

(3) Administer oaths and receive testimony of persons 2263
under oath; 2264

(4) Request assistance, services, and information from a 2265
public agency to enable the authority to discharge its 2266
responsibilities and receive the assistance, services, and 2267
information from the public agency in a reasonable period of 2268
time; 2269

(5) Request from a public agency or any other entity that 2270
provides or has provided services to a child committed to the 2271
department's legal custody information to enable the release 2272
authority to properly discharge its responsibilities with 2273
respect to that child and receive the information from the 2274
public agency or other entity in a reasonable period of time. 2275

(G) The release authority may delegate responsibilities to 2276
hearing officers or other designated staff under the release 2277
authority's auspices. However, the release authority shall not 2278

delegate its authority to make final decisions regarding policy 2279
or the release of a child. 2280

The release authority shall adopt a written policy and 2281
procedures governing appeals of its release and discharge 2282
decisions. 2283

(H) The legal staff of the department of youth services 2284
shall provide assistance to the release authority in the 2285
formulation of policy and in its handling of individual cases. 2286

Sec. 5139.51. (A) The release authority of the department 2287
of youth services shall not release a child who is in the 2288
custody of the department of youth services from institutional 2289
care or institutional care in a secure facility and shall not 2290
discharge the child or order the child's release on supervised 2291
release prior to the expiration of the prescribed minimum period 2292
of institutionalization or institutionalization in a secure 2293
facility or prior to the child's attainment of twenty-one years 2294
of age, whichever is applicable under the order of commitment, 2295
other than as is provided in section 2152.22 of the Revised 2296
Code. The release authority may conduct periodic reviews of the 2297
case of each child who is in the custody of the department and 2298
who is eligible for supervised release or discharge after 2299
completing the minimum period of time or period of time in an 2300
institution prescribed by the committing court. At least thirty 2301
days prior to conducting a periodic review of the case of a 2302
child who was committed to the department regarding the 2303
possibility of supervised release or discharge and at least 2304
thirty days prior to conducting a release review, a release 2305
hearing, or a discharge review under division (E) of this 2306
section, the release authority shall give notice of the review 2307
or hearing to the court that committed the child, to the 2308

prosecuting attorney in the case, and to the victim of the 2309
delinquent act for which the child was committed or the victim's 2310
representative. If a child is on supervised release and has had 2311
the child's parole revoked, and if, upon release, there is 2312
insufficient time to provide the notices otherwise required by 2313
this division, the release authority, at least ten days prior to 2314
the child's release, shall provide reasonable notice of the 2315
child's release to the court that committed the child, to the 2316
prosecuting attorney in the case, and to the victim of the 2317
delinquent act for which the child was committed or the victim's 2318
representative. The court or prosecuting attorney may submit to 2319
the release authority written comments regarding, or written 2320
objections to, the supervised release or discharge of that 2321
child. Additionally, if the child was committed for an act that 2322
is a category one or category two offense, the court or 2323
prosecuting attorney orally may communicate to a representative 2324
of the release authority comments regarding, or objections to, 2325
the supervised release or discharge of the child or, if a 2326
hearing is held regarding the possible release or discharge of 2327
the child, may communicate those comments at the hearing. In 2328
conducting the review of the child's case regarding the 2329
possibility of supervised release or discharge, the release 2330
authority shall consider any comments and objections so 2331
submitted or communicated by the court or prosecutor and any 2332
statements or comments submitted or communicated under section 2333
5139.56 of the Revised Code by a victim of an act for which the 2334
child was committed to the legal custody of the department or by 2335
the victim's representative of a victim of an act of that type. 2336

The release authority shall determine the date on which a 2337
child may be placed on supervised release or discharged. If the 2338
release authority believes that a child should be placed on 2339

supervised release, it shall comply with division (B) of this 2340
section. If the release authority believes that a child should 2341
be discharged, it shall comply with division (C) or (E) of this 2342
section. If the release authority denies the supervised release 2343
or discharge of a child, it shall provide the child with a 2344
written record of the reasons for the decision. 2345

(B) (1) When the release authority decides to place a child 2346
on supervised release, consistent with division (D) of this 2347
section, the department shall prepare a written supervised 2348
release plan that specifies the terms and conditions upon which 2349
the child is to be released from an institution on supervised 2350
release and, at least thirty days prior to the release of the 2351
child on the supervised release, shall send to the committing 2352
court and the juvenile court of the county in which the child 2353
will be placed a copy of the supervised release plan and the 2354
terms and conditions of release. The juvenile court of the 2355
county in which the child will be placed, within fifteen days 2356
after its receipt of the copy of the supervised release plan, 2357
may add to the supervised release plan any additional consistent 2358
terms and conditions it considers appropriate, provided that the 2359
court may not add any term or condition that decreases the level 2360
or degree of supervision specified by the release authority in 2361
the plan, that substantially increases the financial burden of 2362
supervision that will be experienced by the department of youth 2363
services, or that alters the placement specified by the plan. 2364

If, within fifteen days after its receipt of the copy of 2365
the supervised release plan, the juvenile court of the county in 2366
which the child will be placed does not add to the supervised 2367
release plan any additional terms and conditions, the court 2368
shall enter the supervised release plan in its journal within 2369
that fifteen-day period and, within that fifteen-day period, 2370

shall send to the release authority a copy of the journal entry 2371
of the supervised release plan. The journalized plan shall apply 2372
regarding the child's supervised release. 2373

If, within fifteen days after its receipt of the copy of 2374
the supervised release plan, the juvenile court of the county in 2375
which the child will be placed adds to the supervised release 2376
plan any additional terms and conditions, the court shall enter 2377
the supervised release plan and the additional terms and 2378
conditions in its journal and, within that fifteen-day period, 2379
shall send to the release authority a copy of the journal entry 2380
of the supervised release plan and additional terms and 2381
conditions. The journalized supervised release plan and 2382
additional terms and conditions added by the court that satisfy 2383
the criteria described in this division shall apply regarding 2384
the child's supervised release. 2385

If, within fifteen days after its receipt of the copy of 2386
the supervised release plan, the juvenile court of the county in 2387
which the child will be placed neither enters in its journal the 2388
supervised release plan nor enters in its journal the supervised 2389
release plan plus additional terms and conditions added by the 2390
court, the court and the department of youth services may 2391
attempt to resolve any differences regarding the plan within 2392
three days. If a resolution is not reached within that three-day 2393
period, thereafter, the supervised release plan shall be 2394
enforceable to the same extent as if the court actually had 2395
entered the supervised release plan in its journal. 2396

(2) When the release authority receives from the court a 2397
copy of the journalized supervised release plan and, if 2398
applicable, a copy of the journalized additional terms and 2399
conditions added by the court, the release authority shall keep 2400

the original copy or copies in the child's file and shall 2401
provide a copy of each document to the child, the employee of 2402
the department who is assigned to supervise and assist the child 2403
while on release, and the committing court. 2404

(C) If a child who is in the custody of the department of 2405
youth services was committed pursuant to division (A) (1) (b), 2406
(c), (d), or (e) of section 2152.16 of the Revised Code and has 2407
been institutionalized or institutionalized in a secure facility 2408
for the prescribed minimum periods of time under those divisions 2409
and if the release authority is satisfied that the discharge of 2410
the child without the child being placed on supervised release 2411
would be consistent with the welfare of the child and protection 2412
of the public, the release authority, without approval of the 2413
court that committed the child, may discharge the child from the 2414
department's custody and control without placing the child on 2415
supervised release. Additionally, the release authority may 2416
discharge a child in the department's custody without the child 2417
being placed on supervised release if the child is removed from 2418
the jurisdiction of this state by a court order of a court of 2419
this state, another state, or the United States, or by any 2420
agency of this state, another state, or the United States, if 2421
the child is convicted of or pleads guilty to any criminal 2422
offense, or as otherwise provided by law. At least fifteen days 2423
before the scheduled date of discharge of the child without the 2424
child being placed on supervised release, the department shall 2425
notify the committing court, in writing, that it is going to 2426
discharge the child and of the reason for the discharge. Upon 2427
discharge of the child without the child being placed on 2428
supervised release, the department immediately shall certify the 2429
discharge in writing and shall transmit the certificate of 2430
discharge to the committing court. 2431

(D) In addition to requirements that are reasonably 2432
related to the child's prior pattern of criminal or delinquent 2433
behavior and the prevention of further criminal or delinquent 2434
behavior, the release authority shall specify the following 2435
requirements for each child whom it releases: 2436

(1) The child shall observe the law. 2437

(2) The child shall maintain appropriate contact, as 2438
specified in the written supervised release plan for that child. 2439

(3) The child shall not change residence unless the child 2440
seeks prior approval for the change from the employee of the 2441
department assigned to supervise and assist the child, provides 2442
that employee, at the time the child seeks the prior approval 2443
for the change, with appropriate information regarding the new 2444
residence address at which the child wishes to reside, and 2445
obtains the prior approval of that employee for the change. 2446

(E) The period of a child's supervised release may extend 2447
from the date of release from an institution until the child 2448
attains ~~twenty-one~~ twenty-five years of age. If the period of 2449
supervised release extends beyond one year after the date of 2450
release, the child may request in writing that the release 2451
authority conduct a discharge review after the expiration of the 2452
one-year period or the minimum period or period. If the child so 2453
requests, the release authority shall conduct a discharge review 2454
and give the child its decision in writing. The release 2455
authority shall not grant a discharge prior to the discharge 2456
date if it finds good cause for retaining the child in the 2457
custody of the department until the discharge date. A child may 2458
request an additional discharge review six months after the date 2459
of a previous discharge review decision, but not more than once 2460
during any six-month period after the date of a previous 2461

discharge review decision. 2462

(F) At least two weeks before the release authority places 2463
on supervised release or discharge a child who was committed to 2464
the legal custody of the department, the release authority shall 2465
provide notice of the release or discharge as follows: 2466

(1) In relation to the placement on supervised release or 2467
discharge of a child who was committed to the department for 2468
committing an act that is a category one or category two 2469
offense, the release authority shall notify, by the specified 2470
deadline, all of the following of the release or discharge: 2471

(a) The prosecuting attorney of the county in which the 2472
child was adjudicated a delinquent child and committed to the 2473
custody of the department; 2474

(b) Whichever of the following is applicable: 2475

(i) If upon the supervised release or discharge the child 2476
will reside in a municipal corporation, the chief of police or 2477
other chief law enforcement officer of that municipal 2478
corporation; 2479

(ii) If upon the supervised release or discharge the child 2480
will reside in an unincorporated area of a county, the sheriff 2481
of that county. 2482

(2) In relation to the placement on supervised release or 2483
discharge of a child who was committed to the department for 2484
committing any act, the release authority shall notify, by the 2485
specified deadline, each victim of the act for which the child 2486
was committed to the legal custody of the department who, 2487
pursuant to section 5139.56 of the Revised Code, has requested 2488
to be notified of the placement of the child on supervised 2489
release or the discharge of the child, provided that, if any 2490

victim has designated a person pursuant to that section to act 2491
on the victim's behalf as a victim's representative, the 2492
notification required by this division shall be provided to that 2493
victim's representative. 2494

Section 2. That existing sections 2152.02, 2152.16, 2495
2152.17, 2152.203, 2152.22, 2152.26, 2152.82, 2152.84, 2152.86, 2496
2949.12, 5139.01, 5139.05, 5139.10, 5139.101, 5139.50, and 2497
5139.51 of the Revised Code are hereby repealed. 2498