

As Re-Referred to the Senate General Government Committee

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Sub. H. B. No. 519

Representative White, A.

Cosponsors: Representatives Abrams, Miller, K., Hall, T., Bird, Brennan, Brewer, Brownlee, Bryant Bailey, Click, Daniels, Deeter, Dovilla, Ghanbari, Hall, D., Hiner, Holmes, Humphrey, John, Johnson, Lampton, LaRe, Lawson-Rowe, Manning, Mathews, A., Odioso, Peterson, Plummer, Ray, Richardson, Robb Blasdel, Salvo, Schmidt, Sigrist, Sims, Tims, Troy, Williams, Willis, Young

To amend sections 2152.02, 2152.19, 2923.24, 1
2930.12, 2930.13, and 2951.03 of the Revised 2
Code to prohibit possession of an electronic 3
device under circumstances indicating an intent 4
to commit a theft offense that involves a motor 5
vehicle. 6

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

Section 1. That sections 2152.02, 2152.19, 2923.24, 7
2930.12, 2930.13, and 2951.03 of the Revised Code be amended to 8
read as follows: 9

Sec. 2152.02. As used in this chapter: 10

(A) "Act charged" means the act that is identified in a 11
complaint, indictment, or information alleging that a child is a 12
delinquent child. 13

(B) "Admitted to a department of youth services facility" 14
includes admission to a facility operated, or contracted for, by 15
the department and admission to a comparable facility outside 16

this state by another state or the United States. 17

(C) (1) "Child" means a person who is under eighteen years 18
of age, except as otherwise provided in divisions (C) (2) to (8) 19
of this section. 20

(2) Subject to division (C) (3) of this section, any person 21
who violates a federal or state law or a municipal ordinance 22
prior to attaining eighteen years of age shall be deemed a 23
"child" irrespective of that person's age at the time the 24
complaint with respect to that violation is filed or the hearing 25
on the complaint is held. 26

(3) Any person who, while under eighteen years of age, 27
commits an act that would be a felony if committed by an adult 28
and who is not taken into custody or apprehended for that act 29
until after the person attains twenty-one years of age is not a 30
child in relation to that act. 31

(4) Except as otherwise provided in divisions (C) (5) and 32
(7) of this section, any person whose case is transferred for 33
criminal prosecution pursuant to section 2152.12 of the Revised 34
Code shall be deemed after the transfer not to be a child in the 35
transferred case. 36

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

has a serious youthful offender dispositional sentence imposed 46
for the act pursuant to section 2152.13 of the Revised Code, and 47
whose adult portion of the dispositional sentence is invoked 48
pursuant to section 2152.14 of the Revised Code, shall be deemed 49
after the conviction, plea, or invocation not to be a child in 50
any case in which a complaint is filed against the person. 51

(6) The juvenile court has jurisdiction over a person who 52
is adjudicated a delinquent child or juvenile traffic offender 53
prior to attaining eighteen years of age until the person 54
attains twenty-one years of age, and, for purposes of that 55
jurisdiction related to that adjudication, except as otherwise 56
provided in this division, a person who is so adjudicated a 57
delinquent child or juvenile traffic offender shall be deemed a 58
"child" until the person attains twenty-one years of age. If a 59
person is so adjudicated a delinquent child or juvenile traffic 60
offender and the court makes a disposition of the person under 61
this chapter, at any time after the person attains twenty-one 62
years of age, the places at which the person may be held under 63
that disposition are not limited to places authorized under this 64
chapter solely for confinement of children, and the person may 65
be confined under that disposition, in accordance with division 66
(F) (2) of section 2152.26 of the Revised Code, in places other 67
than those authorized under this chapter solely for confinement 68
of children. 69

(7) The juvenile court has jurisdiction over any person 70
whose case is transferred for criminal prosecution solely for 71
the purpose of detaining the person as authorized in division 72
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 73
person is convicted of or pleads guilty to a felony in the adult 74
court. 75

(8) Any person who, while eighteen years of age, violates 76
division (A) (1) or (2) of section 2919.27 of the Revised Code by 77
violating a protection order issued or consent agreement 78
approved under section 2151.34 or 3113.31 of the Revised Code 79
shall be considered a child for the purposes of that violation 80
of section 2919.27 of the Revised Code. 81

(D) "Community corrections facility," "public safety 82
beds," "release authority," and "supervised release" have the 83
same meanings as in section 5139.01 of the Revised Code. 84

(E) "Delinquent child" includes any of the following: 85

(1) Any child, except a juvenile traffic offender, who 86
violates any law of this state or the United States, or any 87
ordinance of a political subdivision of the state, that would be 88
an offense if committed by an adult; 89

(2) Any child who violates any lawful order of the court 90
made under this chapter, including a child who violates a court 91
order regarding the child's prior adjudication as an unruly 92
child for being an habitual truant; 93

(3) Any child who violates any lawful order of the court 94
made under Chapter 2151. of the Revised Code other than an order 95
issued under section 2151.87 of the Revised Code; 96

(4) Any child who violates division (C) of section 97
2907.39, division (A) of section 2923.211, or division (C) (1) or 98
(D) of section 2925.55 of the Revised Code. 99

(F) "Discretionary serious youthful offender" means a 100
person who is eligible for a discretionary SYO and who is not 101
transferred to adult court under a mandatory or discretionary 102
transfer. 103

(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.

(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, 133
or regulation of a political subdivision of this state the 134
violation of which is required to be handled by a parking 135
violations bureau or a joint parking violations bureau pursuant 136
to Chapter 4521. of the Revised Code. 137

(O) A "legitimate excuse for absence from the public 138
school the child is supposed to attend" has the same meaning as 139
in section 2151.011 of the Revised Code. 140

(P) "Mandatory serious youthful offender" means a person 141
who is eligible for a mandatory SYO and who is not transferred 142
to adult court under a mandatory or discretionary transfer and 143
also includes, for purposes of imposition of a mandatory serious 144
youthful dispositional sentence under section 2152.13 of the 145
Revised Code, a person upon whom a juvenile court is required to 146
impose such a sentence under division (B) (3) of section 2152.121 147
of the Revised Code. 148

(Q) "Mandatory SYO" means a case in which the juvenile 149
court is required to impose a mandatory serious youthful 150
offender disposition under section 2152.13 of the Revised Code. 151

(R) "Mandatory transfer" means that a case is required to 152
be transferred for criminal prosecution under division (A) of 153
section 2152.12 of the Revised Code. 154

(S) "Mental illness" has the same meaning as in section 155
5122.01 of the Revised Code. 156

(T) "Monitored time" and "repeat violent offender" have 157
the same meanings as in section 2929.01 of the Revised Code. 158

(U) "Of compulsory school age" has the same meaning as in 159
section 3321.01 of the Revised Code. 160

(V) "Public record" has the same meaning as in section 161
149.43 of the Revised Code. 162

(W) "Serious youthful offender" means a person who is 163
eligible for a mandatory SYO or discretionary SYO but who is not 164
transferred to adult court under a mandatory or discretionary 165
transfer and also includes, for purposes of imposition of a 166
mandatory serious youthful dispositional sentence under section 167
2152.13 of the Revised Code, a person upon whom a juvenile court 168
is required to impose such a sentence under division (B) (3) of 169
section 2152.121 of the Revised Code. 170

(X) "Sexually oriented offense," "juvenile offender 171
registrant," "child-victim oriented offense," "tier I sex 172
offender/child-victim offender," "tier II sex offender/child- 173
victim offender," "tier III sex offender/child-victim offender," 174
and "public registry-qualified juvenile offender registrant" 175
have the same meanings as in section 2950.01 of the Revised 176
Code. 177

(Y) "Traditional juvenile" means a case that is not 178
transferred to adult court under a mandatory or discretionary 179
transfer, that is eligible for a disposition under sections 180
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 181
that is not eligible for a disposition under section 2152.13 of 182
the Revised Code. 183

(Z) "Transfer" means, except with respect to a transfer 184
from a criminal court to a juvenile court under section 2152.03 185
or 2152.121 of the Revised Code, the transfer for criminal 186
prosecution of a case that includes a charge alleging that a 187
child is a delinquent child for committing an act that would be 188
an offense if committed by an adult from the juvenile court to 189
the appropriate court that has jurisdiction of the offense. 190

(AA) "Category one offense" means any of the following:	191
(1) A violation of section 2903.01 or 2903.02 of the	192
Revised Code;	193
(2) A violation of section 2923.02 of the Revised Code	194
involving an attempt to commit aggravated murder or murder.	195
(BB) "Category two offense" means any of the following:	196
(1) A violation of section 2903.03, 2905.01, 2907.02,	197
2909.02, 2911.01, or 2911.11 of the Revised Code;	198
(2) A violation of section 2903.04 of the Revised Code	199
that is a felony of the first degree;	200
(3) A violation of section 2907.12 of the Revised Code as	201
it existed prior to September 3, 1996.	202
(CC) "Non-economic loss" means nonpecuniary harm suffered	203
by a victim of a delinquent act or juvenile traffic offense as a	204
result of or related to the delinquent act or juvenile traffic	205
offense, including, but not limited to, pain and suffering; loss	206
of society, consortium, companionship, care, assistance,	207
attention, protection, advice, guidance, counsel, instruction,	208
training, or education; mental anguish; and any other intangible	209
loss.	210
<u>(DD) "Repeat motor vehicle theft juvenile offender" means</u>	211
<u>a delinquent child about whom both of the following apply:</u>	212
<u>(1) The child is being adjudicated a delinquent child for</u>	213
<u>committing a violation of section 2923.24 of the Revised Code</u>	214
<u>and the violation involves possessing or controlling an</u>	215
<u>electronic device or tool or a violation of section 2913.02 of</u>	216
<u>the Revised Code and the violation involves theft of a motor</u>	217
<u>vehicle.</u>	218

(2) The child was previously adjudicated a delinquent 219
child for committing a violation described in division (DD) (1) 220
of this section. 221

Sec. 2152.19. (A) If Except as otherwise provided in 222
division (B) of this section, if a child is adjudicated a 223
delinquent child, the court may make any of the following orders 224
of disposition, in addition to any other disposition authorized 225
or required by this chapter: 226

(1) Any order that is authorized by section 2151.353 of 227
the Revised Code for the care and protection of an abused, 228
neglected, or dependent child; 229

(2) Commit the child to the temporary custody of any 230
school, camp, institution, or other facility operated for the 231
care of delinquent children by the county, by a district 232
organized under section 2152.41 or 2151.65 of the Revised Code, 233
or by a private agency or organization, within or without the 234
state, that is authorized and qualified to provide the care, 235
treatment, or placement required, including, but not limited to, 236
a school, camp, or facility operated under section 2151.65 of 237
the Revised Code; 238

(3) Place the child in a detention facility or district 239
detention facility operated under section 2152.41 of the Revised 240
Code, for up to ninety days; 241

(4) Place the child on community control under any 242
sanctions, services, and conditions that the court prescribes. 243
As a condition of community control in every case and in 244
addition to any other condition that it imposes upon the child, 245
the court shall require the child to abide by the law during the 246
period of community control. As referred to in this division, 247

community control includes, but is not limited to, the following 248
sanctions and conditions: 249

(a) A period of basic probation supervision in which the 250
child is required to maintain contact with a person appointed to 251
supervise the child in accordance with sanctions imposed by the 252
court; 253

(b) A period of intensive probation supervision in which 254
the child is required to maintain frequent contact with a person 255
appointed by the court to supervise the child while the child is 256
seeking or maintaining employment and participating in training, 257
education, and treatment programs as the order of disposition; 258

(c) A period of day reporting in which the child is 259
required each day to report to and leave a center or another 260
approved reporting location at specified times in order to 261
participate in work, education or training, treatment, and other 262
approved programs at the center or outside the center; 263

(d) A period of community service of up to five hundred 264
hours for an act that would be a felony or a misdemeanor of the 265
first degree if committed by an adult, up to two hundred hours 266
for an act that would be a misdemeanor of the second, third, or 267
fourth degree if committed by an adult, or up to thirty hours 268
for an act that would be a minor misdemeanor if committed by an 269
adult; 270

(e) A requirement that the child obtain a high school 271
diploma, a certificate of high school equivalence, vocational 272
training, or employment; 273

(f) A period of drug and alcohol use monitoring; 274

(g) A requirement of alcohol or drug assessment or 275
counseling, or a period in an alcohol or drug treatment program 276

with a level of security for the child as determined necessary 277
by the court; 278

(h) A period in which the court orders the child to 279
observe a curfew that may involve daytime or evening hours; 280

(i) A requirement that the child serve monitored time; 281

(j) A period of house arrest without electronic monitoring 282
or continuous alcohol monitoring; 283

(k) A period of electronic monitoring or continuous 284
alcohol monitoring without house arrest, or house arrest with 285
electronic monitoring or continuous alcohol monitoring or both 286
electronic monitoring and continuous alcohol monitoring, that 287
does not exceed the maximum sentence of imprisonment that could 288
be imposed upon an adult who commits the same act. 289

A period of house arrest with electronic monitoring or 290
continuous alcohol monitoring or both electronic monitoring and 291
continuous alcohol monitoring, imposed under this division shall 292
not extend beyond the child's twenty-first birthday. If a court 293
imposes a period of house arrest with electronic monitoring or 294
continuous alcohol monitoring or both electronic monitoring and 295
continuous alcohol monitoring, upon a child under this division, 296
it shall require the child: to remain in the child's home or 297
other specified premises for the entire period of house arrest 298
with electronic monitoring or continuous alcohol monitoring or 299
both except when the court permits the child to leave those 300
premises to go to school or to other specified premises. 301

Regarding electronic monitoring, the court also shall require 302
the child to be monitored by a central system that can determine 303
the child's location at designated times; to report periodically 304
to a person designated by the court; and to enter into a written 305

contract with the court agreeing to comply with all requirements 306
imposed by the court, agreeing to pay any fee imposed by the 307
court for the costs of the house arrest with electronic 308
monitoring, and agreeing to waive the right to receive credit 309
for any time served on house arrest with electronic monitoring 310
toward the period of any other dispositional order imposed upon 311
the child if the child violates any of the requirements of the 312
dispositional order of house arrest with electronic monitoring. 313
The court also may impose other reasonable requirements upon the 314
child. 315

Unless ordered by the court, a child shall not receive 316
credit for any time served on house arrest with electronic 317
monitoring or continuous alcohol monitoring or both toward any 318
other dispositional order imposed upon the child for the act for 319
which was imposed the dispositional order of house arrest with 320
electronic monitoring or continuous alcohol monitoring. As used 321
in this division and division (A) (4) (1) of this section, 322
"continuous alcohol monitoring" has the same meaning as in 323
section 2929.01 of the Revised Code. 324

(1) A suspension of the driver's license, probationary 325
driver's license, or temporary instruction permit issued to the 326
child for a period of time prescribed by the court, or a 327
suspension of the registration of all motor vehicles registered 328
in the name of the child for a period of time prescribed by the 329
court. A child whose license or permit is so suspended is 330
ineligible for issuance of a license or permit during the period 331
of suspension. At the end of the period of suspension, the child 332
shall not be reissued a license or permit until the child has 333
paid any applicable reinstatement fee and complied with all 334
requirements governing license reinstatement. 335

(5) Commit the child to the custody of the court;	336
(6) Require the child to not be absent without legitimate	337
excuse from the public school the child is supposed to attend	338
for thirty or more consecutive hours, forty-two or more hours in	339
one school month, or seventy-two or more hours in a school year;	340
(7) (a) If a child is adjudicated a delinquent child for	341
violating a court order regarding the child's prior adjudication	342
as an unruly child for being a habitual truant, do either or	343
both of the following:	344
(i) Require the child to participate in a truancy	345
prevention mediation program;	346
(ii) Make any order of disposition as authorized by this	347
section, except that the court shall not commit the child to a	348
facility described in division (A) (2) or (3) of this section	349
unless the court determines that the child violated a lawful	350
court order made pursuant to division (C) (1) (e) of section	351
2151.354 of the Revised Code or division (A) (6) of this section.	352
(b) If a child is adjudicated a delinquent child for	353
violating a court order regarding the child's prior adjudication	354
as an unruly child for being a habitual truant and the court	355
determines that the parent, guardian, or other person having	356
care of the child has failed to cause the child's attendance at	357
school in violation of section 3321.38 of the Revised Code, do	358
either or both of the following:	359
(i) Require the parent, guardian, or other person having	360
care of the child to participate in a truancy prevention	361
mediation program;	362
(ii) Require the parent, guardian, or other person having	363
care of the child to participate in any community service	364

program, preferably a community service program that requires 365
the involvement of the parent, guardian, or other person having 366
care of the child in the school attended by the child. 367

(8) Make any further disposition that the court finds 368
proper, except that the child shall not be placed in a state 369
correctional institution, a county, multicounty, or municipal 370
jail or workhouse, or another place in which an adult convicted 371
of a crime, under arrest, or charged with a crime is held. 372

(B) If a child is a repeat motor vehicle theft juvenile 373
offender, the court shall make an order of disposition under 374
division (A) (2) or (3) of this section or admit the repeat motor 375
vehicle theft juvenile offender to the department of youth 376
services facility. 377

(C) If a child is adjudicated a delinquent child, in 378
addition to any order of disposition made under division (A) of 379
this section, the court, in the following situations and for the 380
specified periods of time, shall suspend the child's temporary 381
instruction permit, restricted license, probationary driver's 382
license, or nonresident operating privilege, or suspend the 383
child's ability to obtain such a permit: 384

(1) If the child is adjudicated a delinquent child for 385
violating section 2923.122 of the Revised Code, impose a class 386
four suspension of the child's license, permit, or privilege 387
from the range specified in division (A) (4) of section 4510.02 388
of the Revised Code or deny the child the issuance of a license 389
or permit in accordance with division (F) (1) of section 2923.122 390
of the Revised Code. 391

(2) If the child is adjudicated a delinquent child for 392
committing an act that if committed by an adult would be a drug 393

abuse offense or for violating division (B) of section 2917.11 394
of the Revised Code, suspend the child's license, permit, or 395
privilege for a period of time prescribed by the court. The 396
court, in its discretion, may terminate the suspension if the 397
child attends and satisfactorily completes a drug abuse or 398
alcohol abuse education, intervention, or treatment program 399
specified by the court. During the time the child is attending a 400
program described in this division, the court shall retain the 401
child's temporary instruction permit, probationary driver's 402
license, or driver's license, and the court shall return the 403
permit or license if it terminates the suspension as described 404
in this division. 405

~~(C)~~ (D) The court may establish a victim-offender mediation 406
program in which victims and their offenders meet to discuss the 407
offense and suggest possible restitution. If the court obtains 408
the assent of the victim of the delinquent act committed by the 409
child, the court may require the child to participate in the 410
program. 411

~~(D)~~ ~~(1)~~ (E) (1) If a child is adjudicated a delinquent child 412
for committing an act that would be a felony if committed by an 413
adult and if the child caused, attempted to cause, threatened to 414
cause, or created a risk of physical harm to the victim of the 415
act, the court, prior to issuing an order of disposition under 416
this section, shall order the preparation of a victim impact 417
statement by the probation department of the county in which the 418
victim of the act resides, by the court's own probation 419
department, or by a victim assistance program that is operated 420
by the state, a county, a municipal corporation, or another 421
governmental entity. The court shall consider the victim impact 422
statement in determining the order of disposition to issue for 423
the child. 424

(2) Each victim impact statement shall identify the victim 425
of the act for which the child was adjudicated a delinquent 426
child, itemize any economic loss suffered by the victim as a 427
result of the act, identify any physical injury suffered by the 428
victim as a result of the act and the seriousness and permanence 429
of the injury, identify any change in the victim's personal 430
welfare or familial relationships as a result of the act and any 431
psychological impact experienced by the victim or the victim's 432
family as a result of the act, and contain any other information 433
related to the impact of the act upon the victim that the court 434
requires. 435

(3) A victim impact statement shall be kept confidential 436
and is not a public record. However, the court may furnish 437
copies of the statement to the department of youth services if 438
the delinquent child is committed to the department or to both 439
the adjudicated delinquent child or the adjudicated delinquent 440
child's counsel and the prosecuting attorney. The copy of a 441
victim impact statement furnished by the court to the department 442
pursuant to this section shall be kept confidential and is not a 443
public record. If an officer is preparing pursuant to section 444
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a 445
presentence investigation report pertaining to a person, the 446
court shall make available to the officer, for use in preparing 447
the report, a copy of any victim impact statement regarding that 448
person. The copies of a victim impact statement that are made 449
available to the adjudicated delinquent child or the adjudicated 450
delinquent child's counsel and the prosecuting attorney pursuant 451
to this division shall be returned to the court by the person to 452
whom they were made available immediately following the 453
imposition of an order of disposition for the child under this 454
chapter. 455

The copy of a victim impact statement that is made 456
available pursuant to this division to an officer preparing a 457
criminal presentence investigation report shall be returned to 458
the court by the officer immediately following its use in 459
preparing the report. 460

(4) The department of youth services shall work with local 461
probation departments and victim assistance programs to develop 462
a standard victim impact statement. 463

~~(E) (1)~~ (F) (1) If a child is adjudicated a delinquent child 464
for violating a court order regarding the child's prior 465
adjudication as an unruly child for being a habitual truant and 466
the court determines that the parent, guardian, or other person 467
having care of the child has failed to cause the child's 468
attendance at school in violation of section 3321.38 of the 469
Revised Code, in addition to any order of disposition it makes 470
under this section, the court shall warn the parent, guardian, 471
or other person having care of the child that any subsequent 472
adjudication with regard to truancy may result in a criminal 473
charge against the parent, guardian, or other person having care 474
of the child for a violation of division (C) of section 2919.21 475
or section 2919.24 of the Revised Code. 476

(2) Not later than ten days after a child is adjudicated a 477
delinquent child for violating a court order regarding the 478
child's prior adjudication as an unruly child for being an 479
habitual truant, the court shall provide notice of that fact to 480
the school district in which the child is entitled to attend 481
school and to the school in which the child was enrolled at the 482
time of the filing of the complaint. 483

~~(F) (1)~~ (G) (1) During the period of a delinquent child's 484
community control granted under this section, authorized 485

probation officers who are engaged within the scope of their 486
supervisory duties or responsibilities may search, with or 487
without a warrant, the person of the delinquent child, the place 488
of residence of the delinquent child, and a motor vehicle, 489
another item of tangible or intangible personal property, or 490
other real property in which the delinquent child has a right, 491
title, or interest or for which the delinquent child has the 492
express or implied permission of a person with a right, title, 493
or interest to use, occupy, or possess if the probation officers 494
have reasonable grounds to believe that the delinquent child is 495
not abiding by the law or otherwise is not complying with the 496
conditions of the delinquent child's community control. The 497
court that places a delinquent child on community control under 498
this section shall provide the delinquent child with a written 499
notice that informs the delinquent child that authorized 500
probation officers who are engaged within the scope of their 501
supervisory duties or responsibilities may conduct those types 502
of searches during the period of community control if they have 503
reasonable grounds to believe that the delinquent child is not 504
abiding by the law or otherwise is not complying with the 505
conditions of the delinquent child's community control. The 506
court also shall provide the written notice described in 507
division ~~(E)(2)~~ (F)(2) of this section to each parent, guardian, 508
or custodian of the delinquent child who is described in that 509
division. 510

(2) The court that places a child on community control 511
under this section shall provide the child's parent, guardian, 512
or other custodian with a written notice that informs them that 513
authorized probation officers may conduct searches pursuant to 514
division ~~(E)(1)~~ (F)(1) of this section. The notice shall 515
specifically state that a permissible search might extend to a 516

motor vehicle, another item of tangible or intangible personal 517
property, or a place of residence or other real property in 518
which a notified parent, guardian, or custodian has a right, 519
title, or interest and that the parent, guardian, or custodian 520
expressly or impliedly permits the child to use, occupy, or 521
possess. 522

~~(G)~~ (H) If a juvenile court commits a delinquent child to 523
the custody of any person, organization, or entity pursuant to 524
this section and if the delinquent act for which the child is so 525
committed is a sexually oriented offense or is a child-victim 526
oriented offense, the court in the order of disposition shall do 527
one of the following: 528

(1) Require that the child be provided treatment as 529
described in division (A) (2) of section 5139.13 of the Revised 530
Code; 531

(2) Inform the person, organization, or entity that it is 532
the preferred course of action in this state that the child be 533
provided treatment as described in division (A) (2) of section 534
5139.13 of the Revised Code and encourage the person, 535
organization, or entity to provide that treatment. 536

Sec. 2923.24. (A) As used in this section: 537

(1) "Electronic device or tool" means a device or tool 538
designed or adapted for use in unlocking or turning on a motor 539
vehicle and does not include a previously issued or activated 540
electronic card, key, or other electronic device assigned to the 541
lawful owner of a motor vehicle. 542

(2) "Theft offense" has the same meaning as in section 543
2913.01 of the Revised Code. 544

(B) No person shall possess or have under the person's 545

control any substance, device, instrument, or article, with 546
purpose to use it criminally. 547

~~(B)~~ (C) Each of the following constitutes prima-facie 548
evidence of criminal purpose: 549

(1) Possession or control of any dangerous ordnance, or 550
the materials or parts for making dangerous ordnance, in the 551
absence of circumstances indicating the dangerous ordnance, 552
materials, or parts are intended for legitimate use; 553

(2) Possession or control of any substance, device, 554
instrument, or article designed or specially adapted for 555
criminal use; 556

(3) Possession or control of any substance, device, 557
instrument, or article commonly used for criminal purposes, 558
under circumstances indicating the item is intended for criminal 559
use. 560

~~(C)~~ (4) Possession or control of an electronic device or 561
tool under circumstances indicating an intent to commit a theft 562
offense that involves a motor vehicle. 563

(D) (1) Whoever violates this section is guilty of 564
possessing criminal tools. ~~Except~~ 565

(2) Except as otherwise provided in this division (D) (2) 566
(a) or (b) of this section, possessing criminal tools is a 567
misdemeanor of the first degree. ~~If~~ 568

(a) If the circumstances indicate that the substance, 569
device, instrument, or article involved in the offense was 570
intended for use in the commission of a felony, possessing 571
criminal tools is a felony of the fifth degree. 572

(b) If the circumstances indicate that an electronic 573

device or tool was involved in the offense, possessing criminal 574
tools is a felony of the fourth degree. 575

Sec. 2930.12. (A) At the request of the victim or victim's 576
representative in a criminal prosecution, the prosecutor or the 577
prosecutor's designee shall give the victim and the victim's 578
representative notice of the defendant's acquittal or conviction 579
within seven days of the acquittal or conviction. At the request 580
of the victim or victim's representative in a delinquency 581
proceeding, the prosecutor or the prosecutor's designee shall 582
give the victim and the victim's representative notice of the 583
dismissal of the complaint against the alleged juvenile offender 584
or of the adjudication of the alleged juvenile offender as a 585
delinquent child, except that, if the juvenile court dismisses 586
the complaint against the alleged juvenile offender or 587
adjudicates the alleged juvenile offender a delinquent child 588
prior to the prosecutor's involvement in the case, at the 589
request of the victim or victim's representative, the court or a 590
court employee shall give the victim and the victim's 591
representative notice of the dismissal or of the adjudication. 592
If the defendant or alleged juvenile offender is convicted or is 593
adjudicated a delinquent child, the notice shall include all of 594
the following: 595

(1) The criminal offenses or delinquent acts of which the 596
defendant was convicted or for which the alleged juvenile 597
offender was adjudicated a delinquent child; 598

(2) The purpose of the presentence investigation report, 599
if ordered, and that the victim and victim's representative, if 600
applicable, have the right to review, on request to the 601
prosecutor, a copy of the presentence investigation report 602
except those portions of the report that are confidential by 603

law; 604

(3) The address and telephone number of the probation 605
department or other person, if any, that is to prepare a 606
presentence investigation report pursuant to section 2951.03 of 607
the Revised Code or Criminal Rule 32.2, the address and 608
telephone number of the person, if any, who is to prepare a 609
disposition investigation report pursuant to division (C)(1) of 610
section 2152.18 of the Revised Code, and the address and 611
telephone number of the person, if any, who is to prepare a 612
victim impact statement pursuant to division ~~(D)(1)~~ (E)(1) of 613
section 2152.19 or section 2947.051 of the Revised Code; 614

(4) Notice that the victim and victim's representative, if 615
applicable, may make a statement about the impact of the 616
criminal offense or delinquent act to the probation officer or 617
other person, if any, who prepares the presentence investigation 618
report or to the person, if any, who prepares a victim impact 619
statement, that a statement of the victim and victim's 620
representative, included in the report, if applicable, will be 621
made available to the defendant or alleged juvenile offender 622
unless the court exempts it from disclosure, and that the court 623
may make the victim impact statement available to the defendant 624
or alleged juvenile offender; 625

(5) Notice of the victim's, victim's representative's, and 626
victim's attorney's, if applicable, right under section 2930.14 627
of the Revised Code to make a statement about the impact of the 628
criminal offense or delinquent act before sentencing or 629
disposition; 630

(6) The date, time, and place of the sentencing hearing or 631
dispositional hearing; 632

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

(8) One of the following:

(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;

(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.

(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.

Sec. 2930.13. (A) If the court orders the preparation of a
victim impact statement pursuant to division ~~(D)(1)~~ (E)(1) 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 662
shall be included in the victim impact statement. 663

(B) If a probation officer or other person is preparing a 664
presentence investigation report pursuant to section 2947.06 or 665
2951.03 of the Revised Code or Criminal Rule 32.2, or a 666
disposition investigation report pursuant to section 2152.18 of 667
the Revised Code, concerning the defendant or alleged juvenile 668
offender in the case, the victim and victim's representative, if 669
applicable, may make a written and oral statement regarding the 670
impact of the criminal offense or delinquent act to the 671
probation officer or other person. The probation officer or 672
other person shall use the statement in preparing the 673
presentence investigation report or disposition investigation 674
report and, upon the victim's or victim's representative's 675
request, shall include a written statement submitted by the 676
victim in the presentence investigation report or disposition 677
investigation report. 678

(C) A statement made by the victim or victim's 679
representative under division (A) or (B) of this section may 680
include the following: 681

(1) An explanation of the nature and extent of any 682
physical, psychological, or emotional harm suffered by the 683
victim as a result of the criminal offense or delinquent act 684
that is the basis of the case; 685

(2) An explanation of the extent of any property damage or 686
other economic loss suffered by the victim as a result of that 687
criminal offense or delinquent act; 688

(3) An opinion regarding the extent to which, if any, the 689
victim needs restitution for harm caused by the defendant or 690

alleged juvenile offender as a result of that criminal offense 691
or delinquent act and information about whether the victim has 692
applied for or received any compensation for loss or damage 693
caused by that criminal offense or delinquent act; 694

(4) The victim's and victim's representative's 695
recommendation for an appropriate sanction or disposition for 696
the defendant or alleged juvenile offender regarding that 697
criminal offense or delinquent act. 698

(D) If a statement made by a victim or victim's 699
representative under division (A) of this section is included in 700
a victim impact statement, the provision, receipt, and retention 701
of copies of, the use of, and the confidentiality, nonpublic 702
record character, and sealing of the victim impact statement is 703
governed by division ~~(D) (3)~~ (E) (3) of section 2152.19 or by 704
division (C) of section 2947.051 of the Revised Code, as 705
appropriate. If a statement made by a victim or victim's 706
representative under division (B) of this section is included in 707
a presentence investigation report prepared pursuant to section 708
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 or 709
in a disposition investigation report pursuant to division (C) 710
(1) of section 2152.18 of the Revised Code, the provision, 711
receipt, and retention of copies of, the use of, and the 712
confidentiality, nonpublic record character, and sealing of the 713
presentence investigation report or disposition investigation 714
report that contains the victim's statement is governed by 715
section 2951.03 of the Revised Code. 716

Sec. 2951.03. (A) (1) Unless the defendant and the 717
prosecutor who is handling the case against the defendant agree 718
to waive the presentence investigation report, no person who has 719
been convicted of or pleaded guilty to a felony shall be placed 720

under a community control sanction until a written presentence 721
investigation report has been considered by the court. The court 722
may order a presentence investigation report notwithstanding an 723
agreement to waive the report. If a court orders the preparation 724
of a presentence investigation report pursuant to this section, 725
section 2947.06 of the Revised Code, or Criminal Rule 32.2, the 726
officer making the report shall inquire into the circumstances 727
of the offense and the criminal record, social history, and 728
present condition of the defendant, all information available 729
regarding any prior adjudications of the defendant as a 730
delinquent child and regarding the dispositions made relative to 731
those adjudications, and any other matters specified in Criminal 732
Rule 32.2. Whenever the officer considers it advisable, the 733
officer's investigation may include a physical and mental 734
examination of the defendant. A physical examination of the 735
defendant may include a drug test consisting of a chemical 736
analysis of a blood or urine specimen of the defendant to 737
determine whether the defendant ingested or was injected with a 738
drug of abuse. If, pursuant to section 2930.13 of the Revised 739
Code, the victim of the offense of which the defendant has been 740
convicted wishes to make a statement regarding the impact of the 741
offense for the officer's use in preparing the presentence 742
investigation report, the officer shall comply with the 743
requirements of that section. 744

(2) If a defendant is committed to any institution, the 745
presentence investigation report shall be sent to the 746
institution with the entry of commitment. If a defendant is 747
committed to any institution and a presentence investigation 748
report is not prepared regarding that defendant pursuant to this 749
section, section 2947.06 of the Revised Code, or Criminal Rule 750
32.2, the director of the department of rehabilitation and 751

correction or the director's designee may order that an offender 752
background investigation and report be conducted and prepared 753
regarding the defendant pursuant to section 5120.16 of the 754
Revised Code. An offender background investigation report 755
prepared pursuant to this section shall be considered 756
confidential information and is not a public record under 757
section 149.43 of the Revised Code. 758

(3) The department of rehabilitation and correction may 759
use any presentence investigation report and any offender 760
background investigation report prepared pursuant to this 761
section for penological and rehabilitative purposes. The 762
department may disclose any presentence investigation report and 763
any offender background investigation report to courts, law 764
enforcement agencies, community-based correctional facilities, 765
halfway houses, and medical, mental health, and substance abuse 766
treatment providers. The department shall make the disclosure in 767
a manner calculated to maintain the report's confidentiality. 768
Any presentence investigation report or offender background 769
investigation report that the department discloses to a 770
community-based correctional facility, a halfway house, or a 771
medical, mental health, or substance abuse treatment provider 772
shall not include a victim impact section or information 773
identifying a witness. 774

(B) (1) If a presentence investigation report is prepared 775
pursuant to this section, section 2947.06 of the Revised Code, 776
or Criminal Rule 32.2, the court, at a reasonable time before 777
imposing sentence, shall permit the defendant or the defendant's 778
counsel to read the report, except that the court shall not 779
permit the defendant or the defendant's counsel to read any of 780
the following: 781

- (a) Any recommendation as to sentence; 782
- (b) Any diagnostic opinions that, if disclosed, the court 783
believes might seriously disrupt a program of rehabilitation for 784
the defendant; 785
- (c) Any sources of information obtained upon a promise of 786
confidentiality; 787
- (d) Any other information that, if disclosed, the court 788
believes might result in physical harm or some other type of 789
harm to the defendant or to any other person. 790
- (2) Prior to sentencing, the court shall permit the 791
defendant and the defendant's counsel to comment on the 792
presentence investigation report and, in its discretion, may 793
permit the defendant and the defendant's counsel to introduce 794
testimony or other information that relates to any alleged 795
factual inaccuracy contained in the report. 796
- (3) If the court believes that any information in the 797
presentence investigation report should not be disclosed 798
pursuant to division (B)(1) of this section, the court, in lieu 799
of making the report or any part of the report available, shall 800
state orally or in writing a summary of the factual information 801
contained in the report that will be relied upon in determining 802
the defendant's sentence. The court shall permit the defendant 803
and the defendant's counsel to comment upon the oral or written 804
summary of the report. 805
- (4) Any material that is disclosed to the defendant or the 806
defendant's counsel pursuant to this section shall be disclosed 807
to the prosecutor who is handling the prosecution of the case 808
against the defendant. 809
- (5) If the comments of the defendant or the defendant's 810

counsel, the testimony they introduce, or any of the other 811
information they introduce alleges any factual inaccuracy in the 812
presentence investigation report or the summary of the report, 813
the court shall do either of the following with respect to each 814
alleged factual inaccuracy: 815

(a) Make a finding as to the allegation; 816

(b) Make a determination that no finding is necessary with 817
respect to the allegation, because the factual matter will not 818
be taken into account in the sentencing of the defendant. 819

(C) A court's decision as to the content of a summary 820
under division (B) (3) of this section or as to the withholding 821
of information under division (B) (1) (a), (b), (c), or (d) of 822
this section shall be considered to be within the discretion of 823
the court. No appeal can be taken from either of those 824
decisions, and neither of those decisions shall be the basis for 825
a reversal of the sentence imposed. 826

(D) (1) The contents of a presentence investigation report 827
prepared pursuant to this section, section 2947.06 of the 828
Revised Code, or Criminal Rule 32.2 and the contents of any 829
written or oral summary of a presentence investigation report or 830
of a part of a presentence investigation report described in 831
division (B) (3) of this section are confidential information and 832
are not a public record. The contents of a presentence 833
investigation report or of a part of a presentence investigation 834
report described in division (B) (3) of this section may be 835
shared between courts. Any court, any appellate court, 836
authorized probation officers, investigators, and any authorized 837
court personnel, the defendant, the defendant's counsel, the 838
prosecutor who is handling the prosecution of the case against 839
the defendant, and authorized personnel of an institution to 840

which the defendant is committed may inspect, receive copies of, 841
retain copies of, and use a presentence investigation report or 842
a written or oral summary of a presentence investigation only 843
for the purposes of or only as authorized by Criminal Rule 32.2 844
or this section, division (F)(1) of section 2953.08, section 845
2947.06, or another section of the Revised Code. 846

(2) Immediately following the imposition of sentence upon 847
the defendant, the defendant or the defendant's counsel and the 848
prosecutor shall return to the court all copies of a presentence 849
investigation report and of any written summary of a presentence 850
investigation report or part of a presentence investigation 851
report that the court made available to the defendant or the 852
defendant's counsel and to the prosecutor pursuant to this 853
section. The defendant or the defendant's counsel and the 854
prosecutor shall not make any copies of the presentence 855
investigation report or of any written summary of a presentence 856
investigation report or part of a presentence investigation 857
report that the court made available to them pursuant to this 858
section. 859

(3) Except when a presentence investigation report or a 860
written or oral summary of a presentence investigation report is 861
being used for the purposes of or as authorized by Criminal Rule 862
32.2 or this section, division (F)(1) of section 2953.08, 863
section 2947.06, or another section of the Revised Code, the 864
court or other authorized holder of the report or summary shall 865
retain the report or summary under seal. 866

(E) In inquiring into the information available regarding 867
any prior adjudications of the defendant as a delinquent child 868
and regarding the dispositions made relative to those 869
adjudications, the officer making the report shall consider all 870

information that is relevant, including, but not limited to, the 871
materials described in division (B) of section 2151.14, division 872
(C) (3) of section 2152.18, division ~~(D) (3)~~ (E) (3) of section 873
2152.19, and division (E) of section 2152.71 of the Revised 874
Code. 875

(F) As used in this section: 876

(1) "Prosecutor" has the same meaning as in section 877
2935.01 of the Revised Code. 878

(2) "Community control sanction" has the same meaning as 879
in section 2929.01 of the Revised Code. 880

(3) "Public record" has the same meaning as in section 881
149.43 of the Revised Code. 882

Section 2. That existing sections 2152.02, 2152.19, 883
2923.24, 2930.12, 2930.13, and 2951.03 of the Revised Code are 884
hereby repealed. 885