

Sub. H. B. No. 96  
As Passed by the Senate  
DYS CD6

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

After line 41670 insert:

"Sec. 2949.12. (A) Unless the execution of sentence is  
suspended ~~or~~, the convicted felon has less than thirty days to  
serve in prison and the department of rehabilitation and  
correction, the county sheriff, and the court agree otherwise,  
or, for convictions occurring on or after the effective date of  
this amendment, the convicted felon is under eighteen years of  
age, a convicted felon who is sentenced to serve a term of  
imprisonment in a state correctional institution shall be  
conveyed, within five days after sentencing, excluding  
Saturdays, Sundays, and legal holidays, by the sheriff of the  
county in which the conviction was had to the facility that is  
designated by the department of rehabilitation and correction  
for the reception of convicted felons. The sheriff shall deliver  
the convicted felon into the custody of the managing officer of  
the reception facility and, at that time, unless the department  
and the sheriff have agreed to electronically processed prisoner  
commitment, shall present the managing officer with a copy of  
the convicted felon's sentence that clearly describes each

offense for which the felon was sentenced to a correctional 20  
institution, designates each section of the Revised Code that 21  
the felon violated and that resulted in the felon's conviction 22  
and sentence to a correctional institution, designates the 23  
sentence imposed for each offense for which the felon was 24  
sentenced to a correctional institution, and, pursuant to 25  
section 2967.191 of the Revised Code, specifies the total number 26  
of days, if any, that the felon was confined for any reason 27  
prior to conviction and sentence. The sheriff, at that time, 28  
also shall present the managing officer with a copy of the 29  
indictment. The clerk of the court of common pleas shall furnish 30  
the copies of the sentence and indictment. In the case of a 31  
person under the age of eighteen years who is certified to the 32  
court of common pleas by the juvenile court, the clerk of the 33  
court of common pleas also shall attach a copy of the 34  
certification to the copy of the indictment. 35

The convicted felon shall be assigned to an institution or 36  
designated to be housed in a county, multicounty, municipal, 37  
municipal-county, or multicounty-municipal jail or workhouse, if 38  
authorized pursuant to section 5120.161 of the Revised Code, 39  
shall be conveyed to the institution, jail, or workhouse, and 40  
shall be kept within the institution, jail, or workhouse until 41  
the term of the felon's imprisonment expires, the felon is 42  
pardoned, paroled, or placed under a post-release control 43  
sanction, or the felon is transferred under laws permitting the 44  
transfer of prisoners. If the execution of the felon's sentence 45  
is suspended, and the judgment thereafter affirmed, the felon 46  
shall be conveyed, in the same manner as if the execution of the 47  
felon's sentence had not been suspended, to the reception 48  
facility as soon as practicable after the judge directs the 49  
execution of sentence. The trial judge or other judge of the 50

court, in the judge's discretion and for good cause shown, may  
extend the time of the conveyance.

(B) (1) A convicted felon who is under eighteen years old  
at the execution of sentence shall be committed to the  
department of youth services and assigned to an institution  
within the department of youth services and, within five days  
after sentencing, excluding Saturdays, Sundays, and legal  
holidays, the sheriff of the county in which the conviction was  
had shall deliver the felon to the facility designated by the  
department of youth services. The sheriff, at that time, shall  
present the managing officer with a copy of the sentence, a copy  
of the indictment, and a copy of the certification from the  
juvenile court to the court of common pleas. The convicted felon  
shall be held in the institution operated by the department of  
youth services until the felon is eighteen years of age, until  
the term of the felon's imprisonment expires, until the felon is  
pardoned, paroled, or placed under a post-release control  
sanction, until the department of youth services, in the  
discretion of the director of youth services, lacks capacity to  
house the felon, or until the felon is transferred under laws  
permitting the transfer of prisoners.

(2) A convicted felon who is committed to the department  
of youth services under division (B) (1) of this section shall be  
transferred to the department of rehabilitation and correction  
and committed to an institution under division (A) of this  
section for the remainder of the felon's sentence when the felon  
attains the age of eighteen or when the felon, because of a rule  
violation or violations, is determined by the department of  
youth services to a danger to self or others. At the time of a  
transfer under division (B) (2) of this section, the sheriff

shall present the managing officer with a copy of the sentence, 81  
a copy of the indictment, and a copy of the certification from 82  
the juvenile court to the court of common pleas." 83  
Update the title, amend, enact, or repeal clauses accordingly 84

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

#### **SYNOPSIS**

##### **Youth in DRC**

##### **R.C. 2949.12**

Requires, for convictions occurring on or after the 88  
effective date of the amendment, a convicted felon who is under 89  
18 to be held in an institution operated by DYS until the felon 90  
turns 18 or would otherwise be released from imprisonment. 91

Requires a convicted felon under 18 to be committed to DRC 92  
in the same manner as a felon over 18 if the felon is determined 93  
by DYS to be a danger to self or others or if DYS determines 94  
that DYS, in the discretion of the director, lacks capacity to 95  
house the felon. 96