

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