

H. B. No. 519

As Introduced

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections 1  
2152.02, 2152.19,"; after "2923.24" insert ", 2930.12, 2930.13, and 2  
2951.03" 3

In line 5, delete "section" and insert "sections 2152.02, 2152.19,"; 4  
after "2923.24" insert ", 2930.12, 2930.13, and 2951.03" 5

After line 6, insert: 6

**"Sec. 2152.02.** As used in this chapter: 7

(A) "Act charged" means the act that is identified in a 8  
complaint, indictment, or information alleging that a child is a 9  
delinquent child. 10

(B) "Admitted to a department of youth services facility" 11  
includes admission to a facility operated, or contracted for, by 12  
the department and admission to a comparable facility outside 13  
this state by another state or the United States. 14

(C) (1) "Child" means a person who is under eighteen years 15  
of age, except as otherwise provided in divisions (C) (2) to (8) 16

of this section. 17

(2) Subject to division (C) (3) of this section, any person 18  
who violates a federal or state law or a municipal ordinance 19  
prior to attaining eighteen years of age shall be deemed a 20  
"child" irrespective of that person's age at the time the 21  
complaint with respect to that violation is filed or the hearing 22  
on the complaint is held. 23

(3) Any person who, while under eighteen years of age, 24  
commits an act that would be a felony if committed by an adult 25  
and who is not taken into custody or apprehended for that act 26  
until after the person attains twenty-one years of age is not a 27  
child in relation to that act. 28

(4) Except as otherwise provided in divisions (C) (5) and 29  
(7) of this section, any person whose case is transferred for 30  
criminal prosecution pursuant to section 2152.12 of the Revised 31  
Code shall be deemed after the transfer not to be a child in the 32  
transferred case. 33

(5) Any person whose case is transferred for criminal 34  
prosecution pursuant to section 2152.12 of the Revised Code and 35  
who subsequently is convicted of or pleads guilty to a felony in 36  
that case, unless a serious youthful offender dispositional 37  
sentence is imposed on the child for that offense under division 38  
(B) (2) or (3) of section 2152.121 of the Revised Code and the 39  
adult portion of that sentence is not invoked pursuant to 40  
section 2152.14 of the Revised Code, and any person who is 41  
adjudicated a delinquent child for the commission of an act, who 42  
has a serious youthful offender dispositional sentence imposed 43  
for the act pursuant to section 2152.13 of the Revised Code, and 44  
whose adult portion of the dispositional sentence is invoked 45  
pursuant to section 2152.14 of the Revised Code, shall be deemed 46

after the conviction, plea, or invocation not to be a child in 47  
any case in which a complaint is filed against the person. 48

(6) The juvenile court has jurisdiction over a person who 49  
is adjudicated a delinquent child or juvenile traffic offender 50  
prior to attaining eighteen years of age until the person 51  
attains twenty-one years of age, and, for purposes of that 52  
jurisdiction related to that adjudication, except as otherwise 53  
provided in this division, a person who is so adjudicated a 54  
delinquent child or juvenile traffic offender shall be deemed a 55  
"child" until the person attains twenty-one years of age. If a 56  
person is so adjudicated a delinquent child or juvenile traffic 57  
offender and the court makes a disposition of the person under 58  
this chapter, at any time after the person attains twenty-one 59  
years of age, the places at which the person may be held under 60  
that disposition are not limited to places authorized under this 61  
chapter solely for confinement of children, and the person may 62  
be confined under that disposition, in accordance with division 63  
(F) (2) of section 2152.26 of the Revised Code, in places other 64  
than those authorized under this chapter solely for confinement 65  
of children. 66

(7) The juvenile court has jurisdiction over any person 67  
whose case is transferred for criminal prosecution solely for 68  
the purpose of detaining the person as authorized in division 69  
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 70  
person is convicted of or pleads guilty to a felony in the adult 71  
court. 72

(8) Any person who, while eighteen years of age, violates 73  
division (A) (1) or (2) of section 2919.27 of the Revised Code by 74  
violating a protection order issued or consent agreement 75  
approved under section 2151.34 or 3113.31 of the Revised Code 76

shall be considered a child for the purposes of that violation 77  
of section 2919.27 of the Revised Code. 78

(D) "Community corrections facility," "public safety 79  
beds," "release authority," and "supervised release" have the 80  
same meanings as in section 5139.01 of the Revised Code. 81

(E) "Delinquent child" includes any of the following: 82

(1) Any child, except a juvenile traffic offender, who 83  
violates any law of this state or the United States, or any 84  
ordinance of a political subdivision of the state, that would be 85  
an offense if committed by an adult; 86

(2) Any child who violates any lawful order of the court 87  
made under this chapter, including a child who violates a court 88  
order regarding the child's prior adjudication as an unruly 89  
child for being an habitual truant; 90

(3) Any child who violates any lawful order of the court 91  
made under Chapter 2151. of the Revised Code other than an order 92  
issued under section 2151.87 of the Revised Code; 93

(4) Any child who violates division (C) of section 94  
2907.39, division (A) of section 2923.211, or division (C) (1) or 95  
(D) of section 2925.55 of the Revised Code. 96

(F) "Discretionary serious youthful offender" means a 97  
person who is eligible for a discretionary SYO and who is not 98  
transferred to adult court under a mandatory or discretionary 99  
transfer. 100

(G) "Discretionary SYO" means a case in which the juvenile 101  
court, in the juvenile court's discretion, may impose a serious 102  
youthful offender disposition under section 2152.13 of the 103  
Revised Code. 104

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

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

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

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

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

(M) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.

(N) "Juvenile traffic offender" means any child who violates any traffic law, traffic ordinance, or traffic regulation of this state, the United States, or any political subdivision of this state, other than a resolution, ordinance, or regulation of a political subdivision of this state the violation of which is required to be handled by a parking violations bureau or a joint parking violations bureau pursuant

to Chapter 4521. of the Revised Code.	134
(O) A "legitimate excuse for absence from the public	135
school the child is supposed to attend" has the same meaning as	136
in section 2151.011 of the Revised Code.	137
(P) "Mandatory serious youthful offender" means a person	138
who is eligible for a mandatory SYO and who is not transferred	139
to adult court under a mandatory or discretionary transfer and	140
also includes, for purposes of imposition of a mandatory serious	141
youthful dispositional sentence under section 2152.13 of the	142
Revised Code, a person upon whom a juvenile court is required to	143
impose such a sentence under division (B) (3) of section 2152.121	144
of the Revised Code.	145
(Q) "Mandatory SYO" means a case in which the juvenile	146
court is required to impose a mandatory serious youthful	147
offender disposition under section 2152.13 of the Revised Code.	148
(R) "Mandatory transfer" means that a case is required to	149
be transferred for criminal prosecution under division (A) of	150
section 2152.12 of the Revised Code.	151
(S) "Mental illness" has the same meaning as in section	152
5122.01 of the Revised Code.	153
(T) "Monitored time" and "repeat violent offender" have	154
the same meanings as in section 2929.01 of the Revised Code.	155
(U) "Of compulsory school age" has the same meaning as in	156
section 3321.01 of the Revised Code.	157
(V) "Public record" has the same meaning as in section	158
149.43 of the Revised Code.	159
(W) "Serious youthful offender" means a person who is	160
eligible for a mandatory SYO or discretionary SYO but who is not	161

transferred to adult court under a mandatory or discretionary 162  
transfer and also includes, for purposes of imposition of a 163  
mandatory serious youthful dispositional sentence under section 164  
2152.13 of the Revised Code, a person upon whom a juvenile court 165  
is required to impose such a sentence under division (B)(3) of 166  
section 2152.121 of the Revised Code. 167

(X) "Sexually oriented offense," "juvenile offender 168  
registrant," "child-victim oriented offense," "tier I sex 169  
offender/child-victim offender," "tier II sex offender/child- 170  
victim offender," "tier III sex offender/child-victim offender," 171  
and "public registry-qualified juvenile offender registrant" 172  
have the same meanings as in section 2950.01 of the Revised 173  
Code. 174

(Y) "Traditional juvenile" means a case that is not 175  
transferred to adult court under a mandatory or discretionary 176  
transfer, that is eligible for a disposition under sections 177  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 178  
that is not eligible for a disposition under section 2152.13 of 179  
the Revised Code. 180

(Z) "Transfer" means, except with respect to a transfer 181  
from a criminal court to a juvenile court under section 2152.03 182  
or 2152.121 of the Revised Code, the transfer for criminal 183  
prosecution of a case that includes a charge alleging that a 184  
child is a delinquent child for committing an act that would be 185  
an offense if committed by an adult from the juvenile court to 186  
the appropriate court that has jurisdiction of the offense. 187

(AA) "Category one offense" means any of the following: 188

(1) A violation of section 2903.01 or 2903.02 of the 189  
Revised Code; 190

(2) A violation of section 2923.02 of the Revised Code	191
involving an attempt to commit aggravated murder or murder.	192
(BB) "Category two offense" means any of the following:	193
(1) A violation of section 2903.03, 2905.01, 2907.02,	194
2909.02, 2911.01, or 2911.11 of the Revised Code;	195
(2) A violation of section 2903.04 of the Revised Code	196
that is a felony of the first degree;	197
(3) A violation of section 2907.12 of the Revised Code as	198
it existed prior to September 3, 1996.	199
(CC) "Non-economic loss" means nonpecuniary harm suffered	200
by a victim of a delinquent act or juvenile traffic offense as a	201
result of or related to the delinquent act or juvenile traffic	202
offense, including, but not limited to, pain and suffering; loss	203
of society, consortium, companionship, care, assistance,	204
attention, protection, advice, guidance, counsel, instruction,	205
training, or education; mental anguish; and any other intangible	206
loss.	207
(DD) "Repeat motor vehicle theft juvenile offender" means	208
<u>a delinquent child about whom both of the following apply:</u>	209
(1) <u>The child is being adjudicated a delinquent child for</u>	210
<u>committing a violation of section 2923.24 of the Revised Code</u>	211
<u>and the violation involves possessing or controlling an</u>	212
<u>electronic device or tool or a violation of section 2913.02 of</u>	213
<u>the Revised Code and the violation involves theft of a motor</u>	214
<u>vehicle.</u>	215
(2) <u>The child was previously adjudicated a delinquent</u>	216
<u>child for committing a violation described in division (DD)(1)</u>	217
<u>of this section.</u>	218



**Sec. 2152.19.** (A) ~~If~~ Except as otherwise provided in 219  
division (B) of this section, if a child is adjudicated a 220  
delinquent child, the court may make any of the following orders 221  
of disposition, in addition to any other disposition authorized 222  
or required by this chapter: 223

(1) Any order that is authorized by section 2151.353 of 224  
the Revised Code for the care and protection of an abused, 225  
neglected, or dependent child; 226

(2) Commit the child to the temporary custody of any 227  
school, camp, institution, or other facility operated for the 228  
care of delinquent children by the county, by a district 229  
organized under section 2152.41 or 2151.65 of the Revised Code, 230  
or by a private agency or organization, within or without the 231  
state, that is authorized and qualified to provide the care, 232  
treatment, or placement required, including, but not limited to, 233  
a school, camp, or facility operated under section 2151.65 of 234  
the Revised Code; 235

(3) Place the child in a detention facility or district 236  
detention facility operated under section 2152.41 of the Revised 237  
Code, for up to ninety days; 238

(4) Place the child on community control under any 239  
sanctions, services, and conditions that the court prescribes. 240  
As a condition of community control in every case and in 241  
addition to any other condition that it imposes upon the child, 242  
the court shall require the child to abide by the law during the 243  
period of community control. As referred to in this division, 244  
community control includes, but is not limited to, the following 245  
sanctions and conditions: 246

(a) A period of basic probation supervision in which the 247

child is required to maintain contact with a person appointed to 248  
supervise the child in accordance with sanctions imposed by the 249  
court; 250

(b) A period of intensive probation supervision in which 251  
the child is required to maintain frequent contact with a person 252  
appointed by the court to supervise the child while the child is 253  
seeking or maintaining employment and participating in training, 254  
education, and treatment programs as the order of disposition; 255

(c) A period of day reporting in which the child is 256  
required each day to report to and leave a center or another 257  
approved reporting location at specified times in order to 258  
participate in work, education or training, treatment, and other 259  
approved programs at the center or outside the center; 260

(d) A period of community service of up to five hundred 261  
hours for an act that would be a felony or a misdemeanor of the 262  
first degree if committed by an adult, up to two hundred hours 263  
for an act that would be a misdemeanor of the second, third, or 264  
fourth degree if committed by an adult, or up to thirty hours 265  
for an act that would be a minor misdemeanor if committed by an 266  
adult; 267

(e) A requirement that the child obtain a high school 268  
diploma, a certificate of high school equivalence, vocational 269  
training, or employment; 270

(f) A period of drug and alcohol use monitoring; 271

(g) A requirement of alcohol or drug assessment or 272  
counseling, or a period in an alcohol or drug treatment program 273  
with a level of security for the child as determined necessary 274  
by the court; 275

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

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

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

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

A period of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, imposed under this division shall not extend beyond the child's twenty-first birthday. If a court imposes a period of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, upon a child under this division, it shall require the child: to remain in the child's home or other specified premises for the entire period of house arrest with electronic monitoring or continuous alcohol monitoring or both except when the court permits the child to leave those premises to go to school or to other specified premises. Regarding electronic monitoring, the court also shall require the child to be monitored by a central system that can determine the child's location at designated times; to report periodically to a person designated by the court; and to enter into a written contract with the court agreeing to comply with all requirements imposed by the court, agreeing to pay any fee imposed by the court for the costs of the house arrest with electronic

monitoring, and agreeing to waive the right to receive credit 306  
for any time served on house arrest with electronic monitoring 307  
toward the period of any other dispositional order imposed upon 308  
the child if the child violates any of the requirements of the 309  
dispositional order of house arrest with electronic monitoring. 310  
The court also may impose other reasonable requirements upon the 311  
child. 312

Unless ordered by the court, a child shall not receive 313  
credit for any time served on house arrest with electronic 314  
monitoring or continuous alcohol monitoring or both toward any 315  
other dispositional order imposed upon the child for the act for 316  
which was imposed the dispositional order of house arrest with 317  
electronic monitoring or continuous alcohol monitoring. As used 318  
in this division and division (A)(4)(l) of this section, 319  
"continuous alcohol monitoring" has the same meaning as in 320  
section 2929.01 of the Revised Code. 321

(l) A suspension of the driver's license, probationary 322  
driver's license, or temporary instruction permit issued to the 323  
child for a period of time prescribed by the court, or a 324  
suspension of the registration of all motor vehicles registered 325  
in the name of the child for a period of time prescribed by the 326  
court. A child whose license or permit is so suspended is 327  
ineligible for issuance of a license or permit during the period 328  
of suspension. At the end of the period of suspension, the child 329  
shall not be reissued a license or permit until the child has 330  
paid any applicable reinstatement fee and complied with all 331  
requirements governing license reinstatement. 332

(5) Commit the child to the custody of the court; 333

(6) Require the child to not be absent without legitimate 334  
excuse from the public school the child is supposed to attend 335

for thirty or more consecutive hours, forty-two or more hours in 336  
one school month, or seventy-two or more hours in a school year; 337

(7) (a) If a child is adjudicated a delinquent child for 338  
violating a court order regarding the child's prior adjudication 339  
as an unruly child for being a habitual truant, do either or 340  
both of the following: 341

(i) Require the child to participate in a truancy 342  
prevention mediation program; 343

(ii) Make any order of disposition as authorized by this 344  
section, except that the court shall not commit the child to a 345  
facility described in division (A) (2) or (3) of this section 346  
unless the court determines that the child violated a lawful 347  
court order made pursuant to division (C) (1) (e) of section 348  
2151.354 of the Revised Code or division (A) (6) of this section. 349

(b) If a child is adjudicated a delinquent child for 350  
violating a court order regarding the child's prior adjudication 351  
as an unruly child for being a habitual truant and the court 352  
determines that the parent, guardian, or other person having 353  
care of the child has failed to cause the child's attendance at 354  
school in violation of section 3321.38 of the Revised Code, do 355  
either or both of the following: 356

(i) Require the parent, guardian, or other person having 357  
care of the child to participate in a truancy prevention 358  
mediation program; 359

(ii) Require the parent, guardian, or other person having 360  
care of the child to participate in any community service 361  
program, preferably a community service program that requires 362  
the involvement of the parent, guardian, or other person having 363  
care of the child in the school attended by the child. 364

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

(B) If a child is a repeat motor vehicle theft juvenile offender, the court shall make an order of disposition under division (A) (2) or (3) of this section or admit the repeat motor vehicle theft juvenile offender to the department of youth services facility.

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

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

(2) If the child is adjudicated a delinquent child for committing an act that if committed by an adult would be a drug abuse offense or for violating division (B) of section 2917.11 of the Revised Code, suspend the child's license, permit, or privilege for a period of time prescribed by the court. The court, in its discretion, may terminate the suspension if the

child attends and satisfactorily completes a drug abuse or 395  
alcohol abuse education, intervention, or treatment program 396  
specified by the court. During the time the child is attending a 397  
program described in this division, the court shall retain the 398  
child's temporary instruction permit, probationary driver's 399  
license, or driver's license, and the court shall return the 400  
permit or license if it terminates the suspension as described 401  
in this division. 402

~~(C)~~ (D) The court may establish a victim-offender mediation 403  
program in which victims and their offenders meet to discuss the 404  
offense and suggest possible restitution. If the court obtains 405  
the assent of the victim of the delinquent act committed by the 406  
child, the court may require the child to participate in the 407  
program. 408

~~(D)~~ (1) (E) (1) If a child is adjudicated a delinquent child 409  
for committing an act that would be a felony if committed by an 410  
adult and if the child caused, attempted to cause, threatened to 411  
cause, or created a risk of physical harm to the victim of the 412  
act, the court, prior to issuing an order of disposition under 413  
this section, shall order the preparation of a victim impact 414  
statement by the probation department of the county in which the 415  
victim of the act resides, by the court's own probation 416  
department, or by a victim assistance program that is operated 417  
by the state, a county, a municipal corporation, or another 418  
governmental entity. The court shall consider the victim impact 419  
statement in determining the order of disposition to issue for 420  
the child. 421

(2) Each victim impact statement shall identify the victim 422  
of the act for which the child was adjudicated a delinquent 423  
child, itemize any economic loss suffered by the victim as a 424

result of the act, identify any physical injury suffered by the 425  
victim as a result of the act and the seriousness and permanence 426  
of the injury, identify any change in the victim's personal 427  
welfare or familial relationships as a result of the act and any 428  
psychological impact experienced by the victim or the victim's 429  
family as a result of the act, and contain any other information 430  
related to the impact of the act upon the victim that the court 431  
requires. 432

(3) A victim impact statement shall be kept confidential 433  
and is not a public record. However, the court may furnish 434  
copies of the statement to the department of youth services if 435  
the delinquent child is committed to the department or to both 436  
the adjudicated delinquent child or the adjudicated delinquent 437  
child's counsel and the prosecuting attorney. The copy of a 438  
victim impact statement furnished by the court to the department 439  
pursuant to this section shall be kept confidential and is not a 440  
public record. If an officer is preparing pursuant to section 441  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a 442  
presentence investigation report pertaining to a person, the 443  
court shall make available to the officer, for use in preparing 444  
the report, a copy of any victim impact statement regarding that 445  
person. The copies of a victim impact statement that are made 446  
available to the adjudicated delinquent child or the adjudicated 447  
delinquent child's counsel and the prosecuting attorney pursuant 448  
to this division shall be returned to the court by the person to 449  
whom they were made available immediately following the 450  
imposition of an order of disposition for the child under this 451  
chapter. 452

The copy of a victim impact statement that is made 453  
available pursuant to this division to an officer preparing a 454  
criminal presentence investigation report shall be returned to 455



the court by the officer immediately following its use in 456  
preparing the report. 457

(4) The department of youth services shall work with local 458  
probation departments and victim assistance programs to develop 459  
a standard victim impact statement. 460

~~(E)(1)~~ (F)(1) If a child is adjudicated a delinquent child 461  
for violating a court order regarding the child's prior 462  
adjudication as an unruly child for being a habitual truant and 463  
the court determines that the parent, guardian, or other person 464  
having care of the child has failed to cause the child's 465  
attendance at school in violation of section 3321.38 of the 466  
Revised Code, in addition to any order of disposition it makes 467  
under this section, the court shall warn the parent, guardian, 468  
or other person having care of the child that any subsequent 469  
adjudication with regard to truancy may result in a criminal 470  
charge against the parent, guardian, or other person having care 471  
of the child for a violation of division (C) of section 2919.21 472  
or section 2919.24 of the Revised Code. 473

(2) Not later than ten days after a child is adjudicated a 474  
delinquent child for violating a court order regarding the 475  
child's prior adjudication as an unruly child for being an 476  
habitual truant, the court shall provide notice of that fact to 477  
the school district in which the child is entitled to attend 478  
school and to the school in which the child was enrolled at the 479  
time of the filing of the complaint. 480

~~(F)(1)~~ (G)(1) During the period of a delinquent child's 481  
community control granted under this section, authorized 482  
probation officers who are engaged within the scope of their 483  
supervisory duties or responsibilities may search, with or 484  
without a warrant, the person of the delinquent child, the place 485

of residence of the delinquent child, and a motor vehicle, 486  
another item of tangible or intangible personal property, or 487  
other real property in which the delinquent child has a right, 488  
title, or interest or for which the delinquent child has the 489  
express or implied permission of a person with a right, title, 490  
or interest to use, occupy, or possess if the probation officers 491  
have reasonable grounds to believe that the delinquent child is 492  
not abiding by the law or otherwise is not complying with the 493  
conditions of the delinquent child's community control. The 494  
court that places a delinquent child on community control under 495  
this section shall provide the delinquent child with a written 496  
notice that informs the delinquent child that authorized 497  
probation officers who are engaged within the scope of their 498  
supervisory duties or responsibilities may conduct those types 499  
of searches during the period of community control if they have 500  
reasonable grounds to believe that the delinquent child is not 501  
abiding by the law or otherwise is not complying with the 502  
conditions of the delinquent child's community control. The 503  
court also shall provide the written notice described in 504  
division ~~(E)(2)~~ (F)(2) of this section to each parent, guardian, 505  
or custodian of the delinquent child who is described in that 506  
division. 507

(2) The court that places a child on community control 508  
under this section shall provide the child's parent, guardian, 509  
or other custodian with a written notice that informs them that 510  
authorized probation officers may conduct searches pursuant to 511  
division ~~(E)(1)~~ (F)(1) of this section. The notice shall 512  
specifically state that a permissible search might extend to a 513  
motor vehicle, another item of tangible or intangible personal 514  
property, or a place of residence or other real property in 515  
which a notified parent, guardian, or custodian has a right, 516

title, or interest and that the parent, guardian, or custodian 517  
expressly or impliedly permits the child to use, occupy, or 518  
possess. 519

~~(G)~~ (H) If a juvenile court commits a delinquent child to 520  
the custody of any person, organization, or entity pursuant to 521  
this section and if the delinquent act for which the child is so 522  
committed is a sexually oriented offense or is a child-victim 523  
oriented offense, the court in the order of disposition shall do 524  
one of the following: 525

(1) Require that the child be provided treatment as 526  
described in division (A) (2) of section 5139.13 of the Revised 527  
Code; 528

(2) Inform the person, organization, or entity that it is 529  
the preferred course of action in this state that the child be 530  
provided treatment as described in division (A) (2) of section 531  
5139.13 of the Revised Code and encourage the person, 532  
organization, or entity to provide that treatment." 533

In line 32, delete "(D)" and insert "(D) (1)" 534

In line 33, strike through "Except" and insert: 535

"(2) Except"; strike through "this"; after "division" 536  
insert "(D) (2) (a) or (b) of this section" 537

In line 35, strike through "If" and insert: 538

"(a) If" 539

After line 38, insert: 540

"(b) If the circumstances indicate that an electronic 541  
device or tool was involved in the offense, possessing criminal 542  
tools is a felony of the fourth degree." 543

**Sec. 2930.12.** (A) At the request of the victim or 544  
victim's representative in a criminal prosecution, the 545  
prosecutor or the prosecutor's designee shall give the victim 546  
and the victim's representative notice of the defendant's 547  
acquittal or conviction within seven days of the acquittal or 548  
conviction. At the request of the victim or victim's 549  
representative in a delinquency proceeding, the prosecutor or 550  
the prosecutor's designee shall give the victim and the victim's 551  
representative notice of the dismissal of the complaint against 552  
the alleged juvenile offender or of the adjudication of the 553  
alleged juvenile offender as a delinquent child, except that, if 554  
the juvenile court dismisses the complaint against the alleged 555  
juvenile offender or adjudicates the alleged juvenile offender a 556  
delinquent child prior to the prosecutor's involvement in the 557  
case, at the request of the victim or victim's representative, 558  
the court or a court employee shall give the victim and the 559  
victim's representative notice of the dismissal or of the 560  
adjudication. If the defendant or alleged juvenile offender is 561  
convicted or is adjudicated a delinquent child, the notice shall 562  
include all of the following: 563

(1) The criminal offenses or delinquent acts of which the 564  
defendant was convicted or for which the alleged juvenile 565  
offender was adjudicated a delinquent child; 566

(2) The purpose of the presentence investigation report, 567  
if ordered, and that the victim and victim's representative, if 568  
applicable, have the right to review, on request to the 569  
prosecutor, a copy of the presentence investigation report 570  
except those portions of the report that are confidential by 571  
law; 572

(3) The address and telephone number of the probation 573

department or other person, if any, that is to prepare a 574  
presentence investigation report pursuant to section 2951.03 of 575  
the Revised Code or Criminal Rule 32.2, the address and 576  
telephone number of the person, if any, who is to prepare a 577  
disposition investigation report pursuant to division (C)(1) of 578  
section 2152.18 of the Revised Code, and the address and 579  
telephone number of the person, if any, who is to prepare a 580  
victim impact statement pursuant to division ~~(D)(1)~~ (E)(1) of 581  
section 2152.19 or section 2947.051 of the Revised Code; 582

(4) Notice that the victim and victim's representative, if 583  
applicable, may make a statement about the impact of the 584  
criminal offense or delinquent act to the probation officer or 585  
other person, if any, who prepares the presentence investigation 586  
report or to the person, if any, who prepares a victim impact 587  
statement, that a statement of the victim and victim's 588  
representative, included in the report, if applicable, will be 589  
made available to the defendant or alleged juvenile offender 590  
unless the court exempts it from disclosure, and that the court 591  
may make the victim impact statement available to the defendant 592  
or alleged juvenile offender; 593

(5) Notice of the victim's, victim's representative's, and 594  
victim's attorney's, if applicable, right under section 2930.14 595  
of the Revised Code to make a statement about the impact of the 596  
criminal offense or delinquent act before sentencing or 597  
disposition; 598

(6) The date, time, and place of the sentencing hearing or 599  
dispositional hearing; 600

(7) Notice that, if the court orders restitution, the 601  
victim or victim's attorney, if applicable, has the right to 602  
file a lien; 603

(8) One of the following: 604

(a) Any sentence imposed upon the defendant and any 605  
subsequent modification of that sentence, including modification 606  
under section 2929.20 or 5120.036 of the Revised Code or as a 607  
result of the defendant's appeal of the sentence pursuant to 608  
section 2953.08 of the Revised Code; 609

(b) Any disposition ordered for the defendant and any 610  
subsequent modification of that disposition, if known to the 611  
prosecutor, including judicial release or early release in 612  
accordance with section 2151.38 of the Revised Code. If a court 613  
has not provided timely notice to the prosecutor of a subsequent 614  
modification of that disposition, the court shall promptly 615  
notify the victim and the victim's representative, if 616  
applicable, of the subsequent modification. 617

(B) During the probation department's presentence 618  
investigation, the department shall contact the victim, victim's 619  
representative, and victim's attorney, if applicable, concerning 620  
the victim's economic, physical, psychological, or emotional 621  
harm or victim's safety concerns as a result of the offense. 622

**Sec. 2930.13.** (A) If the court orders the preparation of 623  
a victim impact statement pursuant to division ~~(D) (1)~~ (E) (1) of 624  
section 2152.19 or section 2947.051 of the Revised Code, the 625  
victim in the case and victim's representative, if applicable, 626  
may make a written and oral statement regarding the impact of 627  
the criminal offense or delinquent act to the person whom the 628  
court orders to prepare the victim impact statement. A statement 629  
made by the victim or victim's representative under this section 630  
shall be included in the victim impact statement. 631

(B) If a probation officer or other person is preparing a 632

presentence investigation report pursuant to section 2947.06 or 633  
2951.03 of the Revised Code or Criminal Rule 32.2, or a 634  
disposition investigation report pursuant to section 2152.18 of 635  
the Revised Code, concerning the defendant or alleged juvenile 636  
offender in the case, the victim and victim's representative, if 637  
applicable, may make a written and oral statement regarding the 638  
impact of the criminal offense or delinquent act to the 639  
probation officer or other person. The probation officer or 640  
other person shall use the statement in preparing the 641  
presentence investigation report or disposition investigation 642  
report and, upon the victim's or victim's representative's 643  
request, shall include a written statement submitted by the 644  
victim in the presentence investigation report or disposition 645  
investigation report. 646

(C) A statement made by the victim or victim's 647  
representative under division (A) or (B) of this section may 648  
include the following: 649

(1) An explanation of the nature and extent of any 650  
physical, psychological, or emotional harm suffered by the 651  
victim as a result of the criminal offense or delinquent act 652  
that is the basis of the case; 653

(2) An explanation of the extent of any property damage or 654  
other economic loss suffered by the victim as a result of that 655  
criminal offense or delinquent act; 656

(3) An opinion regarding the extent to which, if any, the 657  
victim needs restitution for harm caused by the defendant or 658  
alleged juvenile offender as a result of that criminal offense 659  
or delinquent act and information about whether the victim has 660  
applied for or received any compensation for loss or damage 661  
caused by that criminal offense or delinquent act; 662

(4) The victim's and victim's representative's  
recommendation for an appropriate sanction or disposition for  
the defendant or alleged juvenile offender regarding that  
criminal offense or delinquent act.

(D) If a statement made by a victim or victim's  
representative under division (A) of this section is included in  
a victim impact statement, the provision, receipt, and retention  
of copies of, the use of, and the confidentiality, nonpublic  
record character, and sealing of the victim impact statement is  
governed by division ~~(D)-(3)~~ (E) (3) of section 2152.19 or by  
division (C) of section 2947.051 of the Revised Code, as  
appropriate. If a statement made by a victim or victim's  
representative under division (B) of this section is included in  
a presentence investigation report prepared pursuant to section  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 or  
in a disposition investigation report pursuant to division (C)  
(1) of section 2152.18 of the Revised Code, the provision,  
receipt, and retention of copies of, the use of, and the  
confidentiality, nonpublic record character, and sealing of the  
presentence investigation report or disposition investigation  
report that contains the victim's statement is governed by  
section 2951.03 of the Revised Code.

**Sec. 2951.03.** (A) (1) Unless the defendant and the  
prosecutor who is handling the case against the defendant agree  
to waive the presentence investigation report, no person who has  
been convicted of or pleaded guilty to a felony shall be placed  
under a community control sanction until a written presentence  
investigation report has been considered by the court. The court  
may order a presentence investigation report notwithstanding an  
agreement to waive the report. If a court orders the preparation  
of a presentence investigation report pursuant to this section,



section 2947.06 of the Revised Code, or Criminal Rule 32.2, the  
officer making the report shall inquire into the circumstances  
of the offense and the criminal record, social history, and  
present condition of the defendant, all information available  
regarding any prior adjudications of the defendant as a  
delinquent child and regarding the dispositions made relative to  
those adjudications, and any other matters specified in Criminal  
Rule 32.2. Whenever the officer considers it advisable, the  
officer's investigation may include a physical and mental  
examination of the defendant. A physical examination of the  
defendant may include a drug test consisting of a chemical  
analysis of a blood or urine specimen of the defendant to  
determine whether the defendant ingested or was injected with a  
drug of abuse. If, pursuant to section 2930.13 of the Revised  
Code, the victim of the offense of which the defendant has been  
convicted wishes to make a statement regarding the impact of the  
offense for the officer's use in preparing the presentence  
investigation report, the officer shall comply with the  
requirements of that section.

(2) If a defendant is committed to any institution, the  
presentence investigation report shall be sent to the  
institution with the entry of commitment. If a defendant is  
committed to any institution and a presentence investigation  
report is not prepared regarding that defendant pursuant to this  
section, section 2947.06 of the Revised Code, or Criminal Rule  
32.2, the director of the department of rehabilitation and  
correction or the director's designee may order that an offender  
background investigation and report be conducted and prepared  
regarding the defendant pursuant to section 5120.16 of the  
Revised Code. An offender background investigation report  
prepared pursuant to this section shall be considered

confidential information and is not a public record under 725  
section 149.43 of the Revised Code. 726

(3) The department of rehabilitation and correction may 727  
use any presentence investigation report and any offender 728  
background investigation report prepared pursuant to this 729  
section for penological and rehabilitative purposes. The 730  
department may disclose any presentence investigation report and 731  
any offender background investigation report to courts, law 732  
enforcement agencies, community-based correctional facilities, 733  
halfway houses, and medical, mental health, and substance abuse 734  
treatment providers. The department shall make the disclosure in 735  
a manner calculated to maintain the report's confidentiality. 736  
Any presentence investigation report or offender background 737  
investigation report that the department discloses to a 738  
community-based correctional facility, a halfway house, or a 739  
medical, mental health, or substance abuse treatment provider 740  
shall not include a victim impact section or information 741  
identifying a witness. 742

(B) (1) If a presentence investigation report is prepared 743  
pursuant to this section, section 2947.06 of the Revised Code, 744  
or Criminal Rule 32.2, the court, at a reasonable time before 745  
imposing sentence, shall permit the defendant or the defendant's 746  
counsel to read the report, except that the court shall not 747  
permit the defendant or the defendant's counsel to read any of 748  
the following: 749

(a) Any recommendation as to sentence; 750

(b) Any diagnostic opinions that, if disclosed, the court 751  
believes might seriously disrupt a program of rehabilitation for 752  
the defendant; 753

(c) Any sources of information obtained upon a promise of confidentiality; 754  
755

(d) Any other information that, if disclosed, the court 756  
believes might result in physical harm or some other type of 757  
harm to the defendant or to any other person. 758

(2) Prior to sentencing, the court shall permit the 759  
defendant and the defendant's counsel to comment on the 760  
presentence investigation report and, in its discretion, may 761  
permit the defendant and the defendant's counsel to introduce 762  
testimony or other information that relates to any alleged 763  
factual inaccuracy contained in the report. 764

(3) If the court believes that any information in the 765  
presentence investigation report should not be disclosed 766  
pursuant to division (B)(1) of this section, the court, in lieu 767  
of making the report or any part of the report available, shall 768  
state orally or in writing a summary of the factual information 769  
contained in the report that will be relied upon in determining 770  
the defendant's sentence. The court shall permit the defendant 771  
and the defendant's counsel to comment upon the oral or written 772  
summary of the report. 773

(4) Any material that is disclosed to the defendant or the 774  
defendant's counsel pursuant to this section shall be disclosed 775  
to the prosecutor who is handling the prosecution of the case 776  
against the defendant. 777

(5) If the comments of the defendant or the defendant's 778  
counsel, the testimony they introduce, or any of the other 779  
information they introduce alleges any factual inaccuracy in the 780  
presentence investigation report or the summary of the report, 781  
the court shall do either of the following with respect to each 782

alleged factual inaccuracy: 783

(a) Make a finding as to the allegation; 784

(b) Make a determination that no finding is necessary with 785  
respect to the allegation, because the factual matter will not 786  
be taken into account in the sentencing of the defendant. 787

(C) A court's decision as to the content of a summary 788  
under division (B) (3) of this section or as to the withholding 789  
of information under division (B) (1) (a), (b), (c), or (d) of 790  
this section shall be considered to be within the discretion of 791  
the court. No appeal can be taken from either of those 792  
decisions, and neither of those decisions shall be the basis for 793  
a reversal of the sentence imposed. 794

(D) (1) The contents of a presentence investigation report 795  
prepared pursuant to this section, section 2947.06 of the 796  
Revised Code, or Criminal Rule 32.2 and the contents of any 797  
written or oral summary of a presentence investigation report or 798  
of a part of a presentence investigation report described in 799  
division (B) (3) of this section are confidential information and 800  
are not a public record. The contents of a presentence 801  
investigation report or of a part of a presentence investigation 802  
report described in division (B) (3) of this section may be 803  
shared between courts. Any court, any appellate court, 804  
authorized probation officers, investigators, and any authorized 805  
court personnel, the defendant, the defendant's counsel, the 806  
prosecutor who is handling the prosecution of the case against 807  
the defendant, and authorized personnel of an institution to 808  
which the defendant is committed may inspect, receive copies of, 809  
retain copies of, and use a presentence investigation report or 810  
a written or oral summary of a presentence investigation only 811  
for the purposes of or only as authorized by Criminal Rule 32.2 812

or this section, division (F)(1) of section 2953.08, section 813  
2947.06, or another section of the Revised Code. 814

(2) Immediately following the imposition of sentence upon 815  
the defendant, the defendant or the defendant's counsel and the 816  
prosecutor shall return to the court all copies of a presentence 817  
investigation report and of any written summary of a presentence 818  
investigation report or part of a presentence investigation 819  
report that the court made available to the defendant or the 820  
defendant's counsel and to the prosecutor pursuant to this 821  
section. The defendant or the defendant's counsel and the 822  
prosecutor shall not make any copies of the presentence 823  
investigation report or of any written summary of a presentence 824  
investigation report or part of a presentence investigation 825  
report that the court made available to them pursuant to this 826  
section. 827

(3) Except when a presentence investigation report or a 828  
written or oral summary of a presentence investigation report is 829  
being used for the purposes of or as authorized by Criminal Rule 830  
32.2 or this section, division (F)(1) of section 2953.08, 831  
section 2947.06, or another section of the Revised Code, the 832  
court or other authorized holder of the report or summary shall 833  
retain the report or summary under seal. 834

(E) In inquiring into the information available regarding 835  
any prior adjudications of the defendant as a delinquent child 836  
and regarding the dispositions made relative to those 837  
adjudications, the officer making the report shall consider all 838  
information that is relevant, including, but not limited to, the 839  
materials described in division (B) of section 2151.14, division 840  
(C)(3) of section 2152.18, division ~~(D)(3)~~ (E)(3) of section 841  
2152.19, and division (E) of section 2152.71 of the Revised 842

Code. 843

(F) As used in this section: 844

(1) "Prosecutor" has the same meaning as in section 845  
2935.01 of the Revised Code. 846

(2) "Community control sanction" has the same meaning as 847  
in section 2929.01 of the Revised Code. 848

(3) "Public record" has the same meaning as in section 849  
149.43 of the Revised Code." 850

In line 39, delete "section" and insert "sections 2152.02, 851  
2152.19,"; after "2923.24" insert ", 2930.12, 2930.13, and 2951.03" 852

In line 40, delete "is" and insert "are" 853

The motion was \_\_\_\_\_ agreed to.

#### **SYNOPSIS**

**Increase in penalty** 854

**R.C. 2923.24** 855

Increases the penalty for possessing criminal tools if an 857  
electronic device or tool was involved in the offense to a 858  
fourth degree felony. 859

**Disposition of repeat motor vehicle theft juvenile** 860  
**offender** 861

**R.C. 2152.02 and 2152.19; conforming changes in R.C.** 862  
**2930.12, 2930.13, and 2951.03** 863

Creates a "repeat motor vehicle theft juvenile offender" 864  
classification as a delinquent child about whom both of the 865  
following apply: 866

- The child is being adjudicated a delinquent child for 867  
possessing criminal tools involving an electronic device or tool 868  
or theft involving a motor vehicle. 869
- The child has previously been adjudicated a delinquent 870  
child for committing a violation of one of the above. 871

If a child is a repeat motor vehicle theft juvenile 872  
offender, requires the juvenile court to do one of the 873  
following: 874

- Commit the child to a school, camp, or other facility 875  
operated for the care of delinquent children; 876
- Place the child in a detention facility or district 877  
detention facility for up to 90 days; 878
- Admit the child to a Department of Youth Services 879  
facility. 880