

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 343**

**Representative Lorenz**

**Cosponsors: Representatives Johnson, Miller, K.**

---

To amend sections 2152.16, 2152.17, 2152.19,  
2152.22, 5139.01, 5139.05, 5139.06, 5139.20,  
5139.35, and 5139.51 of the Revised Code to  
require mandatory dispositions for youths  
adjudicated delinquent for committing acts that  
would be felony theft or vandalism if committed  
by an adult.

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

**Section 1.** That sections 2152.16, 2152.17, 2152.19,  
2152.22, 5139.01, 5139.05, 5139.06, 5139.20, 5139.35, and  
5139.51 of the Revised Code be amended to read as follows:

**Sec. 2152.16.** (A) (1) If a child is adjudicated a  
delinquent child for committing an act that would be a felony if  
committed by an adult, the juvenile court may commit the child  
to the legal custody of the department of youth services for  
secure confinement as follows:

(a) For an act that would be aggravated murder or murder  
if committed by an adult, until the offender attains twenty-one  
years of age;

(b) For a violation of section 2923.02 of the Revised Code

that involves an attempt to commit an act that would be 20  
aggravated murder or murder if committed by an adult, a minimum 21  
period of six to seven years as prescribed by the court and a 22  
maximum period not to exceed the child's attainment of twenty- 23  
one years of age; 24

(c) For a violation of section 2903.03, 2905.01, 2909.02, 25  
or 2911.01 or division (A) of section 2903.04 of the Revised 26  
Code or for a violation of any provision of section 2907.02 of 27  
the Revised Code other than division (A) (1) (b) of that section 28  
when the sexual conduct or insertion involved was consensual and 29  
when the victim of the violation of division (A) (1) (b) of that 30  
section was older than the delinquent child, was the same age as 31  
the delinquent child, or was less than three years younger than 32  
the delinquent child, for an indefinite term consisting of a 33  
minimum period of one to three years, as prescribed by the 34  
court, and a maximum period not to exceed the child's attainment 35  
of twenty-one years of age; 36

(d) If the child is adjudicated a delinquent child for 37  
committing an act that is not described in division (A) (1) (b) or 38  
(c) of this section and that would be a felony of the first or 39  
second degree if committed by an adult, for an indefinite term 40  
consisting of a minimum period of one year and a maximum period 41  
not to exceed the child's attainment of twenty-one years of age. 42

(e) For committing an act that would be a felony of the 43  
third, fourth, or fifth degree if committed by an adult or for a 44  
violation of division (A) of section 2923.211 of the Revised 45  
Code, for an indefinite term consisting of a minimum period of 46  
six months and a maximum period not to exceed the child's 47  
attainment of twenty-one years of age. 48

(2) In each case in which a court makes a disposition 49

under this section, the court retains control over the 50  
commitment for the minimum period specified by the court in 51  
divisions (A) (1) (a) to (e) of this section. During the minimum 52  
period, the department of youth services shall not move the 53  
child to a nonsecure setting without the permission of the court 54  
that imposed the disposition. 55

(B) (1) Except as otherwise provided in division (B) (2), 56  
(3), or (4) of this section, if a child is adjudicated a 57  
delinquent child for committing an act that would be a felony 58  
violation of section 2913.02 or 2909.05 of the Revised Code if 59  
committed by an adult and all of the following apply, 60  
notwithstanding the discretion permitted in division (A) of this 61  
section, the court shall commit the child to the legal custody 62  
of the department of youth services for secure confinement for 63  
an indefinite term consisting of a minimum period of nine months 64  
and a maximum period not to exceed the child's attainment of 65  
twenty-one years of age: 66

(a) The child was fourteen years of age or older when the 67  
act was committed. 68

(b) The child has two or more times previously been 69  
adjudicated a delinquent child for committing an act that would 70  
be a felony violation of section 2913.02 or 2909.05 of the 71  
Revised Code if committed by an adult. 72

(2) If a child is adjudicated a delinquent child for 73  
committing an act that would be a third degree felony violation 74  
of section 2913.02 or 2909.05 of the Revised Code if committed 75  
by an adult and all of the following apply, notwithstanding the 76  
discretion permitted in division (A) of this section, the court 77  
shall commit the child to the legal custody of the department of 78  
youth services for secure confinement for an indefinite term 79

consisting of a minimum period of nine months and a maximum 80  
period of up to three years, not to exceed the child's 81  
attainment of twenty-one years of age: 82

(a) The child was fourteen years of age or older when the 83  
act was committed. 84

(b) The child has two or more times previously been 85  
adjudicated a delinquent child for committing an act that would 86  
be a third degree felony violation of section 2913.02 or 2909.05 87  
of the Revised Code if committed by an adult. 88

(3) If a child is adjudicated a delinquent child for 89  
committing an act that would be a second degree felony violation 90  
of section 2913.02 or 2909.05 of the Revised Code if committed 91  
by an adult and all of the following apply, notwithstanding the 92  
discretion permitted in division (A) of this section, the court 93  
shall commit the child to the legal custody of the department of 94  
youth services for secure confinement for an indefinite term 95  
consisting of a minimum period of two years and a maximum period 96  
of up to seven years, not to exceed the child's attainment of 97  
twenty-one years of age: 98

(a) The child was fourteen years of age or older when the 99  
act was committed. 100

(b) The child has two or more times previously been 101  
adjudicated a delinquent child for committing an act that would 102  
be a second degree felony violation of section 2913.02 or 103  
2909.05 of the Revised Code if committed by an adult. 104

(4) If a child is adjudicated a delinquent child for 105  
committing an act that would be a fourth or fifth degree felony 106  
violation of section 2913.02 or 2909.05 of the Revised Code if 107  
committed by an adult and all of the following apply, 108

notwithstanding the discretion permitted in division (A) of this 109  
section, the court shall commit the child to the legal custody 110  
of the department of youth services for secure confinement for 111  
an indefinite term consisting of a minimum period of six months 112  
and a maximum period of up to one year, not to exceed the 113  
child's attainment of twenty-one years of age: 114

(a) The child was fourteen years of age or older when the 115  
act was committed. 116

(b) The child has two or more times previously been 117  
adjudicated a delinquent child for committing an act that would 118  
be a fourth or fifth degree felony violation of section 2913.02 119  
or 2909.05 of the Revised Code if committed by an adult. 120

(C) (1) Subject to division ~~(B) (2)~~ (C) (2) of this section, 121  
if a delinquent child is committed to the department of youth 122  
services under this section, the department may release the 123  
child at any time after the minimum period specified by the 124  
court in division (A) (1) or (B) of this section ends. 125

(2) A commitment under this section is subject to a 126  
supervised release or to a discharge of the child from the 127  
custody of the department for medical reasons pursuant to 128  
section 5139.54 of the Revised Code, but, during the minimum 129  
period specified by the court in division (A) (1) of this 130  
section, the department shall obtain court approval of a 131  
supervised release or discharge under that section. 132

~~(C)~~ (D) If a child is adjudicated a delinquent child, at 133  
the dispositional hearing and prior to making any disposition 134  
pursuant to this section, the court shall determine whether the 135  
delinquent child previously has been adjudicated a delinquent 136  
child for a violation of a law or ordinance. If the delinquent 137

child previously has been adjudicated a delinquent child for a 138  
violation of a law or ordinance, the court, for purposes of 139  
entering an order of disposition of the delinquent child under 140  
this section, shall consider the previous delinquent child 141  
adjudication as a conviction of a violation of the law or 142  
ordinance in determining the degree of the offense the current 143  
act would be had it been committed by an adult. This division 144  
also shall apply in relation to the imposition of any financial 145  
sanction under section 2152.19 of the Revised Code. 146

**Sec. 2152.17.** (A) Subject to division (D) of this section, 147  
if a child is adjudicated a delinquent child for committing an 148  
act, other than a violation of section 2923.12 of the Revised 149  
Code, that would be a felony if committed by an adult and if the 150  
court determines that, if the child was an adult, the child 151  
would be guilty of a specification of the type set forth in 152  
section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 153  
2941.1414, or 2941.1415 of the Revised Code, in addition to any 154  
commitment or other disposition the court imposes for the 155  
underlying delinquent act, all of the following apply: 156

(1) If the court determines that the child would be guilty 157  
of a specification of the type set forth in section 2941.141 of 158  
the Revised Code, the court may commit the child to the 159  
department of youth services for the specification for a 160  
definite period of up to one year. 161

(2) If the court determines that the child would be guilty 162  
of a specification of the type set forth in section 2941.145 of 163  
the Revised Code or if the delinquent act is a violation of 164  
division (A)(1) or (2) of section 2903.06 of the Revised Code 165  
and the court determines that the child would be guilty of a 166  
specification of the type set forth in section 2941.1415 of the 167

Revised Code, the court shall commit the child to the department 168  
of youth services for the specification for a definite period of 169  
not less than one and not more than three years, and the court 170  
also shall commit the child to the department for the underlying 171  
delinquent act under sections 2152.11 to 2152.16 of the Revised 172  
Code. 173

(3) If the court determines that the child would be guilty 174  
of a specification of the type set forth in section 2941.144, 175  
2941.146, or 2941.1412 of the Revised Code or if the delinquent 176  
act is a violation of division (A) (1) or (2) of section 2903.06 177  
of the Revised Code and the court determines that the child 178  
would be guilty of a specification of the type set forth in 179  
section 2941.1414 of the Revised Code, the court shall commit 180  
the child to the department of youth services for the 181  
specification for a definite period of not less than one and not 182  
more than five years, and the court also shall commit the child 183  
to the department for the underlying delinquent act under 184  
sections 2152.11 to 2152.16 of the Revised Code. 185

(B) (1) If a child is adjudicated a delinquent child for 186  
committing an act, other than a violation of section 2923.12 of 187  
the Revised Code, that would be a felony if committed by an 188  
adult, if the court determines that the child is complicit in 189  
another person's conduct that is of such a nature that the other 190  
person would be guilty of a specification of the type set forth 191  
in section 2941.141, 2941.144, 2941.145, or 2941.146 of the 192  
Revised Code if the other person was an adult, if the other 193  
person's conduct relates to the child's underlying delinquent 194  
act, and if the child did not furnish, use, or dispose of any 195  
firearm that was involved with the underlying delinquent act or 196  
with the other person's specification-related conduct, in 197  
addition to any other disposition the court imposes for the 198

underlying delinquent act, the court may commit the child to the 199  
department of youth services for the specification for a 200  
definite period of not more than one year, subject to division 201  
(D) (2) of this section. 202

(2) Except as provided in division (B) (1) of this section, 203  
division (A) of this section also applies to a child who is an 204  
accomplice regarding a specification of the type set forth in 205  
section 2941.1412, 2941.1414, or 2941.1415 of the Revised Code 206  
to the same extent the specifications would apply to an adult 207  
accomplice in a criminal proceeding. 208

(C) If a child is adjudicated a delinquent child for 209  
committing an act that would be aggravated murder, murder, or a 210  
first, second, or third degree felony offense of violence if 211  
committed by an adult and if the court determines that, if the 212  
child was an adult, the child would be guilty of a specification 213  
of the type set forth in section 2941.142 of the Revised Code in 214  
relation to the act for which the child was adjudicated a 215  
delinquent child, the court shall commit the child for the 216  
specification to the legal custody of the department of youth 217  
services for institutionalization in a secure facility for a 218  
definite period of not less than one and not more than three 219  
years, subject to division (D) (2) of this section, and the court 220  
also shall commit the child to the department for the underlying 221  
delinquent act. 222

(D) (1) If the child is adjudicated a delinquent child for 223  
committing an act that would be an offense of violence that is a 224  
felony if committed by an adult and is committed to the legal 225  
custody of the department of youth services pursuant to division 226  
(A) (1) or (B) of section 2152.16 of the Revised Code and if the 227  
court determines that the child, if the child was an adult, 228



would be guilty of a specification of the type set forth in 229  
section 2941.1411 of the Revised Code in relation to the act for 230  
which the child was adjudicated a delinquent child, the court 231  
may commit the child to the custody of the department of youth 232  
services for institutionalization in a secure facility for up to 233  
two years, subject to division (D)(2) of this section. 234

(2) A court that imposes a period of commitment under 235  
division (A) of this section is not precluded from imposing an 236  
additional period of commitment under division (C) or (D)(1) of 237  
this section, a court that imposes a period of commitment under 238  
division (C) of this section is not precluded from imposing an 239  
additional period of commitment under division (A) or (D)(1) of 240  
this section, and a court that imposes a period of commitment 241  
under division (D)(1) of this section is not precluded from 242  
imposing an additional period of commitment under division (A) 243  
or (C) of this section. 244

(E) The court shall not commit a child to the legal 245  
custody of the department of youth services for a specification 246  
pursuant to this section for a period that exceeds five years 247  
for any one delinquent act. Any commitment imposed pursuant to 248  
division (A), (B), (C), or (D)(1) of this section shall be in 249  
addition to, and shall be served consecutively with and prior 250  
to, a period of commitment ordered under this chapter for the 251  
underlying delinquent act, and each commitment imposed pursuant 252  
to division (A), (B), (C), or (D)(1) of this section shall be in 253  
addition to, and shall be served consecutively with, any other 254  
period of commitment imposed under those divisions. If a 255  
commitment is imposed under division (A) or (B) of this section 256  
and a commitment also is imposed under division (C) of this 257  
section, the period imposed under division (A) or (B) of this 258  
section shall be served prior to the period imposed under 259

division (C) of this section. 260

In each case in which a court makes a disposition under 261  
this section, the court retains control over the commitment for 262  
the entire period of the commitment. 263

The total of all the periods of commitment imposed for any 264  
specification under this section and for the underlying offense 265  
shall not exceed the child's attainment of twenty-one years of 266  
age. 267

(F) If a child is adjudicated a delinquent child for 268  
committing two or more acts that would be felonies if committed 269  
by an adult and if the court entering the delinquent child 270  
adjudication orders the commitment of the child for two or more 271  
of those acts to the legal custody of the department of youth 272  
services for institutionalization in a secure facility pursuant 273  
to section 2152.13 or 2152.16 of the Revised Code, the court may 274  
order that all of the periods of commitment imposed under those 275  
sections for those acts be served consecutively in the legal 276  
custody of the department of youth services, provided that those 277  
periods of commitment shall be in addition to and commence 278  
immediately following the expiration of a period of commitment 279  
that the court imposes pursuant to division (A), (B), (C), or 280  
(D) (1) of this section. A court shall not commit a delinquent 281  
child to the legal custody of the department of youth services 282  
under this division for a period that exceeds the child's 283  
attainment of twenty-one years of age. 284

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 285  
child, the court may make any of the following orders of 286  
disposition, in addition to any other disposition authorized or 287  
required by this chapter: 288

(1) Any order that is authorized by section 2151.353 of 289  
the Revised Code for the care and protection of an abused, 290  
neglected, or dependent child; 291

(2) Commit the child to the temporary custody of any 292  
school, camp, institution, or other facility operated for the 293  
care of delinquent children by the county, by a district 294  
organized under section 2152.41 or 2151.65 of the Revised Code, 295  
or by a private agency or organization, within or without the 296  
state, that is authorized and qualified to provide the care, 297  
treatment, or placement required, including, but not limited to, 298  
a school, camp, or facility operated under section 2151.65 of 299  
the Revised Code; 300

(3) Place the child in a detention facility or district 301  
detention facility operated under section 2152.41 of the Revised 302  
Code, for up to ninety days; 303

(4) Place the child on community control under any 304  
sanctions, services, and conditions that the court prescribes. 305  
As a condition of community control in every case and in 306  
addition to any other condition that it imposes upon the child, 307  
the court shall require the child to abide by the law during the 308  
period of community control. As referred to in this division, 309  
community control includes, but is not limited to, the following 310  
sanctions and conditions: 311

(a) A period of basic probation supervision in which the 312  
child is required to maintain contact with a person appointed to 313  
supervise the child in accordance with sanctions imposed by the 314  
court; 315

(b) A period of intensive probation supervision in which 316  
the child is required to maintain frequent contact with a person 317

appointed by the court to supervise the child while the child is 318  
seeking or maintaining employment and participating in training, 319  
education, and treatment programs as the order of disposition; 320

(c) A period of day reporting in which the child is 321  
required each day to report to and leave a center or another 322  
approved reporting location at specified times in order to 323  
participate in work, education or training, treatment, and other 324  
approved programs at the center or outside the center; 325

(d) A period of community service of up to five hundred 326  
hours for an act that would be a felony or a misdemeanor of the 327  
first degree if committed by an adult, up to two hundred hours 328  
for an act that would be a misdemeanor of the second, third, or 329  
fourth degree if committed by an adult, or up to thirty hours 330  
for an act that would be a minor misdemeanor if committed by an 331  
adult; 332

(e) A requirement that the child obtain a high school 333  
diploma, a certificate of high school equivalence, vocational 334  
training, or employment; 335

(f) A period of drug and alcohol use monitoring; 336

(g) A requirement of alcohol or drug assessment or 337  
counseling, or a period in an alcohol or drug treatment program 338  
with a level of security for the child as determined necessary 339  
by the court; 340

(h) A period in which the court orders the child to 341  
observe a curfew that may involve daytime or evening hours; 342

(i) A requirement that the child serve monitored time; 343

(j) A period of house arrest without electronic monitoring 344  
or continuous alcohol monitoring; 345

(k) A period of electronic monitoring or continuous 346  
alcohol monitoring without house arrest, or house arrest with 347  
electronic monitoring or continuous alcohol monitoring or both 348  
electronic monitoring and continuous alcohol monitoring, that 349  
does not exceed the maximum sentence of imprisonment that could 350  
be imposed upon an adult who commits the same act. 351

A period of house arrest with electronic monitoring or 352  
continuous alcohol monitoring or both electronic monitoring and 353  
continuous alcohol monitoring, imposed under this division shall 354  
not extend beyond the child's twenty-first birthday. If a court 355  
imposes a period of house arrest with electronic monitoring or 356  
continuous alcohol monitoring or both electronic monitoring and 357  
continuous alcohol monitoring, upon a child under this division, 358  
it shall require the child: to remain in the child's home or 359  
other specified premises for the entire period of house arrest 360  
with electronic monitoring or continuous alcohol monitoring or 361  
both except when the court permits the child to leave those 362  
premises to go to school or to other specified premises. 363  
Regarding electronic monitoring, the court also shall require 364  
the child to be monitored by a central system that can determine 365  
the child's location at designated times; to report periodically 366  
to a person designated by the court; and to enter into a written 367  
contract with the court agreeing to comply with all requirements 368  
imposed by the court, agreeing to pay any fee imposed by the 369  
court for the costs of the house arrest with electronic 370  
monitoring, and agreeing to waive the right to receive credit 371  
for any time served on house arrest with electronic monitoring 372  
toward the period of any other dispositional order imposed upon 373  
the child if the child violates any of the requirements of the 374  
dispositional order of house arrest with electronic monitoring. 375  
The court also may impose other reasonable requirements upon the 376

child. 377

Unless ordered by the court, a child shall not receive 378  
credit for any time served on house arrest with electronic 379  
monitoring or continuous alcohol monitoring or both toward any 380  
other dispositional order imposed upon the child for the act for 381  
which was imposed the dispositional order of house arrest with 382  
electronic monitoring or continuous alcohol monitoring. As used 383  
in this division and division (A) (4) (1) of this section, 384  
"continuous alcohol monitoring" has the same meaning as in 385  
section 2929.01 of the Revised Code. 386

(1) A suspension of the driver's license, probationary 387  
driver's license, or temporary instruction permit issued to the 388  
child for a period of time prescribed by the court, or a 389  
suspension of the registration of all motor vehicles registered 390  
in the name of the child for a period of time prescribed by the 391  
court. A child whose license or permit is so suspended is 392  
ineligible for issuance of a license or permit during the period 393  
of suspension. At the end of the period of suspension, the child 394  
shall not be reissued a license or permit until the child has 395  
paid any applicable reinstatement fee and complied with all 396  
requirements governing license reinstatement. 397

(5) Commit the child to the custody of the court; 398

(6) Require the child to not be absent without legitimate 399  
excuse from the public school the child is supposed to attend 400  
for thirty or more consecutive hours, forty-two or more hours in 401  
one school month, or seventy-two or more hours in a school year; 402

(7) (a) If a child is adjudicated a delinquent child for 403  
violating a court order regarding the child's prior adjudication 404  
as an unruly child for being a habitual truant, do either or 405

both of the following: 406

(i) Require the child to participate in a truancy 407  
prevention mediation program; 408

(ii) Make any order of disposition as authorized by this 409  
section, except that the court shall not commit the child to a 410  
facility described in division (A)(2) or (3) of this section 411  
unless the court determines that the child violated a lawful 412  
court order made pursuant to division (C)(1)(e) of section 413  
2151.354 of the Revised Code or division (A)(6) of this section. 414

(b) If a child is adjudicated a delinquent child for 415  
violating a court order regarding the child's prior adjudication 416  
as an unruly child for being a habitual truant and the court 417  
determines that the parent, guardian, or other person having 418  
care of the child has failed to cause the child's attendance at 419  
school in violation of section 3321.38 of the Revised Code, do 420  
either or both of the following: 421

(i) Require the parent, guardian, or other person having 422  
care of the child to participate in a truancy prevention 423  
mediation program; 424

(ii) Require the parent, guardian, or other person having 425  
care of the child to participate in any community service 426  
program, preferably a community service program that requires 427  
the involvement of the parent, guardian, or other person having 428  
care of the child in the school attended by the child. 429

(8) Make any further disposition that the court finds 430  
proper, except that the child shall not be placed in a state 431  
correctional institution, a county, multicounty, or municipal 432  
jail or workhouse, or another place in which an adult convicted 433  
of a crime, under arrest, or charged with a crime is held. 434

(B) If a child is adjudicated a delinquent child, in 435  
addition to any order of disposition made under division (A) of 436  
this section, the court, in the following situations and for the 437  
specified periods of time, shall suspend the child's temporary 438  
instruction permit, restricted license, probationary driver's 439  
license, or nonresident operating privilege, or suspend the 440  
child's ability to obtain such a permit: 441

(1) If the child is adjudicated a delinquent child for 442  
violating section 2923.122 of the Revised Code, impose a class 443  
four suspension of the child's license, permit, or privilege 444  
from the range specified in division (A)(4) of section 4510.02 445  
of the Revised Code or deny the child the issuance of a license 446  
or permit in accordance with division (F)(1) of section 2923.122 447  
of the Revised Code. 448

(2) If the child is adjudicated a delinquent child for 449  
committing an act that if committed by an adult would be a drug 450  
abuse offense or for violating division (B) of section 2917.11 451  
of the Revised Code, suspend the child's license, permit, or 452  
privilege for a period of time prescribed by the court. The 453  
court, in its discretion, may terminate the suspension if the 454  
child attends and satisfactorily completes a drug abuse or 455  
alcohol abuse education, intervention, or treatment program 456  
specified by the court. During the time the child is attending a 457  
program described in this division, the court shall retain the 458  
child's temporary instruction permit, probationary driver's 459  
license, or driver's license, and the court shall return the 460  
permit or license if it terminates the suspension as described 461  
in this division. 462

(C) The court may establish a victim-offender mediation 463  
program in which victims and their offenders meet to discuss the 464



offense and suggest possible restitution. If the court obtains 465  
the assent of the victim of the delinquent act committed by the 466  
child, the court may require the child to participate in the 467  
program. 468

(D) (1) If a child is adjudicated a delinquent child for 469  
committing an act that would be a felony if committed by an 470  
adult and if the child caused, attempted to cause, threatened to 471  
cause, or created a risk of physical harm to the victim of the 472  
act, the court, prior to issuing an order of disposition under 473  
this section, shall order the preparation of a victim impact 474  
statement by the probation department of the county in which the 475  
victim of the act resides, by the court's own probation 476  
department, or by a victim assistance program that is operated 477  
by the state, a county, a municipal corporation, or another 478  
governmental entity. The court shall consider the victim impact 479  
statement in determining the order of disposition to issue for 480  
the child. 481

(2) Each victim impact statement shall identify the victim 482  
of the act for which the child was adjudicated a delinquent 483  
child, itemize any economic loss suffered by the victim as a 484  
result of the act, identify any physical injury suffered by the 485  
victim as a result of the act and the seriousness and permanence 486  
of the injury, identify any change in the victim's personal 487  
welfare or familial relationships as a result of the act and any 488  
psychological impact experienced by the victim or the victim's 489  
family as a result of the act, and contain any other information 490  
related to the impact of the act upon the victim that the court 491  
requires. 492

(3) A victim impact statement shall be kept confidential 493  
and is not a public record. However, the court may furnish 494

copies of the statement to the department of youth services if 495  
the delinquent child is committed to the department or to both 496  
the adjudicated delinquent child or the adjudicated delinquent 497  
child's counsel and the prosecuting attorney. The copy of a 498  
victim impact statement furnished by the court to the department 499  
pursuant to this section shall be kept confidential and is not a 500  
public record. If an officer is preparing pursuant to section 501  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a 502  
presentence investigation report pertaining to a person, the 503  
court shall make available to the officer, for use in preparing 504  
the report, a copy of any victim impact statement regarding that 505  
person. The copies of a victim impact statement that are made 506  
available to the adjudicated delinquent child or the adjudicated 507  
delinquent child's counsel and the prosecuting attorney pursuant 508  
to this division shall be returned to the court by the person to 509  
whom they were made available immediately following the 510  
imposition of an order of disposition for the child under this 511  
chapter. 512

The copy of a victim impact statement that is made 513  
available pursuant to this division to an officer preparing a 514  
criminal presentence investigation report shall be returned to 515  
the court by the officer immediately following its use in 516  
preparing the report. 517

(4) The department of youth services shall work with local 518  
probation departments and victim assistance programs to develop 519  
a standard victim impact statement. 520

~~(E) (1)~~ (E) If a child is adjudicated a delinquent child for 521  
committing an act that would be a second, third, fourth, or 522  
fifth degree felony violation of section 2913.02 or 2909.05 of 523  
the Revised Code if committed by an adult, and if the juvenile 524

has been adjudicated a delinquent child exactly once previously 525  
for committing an act that would be a fourth or fifth degree 526  
felony violation of either of those sections if committed by an 527  
adult, the court shall, in addition to any order of disposition 528  
it makes under this section or section 2152.16 of the Revised 529  
Code, make either of the following orders of disposition: 530

(1) An order under division (A) (1), (2), or (3) of this 531  
section; 532

(2) An order under division (A) (4) and (6) of this 533  
section. 534

(F) (1) If a child is adjudicated a delinquent child for 535  
violating a court order regarding the child's prior adjudication 536  
as an unruly child for being a habitual truant and the court 537  
determines that the parent, guardian, or other person having 538  
care of the child has failed to cause the child's attendance at 539  
school in violation of section 3321.38 of the Revised Code, in 540  
addition to any order of disposition it makes under this 541  
section, the court shall warn the parent, guardian, or other 542  
person having care of the child that any subsequent adjudication 543  
with regard to truancy may result in a criminal charge against 544  
the parent, guardian, or other person having care of the child 545  
for a violation of division (C) of section 2919.21 or section 546  
2919.24 of the Revised Code. 547

(2) Not later than ten days after a child is adjudicated a 548  
delinquent child for violating a court order regarding the 549  
child's prior adjudication as an unruly child for being an 550  
habitual truant, the court shall provide notice of that fact to 551  
the school district in which the child is entitled to attend 552  
school and to the school in which the child was enrolled at the 553  
time of the filing of the complaint. 554

~~(F) (1)~~ (G) (1) During the period of a delinquent child's 555  
community control granted under this section, authorized 556  
probation officers who are engaged within the scope of their 557  
supervisory duties or responsibilities may search, with or 558  
without a warrant, the person of the delinquent child, the place 559  
of residence of the delinquent child, and a motor vehicle, 560  
another item of tangible or intangible personal property, or 561  
other real property in which the delinquent child has a right, 562  
title, or interest or for which the delinquent child has the 563  
express or implied permission of a person with a right, title, 564  
or interest to use, occupy, or possess if the probation officers 565  
have reasonable grounds to believe that the delinquent child is 566  
not abiding by the law or otherwise is not complying with the 567  
conditions of the delinquent child's community control. The 568  
court that places a delinquent child on community control under 569  
this section shall provide the delinquent child with a written 570  
notice that informs the delinquent child that authorized 571  
probation officers who are engaged within the scope of their 572  
supervisory duties or responsibilities may conduct those types 573  
of searches during the period of community control if they have 574  
reasonable grounds to believe that the delinquent child is not 575  
abiding by the law or otherwise is not complying with the 576  
conditions of the delinquent child's community control. The 577  
court also shall provide the written notice described in 578  
division ~~(E) (2)~~ (F) (2) of this section to each parent, guardian, 579  
or custodian of the delinquent child who is described in that 580  
division. 581

(2) The court that places a child on community control 582  
under this section shall provide the child's parent, guardian, 583  
or other custodian with a written notice that informs them that 584  
authorized probation officers may conduct searches pursuant to 585

division ~~(E)~~ ~~(1)~~ (F) (1) of this section. The notice shall  
specifically state that a permissible search might extend to a  
motor vehicle, another item of tangible or intangible personal  
property, or a place of residence or other real property in  
which a notified parent, guardian, or custodian has a right,  
title, or interest and that the parent, guardian, or custodian  
expressly or impliedly permits the child to use, occupy, or  
possess.

~~(G)~~ (H) If a juvenile court commits a delinquent child to  
the custody of any person, organization, or entity pursuant to  
this section and if the delinquent act for which the child is so  
committed is a sexually oriented offense or is a child-victim  
oriented offense, the court in the order of disposition shall do  
one of the following:

(1) Require that the child be provided treatment as  
described in division (A) (2) of section 5139.13 of the Revised  
Code;

(2) Inform the person, organization, or entity that it is  
the preferred course of action in this state that the child be  
provided treatment as described in division (A) (2) of section  
5139.13 of the Revised Code and encourage the person,  
organization, or entity to provide that treatment.

**Sec. 2152.22.** (A) When a child is committed to the legal  
custody of the department of youth services under this chapter,  
the juvenile court relinquishes control with respect to the  
child so committed, except as provided in divisions (B), (C),  
(D), and (H) of this section or in sections 2152.82 to 2152.86  
of the Revised Code. Subject to divisions (B), (C), and (D) of  
this section, sections 2151.353 and 2151.412 to 2151.421 of the  
Revised Code, sections 2152.82 to 2152.86 of the Revised Code,

and any other provision of law that specifies a different 616  
duration for a dispositional order, all other dispositional 617  
orders made by the court under this chapter shall be temporary 618  
and shall continue for a period that is designated by the court 619  
in its order, until terminated or modified by the court or until 620  
the child attains twenty-one years of age. 621

The department shall not release the child from a 622  
department facility and as a result shall not discharge the 623  
child or order the child's release on supervised release prior 624  
to the expiration of the minimum period specified by the court 625  
in division (A) (1) or (B) of section 2152.16 of the Revised Code 626  
and any term of commitment imposed under section 2152.17 of the 627  
Revised Code or prior to the child's attainment of twenty-one 628  
years of age, except upon the order of a court pursuant to 629  
division (B), (C), or (D) of this section or in accordance with 630  
section 5139.54 of the Revised Code. 631

(B) (1) Unless the court grants judicial release under 632  
division (D) (1) (b) of this section, the court that commits a 633  
delinquent child to the department of youth services may grant 634  
judicial release of the child to court supervision under this 635  
division during the first half of the prescribed minimum term 636  
for which the child was committed to the department or, if the 637  
child was committed to the department until the child attains 638  
twenty-one years of age, during the first half of the prescribed 639  
period of commitment that begins on the first day of commitment 640  
and ends on the child's twenty-first birthday, provided any 641  
commitment imposed under division (A), (B), (C), or (D) of 642  
section 2152.17 of the Revised Code has ended. 643

(2) If the department desires to release a child during a 644  
period specified in division (B) (1) of this section, it shall 645

request the court that committed the child to grant a judicial 646  
release of the child to court supervision under this division. 647  
During whichever of those periods is applicable, the child or 648  
the parents of the child also may request that court to grant a 649  
judicial release of the child to court supervision. Upon receipt 650  
of a request for a judicial release to court supervision under 651  
this division from the department, the child, or the child's 652  
parent, or upon its own motion, the court that committed the 653  
child shall do one of the following: approve the release by 654  
journal entry; schedule within thirty days after the request is 655  
received a time for a hearing on whether the child is to be 656  
released; or reject the request by journal entry without 657  
conducting a hearing. 658

If the court rejects an initial request for a release 659  
under this division by the child or the child's parent, the 660  
child or the child's parent may make one additional request for 661  
a judicial release to court supervision within the applicable 662  
period. The additional request may be made no earlier than 663  
thirty days after the filing of the prior request for a judicial 664  
release to court supervision. Upon the filing of a second 665  
request for a judicial release to court supervision, the court 666  
shall either approve or disapprove the release by journal entry 667  
or schedule within thirty days after the request is received a 668  
time for a hearing on whether the child is to be released. 669

(3) If a court schedules a hearing under division (B) (2) 670  
of this section, it may order the department to deliver the 671  
child to the court on the date set for the hearing and may order 672  
the department to present to the court a report on the child's 673  
progress in the institution to which the child was committed and 674  
recommendations for conditions of supervision of the child by 675  
the court after release. The court may conduct the hearing 676

without the child being present. The court shall determine at 677  
the hearing whether the child should be granted a judicial 678  
release to court supervision. 679

If the court approves the release under this division, it 680  
shall order its staff to prepare a written treatment and 681  
rehabilitation plan for the child that may include any 682  
conditions of the child's release that were recommended by the 683  
department and approved by the court. The committing court shall 684  
send the juvenile court of the county in which the child is 685  
placed a copy of the recommended plan. The court of the county 686  
in which the child is placed may adopt the recommended 687  
conditions set by the committing court as an order of the court 688  
and may add any additional consistent conditions it considers 689  
appropriate. If a child is granted a judicial release to court 690  
supervision, the release discharges the child from the custody 691  
of the department of youth services. 692

(C) (1) Unless the court grants judicial release under 693  
division (D) (1) (b) of this section, the court that commits a 694  
delinquent child to the department of youth services may grant 695  
judicial release of the child to department of youth services 696  
supervision under this division during the second half of the 697  
prescribed minimum term for which the child was committed to the 698  
department or, if the child was committed to the department 699  
until the child attains twenty-one years of age, during the 700  
second half of the prescribed period of commitment that begins 701  
on the first day of commitment and ends on the child's twenty- 702  
first birthday, provided any commitment imposed under division 703  
(A), (B), (C), or (D) of section 2152.17 of the Revised Code has 704  
ended. 705

(2) If the department desires to release a child during a 706



period specified in division (C) (1) of this section, it shall 707  
request the court that committed the child to grant a judicial 708  
release to department of youth services supervision. During 709  
whichever of those periods is applicable, the child or the 710  
child's parent also may request the court that committed the 711  
child to grant a judicial release to department of youth 712  
services supervision. Upon receipt of a request for judicial 713  
release to department of youth services supervision, the child, 714  
or the child's parent, or upon its own motion at any time during 715  
that period, the court shall do one of the following: approve 716  
the release by journal entry; schedule a time within thirty days 717  
after receipt of the request for a hearing on whether the child 718  
is to be released; or reject the request by journal entry 719  
without conducting a hearing. 720

If the court rejects an initial request for release under 721  
this division by the child or the child's parent, the child or 722  
the child's parent may make one or more subsequent requests for 723  
a release within the applicable period, but may make no more 724  
than one request during each period of ninety days that the 725  
child is in a secure department facility after the filing of a 726  
prior request for early release. Upon the filing of a request 727  
for release under this division subsequent to an initial 728  
request, the court shall either approve or disapprove the 729  
release by journal entry or schedule a time within thirty days 730  
after receipt of the request for a hearing on whether the child 731  
is to be released. 732

(3) If a court schedules a hearing under division (C) (2) 733  
of this section, it may order the department to deliver the 734  
child to the court on the date set for the hearing and shall 735  
order the department to present to the court at that time a 736  
treatment plan for the child's post-institutional care. The 737

court may conduct the hearing without the child being present. 738  
The court shall determine at the hearing whether the child 739  
should be granted a judicial release to department of youth 740  
services supervision. 741

If the court approves the judicial release to department 742  
of youth services supervision, the department shall prepare a 743  
written treatment and rehabilitation plan for the child pursuant 744  
to division (F) of this section that shall include the 745  
conditions of the child's release. It shall send the committing 746  
court and the juvenile court of the county in which the child is 747  
placed a copy of the plan. The court of the county in which the 748  
child is placed may adopt the conditions set by the department 749  
as an order of the court and may add any additional consistent 750  
conditions it considers appropriate, provided that the court may 751  
not add any condition that decreases the level or degree of 752  
supervision specified by the department in its plan, that 753  
substantially increases the financial burden of supervision that 754  
will be experienced by the department, or that alters the 755  
placement specified by the department in its plan. If the court 756  
of the county in which the child is placed adds to the 757  
department's plan any additional conditions, it shall enter 758  
those additional conditions in its journal and shall send to the 759  
department a copy of the journal entry of the additional 760  
conditions. 761

If the court approves the judicial release to department 762  
of youth services supervision, the actual date on which the 763  
department shall release the child is contingent upon the 764  
department finding a suitable placement for the child. If the 765  
child is to be returned to the child's home, the department 766  
shall return the child on the date that the court schedules for 767  
the child's release or shall bear the expense of any additional 768

time that the child remains in a department facility. If the 769  
child is unable to return to the child's home, the department 770  
shall exercise reasonable diligence in finding a suitable 771  
placement for the child, and the child shall remain in a 772  
department facility while the department finds the suitable 773  
placement. 774

(D) (1) Subject to division (D) (3) of this section, the 775  
court that commits a delinquent child to the department of youth 776  
services may grant judicial release of the child under this 777  
division at any time after the expiration of one of the 778  
following periods of time: 779

(a) Except as otherwise provided in division (D) (1) (b) of 780  
this section, if the child was committed to the department for a 781  
prescribed minimum period and a maximum period not to exceed the 782  
child's attainment of twenty-one years, the court may grant 783  
judicial release of the child at any time after the expiration 784  
of the prescribed minimum term for which the child was committed 785  
to the department. 786

(b) If the child was committed to the department for both 787  
one or more definite periods under division (A), (B), (C), or 788  
(D) of section 2152.17 of the Revised Code and a period of the 789  
type described in division (D) (1) (a) of this section, all of the 790  
prescribed minimum periods of commitment imposed under division 791  
(A), (B), (C), or (D) of section 2152.17 of the Revised Code and 792  
the prescribed period of commitment of the type described in 793  
division (D) (1) (a) of this section shall be aggregated for 794  
purposes of this division, and the court may grant judicial 795  
release of the child at any time after the expiration of one 796  
year after the child begins serving the aggregate period of 797  
commitment. 798

(2) If a court grants a judicial release of a child under 799  
division (D)(1) of this section, the release shall be a judicial 800  
release to department of youth services supervision, if the 801  
release is granted during a period described in division (C)(1) 802  
of this section, and the second and third paragraphs of division 803  
(C)(3) of this section apply regarding the release. In all other 804  
cases, the release shall be a judicial release to court 805  
supervision, and the second paragraph of division (B)(3) of this 806  
section applies regarding the release. 807

(3) A court at the time of making the disposition of a 808  
child shall provide notice in the order of disposition that the 809  
judge is retaining jurisdiction over the child for the purpose 810  
of a possible grant of judicial release of the child under 811  
division (D)(1) of this section. The failure of a court to 812  
provide this notice does not affect the authority of the court 813  
to grant a judicial release under that division and does not 814  
constitute grounds for setting aside the child's delinquent 815  
child adjudication or disposition or for granting any post- 816  
adjudication relief to the child. 817

(4) The department of youth services, a child committed to 818  
the department, or the parents of the child, during a period 819  
specified in division (D)(1) of this section, may request the 820  
court that committed the child to grant a judicial release of 821  
the child under that division. Upon receipt of a request for 822  
judicial release of a child under this division from the 823  
department, the child, or the child's parent, or upon its own 824  
motion, the court that committed the child shall do one of the 825  
following: 826

(a) Approve the request by journal entry; 827

(b) Schedule within thirty days after the request is 828

received a time for a hearing on whether the child is to be 829  
released; 830

(c) Reject the request by journal entry without conducting 831  
a hearing. 832

If the court rejects an initial request for a release 833  
under this division by the child or the child's parent, division 834  
(C) (2) of this section applies regarding the making of 835  
additional requests. 836

If the court schedules a hearing under this division to 837  
consider the judicial release, the first paragraph of division 838  
(B) (3) of this section applies regarding the hearing. 839

(E) If a child is released under division (B), (C), or (D) 840  
of this section and the court of the county in which the child 841  
is placed has reason to believe that the child's department is 842  
not in accordance with the conditions of the child's judicial 843  
release, the court of the county in which the child is placed 844  
shall schedule a time for a hearing to determine whether the 845  
child violated any of the post-release conditions, and, if the 846  
child was released under division (C) of this section or under 847  
division (D) of this section under department supervision, 848  
divisions (A) to (E) of section 5139.52 of the Revised Code 849  
apply regarding the child. 850

If that court determines at the hearing that the child 851  
violated any of the post-release conditions, the court, if it 852  
determines that the violation was a serious violation, may order 853  
the child to be returned to the department for 854  
institutionalization, consistent with the original order of 855  
commitment of the child, or in any case may make any other 856  
disposition of the child authorized by law that the court 857

considers proper. If the court of the county in which the child 858  
is placed orders the child to be returned to a department of 859  
youth services institution, the time during which the child was 860  
held in a secure department facility prior to the child's 861  
judicial release shall be considered as time served in 862  
fulfilling the prescribed period of institutionalization that is 863  
applicable to the child under the child's original order of 864  
commitment. If the court orders the child returned to a 865  
department institution, the child shall remain in institutional 866  
care for a minimum of three months or until the child 867  
successfully completes a revocation program of a duration of not 868  
less than thirty days operated either by the department or by an 869  
entity with which the department has contracted to provide a 870  
revocation program. 871

(F) The department of youth services, prior to the release 872  
of a child pursuant to division (C) of this section or pursuant 873  
to division (D) of this section on department supervision, shall 874  
do all of the following: 875

(1) After reviewing the child's rehabilitative progress 876  
history and medical and educational records, prepare a written 877  
treatment and rehabilitation plan for the child that includes 878  
conditions of the release; 879

(2) Completely discuss the conditions of the plan prepared 880  
pursuant to division (F)(1) of this section and the possible 881  
penalties for violation of the plan with the child and the 882  
child's parents, guardian, or legal custodian; 883

(3) Have the plan prepared pursuant to division (F)(1) of 884  
this section signed by the child, the child's parents, legal 885  
guardian, or custodian, and any authority or person that is to 886  
supervise, control, and provide supportive assistance to the 887

child at the time of the child's release pursuant to division 888  
(C) or (D) of this section; 889

(4) Prior to the child's release, file a copy of the 890  
treatment plan prepared pursuant to division (F)(1) of this 891  
section with the committing court and the juvenile court of the 892  
county in which the child is to be placed. 893

(G) The department of youth services shall file a written 894  
progress report with the committing court regarding each child 895  
released pursuant to division (C) of this section or released 896  
pursuant to division (D) of this section on judicial release to 897  
department supervision at least once every thirty days unless 898  
specifically directed otherwise by the court. The report shall 899  
indicate the treatment and rehabilitative progress of the child 900  
and the child's family, if applicable, and shall include any 901  
suggestions for altering the program, custody, living 902  
arrangements, or treatment. The department shall retain legal 903  
custody of a child so released until it discharges the child or 904  
until the custody is terminated as otherwise provided by law. 905

(H) When a child is committed to the legal custody of the 906  
department of youth services, the court retains jurisdiction to 907  
perform the functions specified in section 5139.51 of the 908  
Revised Code with respect to the granting of supervised release 909  
by the release authority and to perform the functions specified 910  
in section 5139.52 of the Revised Code with respect to 911  
violations of the conditions of supervised release granted by 912  
the release authority and to the revocation of supervised 913  
release granted by the release authority. 914

**Sec. 5139.01.** (A) As used in this chapter: 915

(1) "Commitment" means the transfer of the physical 916

custody of a child or youth from the court to the department of 917  
youth services. 918

(2) "Permanent commitment" means a commitment that vests 919  
legal custody of a child in the department of youth services. 920

(3) "Legal custody," insofar as it pertains to the status 921  
that is created when a child is permanently committed to the 922  
department of youth services, means a legal status in which the 923  
department has the following rights and responsibilities: the 924  
right to have physical possession of the child; the right and 925  
duty to train, protect, and control the child; the 926  
responsibility to provide the child with food, clothing, 927  
shelter, education, and medical care; and the right to determine 928  
where and with whom the child shall live, subject to the minimum 929  
periods of, or periods of, institutional care prescribed in 930  
sections 2152.13 to 2152.18 of the Revised Code; provided, that 931  
these rights and responsibilities are exercised subject to the 932  
powers, rights, duties, and responsibilities of the guardian of 933  
the person of the child, and subject to any residual parental 934  
rights and responsibilities. 935

(4) Unless the context requires a different meaning, 936  
"institution" means a state facility that is created by the 937  
general assembly and that is under the management and control of 938  
the department of youth services or a private entity with which 939  
the department has contracted for the institutional care and 940  
custody of felony delinquents. 941

(5) "Full-time care" means care for twenty-four hours a 942  
day for over a period of at least two consecutive weeks. 943

(6) "Placement" means the conditional release of a child 944  
under the terms and conditions that are specified by the 945



department of youth services. The department shall retain legal 946  
custody of a child released pursuant to division (C) of section 947  
2152.22 of the Revised Code or division (C) of section 5139.06 948  
of the Revised Code until the time that it discharges the child 949  
or until the legal custody is terminated as otherwise provided 950  
by law. 951

(7) "Home placement" means the placement of a child in the 952  
home of the child's parent or parents or in the home of the 953  
guardian of the child's person. 954

(8) "Discharge" means that the department of youth 955  
services' legal custody of a child is terminated. 956

(9) "Release" means the termination of a child's stay in 957  
an institution and the subsequent period during which the child 958  
returns to the community under the terms and conditions of 959  
supervised release. 960

(10) "Delinquent child" has the same meaning as in section 961  
2152.02 of the Revised Code. 962

(11) "Felony delinquent" means any child who is at least 963  
ten years of age but less than eighteen years of age and who is 964  
adjudicated a delinquent child for having committed an act that 965  
if committed by an adult would be a felony. "Felony delinquent" 966  
includes any adult who is between the ages of eighteen and 967  
twenty-one and who is in the legal custody of the department of 968  
youth services for having committed an act that if committed by 969  
an adult would be a felony. 970

(12) "Juvenile traffic offender" has the same meaning as 971  
in section 2152.02 of the Revised Code. 972

(13) "Public safety beds" means all of the following: 973

(a) Felony delinquents who have been committed to the 974  
department of youth services for the commission of an act, other 975  
than a violation of section 2911.01 or 2911.11 of the Revised 976  
Code, that is a category one offense or a category two offense 977  
and who are in the care and custody of an institution or have 978  
been diverted from care and custody in an institution and placed 979  
in a community corrections facility; 980

(b) Felony delinquents who, while committed to the 981  
department of youth services and in the care and custody of an 982  
institution or a community corrections facility, are adjudicated 983  
delinquent children for having committed in that institution or 984  
community corrections facility an act that if committed by an 985  
adult would be a misdemeanor or a felony; 986

(c) Children who satisfy all of the following: 987

(i) They are at least ten years of age but less than 988  
eighteen years of age. 989

(ii) They are adjudicated delinquent children for having 990  
committed acts that if committed by an adult would be a felony. 991

(iii) They are committed to the department of youth 992  
services by the juvenile court of a county that has had one- 993  
tenth of one per cent or less of the statewide adjudications for 994  
felony delinquents as averaged for the past four fiscal years. 995

(iv) They are in the care and custody of an institution or 996  
a community corrections facility. 997

(d) Felony delinquents who, while committed to the 998  
department of youth services and in the care and custody of an 999  
institution are serving disciplinary time for having committed 1000  
an act described in division (A)(18)(a), (b), or (c) of this 1001  
section, and who have been institutionalized or 1002

institutionalized in a secure facility for the minimum period of 1003  
time specified in divisions (A) (1) (b) to (e) or (B) of section 1004  
2152.16 of the Revised Code. 1005

(e) Felony delinquents who are subject to and serving a 1006  
three-year period of commitment order imposed by a juvenile 1007  
court pursuant to divisions (A) and (B) of section 2152.17 of 1008  
the Revised Code for an act, other than a violation of section 1009  
2911.11 of the Revised Code, that would be a category one 1010  
offense or category two offense if committed by an adult. 1011

(f) Felony delinquents who are described in divisions (A) 1012  
(13) (a) to (e) of this section, who have been granted a judicial 1013  
release to court supervision under division (B) or (D) of 1014  
section 2152.22 of the Revised Code or a judicial release to the 1015  
department of youth services supervision under division (C) or 1016  
(D) of that section from the commitment to the department of 1017  
youth services for the act described in divisions (A) (13) (a) to 1018  
(e) of this section, who have violated the terms and conditions 1019  
of that release, and who, pursuant to an order of the court of 1020  
the county in which the particular felony delinquent was placed 1021  
on release that is issued pursuant to division (E) of section 1022  
2152.22 of the Revised Code, have been returned to the 1023  
department for institutionalization or institutionalization in a 1024  
secure facility. 1025

(g) Felony delinquents who have been committed to the 1026  
custody of the department of youth services, who have been 1027  
granted supervised release from the commitment pursuant to 1028  
section 5139.51 of the Revised Code, who have violated the terms 1029  
and conditions of that supervised release, and who, pursuant to 1030  
an order of the court of the county in which the particular 1031  
child was placed on supervised release issued pursuant to 1032

division (F) of section 5139.52 of the Revised Code, have had 1033  
the supervised release revoked and have been returned to the 1034  
department for institutionalization. A felony delinquent 1035  
described in this division shall be a public safety bed only for 1036  
the time during which the felony delinquent is institutionalized 1037  
as a result of the revocation subsequent to the initial ninety- 1038  
day period of institutionalization required by division (F) of 1039  
section 5139.52 of the Revised Code. 1040

(14) Unless the context requires a different meaning, 1041  
"community corrections facility" means a county or multicounty 1042  
rehabilitation center for felony delinquents who have been 1043  
committed to the department of youth services and diverted from 1044  
care and custody in an institution and placed in the 1045  
rehabilitation center pursuant to division (E) of section 1046  
5139.36 of the Revised Code. 1047

(15) "Secure facility" means any facility that is designed 1048  
and operated to ensure that all of its entrances and exits are 1049  
under the exclusive control of its staff and to ensure that, 1050  
because of that exclusive control, no child who has been 1051  
institutionalized in the facility may leave the facility without 1052  
permission or supervision. 1053

(16) "Community residential program" means a program that 1054  
satisfies both of the following: 1055

(a) It is housed in a building or other structure that has 1056  
no associated major restraining construction, including, but not 1057  
limited to, a security fence. 1058

(b) It provides twenty-four-hour care, supervision, and 1059  
programs for felony delinquents who are in residence. 1060

(17) "Category one offense" and "category two offense" 1061

have the same meanings as in section 2152.02 of the Revised 1062  
Code. 1063

(18) "Disciplinary time" means additional time that the 1064  
department of youth services requires a felony delinquent to 1065  
serve in an institution, that delays the felony delinquent's 1066  
planned release, and that the department imposes upon the felony 1067  
delinquent following the conduct of an internal due process 1068  
hearing for having committed any of the following acts while 1069  
committed to the department and in the care and custody of an 1070  
institution: 1071

(a) An act that if committed by an adult would be a 1072  
felony; 1073

(b) An act that if committed by an adult would be a 1074  
misdemeanor; 1075

(c) An act that is not described in division (A) (18) (a) or 1076  
(b) of this section and that violates an institutional rule of 1077  
conduct of the department. 1078

(19) "Unruly child" has the same meaning as in section 1079  
2151.022 of the Revised Code. 1080

(20) "Revocation" means the act of revoking a child's 1081  
supervised release for a violation of a term or condition of the 1082  
child's supervised release in accordance with section 5139.52 of 1083  
the Revised Code. 1084

(21) "Release authority" means the release authority of 1085  
the department of youth services that is established by section 1086  
5139.50 of the Revised Code. 1087

(22) "Supervised release" means the event of the release 1088  
of a child under this chapter from an institution and the period 1089

after that release during which the child is supervised and 1090  
assisted by an employee of the department of youth services 1091  
under specific terms and conditions for reintegration of the 1092  
child into the community. 1093

(23) "Victim" means the person identified in a police 1094  
report, complaint, or information as the victim of an act that 1095  
would have been a criminal offense if committed by an adult and 1096  
that provided the basis for adjudication proceedings resulting 1097  
in a child's commitment to the legal custody of the department 1098  
of youth services. 1099

(24) "Victim's representative" means a member of the 1100  
victim's family or another person whom the victim or another 1101  
authorized person designates in writing, pursuant to section 1102  
5139.56 of the Revised Code, to represent the victim with 1103  
respect to proceedings of the release authority of the 1104  
department of youth services and with respect to other matters 1105  
specified in that section. 1106

(25) "Member of the victim's family" means a spouse, 1107  
child, stepchild, sibling, parent, stepparent, grandparent, 1108  
other relative, or legal guardian of a child but does not 1109  
include a person charged with, convicted of, or adjudicated a 1110  
delinquent child for committing a criminal or delinquent act 1111  
against the victim or another criminal or delinquent act arising 1112  
out of the same conduct, criminal or delinquent episode, or plan 1113  
as the criminal or delinquent act committed against the victim. 1114

(26) "Judicial release to court supervision" means a 1115  
release of a child from institutional care or institutional care 1116  
in a secure facility that is granted by a court pursuant to 1117  
division (B) of section 2152.22 of the Revised Code during the 1118  
period specified in that division or that is granted by a court 1119

to court supervision pursuant to division (D) of that section 1120  
during the period specified in that division. 1121

(27) "Judicial release to department of youth services 1122  
supervision" means a release of a child from institutional care 1123  
or institutional care in a secure facility that is granted by a 1124  
court pursuant to division (C) of section 2152.22 of the Revised 1125  
Code during the period specified in that division or that is 1126  
granted to department supervision by a court pursuant to 1127  
division (D) of that section during the period specified in that 1128  
division. 1129

(28) "Juvenile justice system" includes all of the 1130  
functions of the juvenile courts, the department of youth 1131  
services, any public or private agency whose purposes include 1132  
the prevention of delinquency or the diversion, adjudication, 1133  
detention, or rehabilitation of delinquent children, and any of 1134  
the functions of the criminal justice system that are applicable 1135  
to children. 1136

(29) "Metropolitan county criminal justice services 1137  
agency" means an agency that is established pursuant to division 1138  
(A) of section 5502.64 of the Revised Code. 1139

(30) "Administrative planning district" means a district 1140  
that is established pursuant to division (A) or (B) of section 1141  
5502.66 of the Revised Code. 1142

(31) "Criminal justice coordinating council" means a 1143  
criminal justice services agency that is established pursuant to 1144  
division (D) of section 5502.66 of the Revised Code. 1145

(32) "Comprehensive plan" means a document that 1146  
coordinates, evaluates, and otherwise assists, on an annual or 1147  
multi-year basis, all of the functions of the juvenile justice 1148

systems of the state or a specified area of the state, that 1149  
conforms to the priorities of the state with respect to juvenile 1150  
justice systems, and that conforms with the requirements of all 1151  
federal criminal justice acts. These functions include, but are 1152  
not limited to, all of the following: 1153

(a) Delinquency; 1154

(b) Identification, detection, apprehension, and detention 1155  
of persons charged with delinquent acts; 1156

(c) Assistance to crime victims or witnesses, except that 1157  
the comprehensive plan does not include the functions of the 1158  
attorney general pursuant to sections 109.91 and 109.92 of the 1159  
Revised Code; 1160

(d) Adjudication or diversion of persons charged with 1161  
delinquent acts; 1162

(e) Custodial treatment of delinquent children; 1163

(f) Institutional and noninstitutional rehabilitation of 1164  
delinquent children. 1165

(B) There is hereby created the department of youth 1166  
services. The governor shall appoint the director of the 1167  
department with the advice and consent of the senate. The 1168  
director shall hold office during the term of the appointing 1169  
governor but subject to removal at the pleasure of the governor. 1170  
Except as otherwise authorized in section 108.05 of the Revised 1171  
Code, the director shall devote the director's entire time to 1172  
the duties of the director's office and shall hold no other 1173  
office or position of trust or profit during the director's term 1174  
of office. 1175

The director is the chief executive and administrative 1176



officer of the department and has all the powers of a department 1177  
head set forth in Chapter 121. of the Revised Code. The director 1178  
may adopt rules for the government of the department, the 1179  
conduct of its officers and employees, the performance of its 1180  
business, and the custody, use, and preservation of the 1181  
department's records, papers, books, documents, and property. 1182  
The director shall be an appointing authority within the meaning 1183  
of Chapter 124. of the Revised Code. Whenever this or any other 1184  
chapter or section of the Revised Code imposes a duty on or 1185  
requires an action of the department, the duty or action shall 1186  
be performed by the director or, upon the director's order, in 1187  
the name of the department. 1188

**Sec. 5139.05.** (A) The juvenile court may commit any child 1189  
to the department of youth services as authorized in Chapter 1190  
2152. of the Revised Code, provided that any child so committed 1191  
shall be at least ten years of age at the time of the child's 1192  
delinquent act, and, if the child is ten or eleven years of age, 1193  
the delinquent act is a violation of section 2909.03 of the 1194  
Revised Code or would be aggravated murder, murder, or a first 1195  
or second degree felony offense of violence if committed by an 1196  
adult. Any order to commit a child to an institution under the 1197  
control and management of the department shall have the effect 1198  
of ordering that the child be committed to the department and 1199  
assigned to an institution or placed in a community corrections 1200  
facility in accordance with division (E) of section 5139.36 of 1201  
the Revised Code as follows: 1202

(1) For an indefinite term consisting of the prescribed 1203  
minimum period specified by the court under division (A) (1) or 1204  
(B) of section 2152.16 of the Revised Code and a maximum period 1205  
not to exceed the child's attainment of twenty-one years of age, 1206  
if the child was committed pursuant to section 2152.16 of the 1207

Revised Code; 1208

(2) Until the child's attainment of twenty-one years of 1209  
age, if the child was committed for aggravated murder or murder 1210  
pursuant to section 2152.16 of the Revised Code; 1211

(3) For a period of commitment that shall be in addition 1212  
to, and shall be served consecutively with and prior to, a 1213  
period of commitment described in division (A) (1) or (2) of this 1214  
section, if the child was committed pursuant to section 2152.17 1215  
of the Revised Code; 1216

(4) If the child is ten or eleven years of age, to an 1217  
institution, a residential care facility, a residential 1218  
facility, or a facility licensed by the department of job and 1219  
family services that the department of youth services considers 1220  
best designated for the training and rehabilitation of the child 1221  
and protection of the public. The child shall be housed 1222  
separately from children who are twelve years of age or older 1223  
until the child is released or discharged or until the child 1224  
attains twelve years of age, whichever occurs first. Upon the 1225  
child's attainment of twelve years of age, if the child has not 1226  
been released or discharged, the department is not required to 1227  
house the child separately. 1228

(B) (1) Except as otherwise provided in section 5139.54 of 1229  
the Revised Code, the release authority of the department of 1230  
youth services, in accordance with section 5139.51 of the 1231  
Revised Code and at any time after the end of the minimum period 1232  
specified under division (A) (1) or (B) of section 2152.16 of the 1233  
Revised Code, may grant the release from custody of any child 1234  
committed to the department. 1235

The order committing a child to the department of youth 1236

services shall state that the child has been adjudicated a 1237  
delinquent child and state the minimum period. The jurisdiction 1238  
of the court terminates at the end of the minimum period except 1239  
as follows: 1240

(a) In relation to judicial release procedures, 1241  
supervision, and violations; 1242

(b) With respect to functions of the court related to the 1243  
revocation of supervised release that are specified in sections 1244  
5139.51 and 5139.52 of the Revised Code; 1245

(c) In relation to its duties relating to serious youthful 1246  
offender dispositional sentences under sections 2152.13 and 1247  
2152.14 of the Revised Code. 1248

(2) When a child has been committed to the department 1249  
under section 2152.16 of the Revised Code, the department shall 1250  
retain legal custody of the child until one of the following: 1251

(a) The department discharges the child to the exclusive 1252  
management, control, and custody of the child's parent or the 1253  
guardian of the child's person or, if the child is eighteen 1254  
years of age or older, discharges the child. 1255

(b) The committing court, upon its own motion, upon 1256  
petition of the parent, guardian of the person, or next friend 1257  
of a child, or upon petition of the department, terminates the 1258  
department's legal custody of the child. 1259

(c) The committing court grants the child a judicial 1260  
release to court supervision under section 2152.22 of the 1261  
Revised Code. 1262

(d) The department's legal custody of the child is 1263  
terminated automatically by the child attaining twenty-one years 1264

of age. 1265

(e) If the child is subject to a serious youthful offender 1266  
dispositional sentence, the adult portion of that dispositional 1267  
sentence is imposed under section 2152.14 of the Revised Code. 1268

(C) When a child is committed to the department of youth 1269  
services, the department may assign the child to a hospital for 1270  
mental, physical, and other examination, inquiry, or treatment 1271  
for the period of time that is necessary. The department may 1272  
remove any child in its custody to a hospital for observation, 1273  
and a complete report of every observation at the hospital shall 1274  
be made in writing and shall include a record of observation, 1275  
treatment, and medical history and a recommendation for future 1276  
treatment, custody, and maintenance. The department shall 1277  
thereupon order the placement and treatment that it determines 1278  
to be most conducive to the purposes of Chapters 2151. and 5139. 1279  
of the Revised Code. The committing court and all public 1280  
authorities shall make available to the department all pertinent 1281  
data in their possession with respect to the case. 1282

(D) Records maintained by the department of youth services 1283  
pertaining to the children in its custody shall be accessible 1284  
only to department employees, except by consent of the 1285  
department, upon the order of the judge of a court of record, or 1286  
as provided in divisions (D)(1) and (2) of this section. These 1287  
records shall not be considered "public records," as defined in 1288  
section 149.43 of the Revised Code. 1289

(1) Except as otherwise provided by a law of this state or 1290  
the United States, the department of youth services may release 1291  
records that are maintained by the department of youth services 1292  
and that pertain to children in its custody to the department of 1293  
rehabilitation and correction regarding persons who are under 1294

the jurisdiction of the department of rehabilitation and 1295  
correction and who have previously been committed to the 1296  
department of youth services. The department of rehabilitation 1297  
and correction may use those records for the limited purpose of 1298  
carrying out the duties of the department of rehabilitation and 1299  
correction. Records released by the department of youth services 1300  
to the department of rehabilitation and correction shall remain 1301  
confidential and shall not be considered public records as 1302  
defined in section 149.43 of the Revised Code. 1303

(2) The department of youth services shall provide to the 1304  
superintendent of the school district in which a child 1305  
discharged or released from the custody of the department is 1306  
entitled to attend school under section 3313.64 or 3313.65 of 1307  
the Revised Code the records described in divisions (D) (4) (a) to 1308  
(d) of section 2152.18 of the Revised Code. Subject to the 1309  
provisions of section 3319.321 of the Revised Code and the 1310  
Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 1311  
amended, the records released to the superintendent shall remain 1312  
confidential and shall not be considered public records as 1313  
defined in section 149.43 of the Revised Code. 1314

(E) (1) When a child is committed to the department of 1315  
youth services, the department, orally or in writing, shall 1316  
notify the parent, guardian, or custodian of a child that the 1317  
parent, guardian, or custodian may request at any time from the 1318  
superintendent of the institution in which the child is located 1319  
any of the information described in divisions (E) (1) (a), (b), 1320  
(c), and (d) of this section. The parent, guardian, or custodian 1321  
may provide the department with the name, address, and telephone 1322  
number of the parent, guardian, or custodian, and, until the 1323  
department is notified of a change of name, address, or 1324  
telephone number, the department shall use the name, address, 1325

and telephone number provided by the parent, guardian, or 1326  
custodian to provide notices or answer inquiries concerning the 1327  
following information: 1328

(a) When the department of youth services makes a 1329  
permanent assignment of the child to a facility, the department, 1330  
orally or in writing and on or before the third business day 1331  
after the day the permanent assignment is made, shall notify the 1332  
parent, guardian, or custodian of the child of the name of the 1333  
facility to which the child has been permanently assigned. 1334

If a parent, guardian, or custodian of a child who is 1335  
committed to the department of youth services requests, orally 1336  
or in writing, the department to provide the parent, guardian, 1337  
or custodian with the name of the facility in which the child is 1338  
currently located, the department, orally or in writing and on 1339  
or before the next business day after the day on which the 1340  
request is made, shall provide the name of that facility to the 1341  
parent, guardian, or custodian. 1342

(b) If a parent, guardian, or custodian of a child who is 1343  
committed to the department of youth services, orally or in 1344  
writing, asks the superintendent of the institution in which the 1345  
child is located whether the child is being disciplined by the 1346  
personnel of the institution, what disciplinary measure the 1347  
personnel of the institution are using for the child, or why the 1348  
child is being disciplined, the superintendent or the 1349  
superintendent's designee, on or before the next business day 1350  
after the day on which the request is made, shall provide the 1351  
parent, guardian, or custodian with written or oral responses to 1352  
the questions. 1353

(c) If a parent, guardian, or custodian of a child who is 1354  
committed to the department of youth services, orally or in 1355

writing, asks the superintendent of the institution in which the child is held whether the child is receiving any medication from personnel of the institution, what type of medication the child is receiving, or what condition of the child the medication is intended to treat, the superintendent or the superintendent's designee, on or before the next business day after the day on which the request is made, shall provide the parent, guardian, or custodian with oral or written responses to the questions.

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

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

(F) The department of youth services, as a means of punishment while the child is in its custody, shall not prohibit a child who is committed to the department from seeing that child's parent, guardian, or custodian during standard visitation periods allowed by the department of youth services unless the superintendent of the institution in which the child is held determines that permitting that child to visit with the child's parent, guardian, or custodian would create a safety risk to that child, that child's parents, guardian, or custodian, the personnel of the institution, or other children held in that institution.

(G) As used in this section: 1386

(1) "Permanent assignment" means the assignment or 1387  
transfer for an extended period of time of a child who is 1388  
committed to the department of youth services to a facility in 1389  
which the child will receive training or participate in 1390  
activities that are directed toward the child's successful 1391  
rehabilitation. "Permanent assignment" does not include the 1392  
transfer of a child to a facility for judicial release hearings 1393  
pursuant to section 2152.22 of the Revised Code or for any other 1394  
temporary assignment or transfer to a facility. 1395

(2) "Major incident" means the escape or attempted escape 1396  
of a child who has been committed to the department of youth 1397  
services from the facility to which the child is assigned; the 1398  
return to the custody of the department of a child who has 1399  
escaped or otherwise fled the custody and control of the 1400  
department without authorization; the allegation of any sexual 1401  
activity with a child committed to the department; physical 1402  
injury to a child committed to the department as a result of 1403  
alleged abuse by department staff; an accident resulting in 1404  
injury to a child committed to the department that requires 1405  
medical care or treatment outside the institution in which the 1406  
child is located; the discovery of a controlled substance upon 1407  
the person or in the property of a child committed to the 1408  
department; a suicide attempt by a child committed to the 1409  
department; a suicide attempt by a child committed to the 1410  
department that results in injury to the child requiring 1411  
emergency medical services outside the institution in which the 1412  
child is located; the death of a child committed to the 1413  
department; an injury to a visitor at an institution under the 1414  
control of the department that is caused by a child committed to 1415  
the department; and the commission or suspected commission of an 1416



act by a child committed to the department that would be an 1417  
offense if committed by an adult. 1418

(3) "Sexual activity" has the same meaning as in section 1419  
2907.01 of the Revised Code. 1420

(4) "Controlled substance" has the same meaning as in 1421  
section 3719.01 of the Revised Code. 1422

(5) "Residential care facility" and "residential facility" 1423  
have the same meanings as in section 2151.011 of the Revised 1424  
Code. 1425

**Sec. 5139.06.** (A) When a child has been committed to the 1426  
department of youth services, the department shall do both of 1427  
the following: 1428

(1) Place the child in an appropriate institution under 1429  
the condition that it considers best designed for the training 1430  
and rehabilitation of the child and the protection of the 1431  
public, provided that the institutional placement shall be 1432  
consistent with the order committing the child to its custody; 1433

(2) Maintain the child in institutional care or 1434  
institutional care in a secure facility for the required period 1435  
of institutionalization in a manner consistent with ~~division~~ 1436  
divisions (A) (1) and (B) of section 2152.16 and divisions (A) to 1437  
(F) of section 2152.17 of the Revised Code, whichever are 1438  
applicable, and with section 5139.38 or division (B), (C), or 1439  
(D) of section 2152.22 of the Revised Code. 1440

(B) When a child has been committed to the department of 1441  
youth services and has not been institutionalized or 1442  
institutionalized in a secure facility for the prescribed 1443  
minimum period of time, including, but not limited to, a 1444  
prescribed period of time under division (A) (1) (a) of section 1445

2152.16 of the Revised Code, the department, the child, or the 1446  
child's parent may request the court that committed the child to 1447  
order a judicial release to court supervision or a judicial 1448  
release to department of youth services supervision in 1449  
accordance with division (B), (C), or (D) of section 2152.22 of 1450  
the Revised Code, and the child may be released from 1451  
institutionalization or institutionalization in a secure 1452  
facility in accordance with the applicable division. A child in 1453  
those circumstances shall not be released from 1454  
institutionalization or institutionalization in a secure 1455  
facility except in accordance with section 2152.22 or 5139.38 of 1456  
the Revised Code. When a child is released pursuant to a 1457  
judicial release to court supervision under division (B) or (D) 1458  
of section 2152.22 of the Revised Code, the department shall 1459  
comply with division (B)(3) of that section and, if the court 1460  
requests, shall send the committing court a report on the 1461  
child's progress in the institution and recommendations for 1462  
conditions of supervision by the court after release. When a 1463  
child is released pursuant to a judicial release to department 1464  
of youth services supervision under division (C) or (D) of 1465  
section 2152.22 of the Revised Code, the department shall comply 1466  
with division (C)(3) of that section relative to the child and 1467  
shall send the committing court and the juvenile court of the 1468  
county in which the child is placed a copy of the treatment and 1469  
rehabilitation plan described in that division and the 1470  
conditions that it fixed. The court of the county in which the 1471  
child is placed may adopt the conditions as an order of the 1472  
court and may add any additional consistent conditions it 1473  
considers appropriate, provided that the court may not add any 1474  
condition that decreases the level or degree of supervision 1475  
specified by the department in its plan, that substantially 1476  
increases the financial burden of supervision that will be 1477

experienced by the department, or that alters the placement 1478  
specified by the department in its plan. Any violations of the 1479  
conditions of the child's judicial release or early release 1480  
shall be handled pursuant to division (E) of section 2152.22 of 1481  
the Revised Code. 1482

(C) When a child has been committed to the department of 1483  
youth services, the department may do any of the following: 1484

(1) Notwithstanding the provisions of this chapter, 1485  
Chapter 2151., or Chapter 2152. of the Revised Code that 1486  
prescribe required periods of institutionalization, transfer the 1487  
child to any other state institution, whenever it appears that 1488  
the child by reason of mental illness or developmental 1489  
disability ought to be in another state institution. Before 1490  
transferring a child to any other state institution, the 1491  
department shall include in the minutes a record of the order of 1492  
transfer and the reason for the transfer and, at least seven 1493  
days prior to the transfer, shall send a certified copy of the 1494  
order to the person shown by its record to have had the care or 1495  
custody of the child immediately prior to the child's 1496  
commitment. Except as provided in division (C) (2) of this 1497  
section, no person shall be transferred from a benevolent 1498  
institution to a correctional institution or to a facility or 1499  
institution operated by the department of youth services. 1500

(2) Notwithstanding the provisions of this chapter, 1501  
Chapter 2151., or Chapter 2152. of the Revised Code that 1502  
prescribe required periods of institutionalization, transfer the 1503  
child under section 5120.162 of the Revised Code to a 1504  
correctional medical center established by the department of 1505  
rehabilitation and correction, whenever the child has an 1506  
illness, physical condition, or other medical problem and it 1507

appears that the child would benefit from diagnosis or treatment 1508  
at the center for that illness, condition, or problem. Before 1509  
transferring a child to a center, the department of youth 1510  
services shall include in the minutes a record of the order of 1511  
transfer and the reason for the transfer and, except in 1512  
emergency situations, at least seven days prior to the transfer, 1513  
shall send a certified copy of the order to the person shown by 1514  
its records to have had the care or custody of the child 1515  
immediately prior to the child's commitment. If the transfer of 1516  
the child occurs in an emergency situation, as soon as possible 1517  
after the decision is made to make the transfer, the department 1518  
of youth services shall send a certified copy of the order to 1519  
the person shown by its records to have had the care or custody 1520  
of the child immediately prior to the child's commitment. A 1521  
transfer under this division shall be in accordance with the 1522  
terms of the agreement the department of youth services enters 1523  
into with the department of rehabilitation and correction under 1524  
section 5120.162 of the Revised Code and shall continue only as 1525  
long as the child reasonably appears to receive benefit from 1526  
diagnosis or treatment at the center for an illness, physical 1527  
condition, or other medical problem. 1528

(3) Revoke or modify any order of the department except an 1529  
order of discharge as often as conditions indicate it to be 1530  
desirable; 1531

(4) If the child was committed pursuant to division (A) (1) 1532  
(b), (c), (d), or (e) or (B) of section 2152.16 of the Revised 1533  
Code and has been institutionalized or institutionalized in a 1534  
secure facility for the prescribed minimum periods of time under 1535  
the division pursuant to which the commitment was made, assign 1536  
the child to a family home, a group care facility, or other 1537  
place maintained under public or private auspices, within or 1538

without this state, for necessary treatment and rehabilitation, 1539  
the costs of which may be paid by the department, provided that 1540  
the department shall notify the committing court, in writing, of 1541  
the place and terms of the assignment at least fifteen days 1542  
prior to the scheduled date of the assignment; 1543

(5) Release the child from an institution in accordance 1544  
with sections 5139.51 to 5139.54 of the Revised Code in the 1545  
circumstances described in those sections. 1546

(D) The department of youth services shall notify the 1547  
committing court of any order transferring the physical location 1548  
of any child committed to it in accordance with section 5139.35 1549  
of the Revised Code. Upon the discharge from its custody and 1550  
control, the department may petition the court for an order 1551  
terminating its custody and control. 1552

**Sec. 5139.20.** (A) Notwithstanding any other provision of 1553  
the Revised Code that sets forth the minimum periods or period 1554  
for which a child committed to the department of youth services 1555  
is to be institutionalized or institutionalized in a secure 1556  
facility or the procedures for the judicial release to court 1557  
supervision or judicial release to department of youth services 1558  
supervision, the department may grant emergency releases to 1559  
children confined in state juvenile institutions if the 1560  
governor, upon request of the director of the department 1561  
authorizes the director, in writing, to issue a declaration that 1562  
an emergency overcrowding condition exists in all of the 1563  
institutions in which males are confined, or in all of the 1564  
institutions in which females are confined, that are under the 1565  
control of the department. If the governor authorizes the 1566  
issuance of a declaration, the director may issue the 1567  
declaration. If the director issues the declaration, the 1568

director shall file a copy of it with the secretary of state, 1569  
which copy shall be a public record. Upon the filing of the 1570  
copy, the department is authorized to grant emergency releases 1571  
to children within its custody subject to division (B) of this 1572  
section. The authority to grant the emergency releases shall 1573  
continue until the expiration of thirty days from the day on 1574  
which the declaration was filed. The director shall not issue a 1575  
declaration that an emergency overcrowding condition exists 1576  
unless the director determines that no other method of 1577  
alleviating the overcrowding condition is available. 1578

(B) (1) If the department is authorized under division (A) 1579  
of this section to grant emergency releases to children within 1580  
its custody, the department shall determine which, if any, 1581  
children to release under that authority only in accordance with 1582  
this division and divisions (C), (D), and (E) of this section. 1583  
The department, in determining which, if any, children to 1584  
release, initially shall classify each child within its custody 1585  
according to the degree of offense that the act for which the 1586  
child is serving the period of institutionalization would have 1587  
been if committed by an adult. The department then shall 1588  
scrutinize individual children for emergency release, based upon 1589  
their degree of offense, in accordance with the categories and 1590  
the order of consideration set forth in division (B) (2) of this 1591  
section. After scrutiny of all children within the particular 1592  
category under consideration, the department shall designate 1593  
individual children within that category to whom it wishes to 1594  
grant an emergency release. 1595

(2) The categories of children in the custody of the 1596  
department that may be considered for emergency release under 1597  
this section, and the order in which the categories shall be 1598  
considered, are as follows: 1599

(a) Initially, only children who are not serving a period 1600  
of institutionalization for an act that would have been 1601  
aggravated murder, murder, or a felony of the first, second, 1602  
third, or fourth degree if committed by an adult or for an act 1603  
that was committed before July 1, 1996, and that would have been 1604  
an aggravated felony of the first, second, or third degree if 1605  
committed by an adult may be considered. 1606

(b) When all children in the category described in 1607  
division (B) (2) (a) of this section have been scrutinized and all 1608  
children in that category who have been designated for emergency 1609  
release under division (B) (1) of this section have been so 1610  
released, then all children who are not serving a period of 1611  
institutionalization for an act that would have been aggravated 1612  
murder, murder, or a felony of the first or second degree if 1613  
committed by an adult or for an act that was committed before 1614  
July 1, 1996, and that would have been an aggravated felony of 1615  
the first or second degree if committed by an adult may be 1616  
considered. 1617

(c) When all children in the categories described in 1618  
divisions (B) (2) (a) and (b) of this section have been 1619  
scrutinized and all children in those categories who have been 1620  
designated for emergency release under division (B) (1) of this 1621  
section have been released, then all children who are not 1622  
serving a term of institutionalization for an act that would 1623  
have been aggravated murder, murder, or a felony of the first 1624  
degree if committed by an adult or for an act that was committed 1625  
before July 1, 1996, and that would have been an aggravated 1626  
felony of the first or second degree if committed by an adult 1627  
may be considered. 1628

(d) In no case shall the department consider for emergency 1629

release any child who is serving a term of institutionalization 1630  
for an act that would have been aggravated murder, murder, or a 1631  
felony of the first degree if committed by an adult or for an 1632  
act that was committed before July 1, 1996, and that would have 1633  
been an aggravated felony of the first degree if committed by an 1634  
adult, and in no case shall the department grant an emergency 1635  
release to any such child pursuant to this section. 1636

(C) An emergency release granted pursuant to this section 1637  
shall consist of one of the following: 1638

(1) A supervised release under terms and conditions that 1639  
the department believes conducive to law-abiding conduct; 1640

(2) A discharge of the child from the custody and control 1641  
of the department if the department is satisfied that the 1642  
discharge is consistent with the welfare of the individual and 1643  
protection of the public; 1644

(3) An assignment to a family home, a group care facility, 1645  
or other place maintained under public or private auspices, 1646  
within or without this state, for necessary treatment or 1647  
rehabilitation, the costs of which may be paid by the 1648  
department. 1649

(D) If a child is granted an emergency release pursuant to 1650  
this section, the child thereafter shall be considered to have 1651  
been institutionalized or institutionalized in a secure facility 1652  
for the prescribed minimum period of time under division (A)(1) 1653  
(b), (c), (d), or (e) or (B) of section 2152.16 of the Revised 1654  
Code, or all definite periods of commitment imposed under 1655  
division (A), (B), (C), or (D) of section 2152.17 of the Revised 1656  
Code plus the prescribed minimum period of time imposed under 1657  
division (A)(1)(b), (c), (d), or (e) or (B) of section 2152.16 1658



of the Revised Code, whichever is applicable. The department 1659  
shall retain legal custody of a child so released until it 1660  
discharges the child or until its custody is terminated as 1661  
otherwise provided by law. 1662

(E) (1) If a child is granted an emergency release so that 1663  
the child is released on supervised release or assigned to a 1664  
family home, group care facility, or other place for treatment 1665  
or rehabilitation, the department shall prepare a written 1666  
treatment and rehabilitation plan for the child in accordance 1667  
with division (F) of section 2152.22 of the Revised Code, which 1668  
shall include the conditions of the child's release or 1669  
assignment, and shall send the committing court and the juvenile 1670  
court of the county in which the child is placed a copy of the 1671  
plan and the conditions that it fixed. The court of the county 1672  
in which the child is placed may adopt the conditions as an 1673  
order of the court and may add any additional consistent 1674  
conditions it considers appropriate. If a child is released on 1675  
supervised release or is assigned subject to specified 1676  
conditions and the court of the county in which the child is 1677  
placed has reason to believe that the child's department is not 1678  
in accordance with any post-release conditions established by 1679  
the court in its journal entry, the court of the county in which 1680  
the child is placed, in its discretion, may schedule a time for 1681  
a hearing on whether the child violated any of the post-release 1682  
conditions. If that court conducts a hearing and determines at 1683  
the hearing that the child violated any of the post-release 1684  
conditions established in its journal entry, the court, if it 1685  
determines that the violation of the conditions was a serious 1686  
violation, may order the child to be returned to the department 1687  
of youth services for institutionalization or, in any case, may 1688  
make any other disposition of the child authorized by law that 1689

the court considers proper. If the court of the county in which 1690  
the child is placed orders the child to be returned to a 1691  
department of youth services institution, the child shall remain 1692  
institutionalized for a minimum period of three months. 1693

(2) The department also shall file a written progress 1694  
report with the committing court regarding each child granted an 1695  
emergency release pursuant to this section at least once every 1696  
thirty days unless specifically directed otherwise by the court. 1697  
The report shall include the information required of reports 1698  
described in division (G) of section 2152.22 of the Revised 1699  
Code. 1700

**Sec. 5139.35.** (A) Except as provided in division (C) of 1701  
this section and division (C) (2) of section 5139.06 of the 1702  
Revised Code, the department of youth services shall not place a 1703  
child committed to it pursuant to section 2152.16 or divisions 1704  
(A) and (B) of section 2152.17 of the Revised Code who has not 1705  
been institutionalized or institutionalized in a secure facility 1706  
for the prescribed minimum period of institutionalization in an 1707  
institution with a less restrictive setting than that in which 1708  
the child was originally placed, other than an institution under 1709  
the management and control of the department, without first 1710  
obtaining the prior consent of the committing court. 1711

(B) Except as provided in division (C) of this section, 1712  
the department of youth services shall notify the committing 1713  
court, in writing, of any placement of a child committed to it 1714  
pursuant to division (A) (1) (b), (c), (d), or (e) or (B) of 1715  
section 2152.16 or divisions (A) and (B) of section 2152.17 of 1716  
the Revised Code who has been institutionalized or 1717  
institutionalized in a secure facility for the prescribed 1718  
minimum period of institutionalization under those divisions in 1719

an institution with a less restrictive setting than that in 1720  
which the child was originally placed, other than an institution 1721  
under the management and control of the department, at least 1722  
fifteen days before the scheduled date of placement. 1723

(C) If, pursuant to division (C)(2) of section 5139.06 of 1724  
the Revised Code, the department of youth services transfers a 1725  
child committed to it pursuant to division (A)(1)(b), (c), (d), 1726  
or (e) or (B) of section 2152.16 or divisions (A) and (B) of 1727  
section 2152.17 of the Revised Code to a correctional medical 1728  
center established by the department of rehabilitation and 1729  
correction, the department of youth services shall send the 1730  
committing court a certified copy of the transfer order. 1731

**Sec. 5139.51.** (A) The release authority of the department 1732  
of youth services shall not release a child who is in the 1733  
custody of the department of youth services from institutional 1734  
care or institutional care in a secure facility and shall not 1735  
discharge the child or order the child's release on supervised 1736  
release prior to the expiration of the prescribed minimum period 1737  
of institutionalization or institutionalization in a secure 1738  
facility or prior to the child's attainment of twenty-one years 1739  
of age, whichever is applicable under the order of commitment, 1740  
other than as is provided in section 2152.22 of the Revised 1741  
Code. The release authority may conduct periodic reviews of the 1742  
case of each child who is in the custody of the department and 1743  
who is eligible for supervised release or discharge after 1744  
completing the minimum period of time or period of time in an 1745  
institution prescribed by the committing court. At least thirty 1746  
days prior to conducting a periodic review of the case of a 1747  
child who was committed to the department regarding the 1748  
possibility of supervised release or discharge and at least 1749  
thirty days prior to conducting a release review, a release 1750

hearing, or a discharge review under division (E) of this 1751  
section, the release authority shall give notice of the review 1752  
or hearing to the court that committed the child, to the 1753  
prosecuting attorney in the case, and to the victim of the 1754  
delinquent act for which the child was committed or the victim's 1755  
representative. If a child is on supervised release and has had 1756  
the child's parole revoked, and if, upon release, there is 1757  
insufficient time to provide the notices otherwise required by 1758  
this division, the release authority, at least ten days prior to 1759  
the child's release, shall provide reasonable notice of the 1760  
child's release to the court that committed the child, to the 1761  
prosecuting attorney in the case, and to the victim of the 1762  
delinquent act for which the child was committed or the victim's 1763  
representative. The court or prosecuting attorney may submit to 1764  
the release authority written comments regarding, or written 1765  
objections to, the supervised release or discharge of that 1766  
child. Additionally, if the child was committed for an act that 1767  
is a category one or category two offense, the court or 1768  
prosecuting attorney orally may communicate to a representative 1769  
of the release authority comments regarding, or objections to, 1770  
the supervised release or discharge of the child or, if a 1771  
hearing is held regarding the possible release or discharge of 1772  
the child, may communicate those comments at the hearing. In 1773  
conducting the review of the child's case regarding the 1774  
possibility of supervised release or discharge, the release 1775  
authority shall consider any comments and objections so 1776  
submitted or communicated by the court or prosecutor and any 1777  
statements or comments submitted or communicated under section 1778  
5139.56 of the Revised Code by a victim of an act for which the 1779  
child was committed to the legal custody of the department or by 1780  
the victim's representative of a victim of an act of that type. 1781

The release authority shall determine the date on which a child may be placed on supervised release or discharged. If the release authority believes that a child should be placed on supervised release, it shall comply with division (B) of this section. If the release authority believes that a child should be discharged, it shall comply with division (C) or (E) of this section. If the release authority denies the supervised release or discharge of a child, it shall provide the child with a written record of the reasons for the decision.

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

If, within fifteen days after its receipt of the copy of the supervised release plan, the juvenile court of the county in which the child will be placed does not add to the supervised

release plan any additional terms and conditions, the court 1813  
shall enter the supervised release plan in its journal within 1814  
that fifteen-day period and, within that fifteen-day period, 1815  
shall send to the release authority a copy of the journal entry 1816  
of the supervised release plan. The journalized plan shall apply 1817  
regarding the child's supervised release. 1818

If, within fifteen days after its receipt of the copy of 1819  
the supervised release plan, the juvenile court of the county in 1820  
which the child will be placed adds to the supervised release 1821  
plan any additional terms and conditions, the court shall enter 1822  
the supervised release plan and the additional terms and 1823  
conditions in its journal and, within that fifteen-day period, 1824  
shall send to the release authority a copy of the journal entry 1825  
of the supervised release plan and additional terms and 1826  
conditions. The journalized supervised release plan and 1827  
additional terms and conditions added by the court that satisfy 1828  
the criteria described in this division shall apply regarding 1829  
the child's supervised release. 1830

If, within fifteen days after its receipt of the copy of 1831  
the supervised release plan, the juvenile court of the county in 1832  
which the child will be placed neither enters in its journal the 1833  
supervised release plan nor enters in its journal the supervised 1834  
release plan plus additional terms and conditions added by the 1835  
court, the court and the department of youth services may 1836  
attempt to resolve any differences regarding the plan within 1837  
three days. If a resolution is not reached within that three-day 1838  
period, thereafter, the supervised release plan shall be 1839  
enforceable to the same extent as if the court actually had 1840  
entered the supervised release plan in its journal. 1841

(2) When the release authority receives from the court a 1842

copy of the journalized supervised release plan and, if 1843  
applicable, a copy of the journalized additional terms and 1844  
conditions added by the court, the release authority shall keep 1845  
the original copy or copies in the child's file and shall 1846  
provide a copy of each document to the child, the employee of 1847  
the department who is assigned to supervise and assist the child 1848  
while on release, and the committing court. 1849

(C) If a child who is in the custody of the department of 1850  
youth services was committed pursuant to division (A) (1) (b), 1851  
(c), (d), or (e) or (B) of section 2152.16 of the Revised Code 1852  
and has been institutionalized or institutionalized in a secure 1853  
facility for the prescribed minimum periods of time under those 1854  
divisions and if the release authority is satisfied that the 1855  
discharge of the child without the child being placed on 1856  
supervised release would be consistent with the welfare of the 1857  
child and protection of the public, the release authority, 1858  
without approval of the court that committed the child, may 1859  
discharge the child from the department's custody and control 1860  
without placing the child on supervised release. Additionally, 1861  
the release authority may discharge a child in the department's 1862  
custody without the child being placed on supervised release if 1863  
the child is removed from the jurisdiction of this state by a 1864  
court order of a court of this state, another state, or the 1865  
United States, or by any agency of this state, another state, or 1866  
the United States, if the child is convicted of or pleads guilty 1867  
to any criminal offense, or as otherwise provided by law. At 1868  
least fifteen days before the scheduled date of discharge of the 1869  
child without the child being placed on supervised release, the 1870  
department shall notify the committing court, in writing, that 1871  
it is going to discharge the child and of the reason for the 1872  
discharge. Upon discharge of the child without the child being 1873

placed on supervised release, the department immediately shall 1874  
certify the discharge in writing and shall transmit the 1875  
certificate of discharge to the committing court. 1876

(D) In addition to requirements that are reasonably 1877  
related to the child's prior pattern of criminal or delinquent 1878  
behavior and the prevention of further criminal or delinquent 1879  
behavior, the release authority shall specify the following 1880  
requirements for each child whom it releases: 1881

(1) The child shall observe the law. 1882

(2) The child shall maintain appropriate contact, as 1883  
specified in the written supervised release plan for that child. 1884

(3) The child shall not change residence unless the child 1885  
seeks prior approval for the change from the employee of the 1886  
department assigned to supervise and assist the child, provides 1887  
that employee, at the time the child seeks the prior approval 1888  
for the change, with appropriate information regarding the new 1889  
residence address at which the child wishes to reside, and 1890  
obtains the prior approval of that employee for the change. 1891

(E) The period of a child's supervised release may extend 1892  
from the date of release from an institution until the child 1893  
attains twenty-one years of age. If the period of supervised 1894  
release extends beyond one year after the date of release, the 1895  
child may request in writing that the release authority conduct 1896  
a discharge review after the expiration of the one-year period 1897  
or the minimum period or period. If the child so requests, the 1898  
release authority shall conduct a discharge review and give the 1899  
child its decision in writing. The release authority shall not 1900  
grant a discharge prior to the discharge date if it finds good 1901  
cause for retaining the child in the custody of the department 1902



until the discharge date. A child may request an additional 1903  
discharge review six months after the date of a previous 1904  
discharge review decision, but not more than once during any 1905  
six-month period after the date of a previous discharge review 1906  
decision. 1907

(F) At least two weeks before the release authority places 1908  
on supervised release or discharge a child who was committed to 1909  
the legal custody of the department, the release authority shall 1910  
provide notice of the release or discharge as follows: 1911

(1) In relation to the placement on supervised release or 1912  
discharge of a child who was committed to the department for 1913  
committing an act that is a category one or category two 1914  
offense, the release authority shall notify, by the specified 1915  
deadline, all of the following of the release or discharge: 1916

(a) The prosecuting attorney of the county in which the 1917  
child was adjudicated a delinquent child and committed to the 1918  
custody of the department; 1919

(b) Whichever of the following is applicable: 1920

(i) If upon the supervised release or discharge the child 1921  
will reside in a municipal corporation, the chief of police or 1922  
other chief law enforcement officer of that municipal 1923  
corporation; 1924

(ii) If upon the supervised release or discharge the child 1925  
will reside in an unincorporated area of a county, the sheriff 1926  
of that county. 1927

(2) In relation to the placement on supervised release or 1928  
discharge of a child who was committed to the department for 1929  
committing any act, the release authority shall notify, by the 1930  
specified deadline, each victim of the act for which the child 1931

was committed to the legal custody of the department who, 1932  
pursuant to section 5139.56 of the Revised Code, has requested 1933  
to be notified of the placement of the child on supervised 1934  
release or the discharge of the child, provided that, if any 1935  
victim has designated a person pursuant to that section to act 1936  
on the victim's behalf as a victim's representative, the 1937  
notification required by this division shall be provided to that 1938  
victim's representative. 1939

**Section 2.** That existing sections 2152.16, 2152.17, 1940  
2152.19, 2152.22, 5139.01, 5139.05, 5139.06, 5139.20, 5139.35, 1941  
and 5139.51 of the Revised Code are hereby repealed. 1942