

As Introduced

136th General Assembly

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H. B. No. 518

Representative Bird

To amend sections 2151.354, 2152.19, and 2919.24 of
the Revised Code relative to truancy and
contributing to the unruliness or delinquency of
a child.

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

Section 1. That sections 2151.354, 2152.19, and 2919.24 of
the Revised Code be amended to read as follows:

Sec. 2151.354. (A) If the child is adjudicated an unruly
child, the court may:

(1) Make any of the dispositions authorized under section
2151.353 of the Revised Code;

(2) Place the child on community control under any
sanctions, services, and conditions that the court prescribes,
as described in division (A) (4) of section 2152.19 of the
Revised Code, provided that, if the court imposes a period of
community service upon the child, the period of community
service shall not exceed one hundred seventy-five hours;

(3) Suspend the driver's license, probationary driver's
license, or temporary instruction permit issued to the child for
a period of time prescribed by the court and suspend the
registration of all motor vehicles registered in the name of the

child for a period of time prescribed by the court. A child 21
whose license or permit is so suspended is ineligible for 22
issuance of a license or permit during the period of suspension. 23
At the end of the period of suspension, the child shall not be 24
reissued a license or permit until the child has paid any 25
applicable reinstatement fee and complied with all requirements 26
governing license reinstatement. 27

(4) Commit the child to the temporary or permanent custody 28
of the court; 29

(5) Make any further disposition the court finds proper 30
that is consistent with sections 2151.312 and 2151.56 to 2151.59 31
of the Revised Code; 32

(6) If, after making a disposition under division (A) (1), 33
(2), or (3) of this section, the court finds upon further 34
hearing that the child is not amenable to treatment or 35
rehabilitation under that disposition, make a disposition 36
otherwise authorized under divisions (A) (1), (4), (5), and (8) 37
of section 2152.19 of the Revised Code that is consistent with 38
sections 2151.312 and 2151.56 to 2151.59 of the Revised Code. 39

(B) If a child is adjudicated an unruly child for 40
committing any act that, if committed by an adult, would be a 41
drug abuse offense, as defined in section 2925.01 of the Revised 42
Code, or a violation of division (B) of section 2917.11 of the 43
Revised Code, in addition to imposing, in its discretion, any 44
other order of disposition authorized by this section, the court 45
shall do both of the following: 46

(1) Require the child to participate in a drug abuse or 47
alcohol abuse counseling program; 48

(2) Suspend the temporary instruction permit, probationary 49

driver's license, or driver's license issued to the child for a 50
period of time prescribed by the court. The court, in its 51
discretion, may terminate the suspension if the child attends 52
and satisfactorily completes a drug abuse or alcohol abuse 53
education, intervention, or treatment program specified by the 54
court. During the time the child is attending a program as 55
described in this division, the court shall retain the child's 56
temporary instruction permit, probationary driver's license, or 57
driver's license, and the court shall return the permit or 58
license if it terminates the suspension. 59

(C) (1) If a child is adjudicated an unruly child for being 60
an habitual truant, in addition to or in lieu of imposing any 61
other order of disposition authorized by this section, the court 62
may do any of the following: 63

(a) Order the board of education of the child's school 64
district or the governing board of the educational service 65
center in the child's school district to require the child to 66
attend an alternative school if an alternative school has been 67
established pursuant to section 3313.533 of the Revised Code in 68
the school district in which the child is entitled to attend 69
school; 70

(b) Require the child to participate in any academic 71
program or community service program; 72

(c) Require the child to participate in a drug abuse or 73
alcohol abuse counseling program; 74

(d) Require that the child receive appropriate medical or 75
psychological treatment or counseling; 76

(e) Maintain jurisdiction over the child during the 77
subsequent school year for the purpose of monitoring the child's 78

attendance. 79

(f) Make any other order that the court finds proper to 80
address the child's habitual truancy, including an order 81
requiring the child to not be absent without legitimate excuse 82
from the public school the child is supposed to attend for 83
thirty or more consecutive hours, forty-two or more hours in one 84
school month, or seventy-two or more hours in a school year and 85
including an order requiring the child to participate in a 86
truancy prevention mediation program. 87

(2) If a child is adjudicated an unruly child for being an 88
habitual truant and the court determines that the parent, 89
guardian, or other person having care of the child has failed to 90
cause the child's attendance at school in violation of section 91
3321.38 of the Revised Code, in addition to any order of 92
disposition authorized by this section, all of the following 93
apply: 94

(a) The court may require the parent, guardian, or other 95
person having care of the child to participate in any community 96
service program, preferably a community service program that 97
requires the involvement of the parent, guardian, or other 98
person having care of the child in the school attended by the 99
child. 100

(b) The court may require the parent, guardian, or other 101
person having care of the child to participate in a truancy 102
prevention mediation program. 103

(c) The court shall warn the parent, guardian, or other 104
person having care of the child that any subsequent adjudication 105
of the child as an unruly or delinquent child for being an 106
habitual truant or for violating a court order regarding the 107

child's prior adjudication as an unruly child for being an 108
habitual truant, may result in a criminal charge against the 109
parent, guardian, or other person having care of the child for a 110
violation of division (C) of section 2919.21 or section 2919.24 111
of the Revised Code. 112

(d) Not later than ten days after a child is adjudicated 113
an unruly child for being an habitual truant, the court shall 114
provide notice of that fact to the school district in which the 115
child is entitled to attend school and to the school in which 116
the child was enrolled at the time of the filing of the 117
complaint. 118

Sec. 2152.19. (A) If a child is adjudicated a delinquent 119
child, the court may make any of the following orders of 120
disposition, in addition to any other disposition authorized or 121
required by this chapter: 122

(1) Any order that is authorized by section 2151.353 of 123
the Revised Code for the care and protection of an abused, 124
neglected, or dependent child; 125

(2) Commit the child to the temporary custody of any 126
school, camp, institution, or other facility operated for the 127
care of delinquent children by the county, by a district 128
organized under section 2152.41 or 2151.65 of the Revised Code, 129
or by a private agency or organization, within or without the 130
state, that is authorized and qualified to provide the care, 131
treatment, or placement required, including, but not limited to, 132
a school, camp, or facility operated under section 2151.65 of 133
the Revised Code; 134

(3) Place the child in a detention facility or district 135
detention facility operated under section 2152.41 of the Revised 136

Code, for up to ninety days; 137

(4) Place the child on community control under any 138
sanctions, services, and conditions that the court prescribes. 139
As a condition of community control in every case and in 140
addition to any other condition that it imposes upon the child, 141
the court shall require the child to abide by the law during the 142
period of community control. As referred to in this division, 143
community control includes, but is not limited to, the following 144
sanctions and conditions: 145

(a) A period of basic probation supervision in which the 146
child is required to maintain contact with a person appointed to 147
supervise the child in accordance with sanctions imposed by the 148
court; 149

(b) A period of intensive probation supervision in which 150
the child is required to maintain frequent contact with a person 151
appointed by the court to supervise the child while the child is 152
seeking or maintaining employment and participating in training, 153
education, and treatment programs as the order of disposition; 154

(c) A period of day reporting in which the child is 155
required each day to report to and leave a center or another 156
approved reporting location at specified times in order to 157
participate in work, education or training, treatment, and other 158
approved programs at the center or outside the center; 159

(d) A period of community service of up to five hundred 160
hours for an act that would be a felony or a misdemeanor of the 161
first degree if committed by an adult, up to two hundred hours 162
for an act that would be a misdemeanor of the second, third, or 163
fourth degree if committed by an adult, or up to thirty hours 164
for an act that would be a minor misdemeanor if committed by an 165

adult; 166

(e) A requirement that the child obtain a high school 167
diploma, a certificate of high school equivalence, vocational 168
training, or employment; 169

(f) A period of drug and alcohol use monitoring; 170

(g) A requirement of alcohol or drug assessment or 171
counseling, or a period in an alcohol or drug treatment program 172
with a level of security for the child as determined necessary 173
by the court; 174

(h) A period in which the court orders the child to 175
observe a curfew that may involve daytime or evening hours; 176

(i) A requirement that the child serve monitored time; 177

(j) A period of house arrest without electronic monitoring 178
or continuous alcohol monitoring; 179

(k) A period of electronic monitoring or continuous 180
alcohol monitoring without house arrest, or house arrest with 181
electronic monitoring or continuous alcohol monitoring or both 182
electronic monitoring and continuous alcohol monitoring, that 183
does not exceed the maximum sentence of imprisonment that could 184
be imposed upon an adult who commits the same act. 185

A period of house arrest with electronic monitoring or 186
continuous alcohol monitoring or both electronic monitoring and 187
continuous alcohol monitoring, imposed under this division shall 188
not extend beyond the child's twenty-first birthday. If a court 189
imposes a period of house arrest with electronic monitoring or 190
continuous alcohol monitoring or both electronic monitoring and 191
continuous alcohol monitoring, upon a child under this division, 192
it shall require the child: to remain in the child's home or 193

other specified premises for the entire period of house arrest 194
with electronic monitoring or continuous alcohol monitoring or 195
both except when the court permits the child to leave those 196
premises to go to school or to other specified premises. 197
Regarding electronic monitoring, the court also shall require 198
the child to be monitored by a central system that can determine 199
the child's location at designated times; to report periodically 200
to a person designated by the court; and to enter into a written 201
contract with the court agreeing to comply with all requirements 202
imposed by the court, agreeing to pay any fee imposed by the 203
court for the costs of the house arrest with electronic 204
monitoring, and agreeing to waive the right to receive credit 205
for any time served on house arrest with electronic monitoring 206
toward the period of any other dispositional order imposed upon 207
the child if the child violates any of the requirements of the 208
dispositional order of house arrest with electronic monitoring. 209
The court also may impose other reasonable requirements upon the 210
child. 211

Unless ordered by the court, a child shall not receive 212
credit for any time served on house arrest with electronic 213
monitoring or continuous alcohol monitoring or both toward any 214
other dispositional order imposed upon the child for the act for 215
which was imposed the dispositional order of house arrest with 216
electronic monitoring or continuous alcohol monitoring. As used 217
in this division and division (A)(4)(l) of this section, 218
"continuous alcohol monitoring" has the same meaning as in 219
section 2929.01 of the Revised Code. 220

(l) A suspension of the driver's license, probationary 221
driver's license, or temporary instruction permit issued to the 222
child for a period of time prescribed by the court, or a 223
suspension of the registration of all motor vehicles registered 224

in the name of the child for a period of time prescribed by the 225
court. A child whose license or permit is so suspended is 226
ineligible for issuance of a license or permit during the period 227
of suspension. At the end of the period of suspension, the child 228
shall not be reissued a license or permit until the child has 229
paid any applicable reinstatement fee and complied with all 230
requirements governing license reinstatement. 231

(5) Commit the child to the custody of the court; 232

(6) Require the child to not be absent without legitimate 233
excuse from the public school the child is supposed to attend 234
for thirty or more consecutive hours, forty-two or more hours in 235
one school month, or seventy-two or more hours in a school year; 236

(7) (a) If a child is adjudicated a delinquent child for 237
violating a court order regarding the child's prior adjudication 238
as an unruly child for being a habitual truant, do either or 239
both of the following: 240

(i) Require the child to participate in a truancy 241
prevention mediation program; 242

(ii) Make any order of disposition as authorized by this 243
section, except that the court shall not commit the child to a 244
facility described in division (A) (2) or (3) of this section 245
unless the court determines that the child violated a lawful 246
court order made pursuant to division ~~(C) (1) (e)~~ (C) (1) (f) of 247
section 2151.354 of the Revised Code or division (A) (6) of this 248
section. 249

(b) If a child is adjudicated a delinquent child for 250
violating a court order regarding the child's prior adjudication 251
as an unruly child for being a habitual truant and the court 252
determines that the parent, guardian, or other person having 253

care of the child has failed to cause the child's attendance at 254
school in violation of section 3321.38 of the Revised Code, do 255
either or both of the following: 256

(i) Require the parent, guardian, or other person having 257
care of the child to participate in a truancy prevention 258
mediation program; 259

(ii) Require the parent, guardian, or other person having 260
care of the child to participate in any community service 261
program, preferably a community service program that requires 262
the involvement of the parent, guardian, or other person having 263
care of the child in the school attended by the child. 264

(8) Make any further disposition that the court finds 265
proper, except that the child shall not be placed in a state 266
correctional institution, a county, multicounty, or municipal 267
jail or workhouse, or another place in which an adult convicted 268
of a crime, under arrest, or charged with a crime is held. 269

(B) If a child is adjudicated a delinquent child, in 270
addition to any order of disposition made under division (A) of 271
this section, the court, in the following situations and for the 272
specified periods of time, shall suspend the child's temporary 273
instruction permit, restricted license, probationary driver's 274
license, or nonresident operating privilege, or suspend the 275
child's ability to obtain such a permit: 276

(1) If the child is adjudicated a delinquent child for 277
violating section 2923.122 of the Revised Code, impose a class 278
four suspension of the child's license, permit, or privilege 279
from the range specified in division (A)(4) of section 4510.02 280
of the Revised Code or deny the child the issuance of a license 281
or permit in accordance with division (F)(1) of section 2923.122 282

of the Revised Code. 283

(2) If the child is adjudicated a delinquent child for 284
committing an act that if committed by an adult would be a drug 285
abuse offense or for violating division (B) of section 2917.11 286
of the Revised Code, suspend the child's license, permit, or 287
privilege for a period of time prescribed by the court. The 288
court, in its discretion, may terminate the suspension if the 289
child attends and satisfactorily completes a drug abuse or 290
alcohol abuse education, intervention, or treatment program 291
specified by the court. During the time the child is attending a 292
program described in this division, the court shall retain the 293
child's temporary instruction permit, probationary driver's 294
license, or driver's license, and the court shall return the 295
permit or license if it terminates the suspension as described 296
in this division. 297

(C) The court may establish a victim-offender mediation 298
program in which victims and their offenders meet to discuss the 299
offense and suggest possible restitution. If the court obtains 300
the assent of the victim of the delinquent act committed by the 301
child, the court may require the child to participate in the 302
program. 303

(D) (1) If a child is adjudicated a delinquent child for 304
committing an act that would be a felony if committed by an 305
adult and if the child caused, attempted to cause, threatened to 306
cause, or created a risk of physical harm to the victim of the 307
act, the court, prior to issuing an order of disposition under 308
this section, shall order the preparation of a victim impact 309
statement by the probation department of the county in which the 310
victim of the act resides, by the court's own probation 311
department, or by a victim assistance program that is operated 312

by the state, a county, a municipal corporation, or another 313
governmental entity. The court shall consider the victim impact 314
statement in determining the order of disposition to issue for 315
the child. 316

(2) Each victim impact statement shall identify the victim 317
of the act for which the child was adjudicated a delinquent 318
child, itemize any economic loss suffered by the victim as a 319
result of the act, identify any physical injury suffered by the 320
victim as a result of the act and the seriousness and permanence 321
of the injury, identify any change in the victim's personal 322
welfare or familial relationships as a result of the act and any 323
psychological impact experienced by the victim or the victim's 324
family as a result of the act, and contain any other information 325
related to the impact of the act upon the victim that the court 326
requires. 327

(3) A victim impact statement shall be kept confidential 328
and is not a public record. However, the court may furnish 329
copies of the statement to the department of youth services if 330
the delinquent child is committed to the department or to both 331
the adjudicated delinquent child or the adjudicated delinquent 332
child's counsel and the prosecuting attorney. The copy of a 333
victim impact statement furnished by the court to the department 334
pursuant to this section shall be kept confidential and is not a 335
public record. If an officer is preparing pursuant to section 336
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a 337
presentence investigation report pertaining to a person, the 338
court shall make available to the officer, for use in preparing 339
the report, a copy of any victim impact statement regarding that 340
person. The copies of a victim impact statement that are made 341
available to the adjudicated delinquent child or the adjudicated 342
delinquent child's counsel and the prosecuting attorney pursuant 343

to this division shall be returned to the court by the person to 344
whom they were made available immediately following the 345
imposition of an order of disposition for the child under this 346
chapter. 347

The copy of a victim impact statement that is made 348
available pursuant to this division to an officer preparing a 349
criminal presentence investigation report shall be returned to 350
the court by the officer immediately following its use in 351
preparing the report. 352

(4) The department of youth services shall work with local 353
probation departments and victim assistance programs to develop 354
a standard victim impact statement. 355

(E) (1) If a child is adjudicated a delinquent child for 356
violating a court order regarding the child's prior adjudication 357
as an unruly child for being a habitual truant and the court 358
determines that the parent, guardian, or other person having 359
care of the child has failed to cause the child's attendance at 360
school in violation of section 3321.38 of the Revised Code, in 361
addition to any order of disposition it makes under this 362
section, the court shall warn the parent, guardian, or other 363
person having care of the child that any subsequent adjudication 364
with regard to truancy may result in a criminal charge against 365
the parent, guardian, or other person having care of the child 366
for a violation of division (C) of section 2919.21 or section 367
2919.24 of the Revised Code. 368

(2) Not later than ten days after a child is adjudicated a 369
delinquent child for violating a court order regarding the 370
child's prior adjudication as an unruly child for being an 371
habitual truant, the court shall provide notice of that fact to 372
the school district in which the child is entitled to attend 373

school and to the school in which the child was enrolled at the 374
time of the filing of the complaint. 375

(F) (1) During the period of a delinquent child's community 376
control granted under this section, authorized probation 377
officers who are engaged within the scope of their supervisory 378
duties or responsibilities may search, with or without a 379
warrant, the person of the delinquent child, the place of 380
residence of the delinquent child, and a motor vehicle, another 381
item of tangible or intangible personal property, or other real 382
property in which the delinquent child has a right, title, or 383
interest or for which the delinquent child has the express or 384
implied permission of a person with a right, title, or interest 385
to use, occupy, or possess if the probation officers have 386
reasonable grounds to believe that the delinquent child is not 387
abiding by the law or otherwise is not complying with the 388
conditions of the delinquent child's community control. The 389
court that places a delinquent child on community control under 390
this section shall provide the delinquent child with a written 391
notice that informs the delinquent child that authorized 392
probation officers who are engaged within the scope of their 393
supervisory duties or responsibilities may conduct those types 394
of searches during the period of community control if they have 395
reasonable grounds to believe that the delinquent child is not 396
abiding by the law or otherwise is not complying with the 397
conditions of the delinquent child's community control. The 398
court also shall provide the written notice described in 399
division (E) (2) of this section to each parent, guardian, or 400
custodian of the delinquent child who is described in that 401
division. 402

(2) The court that places a child on community control 403
under this section shall provide the child's parent, guardian, 404

or other custodian with a written notice that informs them that 405
authorized probation officers may conduct searches pursuant to 406
division (E) (1) of this section. The notice shall specifically 407
state that a permissible search might extend to a motor vehicle, 408
another item of tangible or intangible personal property, or a 409
place of residence or other real property in which a notified 410
parent, guardian, or custodian has a right, title, or interest 411
and that the parent, guardian, or custodian expressly or 412
impliedly permits the child to use, occupy, or possess. 413

(G) If a juvenile court commits a delinquent child to the 414
custody of any person, organization, or entity pursuant to this 415
section and if the delinquent act for which the child is so 416
committed is a sexually oriented offense or is a child-victim 417
oriented offense, the court in the order of disposition shall do 418
one of the following: 419

(1) Require that the child be provided treatment as 420
described in division (A) (2) of section 5139.13 of the Revised 421
Code; 422

(2) Inform the person, organization, or entity that it is 423
the preferred course of action in this state that the child be 424
provided treatment as described in division (A) (2) of section 425
5139.13 of the Revised Code and encourage the person, 426
organization, or entity to provide that treatment. 427

Sec. 2919.24. (A) As used in this section: 428

(1) "Delinquent child" has the same meaning as in section 429
2152.02 of the Revised Code. 430

(2) "Unruly child" has the same meaning as in section 431
2151.022 of the Revised Code. 432

(B) No person, including a parent, guardian, or other 433

custodian of a child, shall do any of the following: 434

(1) Aid, abet, induce, cause, encourage, or contribute to 435
a child or a ward of the juvenile court becoming an unruly child 436
or a delinquent child; 437

(2) Act in a way tending to cause a child or a ward of the 438
juvenile court to become an unruly child or a delinquent child; 439

(3) Act in a way that contributes to ~~an adjudication of~~ 440
~~the child as a delinquent child based on the child's violation~~ 441
~~of a court order adjudicating the child an unruly a child for~~ 442
being ~~an~~ a habitual truant; 443

(4) If the person is the parent, guardian, or custodian of 444
a child who has the duties under Chapters 2152. and 2950. of the 445
Revised Code to register, register a new residence address, and 446
periodically verify a residence address, and, if applicable, to 447
send a notice of intent to reside, and if the child is not 448
emancipated, as defined in section 2919.121 of the Revised Code, 449
fail to ensure that the child complies with those duties under 450
Chapters 2152. and 2950. of the Revised Code. 451

(C) An adjudication of a child as being unruly or 452
delinquent is unnecessary for a conviction under this section. 453

(D) Whoever violates this section is guilty of 454
contributing to the unruliness or delinquency of a child, a 455
misdemeanor of the first degree. Each day of violation of this 456
section is a separate offense. 457

Section 2. That existing sections 2151.354, 2152.19, and 458
2919.24 of the Revised Code are hereby repealed. 459