

_____ 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 who violates a federal or state law or a municipal ordinance prior to attaining eighteen years of age shall be deemed a "child" irrespective of that person's age at the time the complaint with respect to that violation is filed or the hearing on the complaint is held.	18 19 20 21 22 23
(3) Any person who, while under eighteen years of age, commits an act that would be a felony if committed by an adult and who is not taken into custody or apprehended for that act until after the person attains twenty-one years of age is not a child in relation to that act.	24 25 26 27 28
(4) Except as otherwise provided in divisions (C) (5) and (7) of this section, any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code shall be deemed after the transfer not to be a child in the transferred case.	29 30 31 32 33
(5) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in that case, unless a serious youthful offender dispositional sentence is imposed on the child for that offense under division (B) (2) or (3) of section 2152.121 of the Revised Code and the adult portion of that sentence is not invoked pursuant to section 2152.14 of the Revised Code, and any person who is adjudicated a delinquent child for the commission of an act, who has a serious youthful offender dispositional sentence imposed for the act pursuant to section 2152.13 of the Revised Code, and whose adult portion of the dispositional sentence is invoked pursuant to section 2152.14 of the Revised Code, shall be deemed	34 35 36 37 38 39 40 41 42 43 44 45 46

after the conviction, plea, or invocation not to be a child in any case in which a complaint is filed against the person.	47 48
(6) The juvenile court has jurisdiction over a person who is adjudicated a delinquent child or juvenile traffic offender prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, except as otherwise provided in this division, a person who is so adjudicated a delinquent child or juvenile traffic offender shall be deemed a "child" until the person attains twenty-one years of age. If a person is so adjudicated a delinquent child or juvenile traffic offender and the court makes a disposition of the person under this chapter, at any time after the person attains twenty-one years of age, the places at which the person may be held under that disposition are not limited to places authorized under this chapter solely for confinement of children, and the person may be confined under that disposition, in accordance with division (F) (2) of section 2152.26 of the Revised Code, in places other than those authorized under this chapter solely for confinement of children.	49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66
(7) The juvenile court has jurisdiction over any person whose case is transferred for criminal prosecution solely for the purpose of detaining the person as authorized in division (F) (1) or (4) of section 2152.26 of the Revised Code unless the person is convicted of or pleads guilty to a felony in the adult court.	67 68 69 70 71 72
(8) Any person who, while eighteen years of age, violates division (A) (1) or (2) of section 2919.27 of the Revised Code by violating a protection order issued or consent agreement approved under section 2151.34 or 3113.31 of the Revised Code	73 74 75 76

shall be considered a child for the purposes of that violation of section 2919.27 of the Revised Code.	77 78
(D) "Community corrections facility," "public safety beds," "release authority," and "supervised release" have the same meanings as in section 5139.01 of the Revised Code.	79 80 81
(E) "Delinquent child" includes any of the following:	82
(1) Any child, except a juvenile traffic offender, who violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult;	83 84 85 86
(2) Any child who violates any lawful order of the court made under this chapter, including a child who violates a court order regarding the child's prior adjudication as an unruly child for being an habitual truant;	87 88 89 90
(3) Any child who violates any lawful order of the court made under Chapter 2151. of the Revised Code other than an order issued under section 2151.87 of the Revised Code;	91 92 93
(4) Any child who violates division (C) of section 2907.39, division (A) of section 2923.211, or division (C)(1) or (D) of section 2925.55 of the Revised Code.	94 95 96
(F) "Discretionary serious youthful offender" means a person who is eligible for a discretionary SYO and who is not transferred to adult court under a mandatory or discretionary transfer.	97 98 99 100
(G) "Discretionary SYO" means a case in which the juvenile court, in the juvenile court's discretion, may impose a serious youthful offender disposition under section 2152.13 of the Revised Code.	101 102 103 104

(H) "Discretionary transfer" means that the juvenile court	105
has discretion to transfer a case for criminal prosecution under	106
division (B) of section 2152.12 of the Revised Code.	107
(I) "Drug abuse offense," "felony drug abuse offense," and	108
"minor drug possession offense" have the same meanings as in	109
section 2925.01 of the Revised Code.	110
(J) "Electronic monitoring" and "electronic monitoring	111
device" have the same meanings as in section 2929.01 of the	112
Revised Code.	113
(K) "Economic loss" means any economic detriment suffered	114
by a victim of a delinquent act or juvenile traffic offense as a	115
direct and proximate result of the delinquent act or juvenile	116
traffic offense and includes any loss of income due to lost time	117
at work because of any injury caused to the victim and any	118
property loss, medical cost, or funeral expense incurred as a	119
result of the delinquent act or juvenile traffic offense.	120
"Economic loss" does not include non-economic loss or any	121
punitive or exemplary damages.	122
(L) "Firearm" has the same meaning as in section 2923.11	123
of the Revised Code.	124
(M) "Intellectual disability" has the same meaning as in	125
section 5123.01 of the Revised Code.	126
(N) "Juvenile traffic offender" means any child who	127
violates any traffic law, traffic ordinance, or traffic	128
regulation of this state, the United States, or any political	129
subdivision of this state, other than a resolution, ordinance,	130
or regulation of a political subdivision of this state the	131
violation of which is required to be handled by a parking	132
violations bureau or a joint parking violations bureau pursuant	133

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

transferred to adult court under a mandatory or discretionary transfer and also includes, for purposes of imposition of a mandatory serious youthful dispositional sentence under section 2152.13 of the Revised Code, a person upon whom a juvenile court is required to impose such a sentence under division (B) (3) of section 2152.121 of the Revised Code.	162 163 164 165 166 167
(X) "Sexually oriented offense," "juvenile offender registrant," "child-victim oriented offense," "tier I sex offender/child-victim offender," "tier II sex offender/child-victim offender," "tier III sex offender/child-victim offender," and "public registry-qualified juvenile offender registrant" have the same meanings as in section 2950.01 of the Revised Code.	168 169 170 171 172 173 174
(Y) "Traditional juvenile" means a case that is not transferred to adult court under a mandatory or discretionary transfer, that is eligible for a disposition under sections 2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and that is not eligible for a disposition under section 2152.13 of the Revised Code.	175 176 177 178 179 180
(Z) "Transfer" means, except with respect to a transfer from a criminal court to a juvenile court under section 2152.03 or 2152.121 of the Revised Code, the transfer for criminal prosecution of a case that includes a charge alleging that a child is a delinquent child for committing an act that would be an offense if committed by an adult from the juvenile court to the appropriate court that has jurisdiction of the offense.	181 182 183 184 185 186 187
(AA) "Category one offense" means any of the following:	188
(1) A violation of section 2903.01 or 2903.02 of the Revised Code;	189 190

(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
a delinquent child about whom both of the following apply:	209
(1) The child is being adjudicated a delinquent child for	210
committing a violation of section 2923.24 of the Revised Code	211
and the violation involves possessing or controlling an	212
electronic device or tool or a violation of section 2913.02 of	213
the Revised Code and the violation involves theft of a motor	214
vehicle.	215
(2) The child was previously adjudicated a delinquent	216
child for committing a violation described in division (DD) (1)	217
of this section.	218

Sec. 2152.19. (A) <u>If—Except as otherwise provided in</u>	219
<u>division (B) of this section, if</u> 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 supervise the child in accordance with sanctions imposed by the court;	248 249 250
(b) A period of intensive probation supervision in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition;	251 252 253 254 255
(c) A period of day reporting in which the child is required each day to report to and leave a center or another approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center;	256 257 258 259 260
(d) A period of community service of up to five hundred hours for an act that would be a felony or a misdemeanor of the first degree if committed by an adult, up to two hundred hours for an act that would be a misdemeanor of the second, third, or fourth degree if committed by an adult, or up to thirty hours for an act that would be a minor misdemeanor if committed by an adult;	261 262 263 264 265 266 267
(e) A requirement that the child obtain a high school diploma, a certificate of high school equivalence, vocational training, or employment;	268 269 270
(f) A period of drug and alcohol use monitoring;	271
(g) A requirement of alcohol or drug assessment or counseling, or a period in an alcohol or drug treatment program with a level of security for the child as determined necessary by the court;	272 273 274 275

(h) A period in which the court orders the child to observe a curfew that may involve daytime or evening hours;	276 277
(i) A requirement that the child serve monitored time;	278
(j) A period of house arrest without electronic monitoring or continuous alcohol monitoring;	279 280
(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.	281 282 283 284 285 286
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	287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305

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) (1) of this section, 319
"continuous alcohol monitoring" has the same meaning as in 320
section 2929.01 of the Revised Code. 321

(1) 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 one school month, or seventy-two or more hours in a school year;	336 337
(7) (a) If a child is adjudicated a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being a habitual truant, do either or both of the following:	338 339 340 341
(i) Require the child to participate in a truancy prevention mediation program;	342 343
(ii) Make any order of disposition as authorized by this section, except that the court shall not commit the child to a facility described in division (A) (2) or (3) of this section unless the court determines that the child violated a lawful court order made pursuant to division (C) (1) (e) of section 2151.354 of the Revised Code or division (A) (6) of this section.	344 345 346 347 348 349
(b) If a child is adjudicated a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being a habitual truant and the court determines that the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code, do either or both of the following:	350 351 352 353 354 355 356
(i) Require the parent, guardian, or other person having care of the child to participate in a truancy prevention mediation program;	357 358 359
(ii) Require the parent, guardian, or other person having care of the child to participate in any community service program, preferably a community service program that requires the involvement of the parent, guardian, or other person having care of the child in the school attended by the child.	360 361 362 363 364

(8) Make any further disposition that the court finds 365
proper, except that the child shall not be placed in a state 366
correctional institution, a county, multicounty, or municipal 367
jail or workhouse, or another place in which an adult convicted 368
of a crime, under arrest, or charged with a crime is held. 369

(B) If a child is a repeat motor vehicle theft juvenile 370
offender, the court shall make an order of disposition under 371
division (A) (2) or (3) of this section or admit the repeat motor 372
vehicle theft juvenile offender to the department of youth 373
services facility. 374

(C) If a child is adjudicated a delinquent child, in 375
addition to any order of disposition made under division (A) of 376
this section, the court, in the following situations and for the 377
specified periods of time, shall suspend the child's temporary 378
instruction permit, restricted license, probationary driver's 379
license, or nonresident operating privilege, or suspend the 380
child's ability to obtain such a permit: 381

(1) If the child is adjudicated a delinquent child for 382
violating section 2923.122 of the Revised Code, impose a class 383
four suspension of the child's license, permit, or privilege 384
from the range specified in division (A) (4) of section 4510.02 385
of the Revised Code or deny the child the issuance of a license 386
or permit in accordance with division (F) (1) of section 2923.122 387
of the Revised Code. 388

(2) If the child is adjudicated a delinquent child for 389
committing an act that if committed by an adult would be a drug 390
abuse offense or for violating division (B) of section 2917.11 391
of the Revised Code, suspend the child's license, permit, or 392
privilege for a period of time prescribed by the court. The 393
court, in its discretion, may terminate the suspension if the 394

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
expressly or impliedly permits the child to use, occupy, or
possess. 517
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~~(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: 520
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(1) Require that the child be provided treatment as
described in division (A) (2) of section 5139.13 of the Revised
Code; 526
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(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." 529
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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"
insert "(D) (2) (a) or (b) of this section" 536
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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
device or tool was involved in the offense, possessing criminal
tools is a felony of the fourth degree." 541
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Sec. 2930.12. (A) At the request of the victim or victim's representative in a criminal prosecution, the prosecutor or the prosecutor's designee shall give the victim and the victim's representative notice of the defendant's acquittal or conviction within seven days of the acquittal or conviction. At the request of the victim or victim's representative in a delinquency proceeding, the prosecutor or the prosecutor's designee shall give the victim and the victim's representative notice of the dismissal of the complaint against the alleged juvenile offender or of the adjudication of the alleged juvenile offender as a delinquent child, except that, if the juvenile court dismisses the complaint against the alleged juvenile offender or adjudicates the alleged juvenile offender a delinquent child prior to the prosecutor's involvement in the case, at the request of the victim or victim's representative, the court or a court employee shall give the victim and the victim's representative notice of the dismissal or of the adjudication. If the defendant or alleged juvenile offender is convicted or is adjudicated a delinquent child, the notice shall include all of the following:	544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563
(1) The criminal offenses or delinquent acts of which the defendant was convicted or for which the alleged juvenile offender was adjudicated a delinquent child;	564 565 566
(2) The purpose of the presentence investigation report, if ordered, and that the victim and victim's representative, if applicable, have the right to review, on request to the prosecutor, a copy of the presentence investigation report except those portions of the report that are confidential by law;	567 568 569 570 571 572
(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)~~ 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 subsequent modification of that sentence, including modification under section 2929.20 or 5120.036 of the Revised Code or as a result of the defendant's appeal of the sentence pursuant to section 2953.08 of the Revised Code;	605 606 607 608 609
(b) Any disposition ordered for the defendant and any subsequent modification of that disposition, if known to the prosecutor, including judicial release or early release in accordance with section 2151.38 of the Revised Code. If a court has not provided timely notice to the prosecutor of a subsequent modification of that disposition, the court shall promptly notify the victim and the victim's representative, if applicable, of the subsequent modification.	610 611 612 613 614 615 616 617
(B) During the probation department's presentence investigation, the department shall contact the victim, victim's representative, and victim's attorney, if applicable, concerning the victim's economic, physical, psychological, or emotional harm or victim's safety concerns as a result of the offense.	618 619 620 621 622
Sec. 2930.13. (A) If the court orders the preparation of a victim impact statement pursuant to division (D)(1) <u>(E)(1)</u> of section 2152.19 or section 2947.051 of the Revised Code, the victim in the case and victim's representative, if applicable, may make a written and oral statement regarding the impact of the criminal offense or delinquent act to the person whom the court orders to prepare the victim impact statement. A statement made by the victim or victim's representative under this section shall be included in the victim impact statement.	623 624 625 626 627 628 629 630 631
(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.	663 664 665 666
(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.	667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684
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,	685 686 687 688 689 690 691 692 693

section 2947.06 of the Revised Code, or Criminal Rule 32.2, the 694
officer making the report shall inquire into the circumstances 695
of the offense and the criminal record, social history, and 696
present condition of the defendant, all information available 697
regarding any prior adjudications of the defendant as a 698
delinquent child and regarding the dispositions made relative to 699
those adjudications, and any other matters specified in Criminal 700
Rule 32.2. Whenever the officer considers it advisable, the 701
officer's investigation may include a physical and mental 702
examination of the defendant. A physical examination of the 703
defendant may include a drug test consisting of a chemical 704
analysis of a blood or urine specimen of the defendant to 705
determine whether the defendant ingested or was injected with a 706
drug of abuse. If, pursuant to section 2930.13 of the Revised 707
Code, the victim of the offense of which the defendant has been 708
convicted wishes to make a statement regarding the impact of the 709
offense for the officer's use in preparing the presentence 710
investigation report, the officer shall comply with the 711
requirements of that section. 712

(2) If a defendant is committed to any institution, the 713
presentence investigation report shall be sent to the 714
institution with the entry of commitment. If a defendant is 715
committed to any institution and a presentence investigation 716
report is not prepared regarding that defendant pursuant to this 717
section, section 2947.06 of the Revised Code, or Criminal Rule 718
32.2, the director of the department of rehabilitation and 719
correction or the director's designee may order that an offender 720
background investigation and report be conducted and prepared 721
regarding the defendant pursuant to section 5120.16 of the 722
Revised Code. An offender background investigation report 723
prepared pursuant to this section shall be considered 724

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 754
confidentiality; 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 respect to the allegation, because the factual matter will not	785
be taken into account in the sentencing of the defendant.	786
(C) A court's decision as to the content of a summary under division (B) (3) of this section or as to the withholding	788
of information under division (B) (1) (a), (b), (c), or (d) of	789
this section shall be considered to be within the discretion of	790
the court. No appeal can be taken from either of those	791
decisions, and neither of those decisions shall be the basis for	792
a reversal of the sentence imposed.	793
(D) (1) The contents of a presentence investigation report prepared pursuant to this section, section 2947.06 of the	795
Revised Code, or Criminal Rule 32.2 and the contents of any	796
written or oral summary of a presentence investigation report or	797
of a part of a presentence investigation report described in	798
division (B) (3) of this section are confidential information and	799
are not a public record. The contents of a presentence	800
investigation report or of a part of a presentence investigation	801
report described in division (B) (3) of this section may be	802
shared between courts. Any court, any appellate court,	803
authorized probation officers, investigators, and any authorized	804
court personnel, the defendant, the defendant's counsel, the	805
prosecutor who is handling the prosecution of the case against	806
the defendant, and authorized personnel of an institution to	807
which the defendant is committed may inspect, receive copies of,	808
retain copies of, and use a presentence investigation report or	809
a written or oral summary of a presentence investigation only	810
for the purposes of or only as authorized by Criminal Rule 32.2	811
	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 2935.01 of the Revised Code.	845 846
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	847 848
(3) "Public record" has the same meaning as in section 149.43 of the Revised Code."	849 850
In line 39, delete "section" and insert "sections 2152.02, 2152.19, "; after "2923.24" insert ", 2930.12, 2930.13, and 2951.03"	851 852
In line 40, delete "is" and insert "are"	853

The motion was _____ agreed to.

<u>SYNOPSIS</u>	854
Increase in penalty	855
R.C. 2923.24	856
Increases the penalty for possessing criminal tools if an electronic device or tool was involved in the offense to a fourth degree felony.	857 858 859
Disposition of repeat motor vehicle theft juvenile offender	860 861
R.C. 2152.02 and 2152.19; conforming changes in R.C. 2930.12, 2930.13, and 2951.03	862 863

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